

San Diego Law School Celebrates Anniversary With Supreme Court Special Session

BY KEVIN J. LANE

As part of its mission, the judicial branch reaches out to the community to encourage discussion, educate the public, and create a better understanding of the role of courts throughout California. Leading by example, the California Supreme Court held a special oral argument session in December 2004 at the University of San Diego School of Law that offered a learning opportunity for teachers, students, attorneys, judges, court staff, and the public.

The University of San Diego invited the Supreme Court to hold this session to coincide with the celebration of the law school's fiftieth anniversary. Upon the Supreme Court accepting the invitation, the Fourth District Court of Appeal immediately began planning for this historic event. In past years, the Supreme Court has held special sessions in Santa Ana, Fresno, and San Jose. Administrative Presiding Justice Judith McConnell wanted this special session to be the most extensive community outreach to date. She brought together school administrators, teachers, attorneys, judges, and many others throughout the community to plan and participate in the event.

The Court of Appeal formed a special community outreach working group that was chaired by Associate Justice Joan Irion. The group included representatives from the Court of Appeal, the San Diego Superior Court, the San Diego County Bar Association, the Imperial County Bar Association, and the Offices of Education for San Diego and Imperial counties. Teachers from more than ninety high schools throughout San Diego and Imperial counties were invited to attend the special session with their students. To maximize participation, the Center for Judicial Education and Research worked with the University of San Diego to broadcast the event both on the California Channel and via a cable feed to all schools in San Diego County.

Once the Supreme Court announced in November the cases to be heard, the work began in earnest. For each case, a summary was written which outlined the issues on appeal. Additionally, study guides were prepared that included points of discussion for the classroom. The San Diego County Bar Association recruited its members to visit high schools during the week before oral argument so that students could better understand this event. These volunteer attorneys explained the legal process and answered questions about the cases to be argued before the Court.

Extensive web pages were developed specifically with internet-savvy high school students in mind.



A student participates in a question-and-answer session with the Justices of the Supreme Court.

These web pages included the case study guides as well as general information about the Supreme Court, the judicial system, and law-related careers. Additional web pages were targeted towards teachers, attorneys, the media, and members of the public. These web pages can be viewed at <http://www.courtinfo.ca.gov/courts/courtssofar/4thDistrictDiv1/>.

The Special Oral Argument Session took place on December 7 and 8, 2004, at the Joan B. Kroc Institute for Peace and Justice on the campus of the University of San Diego. Prior to the opening of the special session, students were shown two informative videos explaining the history of the Supreme Court and providing brief biographical information about its justices. The session then began with remarks by Chief Justice Ronald George, Administrative Presiding Justice Judith McConnell, and USD School of Law Dean Daniel Rodriguez. As part of the outreach program, ten students were given the opportunity to ask questions of the Supreme Court, including "How difficult is it to set aside your moral beliefs, standards and personal experiences in applying the law to make judicial decisions?" and "Is it more democratic to interpret the Constitution based on contemporary views or on its original intent?"

For students watching the session via a broadcast to their schools, Superior Court judges and attorneys served as moderators, so that the students could understand just what was occurring in the courtroom.

With the reading of the calendar, oral argument began. The cases involved issues such as how to determine whether a murderer is "mentally retarded" for purposes of imposing the death penalty, whether a defendant's statement made to police clearly invoked his right to counsel, and whether an employee must exhaust all internal administrative procedures prior to filing a whistle-blower lawsuit. With twelve cases being heard during those two days, twelve hundred students were able to attend this special oral argument session.

As part of its fiftieth

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CSCHS Makes a Splash

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the justices for taking time from their busy schedules at the Annual Meeting to attend our reception.

It is only with the support of our members, who donate to us via both the state bar fee statement and direct appeal, that the California Supreme Court Historical Society can sponsor these well-received continuing legal education programs and receptions at the State Bar convention each year, and for this we are extremely grateful.

We invite you to join us for our program at the 2005 Annual Meeting in San Diego, on Saturday, September 10th, at 2:15 p.m. Our program is entitled "Religion and the State: The Evolution of the First Amendment," and we hope that the topic proves to be as timely as last year's examination of civil liberties during wartime.

We plan to cover such topics as the changing position of the Baptist Church regarding separation of church and state, from the colonial period to the present; the instrumental role played by Jehovah's Witnesses in shaping modern religious freedom doctrine; and recent cases highlighting the nexus between the state and religion such as challenges to the text of the Pledge of Allegiance and government-sponsored displays of the Ten Commandments. As always, we hope that a greater historical understanding will shed light on today's controversies.

With meetings of the California Judges Association and California Judicial Council, along with the California Judicial Administration Conference, also taking place in San Diego, a significant number of our members will have the opportunity to join us immediately following the educational program for our reception, beginning at 4:30 p.m. We particularly encourage our Associate members who donate via the fee statement to stop by and learn more about the Society's mission, as well as its programs and publications.

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This issue of the *Newsletter* inaugurates two series of articles. In 2005, California celebrates the one-hundredth anniversary of the establishment of the Court of Appeal. Previous issues of the newsletter have highlighted the interesting path taken by the state that resulted in the formation of an intermediate appellate court. With this issue, we begin a series that focuses on the individual histories of each of the six districts of the Court of Appeal, and we thank Justice James J. Marchiano of the First District for kicking off the California Supreme Court Historical Society's contribution to the year-long statewide celebration. As well, we will keep you informed of the various commemora-

tive activities that will take place around the state during the year.

Another series focuses on the experiences of California women with the death penalty. We start with the twentieth-century Los Angeles case of Nellie Madison, which will be book-ended in the Fall/Winter 2005 *Newsletter* by the infamous nineteenth-century San Francisco trial of Laura Fair. Taken together, these articles reveal both the continuities and the changes in the ways the criminal justice system (including the California Supreme Court), the media, and the public viewed the crime of murder when the accused happened to be female and the conviction carried with it a sentence of death. These cases provide a fascinating window into the politics, mores, and law of two very different times and places in California history.

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anniversary celebration, the law school hosted a special gathering for the justices of the Supreme Court and Court of Appeal and its faculty and staff. The following evening, the San Diego County Bar Association hosted a reception and dinner for the Supreme Court. Among the guests were the justices of the Court of Appeal, Superior Court judges, and many prominent attorneys from San Diego and Imperial counties. The reception and dinner took place at the San Diego County Bar Association Building and the historic El Cortez Hotel, and allowed the San Diego legal community to meet and mingle with the justices of the state's highest court.

The Supreme Court Special Oral Argument Session was viewed as a tremendous success by the Court, the legal community, and the high schools. Students and teachers were surveyed regarding their experience. They came away with a clearer understanding of and respect for the judicial process. In addition, the special session piqued students' interest in pursuing legal careers. Who knows – maybe a student was even inspired to become a Supreme Court justice!

For more information regarding this historic special oral argument session, please visit the website at www.court-info.ca.gov/courts/courtsofappeal/4thDistrictDiv1/ or contact Clerk/Administrator Stephen M. Kelly at (619) 645-2762.

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