

VOLUME 17: 2022

CALIFORNIA LEGAL HISTORY



JOURNAL OF THE
CALIFORNIA SUPREME COURT
HISTORICAL SOCIETY

CALIFORNIA LEGAL HISTORY

VOLUME 17
2022

JOURNAL OF THE
CALIFORNIA SUPREME COURT
HISTORICAL SOCIETY

California Legal History is published annually by the California Supreme Court Historical Society, a non-profit corporation dedicated to recovering, preserving, and promoting California's legal and judicial history, with particular emphasis on the California Supreme Court.

SUBSCRIPTION INFORMATION:

Membership in the Society is open to individuals at the rate of \$50 or more per year, which includes the journal as a member benefit. For individual membership, please visit www.cschs.org, or contact the Society at (800) 353-7357 or 4747 North First Street, Suite 140, Fresno, CA 93726.

Libraries may subscribe at the same rate through William S. Hein & Co. Please visit <http://www.wshein.com> or telephone (800) 828-7571.

Back issues are available to individuals and libraries through William S. Hein & Co. at <http://www.wshein.com> or (800) 828-7571. Please note that issues prior to 2006 were published as *California Supreme Court Historical Society Yearbook*. (4 vols., 1994 to 1998–1999).

SUBMISSION INFORMATION:

Submissions of articles and book reviews are welcome on any aspect of California legal history, broadly construed. Unsolicited manuscripts are welcome as are prior inquiries. Submissions are reviewed by independent scholarly referees.

In recognition of the hybrid nature of legal history, manuscripts will be accepted in both standard legal style (Bluebook) or standard academic style (Chicago Manual). Citations of cases and law review articles should generally be in Bluebook style. Manuscripts should be sent by email as MS Word or WordPerfect files.

Submissions and other editorial correspondence should be addressed to:

Selma Moidel Smith, Esq.
 Editor-in-Chief, *California Legal History*
 Telephone: (818) 345-9922
 Email: smsth@aol.com

Copyright © 2022 by the California Supreme Court Historical Society.

All rights reserved.

ISSN 1930-4943

California Legal History is indexed in *The Index to Legal Periodicals*.

Design and Production: E. M. Holland

Cover Photo: Authors of the “Legal History in the Making” section in this volume (and the California law schools associated with the clinical programs they discuss) — left to right, top to bottom: Jeff Baker (Pepperdine), Lara Bazelon (USF), Kurt Eggert (Chapman), Haley Fagan & Tori Porell (UC Berkeley), Carrie Hempel & Bob Solomon (UC Irvine), Joe Kaatz (USD), Robert Mullaney (UC Davis), Art Neill (California Western), Clare Pastore (USC), Ascanio Piomelli (UC Hastings), Hina Shah (Golden Gate), Lauren van Schilfhaarde & Pat Sekaquaptewa (UCLA).

CALIFORNIA SUPREME COURT HISTORICAL SOCIETY
 BOARD OF DIRECTORS

HON. TANI CANTIL-SAKAUYE, *Chair*
 DANIEL M. KOLKEY, Esq., *President*
 KATHLEEN TUTTLE, Esq., *Vice President*
 GEORGE S. HOWARD, JR., Esq., *Treasurer*
 WALTER SHJEFLO, Esq., *Secretary*
 RICHARD H. RAHM, Esq., *Immediate Past President*

GEORGE W. ABELE, Esq.
 JOHN F. BURNS
 HON. M. KATHLEEN BUTZ
 JOHN S. CARAGOZIAN, Esq.
 JOSEPH L. CHAIREZ, Esq.
 HON. MING W. CHIN
 JOYCE COOK, Esq.
 JAKE DEAR, Esq.
 DAVID S. ETTINGER, Esq.
 HON. BARRY P. GOODE
 PROF. SARAH BARRINGER GORDON
 HON. JOSHUA P. GROBAN
 DAN GRUNFELD, Esq.
 PROF. LAURA KALMAN
 MITCHELL KEITER, Esq.
 JENNIFER L. KING, Esq.
 DAVID L. MCFADDEN
 JORGE E. NAVARRETE
 HON. GEORGE NICHOLSON
 EDWARD S. RENWICK, Esq.
 JASON D. RUSSELL, Esq.
 HON. GERARDO SANDOVAL
 PROF. HARRY N. SCHEIBER, *Director Emeritus*
 MOLLY SELVIN, Ph.D
 JAMES E. SHEKOYAN, Esq.
 SELMA MOIDEL SMITH, Esq.
 HON. KATHRYN MICKLE WERDEGAR
 JOHN WIERZBICKI, Esq.
 ROBERT S. WOLFE, Esq.

EDITORIAL BOARD

SELMA MOIDEL SMITH

Editor-in-Chief

HARRY N. SCHEIBER

University of California, Berkeley

Founding Editor (1994–2006)

BOARD MEMBERS

STUART BANNER

University of California, Los Angeles

LAWRENCE M. FRIEDMAN

Stanford University

CHRISTIAN G. FRITZ

University of New Mexico

HON. JOSEPH R. GRODIN

UC Hastings College of the Law

LAURA KALMAN

University of California, Santa Barbara

PETER L. REICH

University of California, Los Angeles

REUEL E. SCHILLER

UC Hastings College of the Law

JOHN F. BURNS

(ex officio)

CSCHS Board of Directors



Order through Hein!

Fill in your collection of
California Legal History

Subscription Information:

Membership in the Society is open to individuals at the rate of \$50 or more per year, which includes the journal as a member benefit. For individual membership, please visit www.cschs.org, or contact the Society at (800) 353-7357 or 4747 North First Street, Suite 140, Fresno, CA 93726.

Libraries may subscribe at the same rate through William S. Hein & Co. Please visit <http://www.wshein.com> or telephone (800) 828-7571.

Back issues are available to individuals and libraries through William S. Hein & Co. at <http://www.wshein.com> or (800) 828-7571.

**Please note that issues prior to 2006 were published as California Supreme Court Historical Society Yearbook. (4 vols., 1994 to 1998-1999).*

William S. Hein & Co., Inc.

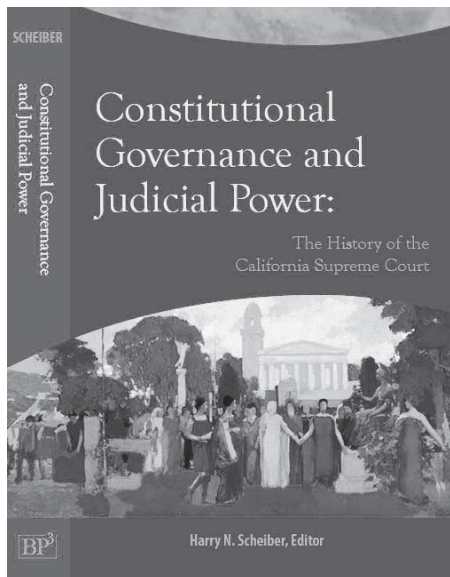
2350 North Forest Road, Getzville, NY 14068

Ph: 716.882.2600 ~ Toll-free: 1.800.828.7571

Fax: 716.883.8100

E-mail: mail@wshein.com ~ Web site: www.wshein.com





NOW AVAILABLE

**Constitutional
Governance and
Judicial Power:**

**The History of the
California Supreme Court**

Harry N. Scheiber, Editor

**Published 2016
669 pages; illustrations**

**Softcover \$35
Hardcover \$50
ISBN 978-0-87772-446-9**

Constitutional Governance and Judicial Power tells the story of the California Supreme Court, from its founding at the dawn of statehood to modern-day rulings on issues such as technology, privacy, and immigrant rights. In this comprehensive history, we see the Court's pioneering rulings on the status of women, constitutional guarantees regarding law enforcement, the environment, civil rights and desegregation, affirmative action, and tort liability law reform. Here too are the swings in the Court's center of gravity, from periods of staunch conservatism to others of vigorous reform. And here is the detailed history of an extraordinary political controversy centered on the death penalty and Chief Justice Rose Bird. California has led the way in many varied aspects of American life, including the law. Written by six leading scholars in the field, *Constitutional Governance and Judicial Power* gathers the many strands of legal history that make up the amazing story of the California Supreme Court.

**CALL: 800-353-7537 — OR PURCHASE ONLINE AT:
<https://my.cschs.org/product/court-history-book>**