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Tribute to Otto Kaus

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TRIBUTE TO OTTO KAUS

*Clarke E. Stephens**

Before saying anything about Otto Kaus, I'd like to congratulate the *Loyola of Los Angeles Law Review* for paying tribute to another of its outstanding alums. Too few accolades for long-time contributions to a community find their way into lasting print and remembered credits.

Now for Otto:

What do I recall of him? A good student I am told; a good trial lawyer by reputation and a most fair and knowledgeable trial court judge beyond doubt. Above all, however, Otto was a teacher and to be a good teacher a person must have a sound knowledge of the subject. Otto had that sound knowledge in spades! And his subject was the law.

Taking his "students" as he found them, from playing the professor in a law school, convincing a judge or jury in a trial or arguing his conclusions on points of law with his associates in the appellate courts, he sought to teach, to guide the thinking of others to what he believed was the answer to the question before the group.

Was he infallible? I don't think so, but he was willing to listen and to be "taught" (if that is a fair description of an individual who, after hearing opposing analysis, can change his view and adopt the different reasoning and answer to the question). What I am trying to say is that Otto was firm in thought but not intractable in his thinking. The capacity to analyze and reason as well as to articulate his opinion was one of the reasons Otto was not only respected but genuinely liked by those with whom he came in contact.

In December 1966, Governor Pat Brown put together what ultimately became an interesting court. The members of this three judge court, titled Division Five, Second District, consisted of Otto Kaus, presiding justice; Shirley Hufstedler and myself, associate justices. All three came from the trial court. I can safely say that both Otto and Shirley had a sense of humor and open minds and

* Associate Justice, Court of Appeal, Second District, Division Five, 1966-1984

we had a real open door Division. Then, with the leaving of Shirley for her federal duties the Division acquired John Aiso, William Reppy, Herbert Ashby, and James Hastings, all before Otto went to the California Supreme Court. The attitude of friendliness, however, remained throughout the additions and changes. It is my opinion that this constant within the Division can be traced directly to Otto's door.

In memory, I see a scholar, a teacher, and a friend; it's no wonder he is missed.