



THE CALIFORNIA SUPREME COURT

# Historical Society

NEWSLETTER · SPRING/SUMMER 2006

## *A Short, Biased History of Division Six*

BY HON. ARTHUR GILBERT

Officially, Division Six of the Second District came into existence in 1982. In fact, the division had been created by the legislature a few years earlier along with other divisions throughout the state. However, a Superior Court judge held that legislation unconstitutional. Luckily, he was reversed, and here we are.

We are the northern outpost of the Court of Appeal's Second District. The six other divisions are located in Los Angeles, including Division Seven which was created at the same time we were. Doesn't it stand to reason that we should have been called Division Seven? We think it best not to complain. What good would it do? Now there is a Division Eight in Los Angeles. Our jurisdiction includes Los Angeles, Ventura, Santa Barbara, and San Luis Obispo Counties.

On December 27, 1982, Steven Stone was confirmed as Division Six's first Presiding Justice, and Richard Abbe and I were confirmed as Associate Justices, by the Commission on Judicial Appointments. The Commission was composed of the Chief Justice, the Attorney General, and the most senior presiding justice in our district. We were unanimously approved. Whew.

Although we were then called the Santa Barbara Division of the Second Appellate District, our chambers came to be located in Ventura. That is where most of the attorneys are and that is where the rent was reasonable. Over ten years, we saved the state in excess of a million dollars in rent. For the first thirteen years of our existence, our chambers were in a prosaic office building with a picturesque view of cars speeding up Victoria Avenue. Our oral arguments, however, were held in Santa Barbara.

Our first oral argument took place in the grand mural courtroom of the Santa Barbara courthouse. It is a magnificent room with impressive high-backed chairs that harken back to a mythological time. Steve Stone looked like Prince Valiant presiding.



*Justice Arthur Gilbert*

Unfortunately, however, we had to give up the grandeur of the mural courtroom. We had trouble hearing the argument because the acoustics were bad (possibly a reason to stay!), tourists in Bermuda shorts blinded us with their flashbulbs, and we had no chambers. Sharing the men's room with lawyers and litigants detracted from the mystique. So we moved

oral argument to the hearing room of the Santa Barbara Board of Supervisors.

Richard Abbe retired on the last day of November, 1990, and Ken Yegan was appointed the next month. Ken fit in nicely with the Division Six ethos. No coats and ties unless it's oral argument day.

In August, 1994, we moved out of our drab office building and into our own courthouse on Santa Clara Street in Ventura. All three justices had a hand in the project. Construction was completed on time because of Justice Stone's leadership. The building has more character than most government structures because of Justice Yegan's design suggestions. I take credit for the windows that open, allowing real air into the chambers. It helps us think better.

We now have oral argument in our own courtroom. We also hold oral argument once a year in San Luis Obispo and Santa Barbara.

With our ever-expanding caseload, the legislature wisely created a new position for our division. On April 15, 1997, Paul Coffee both paid his taxes and joined us as the first fourth justice of Division Six. He gets an A+ on the test for informality and collegiality. Justice Stone retired in January, 1999, and I became the acting Presiding Justice, or, as I was called, the "titular head." I was appointed the official Presiding Justice in November, 1999, but I'm still known as the titular head, an indication of modest *Continued on page 15*

court's early years was to pay little heed to efforts to supplant the court's unique informal manner with decorous process. However, with personnel changes and an increasing caseload, system-wide procedures found their way in, and autonomy gave way to AOC influence over the court's resources. Meanwhile, cameo appearances by Gilbert and Sullivan, Will Rogers, Lewis Carroll, Mark Twain, Satchel Paige, William Shakespeare, and the like in the court's opinions became rare. Although the division continues to conduct business more informally than most, much of the innocence and independence that marked those early years has faded. *Sic transit gloria.*

*Will Gorenfeld graduated from Loyola University School of Law in 1969. From 1970 through 1981, he worked in various poverty law programs. Joining the Court of Appeal in 1981, he served Division Six as a writ attorney, retiring in December, 2005. At present, he handles indigent appeals and pens articles on the Mexican-American War.*

## *A Short, Biased History*

*Continued from page 1*

power. Mr. Ventura, Steven Perren, was appointed to the division at the same time, solidifying our informal character. Walk down any street with him and every passerby will offer a greeting, while he in turn inquires about their health, family, and views on the weather.

Our caseload varies year to year, but on average each justice produces about one hundred and fifty opinions annually. For cases where we are not the lead justice, we must also review the briefs and records, and our colleagues' opinions, which is like reading *War and Peace* every day. Unfortunately, the similarity is in the number of pages, not the content.

We welcome you to visit us at Division Six ... the think tank with the tank tops!

*An earlier version of this article appeared in the Ventura County Bar Journal and is reprinted with permission.*

*Arthur Gilbert is the Presiding Justice of District Six. Prior to his appointment to the Court of Appeal, Justice Gilbert served on the Los Angeles Municipal and Superior Courts.*