

*The Courtroom Becomes a Classroom:
The Supreme Court in San Jose*

BY HON. PATRICIA BAMATTRE-MANOUKIAN

Educational community outreach programs have become a central focus of the California Supreme Court under Chief Justice Ronald George. As he explained, outreach programs not only foster better public understanding of the role and function of courts, but they also provide a means for the judiciary to become better informed about the concerns and interests of the citizens of this state.

The Justices of the Sixth Appellate District, which encompasses the counties of Monterey, San Benito, Santa Clara and Santa Cruz, share Chief Justice George's commitment. When our Court learned of the Supreme Court Special Oral Argument Sessions that had been held in the Fourth and Fifth Appellate Districts in 2001 and 2002, we recognized a unique opportunity to build upon the experiences of those two courts. We envisioned an exciting educational program involving high school and law students, lawyers, judges, court staff and members of the public from all four of the counties in our appellate district.

In Fall 2002 we extended an invitation to the California Supreme Court to conduct a Special Oral Argument Session in the Sixth Appellate District. We were delighted when the court accepted our invitation and set the dates of December 2 and 3, 2003. A Planning Committee was formed, which included representatives from the California Supreme Court, the Administrative Office of the Courts, the Sixth District Court of Appeal, and all of the Superior Courts and bar associations in the four counties. The Santa Clara Superior Court graciously agreed to have the event held in Department 17 of the historic Santa Clara County Courthouse. This majestic courtroom provided a fitting backdrop for oral argument and was large enough to accommodate over one hundred spectators. We would soon find out that seats were in great demand.

Momentum built as the scope of the event expanded. With a focus on education, the Planning Committee strove to involve as many students as possible. Invitations were sent to all of the public and private high schools and law schools in our four counties. In addition, members of the local bar and bench were recruited to volunteer in classrooms in order to answer questions and lead discussion groups about the cases and the workings of the court.

Once the Supreme Court had selected the cases for the December calendar, the staff at the Sixth

Appellate District began to prepare instructional materials. The cases raised complex issues such as how to calculate presentence custody credits, whether an oral argument waiver letter is improperly coercive, whether a state public agency must enroll common law employees in its retirement system, what is required of a trial court to establish a factual basis for a criminal defendant's guilty plea, and whether a religiously affiliated social services organization must provide insurance coverage for contractees as part of its employee health-care plans.

The instructional materials summarized the cases and their legal issues, outlined the procedural history of the cases, suggested possible arguments on both sides, and included questions to stimulate classroom discussion. They were made available on our website prior to the oral argument sessions for ready access by students, teachers, school administrators, attorneys, judges and members of the public.

We also arranged television coverage of the Special Oral Argument Session via the California Channel, a public affairs cable network with 5.6 million viewers, and on local public broadcasting station KTEH. The sessions could be viewed live in classrooms, and five other courtrooms at the San Jose courthouse were equipped to broadcast the sessions in order to accommodate overflow spectators. In addition, the Center for Judicial Education and Research, the educational division of the Administrative Office of the Courts, agreed to produce a series of video tapes of the sessions.

As the date approached, schools chose the students who would attend. Almost five hundred students from forty-six schools attended portions of the two-day program. Hundreds of other students viewed the arguments on live television or on video tape.

The opening session was preceded by a question and answer period between the students and the seven justices. The students' queries covered a wide range of topics. One student asked: "Are judges truly impartial? What does a judge do if he or she has personal beliefs on a question before the court, or is faced with public opinion or political pressure to decide a case in a particular way?" Another asked: "Do judges interpret or make the law? What is the difference and what does the term 'activist judge' refer to?" Another student wanted to know "Why does the court sometimes overrule the will of the People by refusing to apply an initiative measure adopted by the voters?"

Two gala social events honoring the Supreme Court Justices rounded out the 2003 Special Oral Argument Session program. The evening before the sessions began, the Justices of the Sixth District



Clockwise from upper left hand corner: Retired Supreme Court Justice Edward A. Panelli, who also served on the Sixth District Court of Appeal; the historic Santa Clara County Courthouse; Lynn Holton, Justice Patricia Bamattre-Manoukian, Kiri Torre and Fritz

Ohlrich; Justice Chin with students from his alma mater, Bellarmine College Preparatory; Chief Justice George and Associate Justices Baxter and Chin enjoy a light moment during oral argument.

Court of Appeal and the Judges of the Superior Courts of the four counties hosted a reception attended by members of the bench and bar. The following evening included a dinner event. Both occasions provided an opportunity to meet with Chief Justice George and the Associate Justices in an informal setting and offered an enjoyable social counterpart to the more weighty matters of the day.

At the dinner we shared with the justices some of the enthusiastic comments from the students. One wrote: "I felt extremely encouraged to study law just on the basis of knowledge of the justices alone. I felt like I wanted to stand up and express my views of the cases because I felt very involved in the process. Thank you very much for allowing us to come and watch!" Another student found the oral argument sessions to be a "most memorable and influential experience. Personally hearing the seven justices question the attorneys caught my interest. The student questions in the beginning of the program gave me interesting and important information involving the Supreme Court and judicial process. This was such a wonderful opportunity for me to pursue my interests in the law." Another wrote: "I gained a keen appreciation of the mental stamina and flexibility required of a Supreme Court Justice, and value the insight I have received into the pro-

ceeding of the court." Another student was similarly inspired: "I've decided I want to be a future justice of the Supreme Court of California."

High school teachers and administrators as well were excited by this program. One teacher used the arguments in contraception coverage case "to culminate our unit on the Religion Clauses of the Constitution." Others assigned essay projects based on the case materials. And the video tapes will be used in future civics classes.

Chief Justice George has said that "the more information we can get out about how our courts operate, the more we foster understanding and confidence in the court system." As one student wrote after attending the Special Session, "It makes me realize how little the average citizen knows of California law. It should be a concern for the state to educate the general population to a greater extent."

The 2003 Supreme Court Special Oral Argument Session was an important step in this continuing process. It provided important education about our system of justice, and it inspired interest in the process and respect for the work of the judiciary. We thank Chief Justice George and the Associate Justices for making this program possible and for inspiring its success. Its impact will be felt for years to come.

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A series of five video tapes entitled The Supreme Court of California Historical Special Session in San Jose are available from the Center for Judicial Education and Research. The tapes include the entire argument in eight of the ten cases, as well as short informational segments about the Supreme Court, the opening remarks of Chief Justice George, and the question and answer session between the students and the Justices. For more information, please contact Gary Kitajo, Librarian for the Administrative Office of the Courts, 415-865-7722.

Justice Bamattre-Manoukian is an Associate Justice of the Sixth District Court of Appeal and served as Chair of the Planning Committee for the Special Oral Argument Session in San Jose. She thanks Fritz Ohlrich, California Supreme Court Clerk/Administrator, who provided able guidance and oversight throughout the planning of this program, and to Kiri Torre, the Chief Executive Officer of the Santa Clara County Superior Court, who was indispensable in overseeing local arrangements and in coordinating staff and volunteers. She also thanks Christina Floyd, Research Attorney at the Sixth Appellate District, for her assistance with the instructional materials, and to Donna Williams, the Sixth Appellate District Law Librarian, for her assistance with all aspects of the outreach program.

California's Courts and Judges

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Appeal, and Richard Schauffler reviews Larry Sipes' book, *Committed to Justice: The Rise of Judicial Administration in California*, in our regular "On Your Bookshelf" column. Commissioned by the Administrative Office of the Courts, Sipes' study is the first wide-ranging history of the administration of California's judicial branch. In addition, Sipes brings his experience to bear on a consideration of what the next fifty years will bring.

In highlighting the past, present and future of California's Supreme Court, its Chief Justices, the Court of Appeal and the court system generally, the Historical Society makes available to its members through this newsletter issue a number of opportunities to learn more about our state's judicial history, and we urge you to take advantage of these offerings. Take in the Chief Justice exhibit in San Francisco. Order the videotapes of the Supreme Court's Special Oral Argument Session in San Jose. Purchase Larry Sipes' path-breaking history of California's courts and judicial administration. Watch for upcoming celebrations of the DCAs' one-hundredth anniversary. You'll be glad you did!

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