Academy founders, from left, Edward Lasher, Cyril Viadro, Gideon Kanner, Ellis Horvitz and Jerry Braun. *Photo, 1970s. Courtesy of California Academy of Appellate Lawyers.*

The California Academy of Appellate Lawyers: A Half Century of Accomplishments

BY BENJAMIN G. SHATZ

The California Academy of Appellate Lawyers celebrated the 50th anniversary of its founding in 2022. That year also saw the death of the legendary Ellis Horvitz, one of the academy's early members and a figure of renown to appellate practitioners and the California Supreme Court.

A half century after its somewhat serendipitous founding, now is a good time to tell the tale of the academy's origin and contributions. For more than 50 years, the group has provided important support to appellate practitioners across the state and backed needed improvements to practice rules. Moreover, individual members — some of the state's leading practitioners — have been major players in landmark cases that changed substantive appellate law in California, including in the state's high court.

Advocating for a "Nerd Club"

Academy lore has it that appellate lawyers Ed Lascher and Gideon Kanner were vigorously kvetching about some grand appellate annoyance at Gideon's office one day in 1969. Gideon's law partner, Jerry Fadem, rushed past them in his typical disheveled fashion, crying out something to the effect, "You dorks should have a nerd club so you can jabber on about geeky appellate stuff."[1]

To California lawyers practicing in the appellate courts of the 1960s through the 1980s, these names would all be familiar: Ed was well known for his long-running "Lascher at Large" column in the *State Bar Journal* (and later in the *Daily Journal*). He appeared as counsel in numerous California Supreme Court opinions beginning in 1964 — including one in which he himself was the plaintiff / appellant seeking increased compensation for criminal-defense appellate work.[2]

Similarly, Gideon was equally famous (or infamous) for his extensive writing, teaching (at Loyola Law School), and acerbic personality.[3] Gideon's name appears as counsel in numerous Supreme Court cases between 1968 and 2007.[4] At the time of the above anecdote, Gideon worked at Fadem & Kanner with Jerry Fadem,

1. As recounted to the author by Gideon Kanner.
2. *Lascher v. California* (1966) 64 Cal.2d 687.
3. *See* "Tribute to Gideon Kanner" (1991) 24 *Loyola L.A. L. Rev.* 515 et seq.
4. *See e.g., Garrett v. Superior Court* (1968) 11 Cal.3d 245; *Metropolitan Water Dist. of So. Cal. v. Campus Crusade for Christ, Inc.* (2007) 41 Cal.4th 954.

a maniacal and self-described "certifiable workaholic," who also appeared as counsel in Supreme Court cases from 1958 to 1996 — even though he died in 1994.[5]

Fadem's scornful comment resonated so deeply with Ed that in July 1970 he began gathering information about appellate bar organizations. An Illinois native, Ed was aware of the Illinois Appellate Lawyers Association, formed in 1968,[6] and, as a result of his inquiry, he learned that group directed its efforts to "perfect[ing] a closer relationship" with appellate courts and law schools, and sponsoring legislation on appellate procedure.[7]

In August, Ed worked up a draft three-page form letter, which Gideon helped edit.[8] In October 1970 he wrote judges and lawyers, gauging interest in forming a similar group in California. He noted "increased problems in the functioning of the appellate courts" and sought suggestions for addressing them.[9] The academy still has those pre-internet letters, and carbon copies of responses, forming a holy appellate archive of foundational documents. Reading them is like eavesdropping on emails between friendly colleagues and adversaries, filled with penetrating insight, mirth, and an abiding devotion to the appellate courts and appellate practice.

A "Massing of Problems"

Most important, Ed wrote to lawyers, including Ellis Horvitz, urging creation of an organization of appellate specialists because the State Bar "patently lacks both the interest and machinery" to address the "massing of problems for both appellate courts and appellate practitioners."[10] Those problems included an "inexorable trend" toward burgeoning caseloads affecting the justices, particularly at the Court of Appeal level, and "disagreement" on "proposed alterations in the appellate system."[11] In late 1970, upon learning that Seth Hufstedler would be chairing the newly formed State Bar Committee on Appellate Courts, Ed asserted it was "welcome news" that the "State Bar has bestirred itself (however belatedly) to take at least the beginning of some interest in matters appellate."[12]

As noted, Ed's primary concern was the "overloading of justices," which he saw "continuing unabated without the slightest prospect of amelioration."[13] His understanding of the crush of work (and lack of court staff) was that Court of Appeal justices essentially had to resolve at least one case a day to keep up, which meant that litigants were not getting the "three-judge, deliberative opinion to which they were entitled."[14] Retired Justice Roy Gustafson, one of the justices Ed had written detailing "deficiencies in the present [appellate] system," echoed that concern, enumerating other especially vexing problems, including the lack of sufficient judges to handle "the tremendous case load . . . with an acceptable level of quality."[15] His other concerns included the effect of denials of hearing by the Supreme Court; "the lack of geographical integrity of appellate authority"; the potential for intra-district conflicts; the unnecessary and "potentially harmful existence of permanent divisions within districts"; too few judges; and "the detrimental preparation of mere 'memorandum opinions.' "[16] Appellate lawyers were also concerned about the standards for publication of opinions,[17] procedures and timing for record preparation,[18] and delay (i.e.,

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5. *See, e.g.*, *Trust v. Arden Farms Co.* (1958) 50 Cal.2d 217; *City of Manhattan Beach v. Superior Court* (1996) 13 Cal.4th 232. *See also*, "Jerrold Fadem: Going to Bat for Property Owners" (Summer 1980) 49 *Loyola Lawyer* 11.

6. *See* AppLawyers.org [as of Nov 3, 2023].

7. Letter to Ed Lascher from Francis D. Morrissey (the second president of the Illinois Appellate Lawyers Assn.), July 30, 1970. (CAAL Academy Archive of Gideon Kanner (hereinafter AA) pdf 245.) See letter from Lascher to Univ. of Illinois Law Prof. Prentice Marshall, May 24, 1971 ("In the course of recent efforts here in California to form a society or association of appellate lawyers (somewhat inspired by the one existing in Illinois), we found that the one complaint which was uniform, in the handful of specialists in that field[,] was the total lack of communication between the appellate bench and the appellate bar") (AA-201).

8. Letter to Lascher from Kanner, Aug. 5, 1970.

9. Letter to Roy A. Gustafson from Ed Lascher, Oct. 12, 1970 (AA-252).

10. Form letter from Ed Lascher sent to numerous judges and lawyers, Oct. 12, 1970 (AA-232); letter from Ed Lascher to Justice Gustafson, Oct. 12, 1970 (noting the mailing of his letter to Jean Wunderlich, Henry Kappler, Henry Walker, Ellis Horvitz, William Boone, William Gregory, Burton Marks, Paul Selvin, Hillel Chodos, William James, James McCormick, and Thomas Rubbert, along with responses) (AA-252, AA-231, AA-227, AA-226, AA-225, AA-224, AA-229).

11. *Id.* at AA-232-233.

12. Letter to Seth M. Hufstedler from Ed Lascher, Nov. 20, 1970 (AA-238).

13. Form letter from Ed Lascher sent to numerous judges and lawyers, Oct. 12, 1970 (AA-232-233). Judicial overload was the result of the so-called "deluge of litigation," i.e., "From 1961 to 1971, total filings in the California Supreme Court increased from 1,313 to more than 3,400. The total caseload of the state courts of appeal increased from 4,109 to 14,500 in the same period." Harry N. Scheiber, "Innovation, Resistance, and Change: A History of Judicial Reform and the California Courts, 1960–1990" (1993) 66 *S. Cal. L. R.* 2049, 2088.

14. *Id.*, Lascher form letter, Oct. 12, 1970 (AA-233).

15. Retired Justice Roy A. Gustafson, "Some Observations About California Courts of Appeal" (1971) 19 *UCLA L. Rev.* 167, 167, 183—84.

16. *Ibid.*

17. Letter from Henry E. Kappler to Ed Lascher, Oct. 16, 1970 (AA-227); letter from Burton Marks to Supreme Court Justice Raymond L. Sullivan, Oct. 19, 1970 (AA-230).

18. Letter from Robert A. Seligson to Ed Lascher, June 13, 1972 (AA-11).

L–R: Jerry Braun and Edward Horowitz. *Photo: CAAL, 1970s.*

it sometimes took a year for fully briefed appeals to be argued). Ed suggested that counsel be advised in advance, or at argument, as to tentative rulings,[19] similar to how many trial courts operated at the time, and still do.

Justice Otto Kaus, then on the Second District Court of Appeal, felt that such an organization was "long overdue and urgently needed," given the "almost total lack of dialogue" between the appellate bench and bar.[20] Kaus lamented the "lack of inventiveness within the appellate courts" toward solving procedural and caseload problems.[21] Concerned about the typical lawyer's "gross lack of familiarity" with appellate practice, frustrating and amplifying the courts' work,[22] he envisioned appellate experts working, perhaps with Continuing Education of the Bar, to create resources to improve appellate practice, including those who practice criminal as well as civil law.[23] Kaus believed that justices would support such a group, given the obvious benefits to all: "Friendly dialogue between bench and bar would inure to our mutual benefit."[24]

Social engagement was a key component; the group did not want to take itself too seriously.

The Academy Comes Together

Although a few lawyers were dubious, most contacted endorsed the idea of a statewide association, whether cautiously or wholeheartedly. By the end of 1970, the idea was firmly entrenched, and Gideon volunteered to take the laboring oar of attempting some form of administration.[25]

Those first efforts, in 1971, involved two dinners — at the renowned La Scala and Trader Vic's restaurants in Beverly Hills.[26] Because the group had not yet selected a name, members jocularly referred to these as meetings of the Appellate Lawyers Informal Eating and Drinking Association (ALI-EDA, a takeoff on the American Law Institute / American Bar Association's ALI-ABA).[27] Social engagement was a key component; the group did not want to take itself too seriously.

By mid-1971, the gang had pulled together a "completely status-less, unofficial, odd and unnamed amorphous group" of about 20 California appellate specialists.[28] Judicial outreach was another priority, including to judges on the U. S. Court of Appeals for the Ninth Circuit, who at that time were thought to be so disconnected from the bar that one rascal called them "the court that knows nobody and that nobody knows."[29]

At the 1971 State Bar Convention in San Diego, the group hosted a dinner party that drew half a dozen sitting justices who strongly supported the nascent organization.[30] These justices, Ed later wrote, believed that "the problems facing the appellate courts [were] so acute and so big that help should be recruited from every possible source."[31]

Leadership and a formal structure were now needed, but even dedicated members were hesitant to commit the time. As core member Hillel Chodos quipped: "Someone will have to be president. If nominated, I will not run; if elected, I will not serve."[32]

19. Lascher form letter, Oct. 12, 1970 (AA-233).

20. Letter from Thomas E. Rubbert to Ed Lascher, Nov. 17, 1970 (AA-235).

21. *Ibid.*

22. *Ibid.*

23. *Id* (AA-236). Kanner had earlier emphasized that the group had to include the "criminal guys" because "After all, it is their stuff that is clogging the courts and diverting judicial talent into [criminal law issues]." Kanner to Lascher letter, Aug. 5, 1970.

24. *Ibid.*

25. Letter from Gideon Kanner to "all counsel who in one way or another have responded favorably to Ed Lascher's suggestion that we band together and form some kind of group of appellate practitioners" (i.e., Ed Lascher, Ellis Horvitz, Burton Marks, Henry Kappler, Paul Selvin, William Gregory, William B. Boone, Thomas Rubbert, Hillel Chodos, and Harvey Grossman) Dec. 14, 1970 (AA-222).

26. Letter from Gideon Kanner to Hillel Chodos, Burton Marks, Ed Lascher, Harvey Grossman, William Boone, Henry Kappler, Paul Selvin, Ellis Horvitz, William Gregory, Jan. 18, 1971 (noting Jan. 27, 1971, dinner meeting at La Scala); letter from Ellis Horvitz to Gideon Kanner, Dec. 13, 1971 (referencing La Scala and Trader Vic's) (AA-195). Dec. 21, 1971, memo re reservations for approximately 18 people at Trader Vic's on Jan. 7, 1972 (AA-194).

27. Invitation from Ellis Horvitz, June 1, 1971, to meet at Trader Vic's ("We have no agenda, only amiable conversation concerning the appeals and tribulations of appellate practice").

28. Letter from Lascher to Prof. Marshall, June 7, 1971.

29. Letter from Lascher to Chodos, Aug. 2, 1971.

30. Letter from Ed Lascher to Seth M. Hufstedler, Dec. 20, 1971 (AA-192); letter from Gideon Kanner to 22 lawyers, Nov. 24, 1971 (noting that "after about a year of informal talks, and a lot of individual mulling," a meeting with six justices took place at which the justices unanimously encouraged the creation of an appellate practitioner organization) (AA-176).

31. Letter from Lascher to Hufstedler (AA-192).

32. Letter from Chodos to Lascher, Sept. 14, 1971 (noting meeting at the State Bar Convention with Justices Molinari,

That would not do, of course, so in January 1972, in Trader Vic's Garden Room a committee formed, consisting of Gideon, Ellis, and 16 others, to recommend a name, create bylaws, and establish membership criteria, stressing experience in quality appellate work.[33]

The founding fathers (they were all men at this time) wanted to build "a statewide group of lawyers who participate regularly and principally in appellate matters."[34] Lawyers from the plaintiff and defense bars, in private and government practice, along with judges would be welcome. The goal was to encourage frequent and easy communication and take a "constructive interest in matters pertaining to appellate courts and appellate lawyers."[35] That interest would not be limited to lobbying but should exchange information, and include lawyers from the plaintiff and defense bars, and from private and government practice. Ultimately, both civil and criminal practitioners were included because problems with the appellate courts were "interrelated."[36]

By summer 1972, after numerous drafts, the group had ratified a constitution and the California Academy of Appellate Lawyers was officially born.[37] Gideon served as the first president, and Ellis was the secretary.[38] Dues were $150 and membership, which has always been by election only, numbered about 20. By 1979, membership had more than doubled to about 55,[39] and hovers around 120 today.[40]

Over the years the group consistently included notables in the appellate world, including Bernie Witkin[41] and appellate justices such as Supreme Court Justices Rose Bird, Joseph Grodin, Marcus Kaufman, Otto Kaus, and Cruz Reynoso and Court of Appeal Justices Kenneth Andreen, Kathy Banke, Nick DiBiaso, Dan Bromberg, Martin Buchanan, Charles Froehlich, Margaret Grignon, Brian Hoffstadt, Bob Kane, Elwood Lui, Dick Neal, Jim Richman, Miriam Vogel, Howard Weiner, and Ninth Circuit Judge Paul Watford.

L–R: Kent Richland and Bernie Witkin. *Photo: CAAL, 1970s.*

A Half Century of Accomplishments

The academy coalesced at a tumultuous time, when many in the bench and bar felt that the appellate court system was overburdened and needed reform.[42] In 1969, the Judicial Council began a rulemaking project to radically overhaul appellate operating procedures. This was prompted by statistics showing serious problems and the need for reform. For example, an increased volume of appeals had made 18- to 25-month delays between the notice of appeal and a decision common. The Administrative Office of the Courts ran a workshop to discuss ideas to address the caseload crisis, such as adding more research attorneys, creating central staff, and using memorandum decisions.[43] The Supreme Court instituted its practice of depublishing Court of Appeal opinions in 1971, and the State Bar Committee on Appellate Courts had proposed that an additional court be created and inserted between the courts of appeal and the Supreme Court.[44]

Academy members, writing individually, vigorously debated these issues among themselves, in the legal press, and in law review articles.[45] As an organization,

Thompson, Kaus, Ault, and Friedman, who unanimously and unambiguously urged the creation of an appellate organization).

33. Appellate Lawyers' Organization Minutes of Jan. 7, 1972 (AA-172).

34. Lascher form letter, Oct. 12, 1970 (AA-234).

35. *Ibid.*

36. Lascher form letter, Oct. 12, 1970 (AA-234).

37. Memo to "All Members of the Appellate Lawyers Group," June 22, 1972 (enclosing a draft constitution and proposing the name California Academy of Appellate Lawyers) (AA 1-7).

38. In the first decade or so, he was followed by Ed Lascher, Cyril Viadro, Ellis Horvitz, Robert Seligson, Paul Selvin, Reed Hunter, Mike Berger, Jerry Braun, and Ed Horowitz. See CAAL letterhead in 1979 listed past presidents and officers. (AA-262.) See also letter from Paul Selvin to Herbert Lasky, Dec. 18, 1972 (noting president and secretary) (AA-423).

39. CAAL Roster, May 15, 1979 (AA-255).

40. *See* https://members.calappellate.org/member-directory [as of Mar. 31, 2023].

41. Letter from Gideon Kanner to Bernie Witkin, Sept. 10, 1973 (welcoming Witkin "as an Honorary Member, with the observation that the honor is ours").

42. E.g., Gustafson, "Some Observations About California Courts of Appeal" 167, 194 fn. 94 (using 1971 census data to assert; "The least populous [California appellate] district would be more populous than any of the following states: New Mexico, Utah, Maine, Rhode Island, Hawaii, New Hampshire, Idaho, Montana, South Dakota, North Dakota, Delaware, Nevada, Vermont, Wyoming, Alaska").

43. See Jeffrey A. Parness & Sandra B. Freeman, "The Process of Factfinding in Judicial Rulemaking: 'Some Kind of Hearing' on the Factual Premises Underlying the Judicial Rules" (1984) 5 *Pace L. R.* 1, 26—30.

44. *See, e.g.,* Shirley Hufstedler, "New Blocks for Old Pyramids: Reshaping the Judicial System" (1971) 44 *Cal. L. R.* 901; "The Court of Review: A New Court for California" (1972) 47 *Cal. St. B. J.* 28; Seth Hufstedler, "California Appellate Court Reform: A Second Look" (1973) 4 *Pac. L. J.* 725.

45. See memo from Hillel Chodos to the Appellate Lawyers Group, March 17, 1972 (lengthy analysis of State Bar

the academy has publicly and repeatedly weighed in on all manner of important appellate issues. The academy opposed depublication, undue delay in appellate processing,[46] the use of research attorneys (in the early days), limitations on the lengths of briefs,[47] permanent divisions within appellate districts,[48] increases to the costs of reporter's transcripts,[49] inadequate judicial pay,[50] and any splitting or reorganizing of the Ninth Circuit Court of Appeals.[51] The academy also expressed "strong opposition to proposed cuts in the budget of the California Supreme Court."[52] The academy supported: the citability of Court of Appeal opinions immediately upon publication (rather than awaiting the Supreme Court's grant-of-review period);[53] allowing administrative presiding justices to transfer cases between divisions;[54] the recording of and public accessibility to oral arguments;[55] and the idea of en banc arguments within districts.[56] The academy also urged: the use of tentative opinions or focus letters;[57] the use of summary dispositions without oral argument by the Supreme Court;[58] and that death penalty appeals be heard in the California Courts of Appeal.[59]

L–R: Peter Davis and Ellis Horvitz. *Photo: CAAL, 1970s.*

That level of active involvement has remained consistent over the decades, including filing amicus briefs with the Supreme Court. For example, when the Supreme Court reviewed the propriety of an oral argument notice form used by a particular court of appeal in *People v. Pena*,[60] the academy filed an amicus brief emphasizing the importance of oral argument to the appellate process and urging that any oral argument waiver form should not unnecessarily discourage or infringe on the exercise of the right to oral argument.

Similarly, when the Supreme Court addressed the question of what specific document's notice should trigger the time to appeal (i.e., a statement of decision or file-stamped ruling), in *Alan v. American Honda*,[61] the academy filed an amicus brief highlighting the need for clear rules assuring that the courts and litigants have an unambiguous understanding of when a notice of appeal must be filed, and offering proposals.

Active academy members also have authored the leading appellate treatises, including The Rutter Group's *California Practice Guide on Civil Appeals and Writs* (Jon Eisenberg, Ellis Horvitz, Howard Weiner, and most recently Laurie Hepler), various chapters in the CEB appellate and writ practice guides, Matthew Bender's practice guide: *California Civil Appeals and Writs* (edited by Kira Klatchko & Ben Shatz), West's *California Litigation Forms: Civil Appeals & Writs* (co-authored by Kent Richland), *Appellate Practice in Federal and State Courts* (edited by David Axelrad with Rick Derevan and Robin Meadow), and *Advanced Topics in Appellate Practice: The Path of Mastery* (Charlie Bird).

Almost by definition, academy members have been some of the most active lawyers handling cases in the state's appellate courts. Although a listing of cases involving academy members would be too extensive, consider only Supreme Court cases in which an academy president was counsel — on both sides of the case. The high court heard at least 18 such cases between 1970 and

Committee on Appellate Courts to establish a Court of Review) (AA-133-141).

46. CAAL letter (Pres. Ray Cardozo) to Judicial Council, Mar. 29, 2022; CAAL letter (Pres. Cardozo) to Cal. Supreme Court, Aug. 18, 2020.

47. E.g., CAAL letter (Pres. Jerome Braun) to Judicial Council AOC, Nov. 6, 1981 (opposing 50-page limit on briefs; opposing reduction of stipulated extensions to only 30 days); CAAL letter to Cal. Supreme Court, Apr. 5, 1988 (expressing "enthusiastic support for efforts to expedite appeals" but still allowing reasonable time for briefing, and urging alternatives to clerk's transcripts); CAAL letter (Pres. Victoria De Goff) to Ninth Cir. Clerk Cathy Catterson, July 23, 1992 (expressing "grave reservations about . . . the proposed rule drastically reducing the allowable length of briefs in civil cases").

48. Letter from Lascher to Leonard Friedman, Mar. 20, 1982.

49. CAAL letter (Pres. John Taylor) to Assemblymember Miguel Santiago, June 20, 2019.

50. CAAL letter (Pres. Charles Bird) to U.S. Senate and House Chairs, Sept. 7, 2007.

51. CAAL letter (Pres. Jay-Allen Eisen) to U.S. Representatives, Feb. 22, 1999 ("vigorously" opposing SB 253, which would have split California into divisions of the Ninth Circuit).

52. CAAL letter (Pres. De Goff) to Pres. Pro-Tem of the Senate David Roberti, June 3, 1992.

53. CAAL letter (Pres. Douglas Young) to Cal. Supreme Court, June 7, 1996.

54. CAAL letter (Pres. Gerald Uelmen) to AOC, Feb. 15, 1991.

55. CAAL letter (Pres. Charles Bird) to Chief Justice Ronald George, June 8, 2008; CAAL letter (Pres. Charles Bird) to the six Court of Appeal presiding justices, Feb. 27, 2008.

56. CAAL letter (Pres. Jerome Falk) to Judicial Council's Appellate Standing Advisory Committee, June 17, 1994.

57. *Ibid.*

58. *Ibid.*

59. *Ibid.*

60. *People v. Pena* (2004) 32 Cal.4th 389.

61. *Alan v. American Honda* (2007) 40 Cal.4th 894.

2020. Obviously, the list of cases would balloon if it contained only a president on one side of the case and would reach tremendous length if it included just cases with even a single academy member involved at all. The point is merely that academy members are an integral part of the work of the Supreme Court and appellate practice in California generally.

The Academy Today

Today the academy has over 100 members engaged in a variety of appellate activities interacting both in person and online. Members regularly post questions on an active listserv and receive advice and support, drawing on the experiences of the entire academy. Questions can range from the geographically specific to tricky issues arising in complicated procedural situations.

The academy also hosts in-person meetings several times a year. These gatherings embody the academy's initial purpose as envisioned by the founders: to allow experienced appellate lawyers, judges, academics, and court staff to candidly discuss all aspects of appellate practice and appellate justice, while enjoying great food and wine.

Discussion of pending cases with justices is naturally off-limits as a matter of ethics, but short of that, academy members and their guests are free to raise and debate all manner of substantive and procedural issues. Again, such discussions serve the purpose of keeping members of the practicing bar and the bench informed on a host of issues, such as publication of opinions, judicial elections, court budgets, appellate ethics, sanctions, memorandum opinions, reliance on staff attorneys, and the value of oral argument. A fundamental ground rule is confidentiality, making discussions frank and sometimes surprising.

When the State Bar created general MCLE requirements, and later specialized appellate MCLE requirements, the academy became certified to provide MCLE and appellate specialization credits, and focused even more rigorously on providing high quality programs covering advanced topics, involving judicial and academic speakers.

Along with a member directory and application instructions, the academy's website includes letters and briefs filed by the academy's amicus committee. That committee entertains suggestions from the full membership and the public about cases that might benefit from academy amicus participation and what positions to take. The academy maintains "side neutrality," meaning that it does not seek to favor any specific partisan interests (e.g., plaintiff's side, defense side, criminal prosecution or defense) or to take sides in divisive issues, but rather seeks outcomes that best serve the goals of appellate justice. This includes promoting and encouraging sound appellate procedures designed to ensure fair and effective disposition of appeals and writs. The academy's

L–R: Robert Hinerfeld, Reed Hunter and Sanford Svetcov. *Photo: CAAL, 1970s.*

numerous amicus briefs and letters over the years have addressed a variety of appellate issues such as judicial notice, appealability, appellate timing, and writ practice.

The group's rules committee evaluates and proposes changes to the rules governing appellate practice. For example, following the academy's long-standing interest in publication of appellate opinions, it submitted letters in 2006 supporting amending the publication rule so that courts should publish opinions that meet criteria for publication.[62] Similarly, in 2008 the academy urged that the Supreme Court and Court of Appeal produce live and archived video of oral arguments available to the public — something that has come to fruition with respect to the Supreme Court and is in progress with the Courts of Appeal.[63]

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Academy members are now — and historically have been — active participants and leaders of every regional appellate bar organization as well as the various State Bar (now California Lawyers Association) appellate committees, the Judicial Council's Appellate Advisory Committee, and every other similar group. And, even after 50-plus years, the academy is going strong and its members have made a lasting contribution to California practice and law. ✯

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62. CAAL Letters (Pres. Robin Meadow) to Admin. Office of the Courts, Jan. 4 and Mar. 7, 2006.
63. *Supra*, n. 62.