

Special Session of the

Supreme Court

Santa Barbara, California

October 3, 2006



**SPECIAL SESSION OF THE SUPREME COURT
OCTOBER 3, 2006
SANTA BARBARA, CALIFORNIA**

The Supreme Court of California convened for a special session at the Santa Barbara Superior Court, 1100 Anacapa Street, Santa Barbara, California, on Tuesday, October 3, 2006, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

CHIEF JUSTICE GEORGE: Good morning. It is with great pleasure that I welcome you to this special session of the California Supreme Court. I would like to begin by introducing my colleagues on the bench: to my immediate right is Justice Joyce Kennard; to her right is Justice Kathryn Werdegar and to her right is Justice Carlos Moreno. To my immediate left is Justice Marvin Baxter; to his left is Justice Ming Chin, and to his left is our newest Justice, Carol Corrigan, who joined us from the Court of Appeal in January of this year.

I also would like to introduce the court's very able Clerk/Administrator, Fritz Ohlrich, who, as is true in so many areas, has been of great help in setting up this session.

I would now like to call upon Rodney Melville, Presiding Judge of the Santa Barbara Superior Court, cohost of this event. He and countless other judges and court staff have been instrumental in creating this program. Among them are Judge James Herman, who chaired the committee charged with organizing the participation of schools, students, and the local bar in the educational outreach component of this event, and Assistant Presiding Judge William McLafferty, who served as Chair of the Publications Committee.

And now, Presiding Judge Melville.

PRESIDING JUDGE MELVILLE: Chief Justice George and associate justices of the California Supreme Court, welcome to the Santa Barbara County Superior Court and our beautiful historic building. What a pleasure it

is for all of us here today to participate in this historical outreach program where you have focused on the young people of our community. We are pleased to be a part of it.

We have with us today many dignitaries who are excited by your outreach program in our community. Please allow me to forgo the formality of introductions so that you may move quickly to the questions our students have prepared to ask you, and then on to the oral arguments on the cases you have set here today.

I feel I would be remiss, however, if I failed to recognize the superb leadership of Ronald M. George in his role as Chief Justice over the past 10 years. He came to the position of Chief Justice after serving at every level of the state court system, starting at the municipal court in 1972, moving to the superior court in 1977, on to the Court of Appeal in 1987, and then Supreme Court as an associate justice in 1991. He was appointed then as the 27th Chief Justice in 1996. This is his 10th anniversary.

It must have been his experience with all these courts that compelled him to visit every trial and appellate court in each of California's 58 counties as his first move as the new Chief Justice. He must have learned firsthand the challenges faced by each court, and he then began to apply his innovative approach to solving our courts' problems.

He has championed historic reforms to restructure the California court system and improve the statewide administration of justice, all the while carrying a full caseload as a justice.

He is well known across the United States and has received many awards, including the William H. Rehnquist Award for Judicial Excellence, the Public Counsel's William O. Douglas Award, and the Foundation of the State Bar's Award.

Once again, will all of you please accept my warm welcome to our county.

CHIEF JUSTICE GEORGE: Thank you very much, Judge Melville.

My first visit to the Mural Room was approximately 36 years ago when as a young California Deputy Attorney General I conducted a coroner's inquest into a fatal shooting arising out of the Isla Vista riots which occurred at the University of California at Santa Barbara. During my first year as Chief Justice of California in April of 1997, I returned to this courthouse as part of a series of visits I made to the courts in each of California's 58 counties. At that time, the trial courts were divided into superior and municipal courts, and their funding came mostly from the county in which they were located.

Since that visit, California's court system has undergone fundamental reforms that have included a change to state funding of our trial courts and their unification into one level of court. The motivating force behind these reforms was our commitment to enhancing the ability of the courts to serve the people of California and to provide meaningful access to the courts for all individuals.

We in the court system are keenly aware that in order to achieve these goals, more than structural change is necessary. As a result, we have reached out to the communities we serve to better meet their needs and expectations. At the same time we have worked to ensure that the public understands the important role of the courts as fair and impartial adjudicators. An independent judiciary—is not an unaccountable judiciary—it is a court system that allows judges to make decisions based upon the law and precedent, and not in response to the latest public preferences or to political or fiscal pressures.

The California Supreme Court has embarked upon sessions such as today's in order to further these objectives. Our court regularly hears oral argument in three locations: San Francisco (where we maintain our headquarters), Sacramento, and Los Angeles. Over the last few years, we have ventured beyond these sites and have held sessions in San Diego, San Jose, and Fresno, as well as in Orange and Shasta Counties.

This is an appropriate occasion to observe that the Santa Barbara bench and bar have made many notable contributions to the statewide administration of justice. Judge James Herman was appointed to the Santa Barbara Superior Court during his term as an attorney member of the Judicial Council, the constitutionally created body charged with the statewide administration of justice. In his capacity as State Bar President, and as a member of the council, he was an active participant in a wide variety of activities aimed at improving the administration of justice. Another Santa Barbaran who served with distinction in recent years as State Bar President is Dale Hanst.

Historically, Santa Barbara was the home of Benjamin Rey Schauer, who served on the California Supreme Court from December 1942 through September 1964. He was born in Santa Maria in 1891 and attended public school in Santa Barbara. He was admitted to practice in 1913 and spent four months in practice in this city before moving to Los Angeles, where he first joined the bench in 1927.

Another former Supreme Court justice, William P. Clark, Jr., was born in Oxnard where he practiced until becoming cabinet secretary to Governor Ronald Reagan. He was appointed to the San Luis Obispo Superior Court in

1969 and served there and on the Court of Appeal for the Second Appellate District before being appointed to the California Supreme Court in early 1973. He stepped down in 1981 to serve in various capacities under President Reagan in Washington, D.C.

Santa Barbara has a tradition of a strong bench that has made important contributions to the statewide administration of justice. Several members of the bench have served on the Judicial Council or its advisory committees or task forces, including Judges Melville, Herman, and George Eskin, who are presently doing so.

The court is delighted to convene its session today in this magnificent historic courthouse. Santa Barbara was one of the original 27 counties in California—a number that grew to 58 as California expanded in population and economic diversity. It is a county with a history of handsome courthouse buildings. The neoclassical courthouse that preceded this wonderful facility was severely damaged by an earthquake in 1925—a circumstance that serves as a reminder that there still remain in California many courthouse facilities that are not sufficiently fortified to withstand the earthquakes that so often reshape our state.

One important reform now underway in California is the transfer of courthouse facilities from the counties to the state. A comprehensive study of the more than 451 court facilities in our state will help us address the necessary renovations and construction that will ensure that members of the public, together with California's judges, lawyers, and court staff, will have a safe place in which to seek and provide the services of the courts.

Today's and tomorrow's court sessions represent the culmination of collaborative efforts by members of the bench, the bar, the community, and the educational system. In addition to those persons I have already mentioned, on behalf of the Supreme Court I would like to thank Gary Blair, Executive Officer of the Santa Barbara Courts, who has been key to coordinating the efforts of the superior and Supreme Courts, and who sits on the Judicial Council's Court Executives Advisory Committee. Ann Anderson, President of the Santa Barbara Bar Association, and Tammi Faulks, President of the Northern Santa Barbara County Bar participated in the planning committee and were essential in obtaining commitments from attorneys to work with the students. We also owe a debt of gratitude to all the members of the various committees and the volunteers who have worked assisted students in making the arrangements for their participation in this special court session.

Sheriff Jim Anderson, with assistance from Lieutenant Tom McKinney, has skillfully arranged to handle the difficult challenges posed by the security needs of multiple events and the large number of participants in this visit by our court.

Presiding Justice Arthur Gilbert also has made many valuable contributions on behalf of the entire bench and court staff of Division Six of the Second Appellate District, which is headquartered in Ventura and encompasses Santa Barbara County.

The planning committee for this event has overseen the process of contacting local educational institutions. More than 750 students from throughout north, south, and central Santa Barbara County, from 18 high schools and two law schools, are taking part. Among them are a large contingent from the north county, honor students from Los Robles School at Los Prietos Boys Camp, and students from some of the more remote parts of the county.

More than 50 teachers, administrators, and deans are accompanying students or leading discussions in classrooms to which this session is being telecast. Before today's oral arguments, students in each participating high school were briefed by volunteer attorneys on the California Supreme Court's processes and history and on the issues involved in the cases they will hear this morning. Attorneys and judges are serving as mentors to comment upon and answer questions from students watching from their classrooms.

Comprehensive background materials for the cases being argued have been provided and can be found online through links created on the Web sites of the Santa Barbara Superior Court and the California Supreme Court. Included in these materials are case summaries and links to the briefs filed in the cases.

California Channel is broadcasting this oral argument session—making the proceedings available in classrooms to the students unable to join us in the courtroom today, and to many other viewers in the community. California Channel has been a committed partner in each of the California Supreme Court's special sessions that have been held away from our traditional venues, and we are very grateful for its participation.

We hope that the students who are taking part will have their interest in our judicial and legal system stimulated by viewing these proceedings. The link to the court system's Web site is at www.courtinfo.ca.gov leads easily to other information that provides background information on the law and on careers in the law, the court system, legal assistance, and a host of other useful material.

The members of our court hope that today's oral arguments will have significance far beyond those who are direct participants. We believe these court sessions will provide a valuable learning experience—not only for local students, but statewide for the members of the public who view the telecast of these proceedings of the California Supreme Court.

We also hope that this special session will stir the interest of the students here today, and of others watching electronically, in understanding more about our legal system and the rule of law that protects us all and serves as such a vital component of our democracy. Perhaps one day, some of the students listening attentively will be in our seats on the bench, or sitting at the counsel table ready to present crucial arguments that will help shape the future of the law.

Once again, on behalf of the California Supreme Court, I want to indicate how pleased we are to be here today and to express our great appreciation to all who have made this program possible. This experience demonstrates once again that the courts, the bar, educators, and the community at large, working together, can achieve extraordinary objectives that benefit us all.

The Court will now entertain questions from the students present in the courtroom.

STUDENT: Mr. Chief Justice and associate justices of the Supreme Court, my name is Kali Salas, and I'm from Righetti High School. I would like to ask, how do you become a Supreme Court Justice?

CHIEF JUSTICE GEORGE: The procedure does not necessarily follow one convenient path, but certainly obtaining a fine, well-rounded education as an undergraduate so that you will get into a good law school and apply yourself is the very first step.

After you have graduated from law school there is a requirement under the California Constitution of at least 10 years of service as a lawyer before you are even eligible to be appointed to the bench, trial court position on the superior court or higher court.

Most judges, but not all on the Supreme Court, come from lower courts first. And before the Governor may appoint someone to a judgeship, there is a requirement that that person be evaluated by the State Bar, by one of the committees, to do a background check on the person's legal abilities and moral character, and so forth.

Once that process passes, you are eligible to be appointed by the Governor as a judge and then stand for election before the voters periodically.

And in the case of the Court of Appeal and the Supreme Court, there is another step. The Commission on Judicial Appointments has to approve the person before he or she can be appointed to the Court of Appeal or the Supreme Court.

STUDENT: Thank you.

CHIEF JUSTICE GEORGE: You're welcome.

STUDENT: Mr. Chief Justice and associate justices of the Supreme Court, my name is Jacqueline Venegas and I'm from Righetti High School. And I would like to ask, what drew you to the law, and was your career goal always to become a judge or did you have any other goals?

CHIEF JUSTICE GEORGE: Justice Kennard.

JUSTICE KENNARD: Thank you, Chief Justice George.

Well, did I always want to become a judge? The answer is, good heavens no. As a teenager living in a settlement in the town of Papua New Guinea, I dreamed of two things, to live in America and to have a university education. At the time it was very difficult for somebody born in Asia to come to the United States.

As to schooling, whatever minimal education I was able to get was abysmally poor. What I really, really wanted was a good, basic education. Thoughts of becoming a lawyer were not part of my upbringing.

At age 27 I did emigrate to the United States, and seven years later I was able to go to college, majoring in German, finishing four years in three while working as a secretary 20 hours a week.

I soon realized that there was no demand whatsoever for those majoring in German. My employer, a lawyer, encouraged me to go to law school. I did. Ever since graduation my life has been dedicated to public service, first as a lawyer then as a judge. I owe my career in the law to fate.

STUDENT: Thank you.

STUDENT: Mr. Chief Justice and associate justices of the Supreme Court, my name is Heather Houghton. I am from Pioneer Valley High School. And I

would like to ask, in the thousands of petitions the Supreme Court receives every year, how does the court determine which cases it will review and write opinions on?

CHIEF JUSTICE GEORGE: Justice Baxter.

JUSTICE BAXTER: Thank you, Chief Justice George.

I think first of all we put it in context, and in context you have to keep in mind that the California judicial system is the largest in the world. We have seven members on our Supreme Court. We review the work of over 100 Court of Appeal justices in six different districts around the state, and over 2,000 trial court judges throughout the State of California. So you have this inverted tunnel where thousands of cases are coming to the Supreme Court for review.

Apart from death penalty appeals, which we must accept directly from the trial court, the Supreme Court generally has discretion to decide whether or not to accept any particular case for review and to write an opinion. And review is granted under the Rules of Court where it's necessary to secure uniformity of the law or where it's necessary to settle a very important issue of the law.

Commonly there may be conflicting opinions from different appellate districts so that it's up to the Supreme Court to review those conflicting opinions and resolve the conflict so that the litigants and the lawyers and judges throughout California know what the law actually is.

It takes a lot of time. And during the 2005-2006 court year, the court disposed of approximately 10,200 petitions for review and related petitions. It's common for our court to review and act on more than 250 petitions at our weekly Wednesday conferences. And my estimate is that I spend approximately 20 to 25 percent of my time on the review process.

A case is accepted for review when at least four members of the court vote to grant review. A former member of our court, Justice Broussard, who's no longer with us, used to say, "With four votes you can do anything."

So on average less than five percent of all petitions for review are granted. And where review is granted, it may encompass all the issues presented in the case, or it may be limited to various issues.

STUDENT: Mr. Chief Justice and associate justices of the Supreme Court, my name is Ruth Castillo and I'm from Pioneer Valley High School. What

part of your job as a Supreme Court Justice has been most rewarding and what part most difficult, and how has being on the Supreme Court changed your life?

CHIEF JUSTICE GEORGE: Justice Werdegar.

JUSTICE WERDEGAR: Thank you for that question. It was a multipart question.

The most rewarding part of being on the Supreme Court is the opportunity to work with my colleagues in sitting to resolve the difficult legal issues that impact the system of the State of California. But I have to add that another true and most important part is the opportunity to become acquainted with the communities throughout the State of California, such as right here in Santa Barbara. It's just such a joy for us to get out and get a sense of other communities besides our usual venues of Sacramento, Los Angeles, and San Francisco. So we're delighted to be here.

The most difficult part for me is having all of us together work to reach a just and correct resolution in a given case. We can't be sure. From my perspective we send our decisions out there and just hope that it's all going to work out for the parties or for the industry or for the government agency, whatever it is that a particular decision has impacted.

I also wish we could know more about how it's played out, although the Legislature will step in and change that.

Being on the court has changed my life in many ways which I'm not always conscious of. Something you never dreamed was possible becomes a part of your life, and you're not always aware. But I do have to say a true change is that my children give me more respect. Because at home I'm just Mom, Grandma.

But it's also given me the rare privilege, together with responsibility, to work on these legal issues that I mentioned, and to try to serve the citizens of the State of California. So thank you.

STUDENT: Thank you.

STUDENT: Mr. Chief Justice and associate justices, my name is Ryan Flowers and I go to Righetti High School. And I would like to ask, what changes do you see in the future of California courts?

CHIEF JUSTICE GEORGE: Justice Chin is well equipped to answer that question.

JUSTICE CHIN: Thank you, Mr. Chief Justice.

Mr. Flowers, that is a very interesting question. If I had a crystal ball I could answer it more accurately. But before I answer your question, let me just bring you up to date on some of the recent accomplishments of the court system.

As Presiding Judge Melville has noted, in the last 10 years under the outstanding leadership of our Chief Justice, the California court system has made major strides, major changes in how the courts operate. For instance, we have consolidated the municipal and superior courts. We now have state funding of the trial courts rather than having them funded by the individual counties. And finally, the state has assumed the responsibility for court facilities.

Now, with that as a background, as we look to the future we have some major challenges. The first one is maintaining court facilities like this remarkable structure, and to design the courtrooms of the future. When you put those two in contrast you're obviously talking about two different animals, maintaining the historic courtrooms, bringing them up to speed as far as technology is concerned, and then creating the courtrooms of the future in localities where we need new court facilities.

The second major challenge for the future is court technology. As Justice Baxter has noted we have the largest court system in the world. So managing that court system provides major challenges. We'll be asked in the future to provide more services with less funds. We can only do that through court technology. We have 58 counties. We have to get all 58 counties on the same financial and accounting system. We have to get all 58 counties on the same human resources system. And we have to get all 58 counties on the California case management system so that everybody is on the same page.

Managing this huge court system will be a major challenge. I hope that before I leave this court that the California courts will be paperless. Many people will have consternation over that concept. But it seems to me that if attorneys are generating electronic documents, why do we insist that they turn them into paper documents to file with the court?

So those are just some of the challenges that the courts will face. I think the overarching challenge of managing this court system is maintaining the judicial independence of our judges, of our court system. And I think that any

judge who sits every day has to be free of the political aspects of those decisions. So those, I think, are the major challenges immediately in the courts' future.

STUDENT: Thank you.

STUDENT: Mr. Chief Justice and associate justices of the Supreme Court, my name is Sarah Eckler and I attend Righetti High School. And I would like to ask, what do the courts do to make sure that people with very little money receive a fair trial in criminal and civil cases?

CHIEF JUSTICE GEORGE: Justice Moreno.

JUSTICE MORENO: Thank you, Chief. Sarah, in criminal cases, for close to the last 100 years or so, most counties have had public defender offices whose attorneys provide low-cost or free legal services to indigents who may possibly face jail time as part of a criminal sentence. So they do have a right to appointed counsel. And that right has been guaranteed in our country through a decision by the United States Supreme Court, I believe in 1963, *Gideon v. Wainwright*.

Now, in civil cases it's a little bit different—or significantly different. There is no right to appointed counsel. However, again, for many decades now we've had the services of legal aid societies, and fortunately many attorneys who volunteer their time and provide free or pro bono services to represent indigents in civil cases.

The courts also have taken measures to ensure that everyone has access to justice. The Chief made brief reference to the court Web site. That's a Web site that I recommend to anyone interested, not only about the court's operation, but about the law generally. And in particular there's a self-help Web site on that Web site that provides answers to many frequently asked questions, provides forms, a glossary of terms, locations of courthouses, rules, opinions, and other things. And it's also available in other languages, not only English.

Also, many courts now have family law facilitators and facilitators in other areas of the law to assist people who can't afford a lawyer to help them navigate through the system.

And I should note that a recent development is something known as the Justice Corps. I know that in Los Angeles and perhaps in other counties the courts have sought out volunteers, college students, and I believe some high school seniors to provide some staffing support in the clerks' offices to

answer questions and help fill out forms and so forth to those who don't have attorneys.

So notwithstanding the limited resources that the courts have, I think that we've sought to make access to justice something that's a real possibility for everyone.

STUDENT: Thank you.

STUDENT: Mr. Chief Justice and associate justices of the Supreme Court, my name is Michelle Silva. I'm from Santa Ynez High School, and I would like to ask how you keep your personal views, morals and any bias from interfering with your decision on a case?

CHIEF JUSTICE GEORGE: Justice Corrigan.

JUSTICE CORRIGAN: Thank you, Chief.

That's a really good question, Michelle, because, you know, like everybody else we have our own point of view based on our education and our life experience, and all the things we've done and had done to us over the years.

But our, first of all, our legal education and our service as judges, because most of us have been judges for quite some time, give us a real good discipline to draw on.

And I think that the best principle we all go back to, help us answer your question, is that we remember that the law doesn't just belong to judges and lawyers, it belongs to all the people in a democracy.

So while it's our job to speak with a big voice, we also have to have good ears so that we listen carefully to what the people say when they enact laws or do it through their legislators, and to remember that when we help shape the law we do it on behalf of everybody and not just with a narrow point of view.

STUDENT: Thank you.

STUDENT: Good morning, Mr. Chief Justice and to all the associate justices of the Supreme Court. My name is Daniel Park and I'm from Santa Ynez Valley Union High School. And my question to you is, what are the reasons for a judge to wear a black robe in a courtroom?

CHIEF JUSTICE GEORGE: The short answer is that it is required by law. There is actually a statute that requires it in the Government Code, but the reason behind that statute reflects hundreds of years of tradition. Most of our legal tradition comes from Great Britain.

The wearing of the black robe is meant to symbolize the fact that the law is impersonal in the sense that it does not depend upon the particular individual wearing the robe, but rather the person is to embody the law and is to apply the law in a neutral way. And for that reason the judges at all levels in California, the trial court level, Court of Appeal, or the Supreme Court wear the same black garment to symbolize their neutrality and that everyone faces the law in an equal manner.

STUDENT: Thank you for your time.

STUDENT: Good morning, Mr. Chief Justice and associate justices of the Supreme Court. My name is Sarah Varsik. I attend Righetti High School. And I would like to ask, is a high-profile case or a celebrity case more likely to be accepted by the Supreme Court than a case addressing similar issues but less notoriety?

CHIEF JUSTICE GEORGE: Justice Kennard, would you answer that?

JUSTICE KENNARD: Thank you, Chief Justice George.

The short answer to that question is, not necessarily. Sometimes a case is high profile because it has important legal issues and happens to be of great interest to the public.

Generally, however, it is because of the importance of the legal issues that review will be granted in a particular case.

STUDENT: Thank you very much.

STUDENT: Good morning, Mr. Chief Justice and associate justices of the Supreme Court. My name is Elisa Ramirez and I attend Righetti High School. And my question is, how can the justice system best guard against the conviction of an innocent person?

CHIEF JUSTICE GEORGE: Justice Baxter.

JUSTICE BAXTER: Thank you for the question.

Guarding against the conviction of an innocent person is really the foundation of most of the constitutional rights contained in our state Constitution and in our federal Constitution.

And it really starts at the inception of a criminal investigation. The police are trained to conduct their business in a certain way. Likewise with the prosecuting attorneys. So oftentimes one who may be suspected initially of a criminal charge is not charged because of the procedural protections.

But in the court context there are a number of specific constitutional provisions that come into play that help protect against the conviction of an innocent person.

Once a person is arrested, for instance, that person does not have to speak to the police. And I'm sure many of you have seen on television instances where the suspect has invoked a constitutional right to silence and to not answer questions of the police.

And of course, force, torture, illegal means, means such as that, cannot be used to extract confessions from individuals. Any such confession will be excluded from the court proceedings.

And within 48 hours of a person's arrest the individual must be brought before a magistrate and told of the charges.

There's also the right to counsel, as Justice Moreno has alluded to. And if one does not have the funds to hire a lawyer, a lawyer will be appointed to represent that individual. And there are also requirements that the prosecution share and divulge the evidence that it has against the defendant so that the defendant can present evidence to rebut that evidence.

The defendant has the right to ask for a jury trial as opposed to a court trial, and also has the right to question the prospective jurors to find out if they have any—anything in their backgrounds or views that might make them less than a fair juror. And, of course, most fundamental, the prosecution must prove its case beyond a reasonable doubt.

And then even after the jury takes into account all of the evidence in the case and conducts its deliberations and finds a defendant guilty, that defendant does have the right to appeal, and also has the right to petition the court for habeas corpus relief. And so all of those safeguards are designed to avoid the conviction of an innocent person.

And finally, I might indicate that advances in science have gone a great way in terms of avoiding the conviction of an innocent person, or perhaps in some instances leading to the reversal of a conviction. And I'm referring to DNA evidence that oftentimes will be used to convict a guilty person, but perhaps as often it is used to exonerate an innocent person.

So advances in science are becoming accepted as part of the court proceedings with that same objective in mind.

STUDENT: Thank you.

STUDENT: Good morning, Mr. Chief Justice and associate justices of the Supreme Court. My name is Daniel Rogers. I attend Cabrillo High School. And I would like to ask a question about staff attorneys. We have learned that staff attorneys are used by the Supreme Court to assist the justices in their work. How do the staff attorneys assist the justices and how do you become one? Also, does the court use student externs?

CHIEF JUSTICE GEORGE: Justice Werdegar will respond to your question.

JUSTICE WERDEGAR: Thank you.

Staff attorneys are invaluable to the court's work. And each justice has five staff attorneys. So it's like a little law office in your chambers.

The staff attorneys do legal research. They help the judges decide which cases to grant review of, out of the thousands that are petitioned every year. And, as been mentioned, we meet every Wednesday morning to decide which cases to review. They draft memoranda for us and they draft opinions. So they really are extremely important to our work.

To become a staff attorney it's helpful to have an excellent academic background. It's helpful to have done some prior clerkship or an externship during your law school days. And it's also helpful to come to the court with some practical experience from a public law office, public defenders, prosecutors, city attorney, or a private law office. None of these is required, but they are helpful and bring a lot of experience to the court.

We do use student externs, and we believe it's beneficial to expose the law students to the innerworkings of the court, because as many of you today would understand, most people don't know what we do. And we think the more that law students and future lawyers understand how we work, the better it is for the entire legal profession, for us.

And we very much enjoy having their fresh outlook as they come to us from the law schools and bring to us theories and ideas that their professors have propounded. And we learn from them as well. Thank you.

STUDENT: Thank you.

STUDENT: Mr. Chief Justice and associate justices of the Supreme Court, my name is Justin Houston, and I am from Cabrillo High School. And I would like to ask you, how do the seven justices of the court come to a decision on a case since you have your own point of view, and how long does it take to come to that decision?

CHIEF JUSTICE GEORGE: Justice Chin.

JUSTICE CHIN: Justin, that's an excellent question. There's a formal process and there's an informal process. I'll cover the formal process first.

As Justice Werdegar has noted, one of the real benefits and pleasures of being on the court is working with six outstanding colleagues.

As Justice Baxter has noted, it takes four votes to grant review. It takes four votes for us to decide whether or not to take any of the thousands of cases where review is filed with the court.

Once review is granted the Chief Justice will either keep the case for himself or assign it to one of the associate justices. In the meantime, the outstanding attorneys, just like the attorneys who will be arguing before the court today, will prepare written briefs. Once the briefing is completed the assigned chambers will prepare what we call a calendar memorandum. It basically outlines the issues in the case, the facts of the case, and proposes a disposition.

The other chambers who did not prepare the calendar memorandum have 30 days within which to file what we call preliminary responses, or PR's. In the PR's we either concur in the "calendar," we concur with reservations, or we are doubtful, or we disagree.

Once the case gets four votes the Chief Justice will set it for oral argument. And that's what we're here for today. After we hear oral argument we will go into conference on each of the three cases that we hear this morning. And we will decide the cases in that conference.

If the assigned calendar still has four votes, that justice or the Chief Justice will prepare the opinion. So that's basically how we officially arrive at a decision.

Informally, we also go to each other's chambers often and talk about issues in particular cases. So the informal part of it is just as important as the formal part of it. But I'm not at liberty to disclose all the informal part of the discussions.

At any rate, that's basically how we reach a decision. But this is a very collegial court. We are strong-minded on specific issues. We decide them and then we move on to the next case. Thank you for your question.

STUDENT: Thank you.

STUDENT: Mr. Chief Justice and associate justices of the Supreme Court, I'm Brendon Marshall and I'm from Righetti High School. I would like to ask, as minors we can be brought to trial as an adult, but we can't bring a civil suit as an adult. Why is this?

CHIEF JUSTICE GEORGE: Justice Moreno will respond.

JUSTICE MORENO: Thank you, Chief.

Yes. As you might be aware, minors as young as 14 can be charged in certain types of criminal cases and tried as adults.

In the civil context it's a little bit different. Minors can bring a civil action, but the court first appoints a guardian, usually a parent or other responsible adult to sue on behalf of the minor.

And the purpose of the law is to protect the minor's interest. And the court recognizes that a parent or other responsible adult is best suited to make certain critical decisions in the case, even certain aspects of case strategy, certain settlements or other resolutions of the court action. This is to protect really the minor's future.

If there is a settlement and there needs to be funds reserved for the minor's, say, education or medical needs or other services, the guardian has significant input as to making those decisions with court approval.

So basically the purpose of the law is that the court recognizes that it's better to have an adult or a parent suing on behalf of the minor so that the interests of the minor are protected in the long run. Thank you.

CHIEF JUSTICE GEORGE: This will be the last question.

STUDENT: Mr. Chief Justice and associate justices of the Court, my name is Morgan Clark. I attend Righetti High School. And I would like to ask, what motivates you every day to come to your job as a judge and try to solve difficult problems that may not affect your personal life?

CHIEF JUSTICE GEORGE: Justice Corrigan will respond to that question.

JUSTICE CORRIGAN: Thank you, Chief.

It's a great job. So it's an exciting experience to come to work every day. And while any given case may not affect us directly, it certainly affects lots of people.

And when we get involved in a case we're looking not only at the dispute between the people who first brought the case to court, but we're looking at kind of the bigger legal principles that govern that case and all the other cases that are like it. So it's a little broader kind of a question than just who's going to win or lose in that particular case.

And so when we write an opinion the principles that we set out become part of the common law, and they become part of the principles that help everybody else who's in the same kind of controversy figure out what to do next.

So part of the challenge of our job is to write our opinions clearly so people can figure out what the laws are and maybe not have to go to court in the future. And that's a very, very interesting and exciting thing to do, and we're really lucky to be able to do it.

STUDENT: Thank you.

CHIEF JUSTICE GEORGE: That concludes our questions.

I would like at this point to have us observe a moment of silence in honor of Richard Goldman, the Dean of the Santa Barbara and Ventura Colleges of Law, who passed away after a year-long battle with cancer, and whose funeral service is being held this morning.

Dean Goldman was held in the highest regard by persons in both legal and academic circles as a committed lawyer who cared deeply about law students and also cared deeply about the state of the justice system. We join in mourning his loss and will observe a moment of silence.

(PAUSE)

I join with my colleagues in thanking the students for their excellent questions. We certainly enjoyed them and found them stimulating, and hope they find the proceedings that they will be listening to and seeing in the next day or so quite inspirational to them in terms of their future, either in a legal career or as informed persons, as citizens knowledgeable about our judicial branch of government.

The Reporter of Decisions is directed to spread these special proceedings upon the minutes of the court for publication in the Official Reports of the court.

The Clerk will now call this morning's calendar.