

FROM THE PRESIDENT

EDMOND BURKE DESCRIBED society as “a partnership . . . between those who are living, those who are dead, and those who are to be born.”¹

Law — if it is to be both stable and legitimate — must likewise be founded on the wisdom of our ancestors, as modified and improved by the living, for the benefit of those who are to be born. Although we may reject some of our ancestors’ laws and principles as outdated or even immoral, Benjamin Cardozo’s analysis of the judicial process still holds: “logic, and history, and custom, and utility, and the accepted standards of right conduct, are the forces which singly or in combination shape the progress of the law.”² Failing to appreciate the wisdom of the past likely generates mistakes for the future.

In that spirit, the California Supreme Court Historical Society preserves and communicates the history of the lives and decisions of the justices of the California Supreme Court, as well as California legal history in general. We record, memorialize, and maintain the oral history of departing California Supreme Court justices, and publish edited versions of these histories in our annual journal, *California Legal History*, and in our books, like *Chief*³ — the oral history of retired Chief Justice Ronald M. George. These works give insights into the thinking of those who interpret our laws and Constitution — insights that any attorney can profit from.

We also publish, twice yearly, this scholarly *Review*, which you are reading at this very moment and which addresses a wide variety of historical topics, including judicial decisions and biographies.

As the Society’s newly elected president, I have asked the Society to take our efforts a few steps further. With the board’s approval, we will begin to:

- offer legal history programs with CLE credit, such as our program, scheduled this November, on the California Supreme Court’s groundbreaking decision in *Perez v. Sharp*,⁴ which struck down California’s interracial marriage ban in 1948 — nearly two decades before the U.S. Supreme Court did so in *Loving v. Virginia*;⁵

1. Henry Kissinger, *Leadership: Six Studies in World Strategy*, London: Penguin Press, 2022.

2. Benjamin Cardozo, *The Nature of the Judicial Process*, New Haven: Yale Univ. Press, 1921, 112.

3. Ronald M. George, Chief: *The Quest for Justice in California*, Berkeley: Institute of Governmental Studies Press, 2013.

4. (1948) 32 Cal.2d 711.

5. (1967) 388 U.S. 1.

- offer programs that have direct relevance to all California attorneys, such as a roundup of recent California Supreme Court opinions;

- address current legal topics, such as the CLE program

that we plan to offer this winter on the California Supreme Court’s jurisprudence concerning abortion; and

- include debates on historical topics in this *Review*.

In the near future, the Society also expects to complete its oral history regarding Bernard Witkin — the “Justinian” of California law, as retired Justice Norman Epstein characterized him at a special proceeding of the California Supreme Court in 1996 — which we have undertaken in association with the Witkin Charitable Foundation.

And over the coming years, the Society plans to commence working on the oral histories of former Associate Justice Mariano-Florentino Cuéllar and Chief Justice Tani Cantil-Sakauye.

The Society will also be increasing the prizes awarded in its “Selma Moidel Smith” student writing competition. This competition gives law students and graduate students an opportunity to publish works of original research on any aspect of California legal history. This year’s winners, who were published in our journal’s most recent edition, included a summary of the legal challenges over the past 50 years to California’s death penalty, offered an original piece of scholarship concerning the law governing municipal reorganizations with a look at the San Fernando Valley’s failed efforts to secede from Los Angeles, and evaluated the differing approaches for amending state constitutions.

Needless to say, these projects, programs, the journal, and indeed this *Review* all depend on your financial support. For as little as a \$25 dues checkoff at the time you pay your State Bar dues, you can be a member and help preserve California’s legal legacies for those yet born. ★

With warm wishes for a Happy New Year,
Daniel M. Kolkey

DANIEL M. KOLKEY is president of the California Supreme Court Historical Society, a former associate justice on the California Court of Appeal, an advisor to four different state governors, and a retired partner of Gibson Dunn & Crutcher LLP.



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