
Big Thoughts and Vigorous Debate at the Supreme Court Conference

BY DAVID A. CARRILLO*

ON JANUARY 13, 2017, some 300 people gathered at UC Hastings for a day-long conference on the California Supreme Court. The sold-out event was jointly presented by the California Constitution Center at Berkeley Law and the *Hastings Law Journal*.

Six current and former members of the Court attended: Chief Justice Tani Cantil-Sakauye, Justice Goodwin H. Liu, Justice Carol A. Corrigan, Justice Leondra R. Kruger, and Professor Joseph R. Grodin. Justice Kathryn M. Werdegar observed from the audience for most of the day. A number of legal academics spoke, including Professors Jill Bronfman, Lothar Determann, J. Clark Kelso, Rory K. Little, Myron Moskovitz, and Darien Shanske. Some noted attorneys from the California appellate community also served as panelists: Aimee Feinberg, Stephen M. Duvernay, Dennis Peter Maio, Danny Chou, Rex Heinke, and Jeremy Rosen.

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The day started with the Chief Justice's thoughts on the state of the state judiciary, followed by an overview of the Court's recent significant decisions. A panel of appellate experts discussed how best to maximize the long odds of a review petition being granted, and after lunch a panel explored possible changes to the State Bar of California. The next panel questioned the utility of California's constitutional privacy right, and contrasted it with privacy protections in Europe. The penultimate segment featured a thoughtful conversation concerning the proper role of a state high court, and the day ended with a free form session at which two justices fielded audience questions.

CLOCKWISE FROM TOP LEFT:

David A. Carrillo, executive director, California Constitution Center at UC Berkeley School of Law and Chief Justice Tani Cantil-Sakauye.

UC Hastings Professor Joseph R. Grodin and Justice Goodwin H. Liu.

FROM LEFT, Carrillo and Justices Leondra R. Kruger and Carol A. Corrigan.

Justices Kruger and Corrigan.

PHOTOS BY JIM BLOCK



What happens when that many luminaries get together? Big thoughts, vigorous debate, and some unscripted surprises. For example, the State Bar panel looked to be relatively sedate, especially since it was scheduled immediately after lunch. But the stage featured significant players in the bar reform arena: California State Assemblymember David Chiu, the State Bar's president James P. Fox and the executive directors of the State Bar and the Bar Association of San Francisco, Elizabeth Rindskopf Parker and Yolanda Jackson. The resulting discussion, with pointed questions from audience members like Jim Brosnahan, was the most spirited of the day's segments. And the conversation between Justice Liu and Professor Grodin featured a lively debate on the serious question of when a state high court can and should disagree with the U.S. Supreme Court. The debate has since inspired three articles: one in the *San Francisco Recorder*, a response from Justice Liu, and another on *scocablog.com*.

The audience was diverse. Fully one-third were law students. Groups from five flagship Bay Area law school journals filled the front rows: *California Law Review*, *Hastings Law Journal*, *University of San Francisco Law Review*, *Santa Clara Law Review*, and *Golden Gate University Law Review*. Judges from the Superior Court and the State Bar Court, justices of the Court of Appeal, staff attorneys from courts and agencies, and practitioners from around the state attended. For the student groups, this was a rare opportunity to be included in a judicial conference, an event usually reserved for practitioners and members of the bench to mingle. For those bench officers and practitioners, it was exactly that: a chance to learn from each other in a (mostly) off-the-record setting. And even with a packed schedule, fast pace, and a consistently high level of discussion, the consensus attendee reaction was that the event was *fun*.

This event is important because California is the largest state by population in the Union, and its high court is the most influential of all the state high courts. Naturally, any serious student of California law would care about the state's highest court, would be curious about its justices, and would seek out expert sources to learn more. This event brings those elements together in a rare mix, and that's why the California Constitution Center organizes it. Encouraging study of California's constitution and high court are the center's twin missions. Growing this field of study and increasing the body of knowledge works better if more minds are involved. These conferences offer a way to gather those minds, bring them together, and let the sparks fly. It seems to be working. This was the third such event; the first conference in 2008 drew over 150 people, the second in 2013 saw closer to 200 attend, and in 2017 the crowd swelled to 300. ★



TOP TO BOTTOM:

FROM LEFT, Jake Dear, chief supervising attorney of the California Supreme Court, Justice Kathryn M. Werdegar, Professor Grodin, Professor Darien Shanske, UC Davis Law School, and David Kaiser, staff attorney, Supreme Court.

Students from several Bay Area law schools were invited to attend the day's events.

Justice Goodwin H. Liu talks with UC Hastings Professor Rory K. Little.

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