

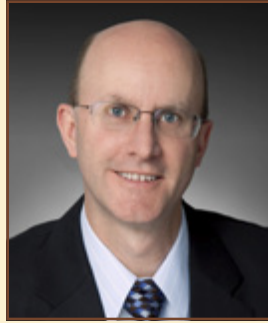
## Our Common History Can Light Our Path Forward

**B**OTH THE PROFESSIONAL media and the social media of today tend to focus on what divides us as a people. Different political views, different judicial philosophies, different predictions of what our future will be. Speeches, articles, and posts frequently use strident language to espouse one view over all others, and leave little room for disagreement. Indeed, much of the discourse in today's world suggests that those who disagree with the author's point of view cannot add value to a debate on the issue. Rarely do we see a discussion of common ground that exists between two viewpoints.

But there is common ground. We all share the same history. We all share the discussions, debates, and struggles over prior disagreements, and the analyses that addressed them. To better understand the paths to which our current choices will lead us, we need to understand how our common past brought us to where we are today. The California Supreme Court Historical Society can play a critical role in helping us understand our common history, so we can avoid our prior mistakes and realize the benefits of compromise and consensus as we chart our future.

The Society seeks to recover, preserve, and promote the legal and judicial history of the State of California, with a particular focus on the California Supreme Court. We strive to achieve this goal, in part, through our publications and our programs. We recently celebrated the publication of an outstanding scholarly work, *Constitutional Governance and Judicial Power: The History of the California Supreme Court*, which is now available for purchase on our website. The book reflects the combined efforts of its editor, Prof. Harry Scheiber of UC Berkeley School of Law, one of six co-authors. The seven chapters explore not just the cases decided by the Court in different eras, and not just the personalities of the justices who decided them. Rather, the book illuminates the social, economic, and moral struggles of our society. By absorbing the viewpoints that guided historical debates, we can draw parallels to our current debates and gain a glimpse of how certain decisions may impact our future.

Our recent program to celebrate this publication, described in more detail elsewhere in this *Newsletter*, drove home these points to an audience of lawyers and non-lawyers alike. Current Chief Justice Tani



Cantil-Sakauye and former Chief Justice Ronald M. George engaged in a conversation with Society board members Molly Selvin and Dan Grunfeld about the book, the role of the Court as an influence on the country as a whole, and the importance of the general public's understanding of the judicial system. At one point, each of the Chief Justices reflected on a case from our past that might benefit from a "do over," making it clear that we can benefit from a review of past debates.

In another recent program, presented at the State Bar Annual Meeting — "Thirty Years After a Hundred Year Flood: Judicial Elections and the Administration of Justice" — board member David Ettinger led a panel discussion with former Associate Justices Joseph Grodin and Cruz Reynoso and UC Irvine School of Law Dean Erwin Chemerinsky about California's system for electing justices and judges and how those elections can influence the administration of justice. The panel, as further described in this *Newsletter*, explored not only the historical fact that voters decided not to retain three California Supreme Court justices in the 1986 election, but debated what we as a society have learned from that experience, how other states approach the issue, and how we might do things differently in the future.

Through publications and programs like these, the California Supreme Court Historical Society strives to define the common ground we all share, to provide a starting point for moving the debate forward. Although most of us feel that we live in a world of unprecedented polarization, we have experienced, and survived, troubled times before. Our history is filled with examples of vigorous, even strident, debate. There are decisions we may seek to emulate and decisions we may think about differently with the benefit of hindsight. But by studying our history, we can learn from the struggles of those who preceded us and strive to steer a better path.

We at the Society look forward to working with our membership and friends toward that goal.

With warm wishes for a Happy New Year,

GEORGE ABELE

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