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A Tribute to Chief Justice Karla M. Gray

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TRIBUTES

A TRIBUTE TO CHIEF JUSTICE KARLA M. GRAY

Justice Beth Baker*

It was a serendipitous day when Hastings College of Law student Karla Gray stepped onto the elevator with the faculty advisor for judicial clerkships. He remarked that he'd gotten a request from a federal judge in—of all places—Montana, and wondered aloud if any of the 500 students in the class might consider going there. Soon after, Karla received an interview with United States District Judge W.D. Murray in Butte.¹ Karla had piqued his interest because of her Master's Degree in African Studies. But when she arrived, Judge Murray expressed his disappointment; he was trying to “best” Judge Russell Smith in diversifying the Court's law clerk pool, and had expected her to be African-American! Impressed nonetheless, Judge Murray hired Karla, and they formed a lasting relationship. At the end of Karla's clerkship, Judge Murray recommended her for a position with the Atlantic Richfield Company because he knew that a female lawyer in 1977 would not be able to land a job anywhere else in Butte. Karla joined Atlantic Richfield's legal staff and worked there for several years until the company closed its in-house legal department.

After operating her own law practice for a few years, Karla joined the legal staff at the Montana Power Company. Among other duties, Karla represented Montana Power before the state legislature, where she gained an aptitude and fondness for the legislative process that would never leave her. In 1991 Karla applied to replace Diane G. Barz, the first woman to serve on

* Montana Supreme Court. The author acknowledges the current and former Court staff who made contributions to this Tribute.

1. Judge Murray, born in 1908 in Butte, served as a federal district court judge for 45 years. Justice W. William Leaphart, *The Honorable William D. Murray*, 56 MONT. L. REV. 349, 351 (1995).

the Montana Supreme Court. Karla had a big challenge to convince Governor Stan Stephens to give her the post. Because of her position with Montana Power, she was viewed suspiciously by many left-leaning organizations and legislators. On the other hand, her statement on the floor of the state Republican convention urging the party to remove its opposition to abortion from the state party platform raised alarm from many conservatives. She convinced the Governor that she could and would uphold her responsibilities as a judge to apply the rule of law without favor to her own personal views or policy preferences. Karla was confirmed by the State Senate and then became the first woman to win election to the Montana Supreme Court.² She ran again and won in 1998,³ and then, in November 2000, won a hard-fought and expensive contest against a Supreme Court colleague to become Montana's first female Chief Justice.⁴

As a Justice, Karla Gray led by example. She was exacting, thorough, and hard-working, and she expected no less of others. Justice Gray emphasized to her law clerks how important it was to “get it right,” as the Montana Supreme Court was the only appellate court in the state. She was a tough task master, but she expected no more of anyone than she was willing to give herself. She felt duty-bound to help her law clerks become better writers and better critical thinkers. As one former clerk described, “This wasn't always a pleasant process, but I'm a far better lawyer now for having been her clerk then.”

As Chief Justice, Karla Gray's passion was to ensure that courts were responsive and accessible to all citizens.⁵ She was a champion for children, families, and the mentally ill, and she authored numerous opinions strengthening their rights and protections to make sure they received full due pro-

2. With over 72% of the vote, Justice Gray's win was resounding. See *Official 1992 General Election Canvass*, MONT. SEC'Y OF STATE, available at <https://perma.cc/7PSV-L3RR> (last visited June 10, 2017).

3. For election results, see *1998 Statewide General Canvass*, MONT. SEC'Y OF STATE (Nov. 3, 1998), available at <https://perma.cc/6F3E-BKGS>.

4. Chief Justice Gray received 51% of the vote. *2000 Statewide General Canvass*, MONT. SEC'Y OF STATE (Nov. 7, 2000), available at <https://perma.cc/3MAE-8LU8>. For an account of the election, the most expensive at the time, see Anthony Johnstone, *A Past & Future of Judicial Elections: The Case of Montana*, 16 J. APP. PRAC. & PROCESS 47, 80–82 (2015).

5. See, e.g., Letter from Chief Justice Karla M. Gray to Mark Harrison, Chair, ABA Joint Comm'n to Evaluate the Model Code of Judicial Conduct (Sept. 8, 2005), available at <https://perma.cc/W8SL-UQPT> (describing ethical challenges for judges wanting to assist pro se litigants and proposing changes to the judicial ethical code); Michael Hertz & Chief Justice Karla Gray, *Engaging the Private Bar: Other Paths*, paper presented at the 2005 Summit on the Future of Self-Represented Litigation (March 24, 2005), available at <https://perma.cc/5GC3-PV82>; see also James Park Taylor, *Bespeaking Justice: A History of Indigent Defense in Montana*, 68 MONT. L. REV. 363, 412 (quoting Chief Justice Gray regarding the 2005 Montana Public Defender Act).

cess.⁶ Karla was very proud of her efforts to ensure that the Youth Court Act remained viable and that youth court officers were focused on making changes so children would become productive citizens.⁷ She was also the first Chief Justice to insist on expedited timelines for child abuse and neglect cases—a practice that continues today. She believed strongly that the court system owed children quick resolution and permanency.

Chief Justice Gray's steel will steered the Supreme Court's implementation of "District Court Assumption" in 2002.⁸ For the first time, administration of all Montana District Courts was centralized under the Supreme Court. Montana's system of twenty-two independent judicial districts, the operations of which depended in large part on individual judges and their counties' financial priorities, became one Judicial Branch of state government. Chief Justice Gray understood clearly that the Judicial Branch would become a stronger branch when operating as a single entity, with focused budget and policy priorities. Her vision has come to fruition. Today, the state Judicial Branch operates as a unified branch dedicated to maintaining judicial independence for all judges, who are no longer beholden to local politics to secure necessary resources.

Karla gave her all to championing the mission of equal justice for all Montanans. She became recognized as a national leader for her work on access to the civil justice system.⁹ Karla helped found the national Self-Represented Litigants Network;¹⁰ helped author the first nationwide judges' manual on Self-Represented Litigants;¹¹ and spearheaded the drive to create the first state-funded court-based self-help law program.¹² That program, which began under Chief Justice Gray's leadership in 2008 and finally secured permanent state funding in 2015, has helped tens of thousands of Montanans obtain the tools and information they need to address their legal problems in court. Karla's friend and colleague Molly Shepherd, speaking at Karla's 2008 retirement dinner, described her leadership this way:

Her appearance at Montana's first Equal Justice Conference in 2001 was typical, and pivotal. She asked audience members to stand up, be counted, and

6. See, e.g., In re A.K., 139 P.3d 849 (2006); In re Mental Health of C.R.C., 104 P.3d 1065 (2004); In re McGurran, 70 P.3d 734 (2003); In re R.M., 889 P.2d 1201 (1995).

7. See *Chief Justice Outlines Judicial Needs, Says Courts Have Entered 'New Era'*, MONT. LAW., Feb. 2007, at 7, 7–8 (Feb. 2007).

8. See Jennifer McKee, *Justice Served - Karla Gray Steps Down after 17 Years on State Supreme Court*, MISSOULIAN, Dec. 31, 2008.

9. See, e.g., Laurence H. Tribe, Remarks to the ABA Pro Bono Publico Awards Luncheon (Aug. 9, 2010), available at <https://perma.cc/3ATN-KM3C>.

10. Self-Represented Litigation Network (SRLN), <https://perma.cc/2G7J-WRSG>.

11. Self-Represented Litigation Network, *Handling Cases Involving Self-Represented Litigants: National Bench Guide for Judges* (Nov. 2007), available at <https://perma.cc/4KNU-G2QW>.

12. *Court Help Program*, MONT. SUPREME COURT, <https://perma.cc/J42H-TM7E> (last visited June 10, 2017).

commit to achieving the most fundamental promise of our country, equal justice under the law. She reminded them that the promise could be achieved only by assuring that every person who needs access to justice gets it. And she urged them to take action: “Today is the day we must start to build an equal justice community in Montana.”

As a reflection of Karla’s dedication, her name now graces the award given annually by the State Bar to the judge who best demonstrates her commitment to equal justice for low- and moderate-income Montanans.¹³

After retiring at the end of 2008, Karla stayed active in civic education and working to make the court system better, becoming a strong advocate of efforts to abolish the death penalty and to change Montana’s system for selection of judges—always staying abreast of developments in the state legislature and Montana government. She also enjoyed time traveling the world with her husband, Myron Currie, to whom she was devoted. They explored many corners of the globe, often by way of a cruise ship; Karla spent hours reading and studying about each country they visited, and she relished her experiences of the rich cultural diversity the planet has to offer.

Karla Gray was a driven, and hard-driving, tireless leader. She minced no words and pushed for what she believed would make Montana’s courts operate in a cohesive fashion that treated everyone fairly and protected the rights guaranteed them. Although Karla had a tough exterior, she commanded a terrific, wry sense of humor. And she always had time to sit down with students and aspiring lawyers to offer words of inspiration, becoming a mentor to dozens of young lawyers. As a friend, Karla was unfailingly supportive and encouraging. She loved gathering with friends to debate current affairs and to discuss the books everyone was reading. Karla was a loyal Green Bay Packers fan—once borrowing a blouse and blazer from her law clerk so she would not have to appear for a last-minute television interview in her Packers sweatshirt. And Karla was a cherished member of Helena’s “Bentonia” neighborhood, whose residents used last year’s annual block party to grace her and Myron’s sidewalk with chalk-art tributes when Karla was too sick to attend.

Karla M. Gray was a friend to many. She had a huge impact on Montana and on the lives of the innumerable students, law clerks, lawyers, judges, legislators, and neighbors who had the privilege of intersecting her life’s journey. Her legacy is deep, and we are better for having known her.

13. For a list of past winners, see Montana Judicial Branch, *Pro Bono: We Salute Our Champions of Justice*, <https://perma.cc/Y8RN-9VAA>.