

Dear members and friends of the Society,



We live in challenging times.

Regardless of political view or judicial philosophy, most of us share the sense that both our country and our state are navigating profoundly troubled times. We are witness to economic distress, political gridlock, a widening gap between the rich and poor, and systemic attacks on an independent judiciary. Which is why the mission and work of the California Supreme Court Historical Society have never been more important or relevant.

The Society, founded in 1989, is dedicated to recovering, preserving, and promoting California’s legal and judicial history, with a particular emphasis on the state’s highest court. The Society examines our collective judicial legacy, good and bad, popular and unpopular, decided by legal giants and mere mortals alike.

The national historical significance of the California Supreme Court is beyond serious debate. In 1972, the Wall Street Journal opined: “The [California] high court over the past 20 years has won a reputation as perhaps the most innovative of the state judiciaries, setting precedents in areas of criminal justice, civil liberties, racial integration, and consumer protection that heavily influence other states and the federal bench.” The trend continues. Jake Dear (a member of the Society’s board) and Edward Jessen, in their 2007 study “‘Followed Rates’ and Leading State Cases 1940–2005,” 41 *U.C. Davis L. Rev.* 683, concluded that the decisions of the California Supreme Court have been, and continue to be, the most followed of any state supreme court in the nation.

HISTORIC, FAR-SEEING DECISIONS

For over 150 years, decisions of the Court have fundamentally shaped our lives as Americans and Californians. The examples are as numerous as they are profound:

POWER OF THE PEOPLE: In its 1894 decision in *Livermore v. Waite* (1894) 102 Cal. 113, the Supreme Court limited the power of the legislature to alter the California Constitution by ruling that the power to change the Constitution rests exclusively with the people.

RACIAL EQUALITY: In *Perez v. Sharp* (1948) 32 Cal.2d 711, the Court overturned the statutory ban on interracial marriage as unconstitutional. *Perez* directly influenced

the landmark 1967 U.S. Supreme Court decision on this issue, *Loving v. Virginia*.

STRICT LIABILITY FOR PRODUCT DEFECTS: In *Greenman v. Yuba Power Products, Inc.* (1963) 59 Cal.2d 57, Justice Traynor wrote a majority opinion adopting the rule of strict liability for defective products. This rule has since been adopted throughout most of the United States.

EDUCATIONAL OPPORTUNITY: *Serrano v. Priest* (1971) 5 Cal.3d 584, invalidated California’s unequal system of public school funding as violating the Equal Protection Clause.

FAIR JURIES: In *People v. Wheeler* (1978) 22 Cal.3d 258, the Court, speaking through Justice Mosk, held that it was a violation of the federal and state constitutional right to a fair and impartial jury for a prosecutor to select a jury in a racially biased manner. The holding of *Wheeler* was adopted in the landmark U.S. Supreme Court decision of *Batson v. Kentucky* (1986).

WHAT JUDICIAL HISTORY CAN DO FOR US TODAY

The California Supreme Court is a true national leader. But to many of us, the importance of the Society’s work goes beyond its promotion and assessment of one of the most important judicial bodies in the country. The Society’s work provides all of us critical historical context to understand the difficult issues of our own times and the role that great jurists can play in resolving seemingly intractable disputes.

The legacy of the work of past giants of the Court, including Justices Traynor and Mosk, is not simply the brilliance and impact of their opinions. Rather, their work is a powerful reminder that, as difficult as these times may be, we have faced and overcome worse. By engaging with our judicial history, we affirm that the study of California’s long history of wisdom, courage and an abiding commitment to justice can help us chart a course past our current troubles.

On behalf of the Society, I invite you to attend our public programs, review our outstanding journal, *California Legal History*, and support our efforts in the upcoming year. You may discover, as you study the Court’s legacy, that its innovative and thoughtful approaches to resolution of critical disputes in times past have important lessons to teach us about our own challenging times.

With warm wishes for a Happy New Year,

DAN GRUNFELD

