

The Recorder

Associate Justice Joshua Groban Opens Up About His First 2 Years on California's Supreme Court

In an interview with The Recorder, Justice Groban discusses the California Supreme Court's statement on racism, advocacy in the era of remote hearings and his soon-to-end role as the rookie on the bench.

Joshua Groban addressing the Commission on Judicial Appointments. (Photo: Jason Doiy/ALM)

California Gov. Gavin Newsom says he's poised to pick a new Supreme Court justice "very soon," which means Associate Justice Joshua Groban won't be The New Guy much longer.

Groban, previously a senior adviser to Gov. Jerry Brown, recently spoke with The Recorder about his nearly two years on the bench and how he has approached certain issues facing the court. Groban talked about his group of law clerks, advice for lawyers arguing in the virus era and the "pleasant" surprises of being a justice.

What follows are excerpts from the conversation, edited for length and clarity.

The Recorder: How does it feel to know you're not going to be the rookie on the court much longer? Will the hazing stop soon?

Groban: We all have such a good and collegial relationship that we all still haze each other, and candidly I hope the hazing doesn't stop because it's part of the fun and the collegiality of the court.

It will be a change [to have a new justice on the court]. There's only seven of us so it's inherently a change but still, even when there's a new addition, I am acutely aware of how smart my colleagues are and how good my colleagues are and how much I have to learn from them. And that will be true even if there's one more so-called junior justice joining us

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Governor Newsom Selects Justice Martin Jenkins (Ret.) for California Supreme Court

A highly regarded jurist, Justice Martin Jenkins (Ret.) has been appointed to judgeships throughout his storied career

Justice Jenkins would be the first openly gay and third Black man to serve on the California Supreme Court

Justice Jenkins has served as Judicial Appointments Secretary to Governor Newsom since 2019

SACRAMENTO – Governor Gavin Newsom today announced his nomination of Justice Martin Jenkins (Ret.) for Associate Justice of the California Supreme Court. Justice Jenkins has held several prominent state and federal judicial positions throughout his career. He would be the first openly gay California Supreme Court justice and only the third African American man ever to serve on the state’s highest court. It has been 29 years since an African American man has served on the California Supreme Court.

“Justice Jenkins is widely respected among lawyers and jurists, active in his Oakland community and his faith, and is a decent man to his core,” said Governor Newsom. “As a critical member of my senior leadership team, I’ve seen firsthand that Justice Jenkins possesses brilliance and humility in equal measure. The people of California could not ask for a better jurist or kinder person to take on this important responsibility.”

Governor Newsom and Justice Jenkins

A son of San Francisco, Justice Martin Jenkins (Ret.), 66, was born and raised in the Bay Area. He grew up cleaning office buildings and churches with his father who also worked a full time job with the City and County of San Francisco as a clerk and janitor at Coit Tower. Guided by his parents’ values of hard work and respect for all, Justice Jenkins went on to have a storied legal career, including years as a civil rights attorney, an appointment to a federal bench and most recently, guiding the Newsom Administration’s efforts to build a judiciary that reflects the vibrance and diversity of California as judicial appointments secretary since 2019.

Growing up, Justice Jenkins knew he would have to work harder, stay later and go the extra mile to succeed. It was the work ethic he learned from his parents and brought with him to a brief pro football career. Just after finishing undergrad, he signed a contract with the Seattle Seahawks but soon realized that rather than sitting on the football bench, his true calling was becoming a lawyer and pursuing a different bench as a judge.

Throughout his career, Justice Jenkins has advanced the cause of equality, particularly across racial and gender divides. Justice Jenkins’s family traces its roots to the Jim Crow South, and while Justice Jenkins did not grow up in the South, his family’s stories of injustice and blatant discrimination stuck with him. As a young attorney working in the Civil Rights Division of the Department of Justice in the administration of President Ronald Reagan, Justice Jenkins pursued cases involving police misconduct and cross burnings. He has also worked to promote gender equality through cases on pregnancy-related leave and sex discrimination.

“I am truly humbled and honored to be asked by the Governor to continue serving the people of California on the Supreme Court,” said Justice Jenkins. “If confirmed, I will serve with the highest ethical

standards that have guided me throughout my career, informed by the law and what I understand to be fair and just.”

In his role as Judicial Appointments Secretary, Justice Jenkins has guided the Newsom Administration’s efforts to build a judiciary that reflects the people they serve. He spearheaded transparency efforts by making public the Regional Judicial Selection Advisory Committees, so that for the first time in California history, the individuals who provide feedback on judicial candidates for nomination and appointment will be known to the public. Justice Jenkins has worked closely with these committees to appoint 45 jurists, helping promote the diversity of the California judiciary for years to come.

Prior to his role in the Newsom Administration, Justice Jenkins served as an Associate Justice on the California Court of Appeal, First Appellate District from 2008 to 2019. He was appointed by President Bill Clinton to the U.S. District Court for the Northern District of California in 1997 and served on the bench until 2008.

In addition to his recent judicial service, Justice Jenkins served as a judge on the Alameda County Superior Court from 1992 to 1997 and on the Oakland Municipal Court from 1989 to 1992. From 1986 to 1989, he was a trial attorney with the Pacific Bell Legal Department of San Francisco and from 1983 to 1986, he worked in the U.S. Department of Justice as a trial attorney litigating civil rights cases. From 1980 to 1983, he worked as a prosecutor for the Alameda County District Attorney’s Office. He earned a Juris Doctor degree from the University of San Francisco School of Law.

“I met Marty over three decades ago when he dropped into my office because he had heard I too played football before making the switch to law. I didn’t usually take drop ins but he seemed special and so sincere. We talked for hours that day about the law and how to stay connected to the communities we grew up in. I followed his legal career after that as he worked his way up the ladder from a municipal judge, to the superior court to eventually becoming my colleague and being neighbors in the courthouse,” said Senior U.S. District Judge of the U.S. District Court, Northern District of California Thelton Henderson (Ret.). “I can say without a doubt that I have never seen a harder working and more dedicated judicial officer in my entire career. Nobody stayed in the office later than Marty. He was intensely aware that real people’s lives were affected by his rulings and wanted to make sure he got it right. That’s the kind of man he is. Governor Newsom could not have made a better appointment than Marty.”

“Marty Jenkins brings an extraordinary amount of trial court and appellate experience to this position, with a deep sense of humility and character. He understands the importance of having diverse voices in the judiciary. The people of California will be well-served by his perspective in the years to come,” said California Supreme Court Associate Justice Carlos R. Moreno (Ret.).

“I have the highest respect and the deepest admiration for Justice Marty Jenkins,” said Rev. Paul J. Fitzgerald, S.J., President of the University of San Francisco. “His Jesuit education at both Santa Clara University and the University of San Francisco afforded him the intellectual skills and the strength of character to live a life of service and leadership. He is a man of faith, of integrity, of humility and of kindness. As a child, he first witnessed the good that a lawyer can do when a USF law alum took on

Marty's mother's personal injury case pro bono, winning damages that allowed her to pay her medical bills. His whole career has modeled that generosity of spirit and that balance of justice and mercy. The people of the State of California have been well served by retiring Supreme Court Justice Ming Chin, USF BA '64, JD '67, and we will be ably served by his successor, the Honorable Martin J. Jenkins."

"Justice Jenkins subscribes to the reality that we are merely stewards of our positions of leadership and it is incumbent upon us to do what we can to prepare the next generation to succeed us," said Senior U.S. District Judge of the U.S. District Court, Northern District of California Sandra Brown Armstrong. "With each of his successes, he has worked to create in his wake an easier path forward for others. I view Justice Jenkins as a 'thinking judge.' He presides and decides in an open-minded, even-tempered, courteous, patient and compassionate manner. Importantly, Justice Jenkins never loses sight of the fact that, behind every case file, stand people who will be impacted by his decision. He is a courageous jurist who is not haunted or immobilized by the fear of being wrong, nor is he struck with a sense of his own immutable correctness. What's important to Justice Jenkins is achieving results that are just, and that, from my perspective, is the quality of an excellent judge."

"Justice Jenkins is a man of impeccable honor and integrity, he has enormous compassion and empathy, and he is devoted to the law and to public service," said Melinda Haag, partner at Orrick law firm and former U.S. Attorney, Northern District of California. "I don't know that there is anyone in the legal community who is more universally respected than Justice Jenkins."

"Governor Newsom's appointment of California's first openly gay supreme court justice is a monumental step forward for the LGBTQ+ community and for our entire state," said Equality California Executive Director Rick Chavez Zbur. "Not only is Justice Jenkins exceptionally qualified and an outstanding choice for California's highest court, but he embodies the values of our great state. Governor Newsom is setting a national example as he works to ensure California's government reflects the diversity of the people they serve."

He will fill the vacancy created by the retirement of Associate Justice Ming W. Chin. The Governor's nomination must be submitted to the State Bar's Commission on Judicial Nominees Evaluation and confirmed by the Commission on Judicial Appointments. The Commission on Judicial Appointments consists of Chief Justice Tani Cantil-Sakauye, Attorney General Xavier Becerra and senior Presiding Justice of the state Court of Appeal J. Anthony Kline.

The compensation for this position is \$261,949. Justice Jenkins is a Democrat.

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