

VOLUME 19 | 2024

THE STEADY HAND

CALIFORNIA LEGAL HISTORY

JOURNAL OF THE CALIFORNIA SUPREME COURT HISTORICAL SOCIETY

The historical underpinnings of a law, decision, or custom is critical to its proper application, whether in making an argument or in supporting a judicial ruling. In short, in the field of law, the past guides the future.

The Hon. Daniel M. Kolkey, president,
California Supreme Court Historical Society

Guide to the 2024 issue of *California Legal History*

California is a huge state, by population and by geography. It is governed by a complex mix of authorities comprised of city, county, regional, and state officials, elected and appointed. Government officials, as with citizens, must live by the rule of law, statutory and constitutional.

California Legal History is published by the California Supreme Court Historical Society to inspire, inform, and educate through its presentation of authoritative articles written by experienced legal and professional scholars, some with differing perspectives, on the origins, evolutions, and, in some cases, revolutions in the law and their various impacts on the people of the state.

In the 2024 issue of *California Legal History*, we remember former Chief Justice Malcolm Lucas and the late Associate Justice Keith Sparks of the Third Appellate District; celebrate seven trailblazing female appellate justices; recall Erle Stanley Gardner, the late best-selling author and creator of Perry Mason; and reflect on literature, music, old Hollywood, and Big Bands. Other articles in this issue, include: (1) McGeorge Professor J. Clark Kelso's informed perspectives, "Bringing Humanism to California's Prisons," based on 17 years and counting as Federal Receiver, California State Prison Medical Care; (2) Judge Marguerite Downing's story about Friends Outside, Los Angeles, assisting prisoners and former prisoners, and their children and families; (3) Former California Assembly Minority Leader Patrick Nolan and former Judge Lawrence Stirling's narrative on Prison Fellowship and its decades of inspiration and aid to federal and state prisoners and their children and families; (4) UC Berkeley Law Professor Charles McClain, Jr.'s account of the earliest cases involving Chinese immigrants heard by the California Supreme Court; (5) John Wierzbicki's recollection of the forgotten California Supreme Court decision on the extradition of American Indian Movement leader, Dennis Banks; and (6) the three winning student essays of the 2024 Selma Moidel Smith Student Writing Competition.

Cover photograph: Chief Justice Malcolm Lucas speaking during Pepperdine University's Commencement in 1991. He is credited with restoring smooth operations and collegiality to the state high court in the aftermath of the 1986 rejection of three members of the court by voters. For more on this matter, see, "Chief Justice Malcolm Lucas, How 'Collegiality' and a 'Steady Hand' Reset a Court in Crisis, An Oral History," by Laura McCreery, with an Introduction by Ryan Carter, page 277 in this issue of *California Legal History*. Permission granted to publish the photograph granted by Pepperdine University Special Collections and University Archives.



The California Supreme Court Historical Society was founded in 1989 as a non-profit public benefit corporation dedicated to recovering, preserving, and promoting California's legal and judicial history, with a particular emphasis on the state's highest court. The Society serves the interests of the bench and bar, the academic community, and the general public through its publications, educational programs and support of scholarly research. The Society assists with exhibitions, oral histories, court tours, and the acquisition and archiving of judicial materials. It publishes a semiannual magazine, *Review*, and an annual journal, *California Legal History*. A high point is the annual, Selma Moidel Smith Student Writing Competition in California Legal History. The Society is governed by board of directors chaired by Chief Justice Patricia Guerrero. The Society president is former Associate Justice Daniel M. Kolkey, Court of Appeal, Third Appellate District, State of California.

"Over a century ago, the San Francisco Examiner ran a cartoon captioned, 'Shades of Blackstone, Gaze on Portia! Pretty Lawyers Do Needlework in Office.' The cartoon showed two lady lawyers with their hair in buns in an office building sewing curtains waiting for their first client. The client appeared in the last frame as a man with a top hat who had dropped a button. The cartoon was the lead-in to an article that began as follows: "But that's only to kill time while waiting for clients; two turn up, but first day is devoted to making curtains. Mr. Blackstone never dreamed of anything like this! Who were these lady lawyers? Marguerite Ogden and Annette Abbott Adams, the latter who would go on to become California's first female appellate court justice 29 years later. It was not an easy road from the cartoon pages of the San Francisco Examiner to a chambers at the glorious and historic [Stanley Mosk] Library and Courts Building across from the State Capitol in downtown Sacramento. Nor was it for the other trailblazing female justices profiled here." Justice Shama Hakim Mesiwala's soaring story, "Ladies Justice, Celebrating Seven Trailblazing Female Firsts on the California Court of Appeal," begins at page 37 in this issue.

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Submission Information:

Submissions of articles and book reviews are welcome on any aspect of California legal history, broadly construed. Please contact the editor-in-chief to propose potential submissions.

Artists, including those who sketch actual courtroom scenes, with an interest in the law and who are interested in submitting their work are welcome. Once again, please contact the editor-in-chief to propose potential submissions.

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In recognition of the hybrid nature of legal history, manuscripts will be accepted in either of two legal styles, the *Harvard Bluebook* or the *California Style Manual* (CSM), or academic style (*Chicago Manual*). Citations of cases and law review articles must be in either Bluebook or CSM style. Manuscripts should be sent by email as MS Word files. Photographs and illustrations must be accompanied by appropriate captions containing relevant data, including permission to reprint and credit to sources.

Submissions and other editorial correspondence should be addressed to:

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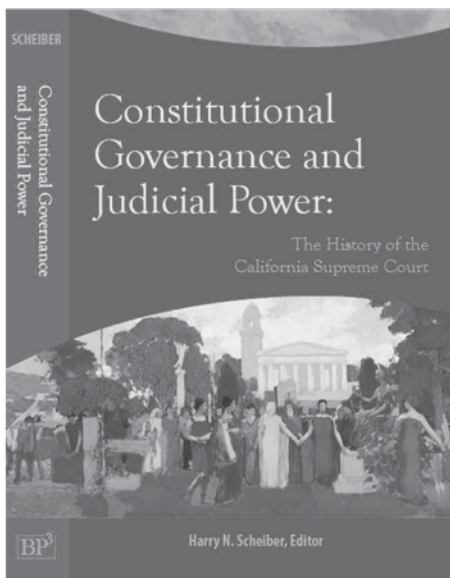
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