THE CALIFORNIA SUPREME COURT

Historical Society

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Memories of Justice David N. Eagleson

BY RICK SEITZ

Justice David N. Eagleson passed away on May 23, 2003, at the age of 78. He was a 1950 graduate of the University of Southern California Law School, and served as a judge of the Superior Court of Los Angeles County from 1970 to 1984. George Deukmejian elevated Justice Eagleson to the California Court of Appeal in 1984 and then to the Supreme Court in 1987, where he served until his retirement in 1991.

David Eagleson left an extraordinary legacy in life, in his chosen profession and in California jurisprudence. To each stage and facet of his distinguished career, he brought the remarkable competence, acuity, loyalty, stability, integrity and leadership skills that defined and identified him.

I first met Justice Eagleson when he was elevated to the California Supreme Court in 1987, and I worked as his staff attorney until his departure in 1991. Justice Eagleson arrived at the time of the court's greatest crisis. In November 1986, the voters had declined to retain three of its members. The court's public image was at an all-time low. Those chosen to fill the vacancies created by the election faced the task of guiding the court through the storm-tossed waters and restoring public confidence in its stature.

Californians can be thankful that Justice Eagleson's abilities and temperament amply fitted him for the task. His service, and that of his colleagues on the so-called "Lucas Court," fulfilled the hope that the court would weather the storm. The role these justices played in preserving the health and stability of the California Supreme Court can't be exaggerated. David Eagleson deserves his full share of the credit for that vital contribution.

I was a staff attorney for Joseph Grodin, one of the justices defeated in the November 1986 election. The court relies on a cadre of "permanent" or "career" staff lawyers, but in fact there is no tenure for legal staff. Lawyers may be dismissed at pleasure. This rarely happens, but it was feared, in the toxic atmosphere of the time, that the replacements for the defeated justices would "clean house," believing they needed new staff with no loyalties to the old regime.

Like his fellow newcomers, Justices Arguelles and Kaufman, Justice Eagleson declined to take that path. Encouraged by Chief Justice Lucas, the new arrivals embraced the longstanding court policy that career staff be retained, if possible, for their legal ability and perspective, and for institutional memory and continuity. Justice Eagleson brought to San Francisco one of his trusted Court of Appeal research attorneys, but he also retained me and every other Supreme Court attorney who wished to stay. We all remained, our loyalty redoubled by his kindness (and good judgment), until his last day at the court in 1991.

His decision to retain staff was consistent with his temperament and philosophy. Though often branded as a no-nonsense conservative, he was, above all, a pragmatist. He distrusted ideology as the enemy of clear and practical thinking. He knew who he was, and he appreciated in others the candor and honesty he himself possessed. As a result, he was comfortable with diversity of views. His Supreme Court staff held wide-ranging legal opinions, which were freely expressed and considered. They could prevail, if persuasive, over his own initial view, but there was never any doubt about who was in charge.

He also believed in order, decency, hard work and good behavior. This led him to support the institutions, public or private, that promoted and enforced these values. His acceptance of institutional values, and his love of efficient administration,

fueled his realization that the court's permanent legal staff would be a help, not a hindrance, in performing his judicial duties.

Pragmatism, decisiveness, efficiency, candor, fair-mindedness and institutional respect are also the hallmarks of his opinions for the court. Certainly he was productive. He wrote fifty-four majority opinions during his four-year tenure, including many time-consuming death penalty cases. All of his opinions are marked by clarity of prose and reasoning, and by an instinct for the crux and realities of a legal issue.

Many of these well-reasoned decisions favored the People in criminal matters, and business interests and defendants in civil matters. But he never swerved from his determination to approach each case on its own merits, apply the law to the facts and let the chips fall where they might. He called them as he saw them, and the results defy simplistic labels.

Thus, in *New York Times Co. v. Superior Court,* 50 Cal.3d 453 (1990), and *Delaney v. Superior Court,* 50 Cal.3d 785 (1990), he confirmed the strong free-press protections contained in California's newspersons' shield law. He sided with environmental interests in such cases as *Laurel Heights Improvement Assn. v. Regents of University of California,* 47 Cal.3d 376 (1988), which tightened the requirements for an environmental impact report under California's Environmental Quality Act, and *Western Oil & Gas Assn. v. Monterey Bay Unified Air Pollution Control Dist.,* 49 Cal.3d 408 (1989), which upheld the authority of the State Air Resources Board to regulate nonvehicular air pollution. In *S. G. Borello & Sons, Inc. v. Department of Industrial Relations,* 48 Cal.3d 341 (1989), he forthrightly concluded that a corporate produce farmer could not avoid worker's compensation coverage for its seasonal farmworkers by requiring them to sign so-called "sharefarmer" agreements designed to make them independent contractors rather than employees.

His relations with his colleagues were unfailingly courteous and collegial. He would stretch to sign other justices' opinions if he could do so without violating his own conscience. This policy marked his respect for his fellow justices, and for their views on matters open to reasonable debate. It also highlighted his unsentimental conviction that, in many cases, any rule was better than no rule, and that the court's ability to speak with one voice whenever possible promoted both efficiency and credibility.

He conveyed these values to his staff. He insisted that our legal analyses be clear, concise and cognizant of the practical interests at stake. Any new treatise on effective appellate opinion-writing was sure to find its way from the judge's desk to ours. He reminded us time and again that the court's opinions were not for scholars and academics, but for working lawyers and their clients, who must be able to divine and apply the rules we were announcing.

He had an acerbic wit, which he often kept under gentlemanly wraps. But he could reveal his sense of humor in the service of court collegiality. Once, a staff lawyer – known for his polemic talents – submitted a draft dissent couched in passionate hyperbole. Justice Eagleson read the text, smiled ruefully, handed it back, and said, "I think we're going to have to edit this with a fire hose!"

Consistent with his lifelong modesty, he always credited his staff for their contributions, while downplaying his own. He was too self-aware to be self-important. He often insisted that he was on the court only because he had been in the right place at the right time, while we were the real legal brains. It was a gross exaggeration, but we appreciated the compliment.

His adjustment to the court was not entirely smooth. He was not fond of San Francisco's climate, or its ambience, and he missed his beloved Long Beach. When short-sleeved business shirts and plaid golf pants made their appearance, we knew it was an effort to preserve the trappings and comforts of home.

And when he decided it was time to come home, he did not hesitate. He returned to Southern California and began a new career, applying his exceptional talents to become a respected and sought-after private judge. He continued this work, with great success, until very shortly before his death.

He did not, however, forget the relationships he had forged on the court. Whenever he passed through San Francisco on business, or en route to one of the fishing expeditions he loved so much, he made sure to round up his former staff members for lunch and lively reminiscence. Though the years advanced, he remained unchanged – quick and sharp, in command and radiant with glowing health. It is almost impossible to believe he is gone.

But our sadness at his passing is tempered by our understanding that he lived a good and satisfying life – in many ways, the best of lives. He was true to himself, he did everything he wanted to do, and he left a record of public service few can match. What more can anyone ask?

Rick Seitz is currently a senior staff attorney for Associate Justice Marvin Baxter of the California Supreme Court.

Happy Birthday, DCAs

BY KENT L. RICHLAND

The mission of the California Supreme Court Historical Society is much broader than is implied by its name. The Society is dedicated to the preservation and promotion of the history of California's entire judicial system. As a consequence, this is an important year for the Society – it is the centennial of the establishment of California's intermediate appellate courts. On November 8, 2004, the First, Second and Third Appellate Districts will be one hundred years old.

In the beginning – the beginning, in this instance, being 1849, the year the California Constitution was adopted – the state's only appellate court was the Supreme Court. Then comprised of a Chief Justice and two Associate Justices, the Court heard appeals from the decisions of both trial court and the alcaldes (local officials who combined the duties of mayor, police chief and judge), so long as the amount in controversy exceeded two hundred dollars.

For several years the Supreme Court's caseload remained manageable because, as Reporter of Decisions Charles A. Tuttle explained, "little attention was . . . paid to the acquisition of any other property than gold." But with the growth of mining and agriculture came a need for greater predictability in the ownership of real property, a problem made all the more complex by the fact that much property was held under Spanish and Mexican land grants, and boundaries were vaguely defined at best. As a result, in 1862, the Constitution was amended to increase the number of Associate Justices to four and to increase the jurisdictional threshold to three hundred dollars.

The burgeoning caseload led, in 1880, to the addition of two more Associate Justices, bringing the total number of justices on the Court to its present complement of seven. But at the same time, the Court was divided into two divisions composed of three justices each – thus ostensibly doubling the number of cases that could be heard – with provision for en banc hearings in the discretion of the Chief Justice or on the vote of four Associate Justices.

By 1904, with the population of California teeming at 1.4 million, even the reshuffled Supreme Court could not handle the volume of appeals. Three District Courts of Appeal were created: district one embraced the County of San Francisco and other counties generally in the center *Continued on page 11*

California's Courts and Judges: From the 19th to the 21st Century

BY DONNA SCHUELE

In less than three years, the Supreme Court has experienced the passing of three justices, Stanley Mosk, Marcus Kaufman and David Eagleson. Having previously memorialized Justices Mosk and Kaufman, the California Supreme Court Historical Society pays homage to Justice Eagleson in this issue of the *Newsletter*. Rick Seitz, who served as a research attorney for Justice Eagleson, provides an admiring view of his contributions to the Court and California jurisprudence. Justice Eagleson's daughter Beth, herself a member of the bar, follows with a touching portrait linking the professional and the personal in her father's life.

This issue's focus on the Court and its members continues in two more directions. Looking back, Fran Jones and Martha Noble offer a survey of 150 years of California's chief justices, in a fascinating comparison of the nineteenth and twentieth centuries. Their article complements an exhibit on the chief justices on display through July at the Court's headquarters in San Francisco. And, spotlighting one of our more infamous chief justices, David Terry, Los Angeles Times reporter Cecilia Rasmussen entertainingly reminds us that frontier California earned its "wild west" reputation not without help from the bench and bar.

Moving forward, our current Chief Justice, Ronald M. George, and Court of Appeal Justice Patricia Bamattre-Manoukian highlight a very twenty-first-century role that the Court has undertaken – engaging in public outreach and education through annual special oral argument sessions held around the state. In 2001, the Court heard argument in Santa Ana, and in 2002 traveled to Fresno. In this issue, Chief Justice George and Justice Bamattre-Manoukian describe the Court's 2003 return to San Jose for the first time in nearly 150 years. Building on the experiences of the Santa Ana and Fresno sessions, those planning the San Jose session succeeded in involving a wide range of participants: students ranging from high school to law school, local attorneys and judges, dignitaries and others, in a variety of programs both educational and social.

This newsletter issue focuses on other aspects of California's judicial branch as well, looking both forward and back in time. Society President Kent Richland draws attention to this year's one-hundredth anniversary of the Court of *Continued on page 15*

"No Sniveling"
A Remembrance of Dad

BY BETH EAGLESON

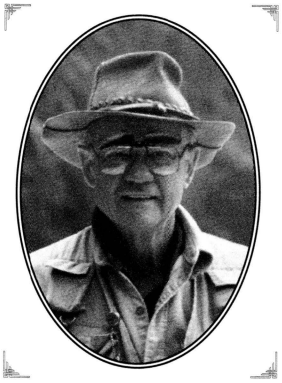
Thing v. LaChusa, 48 Cal.3d 644 (1989). Most legal professionals will remember this as an important case in which the California Supreme Court limited a bystander's cause of action for negligent infliction of emotional distress. I remember it for an entirely different reason, because when I reached two paragraphs on page 666, where Justice David Eagleson explained that emotional distress is a condition of living that simply has to be borne, I was transported back to the living room of the home in Long Beach where my sister Vicki and I grew up. I was standing again in front of my dad, perhaps near his lawyer's briefcase that he always set down when he came home, hearing very similar words about one of my childhood or adolescent catastrophes. And as I envisioned myself in that place again, I thought, "Oh no, no, NO! He is giving his 'no sniveling' lecture to the entire State of California!"

"No sniveling" was our dad's watchword, for himself and for his family. Complaints and fears were invariably greeted with some variation of "no sniveling." It was hard for us to take sometimes, but we could see that his rigorous application of this philosophy to himself served him well.

"No sniveling" meant discipline. Without the benefit of college-educated role models in his family, Dad lived by the motto "do today's lessons today. Tomorrow's will take care of themselves." Every day presented a new opportunity for accomplishment.

"No sniveling" made Dad decisive. Most of you know he proudly attended USC. What you may not know is how he chose to attend there. Dad had been discharged from the Navy after World War II and was ready to use his GI Bill benefits – at UCLA. The enrollment line was long and by the time his turn came, the admissions office was closing. Rather than bemoan a wasted day, Dad recovered his paperwork. He drove across town to USC, where he enrolled on the spot! This, of course, turned out to be a fortunate decision for both.

Dad never complained that others had advantages he didn't. He figured that hard work would create advantage. His rise from a young lawyer in a sole practice, who typed and served his own papers, to a justice of the California Supreme Court is certainly a testament to the soundness of his belief. Dad's success was not entirely his own, however. Our mother, Virginia Eagleson, chose Dad when he was a law student with an uncertain future. As equal partners, they built his career. Mom did not live to see Dad



serve so proudly on the Supreme Court. But he knew that her efforts made his service possible.

"No sniveling" also meant frugality. Except for fishing gear and golf equipment, Dad was not a collector. Except for fishing and golf clothes, Dad was not a fashionista. And when it came to interior design, recycled, old, ugly metal office furniture was his choice. Fortunately, our mother had more style. Shortly after they bought their home, the same one where the lectures occurred, our mother had upholstered furniture designed for the formal living room, used semi-annually. Nearly twenty years later, in response to changing color trends, Mom wanted to have the pieces recovered. Dad was appalled! With the furniture having been sat on no more than three times a year, he could not understand how new upholstery would possibly be needed! Our mother, however, was a tough negotiator, and the furniture was recovered. But, as a condition of the settlement, Dad began to take his morning newspaper onto the off-limits furniture, sitting on a different piece every morning to satisfy himself that the next time she wanted new upholstery there would be a reason to get it!

Dad looked for value everywhere, even from the family dog. Dad wasn't a fan of pets, believing the inconvenience outweighed any arguable psychic benefits. But one day Vicki came home with a puppy. On the basis that a dog should be useful, not merely decorative, Dad decided he would train her to fetch his morning paper. His method was this: to carry her out to the paper, cradled in his arms like a baby, put her down, and show her the paper. Her response was to trot back to the house immediately, empty-mouthed. This "training" was never successful. But, for many years after that, the dog kept him company while he walked outside to get the paper himself.

By now, I might have led you to believe that Dad was an ascetic curmudgeon. Nothing could be further from reality. The application of the "no sniveling" philosophy to his life never caused him to skimp on the things he really valued: travel, music, family, friends, his hometown. Although dad's work often kept him away from family dinners during the week when we were small, he would come home to sit with our mother, each in an identical rocking chair, one lap for each child, singing to Vicki and me before putting us to bed, then returning to work. He had life-long friendships *Continued on page 14*

San Jose and the Supreme Court: A 150-Year Connection

BY CHIEF JUSTICE RONALD M. GEORGE

This article is based upon remarks delivered by Chief Justice George in San Jose on December 2, 2003.

Over the past several years, California's courts have focused on increasing meaningful access to the courts and improving our ability to serve the public. Statewide, courts have engaged in a wide range of community outreach efforts to better acquaint the public with the role of the courts and to better acquaint the courts with the concerns and interests of the public.

The December 2003 Special Oral Argument Session in San Jose continued an important part of the California Supreme Court's outreach efforts, pursuant to which the court ventures beyond the three locations in which it traditionally hears oral argument – San Francisco, Sacramento and Los Angeles. In 2002, the court held a similar special session in Fresno, hearing oral arguments in the Fifth Appellate District's courtroom. The year before, we held a special session in Orange County, hearing arguments in the Old Orange County Courthouse as part of the celebration of the one-hundredth anniversary of that historic building and of that county's bar association.

In San Jose, the court's special session was convened in a historic courtroom of the Santa Clara Superior Court. This was not the first time the California Supreme Court has heard arguments and conducted its business in San Jose. The last time, however, there were no television cameras and much less public interest, reflecting the circumstance that the prior session was held almost 150 years ago.

The earliest connection between San Jose and the California Supreme Court dates back to the colorful history of the initial days of California's statehood, when the Gold Rush was on and the institutions of governance were not yet fully settled and formed. The first California Constitution, ratified in 1849, provided: "The first session of the legislature shall be held at the Pueblo de San Jose; which place shall be the permanent seat of government, until removed by law."

Within the first few years of statehood, the Legislature had voted to move the capital, first to Vallejo, then to Benicia, and then, in 1854, to Sacramento. Even before California officially became a state, however, the Supreme Court had established itself in San Francisco. This choice was authorized by the Legislature for a time, but in 1854, when it voted to move the seat of government to Sacramento, the Legislature also directed that "the sessions of the Supreme Court shall be held at the Capital of the State."

Three days after the Legislature voted to move the capital to Sacramento – and to take the Supreme Court with it – the court convened, on March 27, 1854, in San Francisco. At that time the court consisted of only three justices. By a 2 to 1 vote, the majority rejected the Legislature's determination that Sacramento was the seat of government and instead concluded that the lawful capital was San Jose. Acting without arguments and without issuing a written opinion (a practice the court would not engage in today), the two-justice majority issued an order directing the sheriff of Santa Clara County to rent quarters in San Jose and to move the court's furnishings, books and records there.

Some have suggested it may be relevant that one of the two justices in the majority, Associate Justice Alexander Wells, was a resident of San Jose. Whatever the reason for this order, it is undisputed that the court packed up its belongings and moved south. As colorfully reported by the *Daily Alta California* newspaper on March 31, 1854: "The archives, and a portion of the furniture of the Supreme Court, accompanied by the Clerk, took their departure yesterday [from San Francisco] for San Jose, in accordance with the decision recently rendered by the majority of the court. The court went off in a style in keeping with its supremacy. A handsome Express wagon of Messrs. Adams & Co., to which was harnessed the private horses of the proprietors, drew up before the door of the City Hall, and received the legal lore, handsomely bound, which has been accumulating in the court since its organization. The court went off in dashing style, and we fancied that we saw the shades of Blackstone and Coke looking out of one of the windows of the City Hall."

The court met in San Jose on the first Monday in April and throughout the remainder of 1854. The San Jose *Telegraph* reported that the sheriff had provided "a large and very handsome hall, in the second story of [a] new and substantial brick building" for the use of the court. The press account continued: "The Supreme Court will be quite elegantly and conveniently provided for here, as at any place in the state. The rooms, and the location, fit exactly." Noting that it was still unclear where the Legislature and officers of the state would be located, the report concluded, "We are satisfied and gratified to have the Supreme Court with us."

The building that housed the Supreme Court in 1854, at the corner of Market and *Continued on page 13*

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 countries. 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 contraceptives 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 Prepatory; 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 proceeding 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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Leadership for Justice: California's Chief Justices from the 19th to the 20th Century

BY FRANCES M. JONES & MARTHA R. NOBLE

"Leadership For Justice," an exhibit including photographs and biographies of each of California's chief justices, is available for viewing through July 31, 2004, in the Archives Room on the first floor of the Earl Warren Building, the Supreme Court's headquarters at 350 McAllister Street, San Francisco. This article draws on research conducted in preparation for the exhibit.

The leadership, scholarship and service of California's chief justices have established an honorable tradition and guided the development of California law and jurisprudence for more than 150 years. Twenty-six men and one woman have served as Chief Justice of California since the adoption of the Constitution of 1849. Of different times and places, they have in common the honor of high office, the privilege of service and the mantle of leadership through good times and difficult times.

Chief Justices of the Nineteenth Century

Fifteen of California's twenty-seven chief justices were elected or appointed during the first fifty years of statehood. Their terms of service were generally brief, averaging slightly more than three years each. Chief Justices Murray, Wallace and Morrison served for terms of more than five years. The shortest term of service, two months, was that of Chief Justice Sprague, in January and February 1872; and Chief Justice Lyons served only three months in 1852. Five chief justices (Hastings, Sanderson, Currey, Sawyer and Rhodes) each served for two years.

The two-year terms were not by choice: instead they were mandated by constitutional provision or legislative act. Chief Justice Hastings was appointed for a term of two years by the Legislature of 1850. Constitutional amendments ratified in 1863 increased from three to five the number of justices of the Supreme Court and provided for a special judicial election held in October that year. The five new members of the court were classified by lot, with one leaving office every two years, resulting in terms of two, four, six, eight and ten years. The justice with the shortest term left to serve was designated Chief Justice. As a result, Sanderson, Currey, Sawyer, Rhodes and Shafter succeeded to the office of Chief Justice every two years. (Justice Shafter resigned in 1867 because of failing health.)

With his term spanning the centuries, Chief Justice Beatty served far longer than any of those who preceded him: twenty-five years, including eleven years (1889-1900) in the nineteenth century.

Reflecting the frontier status of the Golden State, none of the nineteenth-century chief justices was a California native. Five were born in New York, three in Kentucky, two in Vermont, and one each in Connecticut, Illinois, Missouri, Ohio and Pennsylvania. Their legal education also reflected the times: thirteen studied law in practitioners' offices and only two attended law school. Chief Justice Morrison, elected after the adoption of the Constitution of 1879, attended Harvard. Chief Justice Sanderson attended law school in New York. Collectively they were admitted to practice in at least ten state jurisdictions other than California: four in New York, three in Indiana, two in Iowa, and one each in Illinois, Kentucky, Missouri, Nevada, Ohio, Texas and Wisconsin.

The average age when beginning their service as chief justice was forty-four years old. Chief Justice Murray was the youngest, at twenty-six. Chief Justice Searls was the eldest, at sixty-one. All held prior elective or appointed public office, and five had military service in other jurisdictions.

Ten of the fifteen had prior service as associate justices of the California Supreme Court. Two chief justices also held important collateral positions with regard to the court. Chief Justice Cope served as Reporter of Decisions, for volumes 63 through 72 of California Reports, after his retirement from the court. Until his appointment as chief justice in 1887, Chief Justice Searls served as a commissioner for the court under legislation enacted in 1885. He then resumed this post in 1894.

Two served as chief justices in other jurisdictions: Chief Justice Hastings in Iowa and Chief Justice Beatty in Nevada. And Chief Justice Field was appointed to the United States Supreme Court by President Lincoln, serving from 1863 to 1897.

Chief Justices of the Twentieth Century

The next one hundred years saw the appointment of twelve chief justices, eleven men and one woman. In the absence of constitutional and legislative impediments to longer service, twentieth-century chief justices held office for an average of seven years, more than double the average length of time served in the nineteenth century. Four chief justices appointed during the century (Chief Justices Waste, Gibson, Bird and Lucas) served more than seven years, and they were preceded by Chief Justice Beatty, who served fourteen *Continued on page 14*

The Many (Mis)Adventures of Chief Justice David Terry

BY CECILIA RASMUSSEN

California has had twenty-seven chief justices – and perhaps one of them, David Smith Terry, should have spent more time in prison than on the bench.

Born in Kentucky in 1823, Terry later moved with his family to Texas. In 1847, he took what was already a shoot-first style to the Texas Rangers. There he fought in the Mexican-American War to defend United States claims to Texas, under the command of "Old Rough 'n' Ready," future President Zachary Taylor. In addition, Terry studied law and passed the bar in Galveston, answering the only question put to him: "Do you know the price of a dish of oysters?" He did – and bought oysters and whiskey for his examiners.

In 1849, at age twenty-six, he was a powerfully built and physically imposing young man of six feet, three inches when he and twenty other former Rangers – along with a few of Terry's slaves – went west to the California gold fields. Like so many successful '49ers, he found his fortune not in mining but in business – as a crafty lawyer in Stockton.

California's new constitution, drawn up in 1849, included an anti-slavery provision, something Terry had tried to prevent as a delegate to the constitutional convention. When his firebrand speeches failed to sway the debate, he lobbied to split California in half, one pro-slavery, the other free.

His violent courtroom manner and hair-trigger temper made his reputation as a man not to be trifled with. When a San Francisco scandal sheet offended him in print, he beat up the editor and was fined three hundred dollars. (Stabbing a litigant in court brought him a fine of fifty dollars.)

In 1855, with the help of pro-slavery forces, he was elected a state Supreme Court justice as a Democrat. By then, San Francisco's anti-slavery civic leaders had had their fill of Terry and his cohorts. They formed the city's Vigilance Committee, which chose its targets in secret – and Terry was one of them. In a continuation of a series of skirmishes in San Francisco, Terry and his fellow Southerners were heading toward the state armory when Vigilance Committee members intercepted them. In the brawl, Terry stabbed committee leader Sterling Hopkins through the neck.

During Terry's twenty-five-day trial in the vigilantes' court, he contended that he had "merely

resented an insult and defended my own life." He was found guilty of assault and resisting an officer, and was imprisoned briefly, but was released because Hopkins lived. The Vigilance Committee ordered Terry banished from the state, but that punishment was never enforced.

In spite of public contempt, Terry resumed his seat on the Supreme Court. In 1857, Chief Justice Hugh J. Murray died, leaving Terry the most senior justice. He was thus elevated to Chief Justice. Terry's former seat was taken by an anti-slavery Democrat, Stephen J. Field, of whom Terry later said contemptuously: "There is no man living who could give a better reason for a wrong decision than Field."

In September 1859, Terry locked horns with anti-slavery United States Senator David C. Broderick, which led to the state's most celebrated "affair of honor." For Terry to remain on the bench, he had to be nominated for reelection, but the Democratic Convention refused to do so. He blamed Broderick, who then called Terry an "ingrate." "I have said that I consider Terry the only honest man on the Supreme Bench, but I now take it all back," Broderick boomed in an angry voice to a group of friends. Broderick's remarks were relayed to Terry, and the duel was set.

In the nineteenth century, California was not just a place of casual violence; it was the site of more fatal duels than any place else in the nation. Although duels were viewed by some as a gentlemanly way of resolving disputes, newspaper editorials across the state had, as early as 1852, denounced the practice as "irrational and barbarous."

On that September morning, Terry wrote out his resignation, took off his court robes and met Broderick at 6:45 a.m. at the appointed place, "a beautiful ravine" in San Mateo. Terry won the coin toss, so his dueling pistols were used. Both had hair-triggers. Terry had practiced with them; Broderick had not. The two marked off ten paces, turned and fired. Broderick's gun went off prematurely, with the bullet digging into the ground. A split-second later, Terry fired, hitting Broderick in the chest. He died three days later.

Terry was charged with murder, but a change of venue to Marin County gave him a friendly judge who dismissed the case. Public revulsion ruined any chance of Terry returning to the *Continued on page 13*

ON YOUR BOOKSHELF

(Re)Living History

BY RICHARD SCHAUFFLER

Today, California boasts the largest court system in the world – 2,000 judicial officers located in over 450 court facilities staffed by over 20,000 hard-working court employees, serving a diverse public. But until the publication of Larry Sipes' book, *Committed to Justice: The Rise of Judicial Administration in California,* the history of the evolution of court administration had gone largely unnoticed and certainly untold. The California Administrative Office of the Courts (AOC) has done the public a great service by commissioning Sipes to make the first attempt to assemble such a history of this important aspect of the state's third branch of government.

Larry Sipes was well positioned to undertake this effort, having served as director of the Western Regional Office of the National Center for State Courts (NCSC) and subsequently as president of the NCSC. In California, Sipes distinguished himself as a special master for the Marin County Superior Court, director of the California Judicial Council's Select Committee on Trial Court Delay, and director of the California Constitution Revision Commission. In the course of his career, Sipes developed personal acquaintance with many of California's chief justices as well as all four of its state court administrators, and his vantage point as both an observer of other states as well as active participant in California's judicial branch gives him a unique and invaluable perspective.

Accounting for the entire history of the judicial branch, from its modest beginnings in 1850 through to its modern form in 2000, is no small task, and Sipes' first challenge was to define his approach. As he explained to me, "My first assumption was that the later part of the twentieth century, say 1975 to 2000, was the most important period to address in view of milestones such as trial court unification, the move to state funding of the trial courts, and significant changes in judicial branch governance." But even that simplifying assumption proved problematic: "I soon discovered that each of these achievements had deep roots, and even expanding the horizon to the last half century did not always present the entire picture. Moreover, important monuments to progress, with none more important than the creation of the Judicial Council in 1926, were sprinkled across the state's 150-year history. So, with considerable trepidation, I embarked on assessing that entire period."

In examining the full history, Sipes condenses the first hundred years into the initial chapter, tracing the evolution of California's judicary from its confused beginnings in Mexican law to a six-tiered court system handling over 2.4 million filings by 1950 and governed by the Judicial Council. As Sipes notes at the end of this chapter, "The most striking feature of this period was the rather modest nature and extent of changes in the judicial system."

The treatment of the first century is necessarily schematic, but Sipes does an excellent job of situating the evolution of the judicial branch within the larger political project of the creation of the State of California and its constitutional government. Sipes explained, "I found studies and books regarding the period surrounding statehood, particularly those focused on the constitution of 1849, quite engaging. I relied on them extensively as I did the material regarding the constitution of 1879 and the convention that crafted that major revision of California's governing charter."

The remaining fourteen chapters of the book deal with the modern history of the judicial branch from 1950 to 2000. The final chapter looks ahead to the next fifty years and outlines demographic, political and economic challenges facing the courts.

Hardly a stone is left unturned along the way. Sipes examines the governing institutions of the branch – the Judicial Council and the Administrative Office of the Courts – but also gives voice to the state's trial courts. He colorfully notes in Chapter Three: "If the judicial branch of government is history's stepchild, the trial courts are history's orphans." Sipes rightly laments the absence of sources regarding trial court administration, and observes that the local nature of these county courts often meant that their history went undocumented. In our correspondence, Sipes underlined this point: "Comprehensive snapshots of the administration of justice at the base of the judicial pyramid do not exist. They should."

Two of the major reforms – trial court unification and state funding of the trial courts – are each the subject of their own chapters. Sipes himself was an important player, largely behind the scenes, in both of these efforts, although he is far too modest to indicate this to the reader in his biography. This unique vantage point does allow him to discuss each of these reforms with great insight, offering commentary on the many nuances of these issues, the political and economic context surrounding these changes, and the role of key players including both individuals and the Judicial Council itself. Looking back on these efforts, Sipes told me "the greatest personal insight gained from this endeavor was documenting the

lengthy gestation period required for major improvements in the judicial branch. The process is acutely evolutionary rather than revolutionary."

Committed to Justice additionally discusses major efforts at court improvement, including civil delay reduction, expanded judicial education, the rise of alternative dispute resolution and the courts' efforts at improving access to justice for California's diverse population. As Sipes noted to me, "The resulting book is admittedly a selective list of milestones that seemed most worthy of memorialization." Sipes has chosen well, and there is much to be learned from his treatment of the issues he selected.

Yet, beyond the milestones he explicates, mysteries remain for future historians to unravel. Why did Governor Deukmejian veto the 1984 Trial Court Funding Act, delaying state funding of the trial courts for over a decade? What impact did the unseating of Chief Justice Rose Bird in 1986 have on subsequent judicial retention elections? Why did the Judicial Council and the AOC take no position on the Trial Court Delay Reduction Act of 1986, and why are they more proactive now in the legislative arena? How are we to understand the rise of problem-solving courts (also known as collaborative justice courts, therapeutic justice, etc.) for adjudicating drug cases and domestic violence cases, and what is their impact on traditional forms of adjudication?

The California courts are engaged in a large-scale transformation of their economic, political and social foundations, as well as a redefinition of their role in society. Such a change cries out for informed analysis and broader public discussion, in a continuation of the project that Sipes has begun. Judicial officers, court administrators, AOC staff, litigators and those generally interested California law, policy and history will all find much to engage them in *Committed to Justice*. For those involved in or affected by judicial administration, understanding where in the courts' evolution they find themselves will render them more effective actors in ongoing efforts to improve access to justice. While there is little danger in this instance that those who do not know this history will be forced to repeat it, it is also true that courts change slowly, and understanding the events of 1986 is still of great relevance to understanding what is happening in judicial administration today.

Rimbaud once noted that "a poem is never finished, it is abandoned in despair." Less dramatically, but equally impassioned, Sipes acknowledged, "The greatest disappointment [in researching this book] was the almost total absence of recorded perspectives of leaders of the judicial branch. I would hope that an effort can be made to capture the knowledge and experiences of current and former chief justices and administrative directors of the courts, and that trained historians will be enticed to attempt a comprehensive history of this 150-year period of judicial administration."

With the publication of *Committed to Justice*, Larry Sipes has built an excellent foundation for future historians of the California courts. He is to be commended, along with William Vickrey, the current Administrative Director of the Courts, who commissioned him to undertake this project. The question now is, who will take up Sipes' challenge to continue this effort?

Richard Schauffler is the Director of Research Services at the National Center for State Courts in Williamsburg, Virginia. A native Californian, he previously worked at the California Administrative Office of the Courts.

LET US HEAR FROM YOU

Send suggestions for On Your Bookshelf *and* Member News *contributions to:* director@cschs.org.

Happy Birthday

Continued from page 3

of the state; district two covered Los Angeles County and those counties in the southern part of the state; and district three consisted of Sacramento County and the more northern counties. One panel of three justices sat in each district. Cases moved between the Supreme Court and the District Courts of Appeal with some fluidity, since the Supreme Court had the discretion to assign any case within its original jurisdiction to be heard in any District Court of Appeal, and by the same token could pluck for its own hearing any case pending in a District Court of Appeal.

One hundred years later, our intermediate appellate courts have matured. We now have six districts, and those districts are in turn divided into nineteen divisions. The number of appellate justices has increased from nine to one hundred five. In the vast majority of Supreme Court cases, review is granted only after a Court of Appeal has heard the appeal first. And, incidentally, under Article VI, Section 3 of the California Constitution, our intermediate appellate courts are now called simply Courts of Appeal, rather than District Courts of Appeal. Old-timers, however, still affectionately refer to them as "DCAs."

Please join me and the other members of the Society in wishing our DCAs a happy one-hundredth!

The Los Angeles *Daily News* reports that retired Supreme Court JUSTICE ARMAND ARABIAN has been awarded the Ellis Island Medal of Honor. The newspaper recounts the harrowing journey of Justice Arabian's father and grandmother, who fled the Turkish invasion of Armenia in 1915 and later came to the United States via Ellis Island. The award is given to American citizens who "preserve and reinforce the value of their heritage, and contribute extraordinary service to humanity." The Society congratulates Justice Arabian on receiving this distinguished honor.

Professor and CSCHS Board of Directors member GORDON BAKKEN presented the paper "Western Legal History's Second Century," at the 2004 Annual Meeting of the Association of American Law Schools in Atlanta in January. In addition, he co-edited the *Encyclopedia of Women in the American West*, which was published by Sage Reference, Inc. in 2003, and reviewed *The Legal Culture of Northern New Spain, 1700-1810,* by Charles R. Cutter, for the Fall 2003 issue of *Journal of the West.*

MAGDALENA REYES BORDEAUX, manager of Public Counsel's Debtor Assistance Project, has published an article entitled "Pro Se Debtors: Problems and Proposed Recommendations for Addressing the Needs of Unrepresented Debtors" (vol. 27, no. 2) in the *California Bankruptcy Journal,* the leading scholarly journal for bankruptcy practitioners in California.

The Los Angeles *Daily Journal* reports that JUDGE LAWRENCE W. CRISPO resigned from the Los Angeles Superior Court in April. During his ten years on the bench, Judge Crispo presided over criminal and civil matters, most recently at the Stanley Mosk Courthouse. He will pursue private judging, arbitration and mediation with ADR Services. The CSCHS wishes Judge Crispo the best in his new endeavors.

Court of Appeal JUSTICE EARL JOHNSON, JR., was honored with two significant awards recently. In November 2003 Consumer Attorneys of California bestowed the 2003 "Appellate Judge of the Year" Award upon him at a banquet held in San Francisco. In February 2004 he received the Benjamin Aranda III Access to Justice Award. This award is co-sponsored by the Judicial Council, the State Bar of California and the California Judges Association. The award annually recognizes a judge who has demonstrated a long-term commitment to equal access to the judicial system. In particular, Justice Johnson was honored for his long-standing efforts to provide civil legal access to the poor. The Society congratulates Justice Johnson on these well-deserved awards.

Professor and CSCHS Board of Directors member HARRY N. SCHEIBER reports that he was an invited participant in the Organization for Economic Cooperation and Development experts conference, held in Paris in April. The conference addressed issues regarding international ocean fisheries law and its implementation.

Law and Politics magazine recently polled 65,000 Los Angeles and Orange County attorneys, asking them to vote for the best lawyers they had personally observed. The resulting candidates were then put through a screening process to determine the top five percent of attorneys in both Los Angeles County and Orange County. The results were published in the February issues of both *Law and Politics* (Southern California Edition) and *Los Angeles Magazine*, and can also be found at *www.superlawyers.com.* Member RANDY SPIRO writes that he is one of the attorneys listed in the Estate Planning/Trusts section. Congratulations, Randy!

Following up on the report of his nomination, a victorious SCOTT WYLIE writes, "In January I was sworn in as the Secretary of the Orange County Bar Association and will therefore serve as President in 2007 (i.e., I won!)." Congratulations, Scott!

SAVE THE DATE

Mark your calendar to attend CSCHS-sponsored events at the State Bar Annual Meeting in Monterey in October. Our MCLE panel, Civil Liberties During Wartime: Taking the Long View of the U.S. PATRIOT Act, *will take place on Saturday, October 9th at 2:15 p.m. Scheduled speakers include Erwin Chemerinsky, Michal Belknap and Mary Dudziak. A members reception will follow at 4:30 p.m.*

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Committed to Justice

The Rise of Judicial Administration in California

Larry L. Sipes

This hardcover volume from California's Administrative Office of the Courts documents the most significant milestones in the evolution of the largest court system in the nation. It explores the challenges and triumphs in the administration of justice from statehood in 1850 to the beginning of the 21st century, including:

- The dynamics of governing the judicial system
- Reorganization and unification of the trial court system
- Stable funding of the courts, with independence and accountability
- A system for judicial discipline
- Fairness and access to justice for all
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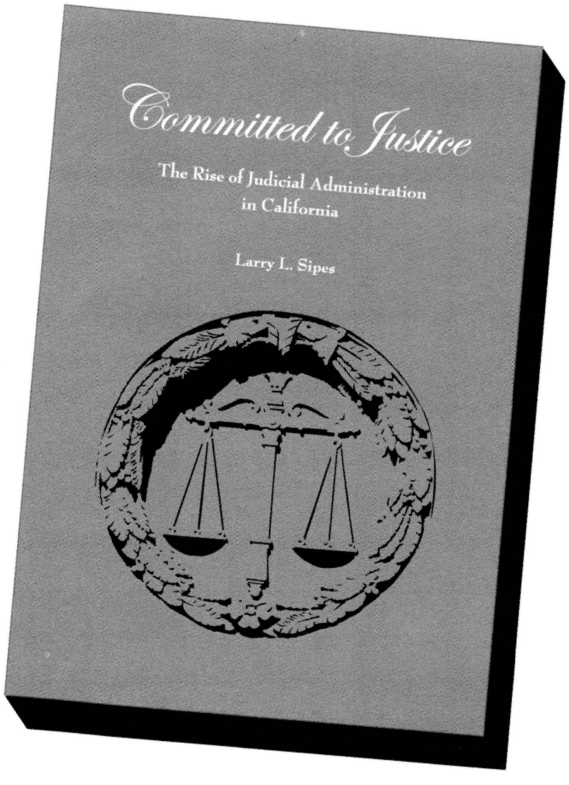

Copies of *Committed to Justice* are available for $24 (including handling, postage, and sales tax). Complete ordering information is available at *www.courtinfo.ca.gov/reference/commjust.htm.*

150-Year Connection

Continued from page 5

West Santa Clara Streets no longer exists. It was one of seventeen locations in which the court sat between 1850 and 1923, when it finally settled in at its present home – a tenure since interrupted only by an earthquake and the ensuing need for remodeling.

The court remained in San Jose through the end of 1854, but the dispute over the location of the state's capital continued. The Governor, John Bigler, a resident of Sacramento, filed suit in San Jose in district court, as the superior court was then known, challenging the Supreme Court's order that San Jose was still legally the capital of the state. The trial court ruled in favor of San Jose, and the Governor appealed.

While that appeal was pending before the Supreme Court, Justice Alexander Wells, the justice from San Jose, died unexpectedly. The Governor appointed Charles Bryan to replace him. Justice Bryan in turn promptly joined with the dissenter from the previous decision, Chief Justice Hugh Murray, and authored a new 2-to-1 decision upholding the validity of the Legislature's actions in declaring that Sacramento was indeed the capital of California.

The court soon moved to Sacramento, where it stayed for nearly twenty years. In 1874, however, the court returned to San Francisco and began holding many of its regular sessions there. Four years later, in 1878, the Legislature expressly provided by statute that the court should hold regular sessions in Sacramento, San Francisco and Los Angeles – a practice that continues to this day, while the Supreme Court's home chambers remain in San Francisco.

Nearly 150 years later, my colleagues and I were very pleased to return to hear arguments in San Jose once again. Fortunately, this time no act of the Legislature or order of the Supreme Court was necessary to bring us there. And although we arrived in automobiles instead of horse-drawn carriages, we could not have been more pleased to be in San Jose.

The (Mis)Adventures of Justice Terry

Continued from page 9

Court, however. He resumed his private law practice in Stockton until 1863, when he joined the Confederate army, fighting at the Battle of Chickamauga. Then, with the war over and the matter of slavery decided, he returned to California in 1868 to a prosperous law career and more scandal.

In 1884, as a private attorney, Terry pitted himself against another powerful politician, William Sharon, a millionaire widower and former senator from Nevada. Terry represented Sarah Althea Hill in a nationally publicized trial where she claimed she was secretly Sharon's wife. Sharon insisted that he had merely paid Hill five hundred dollars a month to live with him. She sued to validate the marriage, in order to obtain a divorce and gain half of his $30 million estate. Sharon fought the suit to his dying day, with his heirs picking up the struggle in 1885 in order to protect the family fortune. Terry won one round in state court but lost another in federal court.

In the meantime, being a recent widower, he married Hill. She was twenty-five years his junior and had her own reputation for high-handed violence. In 1888, on a train, Hill insulted a federal judge involved in her divorce suit. When he didn't respond, she grabbed him by his gray hair and shook him violently. Later that year, in another hearing on her suit, Hill initiated a dust-up with Terry's former California Supreme Court colleague, Stephen J. Field, now a justice on the United States Supreme Court. Field, whose involvement in the suit stemmed from his circuit duties, was accused by Hill of being "bought." When marshals tried to remove her, Terry fought with them. Field sent the husband and wife to jail and Terry swore vengeance.

On August 14, 1889, en route to yet another court hearing, the Terrys boarded a train in Fresno. Field and his bodyguard, U.S. Marshal David Neagle, happened to be aboard. The Terrys, Field and Neagle all got off at a stop for breakfast. Field was sitting down to eat when Terry paced behind him, glaring at the back of his head. Suddenly, Terry punched him. "Stop! Stop! I am an officer!" yelled Neagle. He pulled his gun. When Terry punched the justice again, Neagle fired twice into Terry's chest, killing him. The U.S. Supreme Court ruled that California lacked jurisdiction to prosecute Neagle because the killing had taken place in the course of Neagle's official duties as a federal officer.

After Terry's death, Hill lost her divorce case and went mad. She was committed to the state hospital for the insane in Stockton, where she spent the last forty-five years of her life.

Cecilia Rasmussen is a staff writer for the Los Angeles Times. *An earlier version of this article appeared in her weekly "LA Then and Now" Column, which features the history of Los Angeles and California. In 2001, this column received the "Top of the Times" award for sustained excellence. The article is reprinted with the permission of TMS Reprints.*

Leadership for Justice

Continued from page 8

of his twenty-five years in the twentieth century. The longest tenure of the twentieth century was that of Chief Justice Gibson, who served for twenty-four years, three months. The shortest tenure was that of Chief Justice Sullivan, who served five months in 1914-1915.

Reflecting the longer life spans of the twentieth-century, these chief justices were on average more than a decade older than their counterparts in the nineteenth-century. Their average age at the beginning of their service as chief justice was fifty-six. Chief Justice Bird was the youngest, appointed at age forty; and Chief Justice Shaw was the oldest, appointed at age seventy-six.

The twentieth century also saw the appointment of the first California native, Chief Justice Sullivan, in 1914. He was followed by five additional native Californians: Chief Justices Angellotti, Waste, Wright, Lucas and George. Seven of the twelve graduated from California law schools, including three from Hastings College of the Law; two from Boalt Hall School of Law at the University of California, Berkeley; and one each from Stanford Law School and the University of Southern California Law School. They were admitted to practice in at least five other state jurisdictions (Illinois, Indiana, Missouri, Nevada and Wisconsin) and to practice in the federal courts.

Similar to the nineteenth-century experience, nine of these twelve served as associate justices of the California Supreme Court prior to their appointments as chief justice, and all held prior elective or appointed public offices.

Two chief justices' terms have spanned the centuries. Chief Justice Beatty, the longest-serving chief justice, held office from 1889-1914. Chief Justice George, whose term began in May 1996, is the first to serve in the twenty-first century.

The authority and responsibilities of the Chief Justice of California are mentioned only twice in the Constitution of 1849. The expansion of the responsibility held by contemporary chief justices is evident, in part, from the constitutional and statutory references to their duties and authority, now noted more than 120 times in the Constitution, statutes and court rules of the state.

Each and all of the chief justices have contributed to the establishment of justice and the rule of law in California. Each and all of them have broken new ground while maintaining the tradition of leadership, scholarship and service. To California's future, they have given a solid, strong foundation for the protection of democracy and the preservation of justice.

Sources for this article include:

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www.courtinfo.ca.gov

A reference table listing the dates of birth, death and years of service of all of California's chief justices will be posted on the Society's website, at www.cschs.org, *which is currently under construction.*

Frances M. Jones (JD, MA) is Director of Library Services at the California Judicial Center Library. Martha R. Noble (MLIS) is Assistant to the Director. The California Judicial Center Library, located in the Hiram Johnson State Building, San Francisco, serves the California Supreme Court; the California Court of Appeal, First Appellate District; and the Administrative Office of the Courts. The authors gratefully acknowledge the research contributions of Christina C. Banker, Robert S. Malesko, Judith S. Mitchell and Linda F. Sharp.

"No Sniveling"

Continued from page 4

because he always made time for them. More recently, he became friends with his five grandchildren, showing them how to fish in Montana and Mexico. And, of course, in his final years he shared all of these interests and attributes with his wife, Lillian. He lovedLong Beach and California. For all his travels, he never really wanted to be anywhere else.

When I read *Thing v. LaChusa*, I recognized not only Dad's life philosophy, but I heard his voice. Those of you who knew him will miss him deeply. You will sometimes wish you could hear his voice again. When you feel that way, do what I do: read those paragraphs in *Thing v. LaChusa*, listen with your hearts and memories, and you will, like me, hear his voice again. For those of you who never knew him, but want to know what kind of man he was, read *Thing v. LaChusa*. Dave Eagleson is there and will tell you everything you need to know.

Beth Eagleson is an attorney for Sempra Energy in San Diego.

Courtroom Becomes A Classroom

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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

Continued from page 3

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!

LET US HEAR FROM YOU

Send Member News *contributions and suggestions for* On Your Bookshelf *to:* director@cschs.org.

As a benefit of membership for 2004, Judicial Level* and higher will receive the California Supreme Court Historical Society's journal, renamed *California Legal History.*

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