

Striving for Justice

YESTERDAY, TODAY, AND TOMORROW



A HISTORY OF THE
CALIFORNIA COURTS OF APPEAL
ON THE OCCASION OF THEIR
Centennial Celebration

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Front cover: Court of Appeal, Fourth Appellate District, May 12, 1931: Justice Emerson J. Marks, Presiding Justice Charles R. Barnard, Justice Lacy D. Jennings, and court staff.

Back cover (clockwise from upper left): Fifth District, Fresno; First District, San Francisco; Fourth District, Riverside; Third District, Sacramento; Sixth District, San Jose; Second District, Los Angeles.

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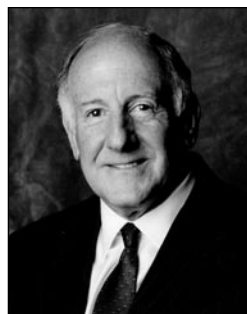
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FOREWORD

One hundred years ago, the California Courts of Appeal were created to assist the California Supreme Court in administering justice in a state that quickly was moving to the forefront of the nation in population, industry, agriculture, business, and education.



Since that time, the Courts of Appeal have made significant contributions to the development of the rule of law in California and, in nearly 95 percent of all cases, have the final word in both civil and criminal matters. As the courts have grown from the original three districts to six, from 9 justices to 105, the public's access to justice and its confidence in the judicial system also have grown. Because appeals in our intermediate courts exist as a matter of right, litigants in California can expect a full and fair review of their disputes and that justice will be done.

This commemorative booklet tells the story of these courts and celebrates their 100 years of service and their contributions to the fair administration of justice in our state.

A handwritten signature in black ink, reading "Ronald M. George". The signature is fluid and cursive, with the first name "Ronald" being the most prominent.

Ronald M. George

Chief Justice of California

42° N
Lat. of Rome

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* * 1905 * *



INTRODUCTION

The California Courts of Appeal are the state's intermediate courts of review. They carefully scrutinize cases appealed from the trial courts. In each case they decide questions of law, based on the record from the original trial or proceeding.

The history of these intermediate appellate courts, beginning with a 1904 constitutional amendment, spans a good part of California's existence as a state. As California has grown and its influence has expanded, so too the judiciary has expanded and evolved to meet the needs of its citizenry. Last year, the 105 justices on the state's six Courts of Appeal disposed of more than 22,000 matters—more than 12,000 by written opinion. The decisions of the appellate courts have shaped the development of state law over the last century and will continue to ensure access to justice for the people of California in the years to come.

CALIFORNIA'S FIRST APPELLATE COURT

In the beginning, the only appellate court for the state was the California Supreme Court. Created by constitutional provision in 1849, the court started with three justices. It was expanded to five justices in 1862 and to seven justices (where it has remained) in 1879 to handle the increasing workload.

< *A 1905 map of the original three appellate districts of the California Courts of Appeal.*

Nonetheless, by 1882 the Supreme Court had a backlog of pending cases, with an average wait of two years for a case to be decided. In 1885 the Legislature directed the court to appoint three commissioners to help dispose of the backlog, and in 1889 two more commissioners were added. Although that did not sufficiently alleviate the court's workload problems, those early commissioners were invaluable in assisting the Supreme Court and later played a key role in establishing California's intermediate appellate courts by becoming five of the first nine Court of Appeal justices.

CREATION OF THE COURTS OF APPEAL

A movement to provide for an intermediate appellate court was introduced in the state Constitutional Convention of 1879 and furthered by the state Legislature in 1899. In 1900 a proposed constitutional amendment to this effect narrowly failed, receiving a 47 percent yes vote. A later effort was successful, winning 72 percent of the voters, and on November 8, 1904, California's Courts of Appeal were created by an amendment to article VI of the Constitution, the "judicial article." (Only 4 of California's 58 counties voted against Senate Constitutional Amendment No. 2—Kern, Modoc, Shasta, and Yolo.)

Under the amended article, the state was divided into three appellate court districts with three justices each. The court that was established in the First Appellate District sat in San Francisco; the Second Appellate District, in Los Angeles; and the Third Appellate

District, in Sacramento. When the Courts of Appeal were created, the commissioner positions in the Supreme Court were abolished.

FIRST JUSTICES AND TERMS OF OFFICE

The 1904 amendment provided that the Court of Appeal justices would be elected in the 1906 election. Upon ratification of the amendment, Governor George C. Pardee appointed nine justices—three per district—to serve, and they took office as the first justices on April 10, 1905. The five Supreme Court commissioners who were in office at the time of the creation of the Courts of Appeal were among those appointed as justices to the new tribunals. Justices were then elected to their seats in November 1906, taking office on the first Monday in January 1907.

When the courts were first established, they had staggered seats. Each district had one of its justices serve a 4-year term, one an 8-year term, and one a 12-year term, their lengths of service determined by lots. Beginning with the 1906 election, however, all justices ran for 12-year terms. The 1904 amendment provided that the Court of Appeal justices would be paid the same as the Supreme Court justices—\$6,000 a year. In 1906 another constitutional amendment increased the salaries for Supreme Court justices and Court of Appeal justices to \$8,000 and \$7,000, respectively, starting in January 1907.

JURISDICTION

The intermediate appellate courts were established to handle appeals in the “ordinary current of cases,” which included all superior court appeals not specifically within the jurisdiction of the California Supreme Court. Appeals in the “great and important” cases were thus left to the Supreme Court. The high court would handle superior court appeals only in specific areas, such as real property, equity, and cases involving more than \$2,000. The Supreme Court also was given the power to transfer a case from a Court of Appeal to itself, from itself to a Court of Appeal, or from one Court of Appeal to another. This provision gave the high court the power to rule on the most important legal questions and to resolve decisional conflicts among the appellate districts.

In July 1905 the Supreme Court interpreted the constitutional amendment that created the Courts of Appeal to make it clear that the high court’s review of appellate court opinions was purely discretionary and that it would not devote itself to correcting alleged errors of fact made by the appellate courts. (*People v. Davis* (1905) 147 Cal. 346.)

In 1966 article VI was amended again. Although few substantive changes were made, the Supreme Court’s department system—two departments, each composed of three justices—was officially abolished, and the jurisdiction of the appellate courts was clarified.

GROWTH OF THE COURTS OF APPEAL

In the years since their creation, the appellate districts have multiplied, with some also spawning divisions (multiple groups of justices), reflecting increasing population and caseloads. In 1919 in both the First and Second Appellate Districts, a second division (tribunal of justices) was added. In 1928 article VI of the Constitution was amended to permit the continued creation of divisions within the appellate districts and to give the Legislature the power to create districts and divisions as needed.

In 1929 the Fourth Appellate District was created and began holding sessions in the cities of San Bernardino, San Diego, and Fresno. In 1961 the Legislature created the Fifth Appellate District, composed of nine Central California counties taken from the Third and Fourth Districts—Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and Tuolumne—and holding its sessions in Fresno. The Sixth Appellate District, created in 1981, consists of the counties of Monterey, San Benito, Santa Clara, and Santa Cruz—transferred from the First District—and is required to hold its regular sessions in San Jose (Santa Clara County). The numbers of both divisions and justices have increased dramatically since the Courts of Appeal were created. (For details, see the timeline on the following pages.)

As history demonstrates, justice is not static. It evolves according to new laws, new customs, and the visions of the men and women who define it. In this sense, the history of the California Courts of

Appeal is the history of the justices and of the ideas, opinions, and views they generated in the effort to provide fair and accessible justice for the people they served.



Courts of Appeal Timeline

1849

State Constitution drafted; article VI covers judicial tribunals, creating Supreme Court and district, county, and justice courts.

1879

Constitutional convention brings major changes in state's judicial system: number of justices raised to seven; terms increased to 12 years; appellate jurisdiction expanded.

1885

Legislature directs Supreme Court to appoint three commissioners to help dispose of case backlog.

1889

Number of commissioners increased to five.

1904

Constitutional amendment creates three districts of an intermediate Court of Appeal in San Francisco, Los Angeles, and Sacramento and effectively abolishes Supreme Court commissioner positions.

1905

First Court of Appeal justices appointed. Of the nine new justices, five are former Supreme Court commissioners.

1918

Second division added to each of first two appellate districts, increasing number of Court of Appeal justices to 15.

1928

Article VI amended to give Legislature power to create additional Court of Appeal districts and divisions as needed.

1929

Fourth Appellate District created, increasing number of Court of Appeal justices to 18.

1934

Article VI amended to establish noncontested judicial elections for appellate courts; justices now stand for retention at end of term.





1941

Third division added to Second Appellate District, increasing number of Court of Appeal justices to 21.

1942

Annette Abbott Adams becomes first woman appointed to a Court of Appeal, joining the Third District.

1950

Annette Abbott Adams becomes first woman to sit on state Supreme Court, sitting pro tempore for one case to celebrate the court's centennial.

1961

Legislature creates Fifth Appellate District, reconfigures districts, and adds one division each to First and Second Districts, increasing number of Court of Appeal justices to 30.

Edwin L. Jefferson becomes first African American on a Court of Appeal, appointed to the Second District.

1965

Stephen K. Tamura becomes first Asian American on a Court of Appeal, joining the Fourth District.

Fourth Appellate District gets new division. Number of Court of Appeal justices reaches 33.

1966

Article VI amended again: Supreme Court department system formally abolished and jurisdiction of appellate courts clarified.

Addition of one division each to the First and Second Districts brings number of Court of Appeal justices to 39.

1969

Legislature creates 9 new appellate judgeships, bringing number of Court of Appeal justices to 48.

1975

Legislature creates 8 new appellate judgeships, bringing number of Court of Appeal justices to 56.

1976

Cruz Reynoso becomes first Latino on a Court of Appeal.

1981

Legislature creates Sixth Appellate District, with 3 judgeships, and another 15 new appellate judgeships statewide. Number of justices reaches 77.





1984

California voters approve Proposition 32, which amends article VI to allow Supreme Court to directly review decisions of the Courts of Appeal. Amendment brings court into conformity with practices of U.S. Supreme Court and high courts in other states.

Sixth Appellate District (created in 1981) opens its doors.

1987

Legislature authorizes 11 new judgeships for the Courts of Appeal, bringing number of Court of Appeal justices to 88.

1990

Manuel A. Ramirez becomes first Latino presiding justice on a Court of Appeal.

1991

Lester William Roth, then the longest-serving presiding justice on any California Court of Appeal, retires from Second District at 96, after 27 years as presiding justice of Division Two.

1996

New judgeships authorized, bringing number of authorized Court of Appeal justices to 93.

2000

Legislature authorizes 12 new judgeships for the Courts of Appeal, creating Division Eight of Second District and adding judgeships to First, Third, Fourth, Fifth, and Sixth Districts. Number of authorized Court of Appeal justices reaches 105.

2002

Justice Mildred L. Lillie, longest-serving judge in California history and one of the first female appellate justices in the state, dies. She served as a judge for 55 years, including 44 years on the Second District.

2005

California's Courts of Appeal celebrate their 100th anniversary.





Part 1

FIRST APPELLATE DISTRICT

Soon after the creation of the Courts of Appeal, Governor George C. Pardee on April 10, 1905, appointed three justices to the First Appellate District. They were Presiding Justice Ralph C. Harrison and James Addison Cooper, former Supreme Court commissioners, and Samuel Pike Hall, elevated from the Alameda County Superior Court. Harrison served less than two years, fulfilling his promise to the Governor to simply help organize the new court, and was succeeded by Cooper as presiding justice in January 1907.

The new court met in the same building as the Supreme Court—the Parrott Building at 825 Market Street (near Fifth Street), which later housed the Emporium department store. From then on, the First District followed the Supreme Court to its series of locales.

The First District became the first of the new appellate courts to decide a case. On May 22, 1905, the court issued a five-paragraph opinion in *People v. Curtis* (1905) 1 Cal.App. 1, rejecting an appeal by a convicted child molester who claimed that the information—the formal charge—failed to specify a public offense because it did

< *The First District initially was housed in the Parrott Building on Market Street, later the home of the Emporium department store.*

not show that he and the child were of the opposite sex. Writing for the court, Justice Cooper held the relevant statute covered acts of child molestation regardless of the sex of the defendant or the child.

The First District heard appeals from Alameda, Contra Costa, Fresno, Marin, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz Counties. As hoped, the court helped relieve the Supreme Court of its backlog. However, by 1917 the Supreme Court fell behind again, and the California Bar Association, now the State Bar of California, persuaded the Legislature to submit to the electorate a constitutional amendment adding three justices and creating a second division in the First District. After the voters ratified the amendment in 1918, Division Two of the First Appellate District began hearing cases under Presiding Justice William H. Langdon, who was from Stanislaus County.

As California's population grew and the volume of appeals increased, the First District again became overloaded. Division Three was added in 1961, and Division Four in 1966. Ultimately the number of justices in each division was increased from three to four, with cases assigned to the divisions on an equal, random basis.

In 1982, as part of the overall expansion of the appellate courts, Division Five was created, and appeals from Santa Clara, Santa Cruz, San Benito, and Monterey Counties were removed from the First District and assigned to the new Sixth Appellate District in

San Jose. After legal challenges were filed to the creation of the new judgeships and of the Sixth District itself, Division One of the First District removed the final obstacle to the new appellate court's obtaining its first three justices, in *Brown v. Superior Court (Wall)* (1982) 137 Cal.App.3d 778.

Today the 20 justices of the First Appellate District serve the residents of 12 Northern California counties mainly along the coast, from Del Norte County on the Oregon border south through San Mateo County. Oral argument, which is open to the public, is heard by each division two days per month, in the fourth-floor courtroom of the Earl Warren Building in San Francisco's Civic Center.



SIGNIFICANT CASES

In 1981 the First District issued an opinion that dramatically changed the boundaries of employment law.

Wayne Pugh had worked for See's Candies for 32 years, advancing from dishwasher to vice-president without criticism, and allegedly with the assurance that his job was secure. After he was fired, he sued for wrongful discharge. He lost his case at the trial level, but the Court of Appeal reversed the trial court's decision.


The court explained that Pugh was not necessarily terminable at will. Based on his longevity, his promotions, and the policies and assurances of his employer, Pugh had the right to prove an implied-in-fact contract demonstrating that he could not be terminated without good cause. However, the court held, an employer is still allowed to exercise legitimate managerial discretion. (*Pugh v. See's Candies, Inc.* (1981) 116 Cal.App.3d 311.)

In a recent ruling dealing with the challenges of the Internet, the First District upheld a California statute regulating “spam”—unsolicited commercial e-mail—against a claim that the law violated the commerce clause of the federal Constitution by interfering with interstate commerce. The court concluded the law did not discriminate against or directly regulate interstate commerce and that it served the state’s legitimate interest in protecting its citizens from the economic damage caused by such messages. (*Ferguson v. Friendfinders, Inc.* (2002) 94 Cal.App.4th 1255.)

The First District was the first appellate court to allow private employers to require that job applicants take drug and alcohol tests in order to ensure a safe workplace. (*Wilkinson v. Times Mirror* (1989) 215 Cal.App.3d 1034.) The court held the testing did not substantially burden the right of privacy so as to be constitutionally impermissible. The California Supreme Court later followed the ruling in another case.

The court also played a role in novel litigation involving a disabled ex-Marine who helped save President Gerald R. Ford from

The Value of Dissent

he Courts of Appeal have a vital role to play in the development of the law. At times that role may include influencing the decisions of the California Supreme Court.

In 1943 the First Appellate District demonstrated the value of even a dissent in the evolution of the law. In Merced, waitress Gladys Escola removed a glass bottle of Coca-Cola from a large case of bottles and was putting it in a refrigerator when it exploded in her hand, seriously injuring her. She sued the Coca Cola Bottling Company. At the trial, Coca Cola presented evidence that its bottles could not explode. Escola argued that her injuries had been caused by either excessive pressure or a defect in the bottle. A jury awarded damages to Escola. On appeal to the First District, two justices voted to reverse the judgment, but the dissent argued that *res ipsa loquitur* ("The thing speaks for itself") applied to the case and justified the verdict; that is, the exploding bottle incident was sufficient proof in and of itself.

The California Supreme Court granted a hearing and, following the rationale of the dissent, affirmed the judgment for the plaintiff. Thus, *res ipsa loquitur*, as espoused in a Court of Appeal dissent, came of age in California in 1944. (*Escola v. Coca Cola Bottling Co.* (1944) 24 Cal.2d 453.)

assassination by Sarah Jane Moore in San Francisco in 1975. After the attempted assassination, *San Francisco Chronicle* columnist Herb Caen strongly hinted in his column that the hero, Oliver Sipple, was a homosexual. After several out-of-state newspapers picked up on the column and published their own stories, Sipple sued them for invading his privacy by writing about his sexual orientation. He lost the case and appealed.

Although the court rejected the argument that the news media enjoyed a special privilege under the First Amendment that completely protected them from the court's jurisdiction, it nevertheless held the defendant newspapers had insufficient contacts with California to justify the exercise of personal jurisdiction by California courts in this case. (*Sipple v. Des Moines Register & Tribune Co.* (1978) 82 Cal.App.3d 143.)

In the 1980s, the First District was drawn into a battle between the City of Oakland and the Oakland Raiders football team over the city's failed attempt to prevent the team from moving to Los Angeles. After ruling on the case three times, the court brought the litigation to an end by holding that the city's attempt to acquire the franchise by eminent domain would burden interstate commerce. The court held the city's effort was "the precise brand of parochial meddling with the national economy that the commerce clause was designed to prohibit." (*City of Oakland v. Oakland Raiders* (1985) 174 Cal.App.3d 414.)

In 2001 the court wrestled with the constitutionality of a Napa city ordinance that required developers to either include low- and moderate-income housing units in their developments or pay into a development fund to relieve the city's shortage of affordable housing. A developers' association sued to block enforcement of the ordinance, arguing the law constituted an illegal "taking" without just compensation. The U.S. Supreme Court had established a "heightened scrutiny" test for restrictions on development, but the First District held that test was inapplicable to Napa's ordinance—which, it held, involved a legitimate state interest in creating affordable housing. (*Home Builders Assn. v. City of Napa* (2001) 90 Cal.App.4th 188.)



Part 2

SECOND APPELLATE DISTRICT

Like the First Appellate District, the Second Appellate District began with the creation of the Courts of Appeal in 1905. It likewise began with positions for three justices.

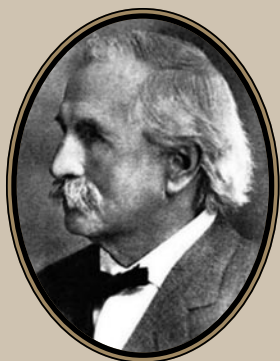
In 1918 a second division with three additional justices was created for the Second District, and a third division was added in 1941. Although the volume of business in the appellate courts increased by about 100 percent during the following two decades, the number of justices remained unchanged for 20 years. To deal with the ever-increasing workload, the Legislature created a fourth division in 1961 and a fifth division in 1966. In 1981 Divisions Six and Seven were added as part of a larger expansion of the appellate courts statewide, with Division Six in Ventura handling all matters from the Ventura, Santa Barbara, and San Luis Obispo County superior courts. In 2000 Division Eight was added. The Legislature ultimately increased the number of justices to four for all divisions.

Originally, the Second District heard appeals from Inyo, Kern, Kings, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties.

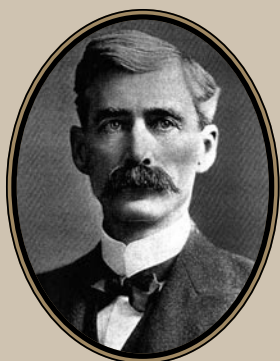
< *The Second District now is based in the Ronald Reagan State Building in downtown Los Angeles.*



Wheaton A. Gray



George Hugh Smith



Matthew Thompson Allen

The Fourth District was carved out of the Second District in 1929 to hear cases from the interior counties of the state.



The Second District is the largest appellate district in the state, with 32 justices serving the counties of Los Angeles, Santa Barbara, San Luis Obispo, and Ventura. Seven of its eight divisions are located in the Ronald Reagan State Building in downtown Los Angeles, and Division Six is in Ventura. The court files more than 5,000 opinions a year and disposes of over 3,700 writ petitions annually.

FIRST JUSTICES

On April 10, 1905, Governor George C. Pardee appointed the first three justices of the Second District. They were Presiding Justice Wheaton A. Gray and George Hugh Smith, former Supreme Court commissioners, and Matthew Thompson Allen, elevated from the Los Angeles County Superior Court.

In its first opinion, the court upheld the conviction of a Burbank area bartender for selling liquor “by the drink and by the glass” without having a liquor license. The court rejected the claim that the criminal complaint should have set out the text of

The Battle Over Busing



During the 1970s and early 1980s, California's courts struggled with the question of the best possible remedy for the problem of racial segregation in the Los Angeles schools. Eventually, in a move that engendered enormous controversy, a Los Angeles judge ordered large-scale reassignment of students on racial and ethnic bases, partly through busing.

Angry voters and legislators put a measure on the November 1979 ballot to amend the California Constitution to prohibit reassignment and busing of students except where there had been a specific intent to discriminate on the basis of race. The measure, Proposition 1, passed with 68.6 percent of the vote.

The Second Appellate District put an end to the controversy by finding no intent to discriminate and ordering an end to busing. (*Crawford v. Board of Education* (1981) 113 Cal.App.3d 633.) The school board submitted an all-voluntary desegregation plan to a new trial judge, who approved it and ended the court's jurisdiction over the case.

the municipal ordinance that was alleged to have been violated, saying it was sufficient to cite its title and date of passage so the court could take notice of it. (*Ex parte Childs* (1905) 1 Cal. 39.)

SIGNIFICANT CASES

The Second District was the first American court to answer the question whether a man may leave sperm to his girlfriend in his will, for her use to become pregnant if she chooses. The appellate court rejected petitions by a decedent's children to destroy the vials of his sperm, and ruled that public policy does not forbid the artificial insemination of an unmarried woman. (*Hecht v. Superior Court* (1993) 16 Cal.App.4th 836.)

The Second District also led the nation in recognizing the right of a seriously ill person to choose the removal of his or her feeding tubes or respirators. The opinions that the court issued formed the groundwork for how California and other states have dealt with this difficult legal and moral issue. (*Barber v. Superior Court* (1983) 147 Cal.App.3d 1006; *Bartling v. Superior Court* (1984) 163 Cal.App.3d 186; *Bowia v. Superior Court* (1986) 179 Cal. App.3d 1127.)

In 1997 the court wrestled with the question of whether a jury should be instructed that it has the power to disregard the law and find a defendant guilty of second-degree murder rather than first-degree murder under the felony-murder rule. A majority of the court concluded that the trial judges are not obligated to instruct

juries about their power to nullify the law. (*People v. Sanchez* (1997) 58 Cal.App.4th 1435.) The ruling was later followed by the California Supreme Court in another case.

The Second District also handled some of the most notorious criminal cases of the last century, affirming the convictions of Gregory Ulas Powell and Jimmy Lee Smith for the “Onion Field murder” of a Los Angeles police officer (*People v. Powell* (1974) 40 Cal.App.3d 107) and the convictions of Manson Family members Charles Manson, Patricia Krenwinkel, and Susan Atkins for the murders of Hollywood actress Sharon Tate and six others (*People v. Manson* (1976) 61 Cal.App.3d 102).



Part 3

THIRD APPELLATE DISTRICT

Since the creation of the Courts of Appeal in 1905, the Third Appellate District has been based in Sacramento, the state capital. In the beginning, the district heard appeals from well over half of California's 58 counties: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Mono, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba.

The Third District has grown from its original complement of 3 justices to 11 justices today, and the court now hears appeals from 23 counties—Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba. The geographical area of the district is larger than the combined areas of Connecticut, Delaware, New Hampshire, Rhode Island, and Vermont.

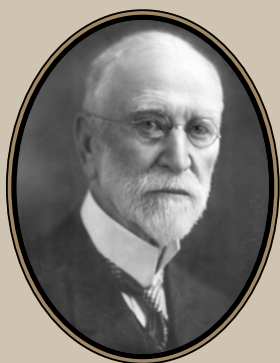
Because most important governmental agencies are in Sacramento and many election law cases are filed there, the workload

< *Sculptor Edward F. Sanford inspects the granite pediment, featuring figures from Greek mythology, on the north facade of the Stanley Mosk Library and Courts Building, circa 1926.*

of the Third District is somewhat akin to that of the United States Court of Appeals for the District of Columbia.

FIRST JUSTICES

The first three justices appointed to the Third District by Governor George C. Pardee in 1905 were Presiding Justice Norton Parker



Norton Parker Chipman

Chipman, a Supreme Court commissioner; Abraham Jay Buckles, elevated from the Solano County Superior Court; and Charles Emmett McLaughlin from the Plumas County Superior Court.

The Third District's courthouse and courtroom are among the most beautiful in California. The five-story Stanley Mosk Library and Courts Building, across from the state Capitol, is in the style of a classic Greco-Roman temple, with 10 granite columns flanking its main entrance. The columns are topped by a classic pediment that features life-size figures from Greek mythology, fashioned by sculptor Edward F. Sanford. Beneath the pediment are inscribed the words "Into the highlands of the mind, let me go."

The interior is adorned with murals by Maynard Dixon and Frank Van Sloun featuring neoclassical designs, motifs of Greek gods and goddesses, classic bronze sculpture, gold leaf, and recessed Roman ceilings. Deeper within the building on the first floor is the ornate courtroom used by the Third District on a regular basis and

Chipman and Lincoln

Norton Parker Chipman, the first presiding justice of the Third Appellate District, succeeded at several fascinating careers before joining the appellate court. A native of Ohio, Chipman fought for the Union in the Civil War and was seriously injured at Fort Donelson in 1862. Although he was reported dead, he survived and, after recuperating, was assigned to special duty in Washington, D.C. Chipman became a close friend of General Ulysses S. Grant and a member of President Abraham Lincoln's personal staff. He is said to have been on the train with Lincoln when the president wrote the Gettysburg Address on a sheet of foolscap, and to have stood at the president's side as he delivered that historic tribute to the war dead.

After the war, as judge advocate, Chipman prosecuted Confederate Captain Henry Wirz, the commander of the notorious Andersonville Prison, where more than 13,000 of the approximately 50,000 imprisoned Union soldiers had died from disease and hunger. Wirz was hanged. Chipman's account of the trial was published in 1911 under the title *The Tragedy of Andersonville*.

After Grant became president, he appointed Chipman secretary for the District of Columbia. Chipman was later elected to Congress from the district and served two terms. He was one of the founders of the Grand Army of the Republic and authored the order creating Memorial Day.

In 1876 Chipman moved to Red Bluff, California, where he practiced law, farmed, and for 15 years served on the State Board of Trade. In 1897 he was appointed commissioner of the California Supreme Court, a position he held until the commission was disbanded and replaced by the Courts of Appeal. He was appointed by Governor Pardee to serve as presiding justice of the newly created Third Appellate District, a position he held until his retirement on May 2, 1921. Justice Chipman died in his home in San Francisco on February 1, 1924, at the age of 87.



by the Supreme Court twice a year. The bench and other woodwork are of glossy Southern gum and add to the beauty and luster of the courtroom.

The original courtroom was constructed as an elaborate octagonal room on the fifth floor. But when it was almost ready for use in 1927, Chief Justice William H. Waste refused to occupy what he called the “attic.” As a consequence, the fifth-floor room was virtually recreated on the first floor. The only notable difference is that the first-floor courtroom lacks the domed ceiling of the original.

SIGNIFICANT CASES

Because the Third District is based in the state capital, it frequently issues decisions that are of great importance to state constitutional officers and state agencies and that, indeed, affect much of the political process of the state. In *Lungren v. Superior Court* (1996) 48 Cal.App.4th 435, the court upheld the Attorney General's official description of a ballot measure prohibiting preferential treatment based on race, ethnicity, or gender in state programs. In a later case, the court interpreted Proposition 209 to invalidate five state programs that utilized affirmative action principles (*Connerly v. State Personnel Board* (2001) 92 Cal.App.4th 16), as well as a municipal utility district's affirmative action program for public contracts (*C&C Construction, Inc. v. Sacramento Municipal Utility District* (2004) 122 Cal.App.4th 284).

In an important water rights decision, the court ordered the State Water Resources Control Board to comply with a state law requiring an adequate flow of stream water for fish in Mono and Inyo Counties. The court recognized that the board had already issued water licenses to the City of Los Angeles and its water and power department, which authorized appropriation of all available water. But, the court held, a specific legislative rule concerning the public trust could be applied to the licenses prospectively. (*California Trout, Inc. v. State Water Resources Control Board* (1989) 207 Cal.App.3d 585.) The ruling helped resolve the long-running dispute over water rights in the Mono Lake basin.

I do solemnly swear that I will support
the Constitution of the United States of
America, and the Constitution of the State
of California, and that I will faithfully
discharge the duties of the office of

Justice of the District Court of Appeal of the Fourth Appellate District
according to the best of my ability. So help
me God.

Emmon Marks

Subscribed and sworn to before me, this

14th day of September

B. D. 1929

J. M. Backs
County Clerk

Part 4

FOURTH APPELLATE DISTRICT

By the late 1920s, lawyers across Southern and Central California were tired of long trips to Los Angeles to argue their cases. Through the efforts of three state senators from San Diego, Fresno, and San Bernardino, the Fourth Appellate District was created in 1929, just before the Great Depression. It was a circuit court, sitting in Fresno from January through April, in San Diego from May through August, and in San Bernardino from September through December. The first session was held in San Bernardino in October 1929. The new district included the counties of Fresno, Imperial, Inyo, Kern, Kings, Orange, Riverside, San Bernardino, San Diego, and Tulare.

FIRST JUSTICES

The first presiding justice of the Fourth District was William A. Sloane of San Diego, who previously had served as an associate justice of the Second Appellate District in Los Angeles from 1919 to 1920 and as an associate justice of the California Supreme Court from 1920 to 1923. He was joined by Charles R. Barnard of Fresno and Emerson J. Marks of Santa Ana. None of the three

< *A copy of the oath of office signed by Emerson J. Marks, one of the first three justices on the Fourth District.*

had applied for the position; they were persuaded by Governor C. C. Young to accept their appointments “as a means of rendering a public service.” Presiding Justice Sloane died the very next year and was succeeded in May 1930 by William Paxton Cary. Justice Barnard took over as presiding justice in 1931 and served in that capacity for more than 27 years.

DIVISIONAL SYSTEM

In 1961 the Fifth Appellate District was created and took with it the Fourth District’s Central Valley counties, leaving Imperial, Inyo, Orange, Riverside, San Bernardino, and San Diego Counties. San Diego became the home of Division One of the Fourth District, and the court held two-day sessions in San Bernardino every other month. By 1965 it was decided that San Bernardino should have its own justices. Division Two of the Fourth District was created, and a new panel of three justices began handling matters in early 1966.

Division Two has become known for its innovations, such as providing copies of its tentative opinions to attorneys about a week before oral argument in order to make those sessions more focused. Division Two also is home to the first courthouse that was designed specifically and exclusively for a state intermediate appellate court and would not be shared by other agencies or branches of government.

By verbal agreement, Division One in San Diego handled court matters from Imperial and San Diego Counties, while Division Two in San Bernardino took filings from Inyo, San Bernardino, and Riverside Counties. Cases from Orange County were divided between the divisions with an eye toward equalizing the workload. This arrangement lasted until 1982, when Division Three began operating in Santa Ana and took all cases from Orange County. The creation of 4 appellate positions in Division Three accompanied the creation of 14 other new positions statewide.

Over the years, the numbers of justices in the Fourth District's divisions have risen to 10 in Division One, 7 in Division Two, and 8 in Division Three. In addition, Division Two moved from San Bernardino to Riverside. The Fourth District is unique among state appellate courts in having divisions with different geographical jurisdictions.

SIGNIFICANT CASES

In 1932 the Fourth District was confronted with an effort by the City of San Diego to construct a new highway through Torrey Pines Park, replacing a winding road that was becoming inadequate for the traffic. Opponents of the road argued it would mar a sensitive coastal area that long had been preserved in its wild and natural state. The court held, although the city had the general authority to build roads, the park board had a specific right to control and manage the park and could refuse to consent to the new road.

(*Olmstead v. San Diego* (1932) 124 Cal.App. 14.) The decision preserved the environmentally pristine land for the benefit of future generations of San Diegans and visitors from around the world.

More recently, the court dealt with a series of 20 cases involving the construction of a major league baseball park, which had been approved by 60 percent of the city's voters, in downtown San Diego. The court rejected legal challenges to the project, and the park opened in 2004 as part of a movement toward development of the city center. (*City of San Diego v. Dunkl* (2001) 86 Cal. App.4th 384.)

In 1989 the court was early in recognizing the use of the Battered Woman Syndrome as evidence in criminal cases. Ruling in the case of a woman who had shot her husband as he slept, the court held expert testimony on the genuineness of the defendant's belief that her killing of her husband was self-defense—though not on the reasonableness of her belief—was admissible. The ruling led to legislation codifying the decision. The Supreme Court later ruled that such expert testimony could be used to show the reasonableness of a defendant's belief. (*People v. Aris* (1989) 215 Cal. App.3d 1178.)

The Fourth District also played a key role in the interesting question of whether a person's motor home is his castle. In *People v. Carney* (1981) 117 Cal.App.3d 36, the court held a motor home was subject to the "automobile exception" to the requirement for a search warrant. The California Supreme Court reversed the

appellate court's decision, holding the motor home was more like a traditional home and so a search warrant was required. The U.S. Supreme Court reversed the decision of the state's high court, agreeing with the Fourth District that the motor home was more like an automobile than a home.

The court rendered a decision in favor of homeless people in 1998. The California Supreme Court had already upheld the constitutionality of Santa Ana's ordinance prohibiting the homeless from camping in city parks and other public areas. Nonetheless, the court held the ordinance had not been violated when a homeless person slept outside a county office building in the city's civic center, in light of the proof offered by the defendant that every shelter available to single men in the city had been full that night. "Sleep is a physiological need, not an option for humans," the court said in ruling that the defendant should have been allowed to present a necessity defense at the trial court level. (*In re Eichorn* (1998) 69 Cal.App.4th 382.)



COURT OF APPEAL
FIFTH APPELLATE DISTRICT

2525



Part 5

FIFTH APPELLATE DISTRICT

Just as the burden of travel led to the establishment of the Fourth District, so too did it spur formation of the Fifth District. The Fourth District, as a circuit-riding court, had been sitting in Fresno during only four months of the year and was in San Diego and San Bernardino the other eight months. As one supporter of the new court wrote, “Young men with families cannot accept appointment to [the Fourth Appellate District,] since the traveling of the court would disrupt their families and the schooling of their children.” Thus, in 1961 the state Legislature fashioned the Fifth District out of counties from the Third and Fourth Districts. The new appellate court met in Fresno and served the Central Valley counties of Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and Tuolumne.

FIRST JUSTICES

Philip Conley of the Fresno County Superior Court was named by Governor Edmund G. “Pat” Brown as the first presiding justice of the Fifth District. He was joined by Ralph M. Brown, a veteran state Assembly member and speaker of the Assembly who had carried

< *The Fifth District, based in this courthouse in Fresno, covers nine counties in central California.*

the legislation that created the court. The third justice was Frederick E. Stone of the Tulare County Superior Court, who became presiding justice in 1969 upon Conley's retirement.

From three justices the court was expanded to four in 1975, five in 1979, eight in 1981, nine in 1989, and ten in 2002. Although the court has always been based in Fresno, it has moved twice as it has expanded. Plans are now afoot to move the court into a new building for the third time, in two or three years.

SIGNIFICANT CASES

In 1990 the Fifth District was confronted with one of the most massive child molestation cases in California history. Seven defendants from Bakersfield were convicted of repeated sex offenses against several children. The defendants were either relatives of the children or acquaintances of the relatives. The case shocked the community and resulted in prison sentences totaling 2,619 years.

In its 470-page opinion, the Fifth District was sharply critical of the arguments of the prosecutor, saying they played on the passions and prejudices of the jury. All of the convictions were set aside due to gross prosecutorial misconduct. (*People v. Pitts* (1990) 223 Cal. App.3d 606.) By 1994 all of the child witnesses had recanted and maintained that their testimony had been coerced.

In 1993 the Fifth District helped persuade the California Supreme Court to overturn its controversial decision to allow

plaintiffs to recover tort damages, including punitive damages, for bad-faith denial of the existence of a contract. In overturning *Seaman's Direct Buying Service Inc. v. Standard Oil Co.* (1984) 36 Cal.3d 752, the high court relied on the Fifth District's analysis in *Harris v. Atlantic Co.* (1993) 14 Cal.App.4th 70.

The Fifth District produced one of the most frequently cited opinions upholding California's three-strikes sentencing law and rejecting the claim that it violated the constitutional prohibition against "cruel and unusual punishment." Ruling in the case of an ex-felon sentenced to 25 years to life for carrying a handgun while shoplifting a can of cake frosting, the court made it clear that such defendants are punished not just for their current offenses but for their recidivism. (*People v. Cooper* (1996) 43 Cal.App.4th 815.)



Part 6

SIXTH APPELLATE DISTRICT

By the early 1980s, the population of the Santa Clara Valley had grown so much that local legislators, judges, and lawyers began demanding their own appellate court, to relieve them of the difficult commute to the First District's courthouse in San Francisco. The Legislature in 1981 approved the formation of the three-justice Sixth Appellate District, effective in 1982, to handle cases from Monterey, San Benito, Santa Clara, and Santa Cruz Counties.

The new court's operation was delayed, however, when then-Attorney General George Deukmejian, a member of the state Commission on Judicial Appointments, effectively blocked the nominees of outgoing Governor Edmund G. "Jerry" Brown. In 1984 Deukmejian, now Governor, made his own appointments: Edward Panelli of the First District as presiding justice, Nat A. Agliano of the Monterey County Superior Court, and Harry T. Brauer of the Santa Cruz County Superior Court.

By the end of 1986, the court had a growing backlog of cases, so the Legislature authorized three additional positions in September 1987. A seventh position was added in 2001.

SIGNIFICANT CASES

In 1995 the court was faced with a novel lawsuit filed by renowned San Francisco 49ers quarterback Joe Montana against the *San Jose Mercury News*. Montana claimed that the newspaper had misappropriated his name, photograph, and likeness by selling poster reprints of a souvenir section celebrating the team's four Super Bowl championships between 1980 and 1990. In ruling on the first-ever claim of unauthorized use of a celebrity's name and image, the Sixth District held reproductions of newspaper accounts of Montana's accomplishments were matters of public interest entitled to First Amendment protection. (*Montana v. San Jose Mercury News, Inc.* (1995) 34 Cal.App.4th 790.)

Part 7

SOME NOTABLE FIRSTS

For much of the nation's 228-year history, women and racial and ethnic minorities have been underrepresented in positions of authority and influence in both the private and public sectors. However, in the last 50 years that situation has changed dramatically—a change that is reflected in California's appellate judiciary.

WOMEN

The first woman ever to serve on the state's high court was Annette Abbott Adams of the Third District, who served as a justice pro tem with the Supreme Court in 1950.

Adams's illustrious career included numerous firsts. A native of Plumas County, she worked as a schoolteacher to pay her way through law school and in 1912 became one of the first women to graduate from the University of California's Boalt Hall School of Law. She then opposed John Preston, the U.S. attorney for Northern California, in a white slavery case. Adams's client was convicted, but the trial judge was so persuaded by her arguments that he imposed a prison sentence of just six months on the offender.

Preston not only congratulated Adams but was instrumental in her being hired as an assistant U.S. attorney and later, when he became Assistant U.S. Attorney General, endorsed her proposed appointment as a U.S. attorney. President Woodrow Wilson nominated Adams for that post in 1918 and Congress approved, making her the first woman to serve as a U.S. attorney. Later she became the first woman appointed as an Assistant U.S. Attorney General.



Annette Abbott Adams

Upon Adams's appointment to the Third District by Governor Culbert Olson in 1942, she became the first woman to sit on a state appellate court as well as the first female presiding justice. In April 1950 she served as a justice pro tem with the California Supreme Court. The state's high court was commemorating its centennial, and as part of that celebration Justice Adams was appointed to sit pro tempore on one case. She was part of a 5–2 majority that rejected a suit against a private club for allegedly losing an envelope containing \$5,500 that a club member had left with a desk clerk. (*Gardner v. Jonathan Club* (1950) 35 Cal.2d 343.)

Justice Adams served with the Third District until her retirement in November 1952. She died in October 1956 at her home in Sacramento, after a long illness.

The first female justice in the Second District was the venerable Mildred L. Lillie. A graduate of the University of California's Boalt Hall School of Law, Lillie was appointed to the Los Angeles

Municipal Court in 1947 by Governor Earl Warren and elevated to the Los Angeles Superior Court by him in 1949. She was appointed to the Second Appellate District, Division One, in 1958 by Governor Goodwin Knight. In 1984 Governor George Deukmejian appointed her presiding justice of Division Seven of the Second District, where she served until her death in October 2002.

The first female presiding justice in the Second Appellate District was Joan Dempsey Klein, appointed to head Division Three by Governor Edmund G. “Jerry” Brown in 1978. She had been appointed to the Los Angeles Municipal Court in 1963 by Governor Edmund G. “Pat” Brown and elected to the superior court in 1975.

The first all-female panel of sitting Court of Appeal justices was convened on March 11, 2003, in San Diego. The panel of the Fourth Appellate District, Division One, was composed of Presiding Justice Patricia D. Benke and Justices Judith D. McConnell and Judith Lynnette Haller.

The first four women appointed to serve in the First Appellate District in San Francisco were all in Division Three. Betty Barry-Deal was the first in 1980, followed by Kathryn Mickle Werdegarr in 1991, Carol A. Corrigan in 1994, and Joanne C. Parrilli in 1995. Werdegarr was elevated to the Supreme Court in 1994.



Mildred L. Lillie

AFRICAN AMERICANS

In 1961 Edwin L. Jefferson, a native of Mississippi, became the first African American to serve on a California Court of Appeal.



Edwin L. Jefferson

Jefferson's family moved to Colorado, then, when he was 16, to Los Angeles. He earned his undergraduate and law degrees from the University of Southern California and went into private practice. He was appointed to the Los Angeles Municipal Court in 1941 by Governor Olson and to the Los Angeles Superior Court in 1949 by Governor Earl Warren. Governor Pat Brown elevated him to Division Four of the Second District, where he served until his retirement in

1975. At his retirement he was still the only African American on a California appellate court. Governor Jerry Brown appointed Jefferson's brother, Bernard, as his successor.

The first African American to serve as a presiding justice of a Court of Appeal was Justice Clinton W. White, who headed Division Three of the First District from 1978 to 1995.

Arleigh Woods was the first female African-American justice in California. She was appointed to the Second District, Division Four, by Governor Jerry Brown in 1980. Governor Brown later appointed Woods presiding justice of that division.

ASIAN AMERICANS

The first Asian American to sit on a California Court of Appeal was Stephen K. Tamura. He and his family were moved to a Japanese internment camp in Arizona during World War II; later in the war he served in Italy with the U.S. Army. He began his judicial career in 1961 with an appointment to the Orange County Superior Court by Governor Pat Brown. In 1966 Governor Brown elevated him to the Fourth District, Division Two. On occasion, Justice Tamura served as a justice pro tem on the California Supreme Court. He also served on the California Judicial Council from 1979 to 1981. He retired from the Court of Appeal in 1981 but continued to serve on assignment until his death on April 22, 1982.



Stephen K. Tamura

When John F. Aiso was appointed to the Los Angeles Municipal Court in 1953 by Governor Earl Warren, he became the first Japanese American to hold a judicial position in the contiguous United States. Governor Goodwin Knight appointed him to the superior court in 1957, and he was elevated to the Second Appellate District, Division Five, in 1968. He served there until his retirement in 1972.

Kathryn Doi Todd was the first female Japanese American appointed to a Court of Appeal. A child of the Japanese internment camps, she was appointed to the Los Angeles Municipal Court in 1977 by Governor Jerry Brown and elevated to the superior court

by him in 1981. She was appointed to the Second Appellate District, Division Two, in 2000 by Governor Gray Davis.

HISPANICS

The first Hispanic justice on the California Court of Appeal was Cruz Reynoso, appointed in 1976 to the Third District by Governor Jerry Brown. The son of Mexican farm workers, Reynoso grew up in a family of 11 children in Orange County. As a youth, he picked fruit and attended segregated schools with other Latinos. Reynoso served with the appellate court until 1982, when Brown elevated him to the California Supreme Court. He was the first Hispanic on that court.

The first Hispanic justice in the Second Appellate District was John A. Arguelles. Appointed to the Los Angeles Municipal Court in 1963 by Governor Pat Brown, Arguelles was elevated to the superior court six years later by Governor Ronald Reagan. In 1985 Governor Deukmejian appointed him to the Second District, where he served until Deukmejian elevated him to the Supreme Court in 1987.

The first female Hispanic justice in the Second District was Ramona Godoy-Perez. A native of Los Angeles, Godoy-Perez was appointed to the Los Angeles Municipal Court by Governor Jerry Brown in 1980. In 1985 she was appointed to the superior court by Governor George Deukmejian. In 1992 Governor Pete Wilson appointed her to the Second District, Division Five, where she served until her death in June 2001.

Part 8

THE PRESENT AND FUTURE OF THE CALIFORNIA COURTS OF APPEAL

Since its creation 100 years ago, the state Courts of Appeal have been devoted to promoting justice and the rule of law. By correcting errors of lower tribunals and ensuring predictability and uniformity in the law, the appellate courts have enhanced public confidence and trust in California's judicial system.

The high quality of work done by the Courts of Appeal has substantially eased the burden on the California Supreme Court and has allowed it to carry out its role of ensuring statewide uniformity of law and resolving conflicts among the decisions of the Courts of Appeal.

Over the decades, with the commitment and collegiality of dozens of justices (now numbering 105 statewide), the development of a professional staff of attorneys, and innovations in settlement and mediation programs, the California Courts of Appeal have faithfully discharged and will continue to discharge their duty to strive for justice—yesterday, today, and tomorrow.

Appendix

JUSTICES AND CLERK/ ADMINISTRATORS SINCE 1905

FIRST DISTRICT

Justices

James Addison Cooper*	April 1905–January 1911
Samuel Pike Hall	April 1905–August 1913
Ralph C. Harrison*†	April 1905–January 1907
Frank H. Kerrigan†	January 1907–January 1923
Thomas J. Lennon*†	January 1911–January 1919
John E. Richards†	October 1913–February 1924
Frank S. Brittain	January 1919–January 1921
Thomas E. Haven	January 1919–September 1919
William H. Waste*§	January 1919–November 1921
William H. Langdon*†	January 1919–January 1927
John T. Nourse*	September 1919–March 1957
George A. Sturtevant	January 1921–October 1945
John F. Tyler*	November 1921–May 1939
A. F. St. Sure	January 1923–March 1925
Benjamin K. Knight	February 1924–January 1947
D. A'rcy Cashin	March 1925–December 1938
Joseph S. Koford*	January 1927–January 1930
Homer R. Spence†	March 1930–January 1945
Louis H. Ward	January 1939–February 1950
Raymond E. Peters*†	June 1939–March 1959
C. J. Goodell	January 1945–December 1953
Maurice T. Dooling, Jr.†	November 1945–June 1960
Absalom F. Bray*	February 1947–September 1964
Fred B. Wood	May 1950–October 1959
Herbert C. Kaufman*	January 1954–August 1963
Murray Draper*	March 1957–October 1977
Mathew O. Tobriner†	March 1959–July 1962
Benjamin C. Duniway	November 1959–October 1961
Daniel R. Shoemaker*	June 1960–September 1971
James R. Agee	September 1961–February 1971
Preston Devine*	September 1961–January 1974

* Served as presiding justice.

† Served as an associate justice of the California Supreme Court.

§ Served as Chief Justice of California.

Source: *California Official Reports*.

Byrl R. Salsman	September 1961–March 1969
Raymond L. Sullivan*†	October 1961–December 1966
John B. Molinari*	July 1962–March 1977
Michael J. Phelan	September 1962–December 1998
Wakefield Taylor*	October 1963–January 1982
Richard M. Sims, Jr.	December 1964–January 1978
Harold C. Brown	December 1966–October 1976
Winslow Christian	December 1966–May 1983
Joseph A. Rattigan	December 1966–March 1984
Norman Elkington	December 1966–June 1988
Thomas W. Caldecott*	April 1969–May 1984
Robert F. Kane	April 1971–June 1979
Allison M. Rouse	October 1971–August 1988
James B. Scott	December 1974–January 1988
John T. Racanelli	June 1977–January 1991
Sidney Feinberg	September 1977–February 1984
William A. Newsom, Jr.	April 1978–August 1995
Paul N. Halvonik	June 1978–May 1980
Clinton W. White*	June 1978–December 1994
John J. Miller	December 1978–February 1985
Marcel B. Poche	March 1979–October 2000
Joseph R. Grodin*†	July 1979–December 1982
Jerome A. Smith	December 1979–August 1996
Betty Barry-Deal	August 1980–June 1990
John W. Holmdahl	October 1982–April 1990
Harry W. Low*	December 1982–December 1991
Donald B. King	December 1982–June 1996
Zerne P. Haning III	December 1982–March 2000
J. Anthony Kline*	December 1982–
Edward A. Panelli†	October 1983–September 1984
Carl W. Anderson*	October 1984–September 1997
William R. Channell	December 1984–June 1990
Modeste O. Sabraw	January 1985–March 1988
Robert W. Merrill	January 1985–March 1996
John E. Benson	April 1986–April 1994
Gary E. Strankman	May 1988–June 2001
James F. Perley	August 1988–September 1995
Timothy A. Reardon	August 1988–
William D. Stein	August 1988–
J. Clinton Peterson*	November 1988–August 1998
Ming W. Chin*†	August 1990–March 1996
Robert L. Dossee	August 1990–May 1998
Kathryn Mickle Werdegarr†	August 1991–June 1994

Carol A. Corrigan	August 1994–
Paul R. Haerle	August 1994–
Joanne C. Parrilli	April 1995–
Daniel M. Hanlon*	October 1995–December 2000
Douglas E. Swager	October 1995–
James R. Lambden	March 1996–
Herbert W. Walker	May 1996–March 2001
Barbara J.R. Jones*	October 1996–
Ignazio J. Ruvo	October 1996–
William R. McGuiness*	November 1997–
James J. Marchiano*	September 1998–
Lawrence Thompson Stevens	September 1998–
Patricia K. Sepulveda	December 1998–
Laurence Donald Kay*	December 2000–
Mark B. Simons	January 2001–
Sandra L. Margulies	January 2002–
Stuart R. Pollak	January 2002–
Maria P. Rivera	January 2002–
Linda M. Gemello	January 2002–

Clerk/Administrators

Abraham W. Johnson	1909–?
J. B. Martin	?–1937
Walter S. Chisholm	1937–1961
Lawrence R. Elkington	1961–1975
Clifford C. Porter	1975–1989
Ron D. Barrow	1989–2004
Diana Herbert	2004–

SECOND DISTRICT

Justices

Wheaton A. Gray*	April 1905–December 1906
George Hugh Smith	April 1905–December 1906
Matthew Thompson Allen*	April 1905–October 1913
James W. Taggart	January 1907–July 1910
Victor E. Shaw	January 1907–January 1923
William P. James	July 1910–March 1923
N. P. Conrey*†	October 1913–September 1935
Walter Middlecoff*	November 1914–January 1915
Frank G. Finlayson†	January 1919–October 1926

* Served as presiding justice.

† Served as an associate justice of the California Supreme Court.

§ Served as Chief Justice of California.

Source: *California Official Reports*.

William A. Sloane [†]	January 1919–May 1920
W. H. Thomas	January 1919–January 1921
Dana R. Weller	May 1920–January 1921
Lewis R. Works*	January 1921–October 1933
Gavin W. Craig	January 1921–March 1937
Frederick W. Houser* [†]	January 1923–October 1937
J. W. Curtis [†]	March 1923–December 1925
John M. York*	February 1926–?
Ira F. Thompson [†]	October 1926–December 1932
Albert Lee Stephens*	December 1932–September 1935
Walter Desmond*	March 1934–August 1948
Charles S. Crail*	November 1934–June 1939
Walton J. Wood	September 1935–September 1945
William C. Doran	October 1935–March 1958
Marshall F. McComb [†]	March 1937–December 1955
Thomas P. White* [†]	December 1937–August 1959
Minor Moore*	August 1939–January 1958
B. Rey Schauer* [†]	October 1941–December 1942
Clement L. Shinn*	October 1941–December 1966
Parker Wood*	October 1941–December 1978
Emmet H. Wilson	September 1945–December 1951
Paul Vallee	August 1948–December 1961
Louis C. Drapeau	March 1949–November 1955
W. Turney Fox*	February 1952–September 1964
Lester William Roth*	December 1953–October 1991
Walter J. Fourt	December 1955–September 1969
Allen W. Ashburn	January 1956–October 1963
Roy L. Herndon	February 1958–July 1973
Mildred L. Lillie*	March 1958–October 2002
John J. Ford*	November 1959–September 1977
Frank S. Balthis	September 1961–January 1963
Louis H. Burke* [†]	September 1961–November 1964
Edwin L. Jefferson	September 1961–May 1975
Gordon L. Files*	January 1962–February 1982
Robert Kingsley	January 1963–December 1987
Macklin Fleming	October 1964–September 1981
Otto M. Kaus* [†]	December 1964–July 1981
Shirley M. Hufstедler	December 1966–September 1968
Conrad J. Moss	December 1966–April 1969
James A. Cobey	December 1966–December 1981
Clarke E. Stephens	December 1966–October 1984
John F. Aiso	November 1968–January 1973
Robert S. Thompson	November 1968–September 1979

Gerold Camarillo Dunn	November 1968–October 1977
Donald R. Wright [§]	December 1968–April 1970
William A. Reppy	December 1968–May 1972
Harold W. Schweitzer	December 1968–October 1973
John R. Allport	August 1969–January 1981
Roy A. Gustafson	November 1969–June 1971
Lynn D. Compton	May 1970–September 1990
William P. Clark, Jr. [†]	July 1971–March 1973
Herbert L. Ashby	June 1972–August 1992
James H. Hastings	May 1973–November 1987
L. Thaxton Hanson	July 1973–April 1990
Edwin F. Beach	September 1973–December 1986
Rodney K. Potter	March 1974–April 1983
Bernard S. Jefferson*	October 1975–June 1980
Joan Dempsey Klein*	April 1978–
Arthur L. Alarcon	June 1978–November 1979
Arleigh Maddox Woods*	March 1980–December 1995
Eugene McClosky	August 1980–February 1990
Vaino Spencer	August 1980–
Vincent S. Dalsimer	July 1981–June 1985
Elwood Gon Ho Lui	July 1981–September 1987
George E. Danielson	March 1982–April 1992
Richard Amerian	May 1982–April 1984
Robert Feinerman*	May 1982–February 1988
Donald N. Gates	May 1982–March 1995
Richard Schauer*	December 1982–April 1984
Leon Thompson	December 1982–May 1988
Richard W. Abbe	December 1982–December 1990
Steven John Stone*	December 1982–January 1999
Arthur Gilbert*	December 1982–
Earl Johnson, Jr.	December 1982–
Armand Arabian [†]	November 1983–March 1990
John A. Arguelles [†]	July 1984–March 1987
Campbell M. Lucas*	September 1984–January 1991
David N. Eagleson [†]	November 1984–March 1987
Robert R. Devich	January 1986–June 1992
Morio L. Fukuto	January 1987–February 1999
Ronald M. George [§]	August 1987–September 1991
Roger W. Boren*	August 1987–
H. Walter Croskey	November 1987–
Joyce L. Kennard [†]	April 1988–April 1989
Jack E. Goertzen	April 1988–August 1991
Reuben A. Ortega	June 1988–December 2004

* Served as presiding justice.

† Served as an associate justice of the California Supreme Court.

§ Served as Chief Justice of California.

Source: *California Official Reports*.

Fred Woods	August 1988–
Paul A. Turner*	November 1989–
Norman L. Epstein	April 1990–
Edward A. Hinz, Jr.	May 1990–February 1994
Miriam A. Vogel	July 1990–
Michael G. Nott	December 1990–March 2005
Kenneth R. Yegan	December 1990–
Margaret M. Grignon	January 1991–December 2004
Charles S. Vogel*	December 1992–January 2004
William A. Masterson	January 1993–June 2000
Ramona Godoy Perez	January 1993–June 2001
Patti S. Kitching	January 1993–
Orville A. Armstrong	January 1993–
J. Gary Hastings	September 1993–
Richard D. Aldrich	August 1994–
John Zebrowski	October 1995–November 1999
Elizabeth A. Baron	April 1996–June 1998
Richard C. Neal	April 1997–February 2001
Paul H. Coffee	April 1997–
Daniel A. Curry	September 1998–
Candace D. Cooper*	November 1999–
Steven Z. Perren	November 1999–
Robert M. Mallano	August 2000–
Kathryn Doi Todd	August 2000–
Richard M. Mosk	October 2001–
Dennis M. Perluss*	October 2001–
Laurence D. Rubin	October 2001–
Paul Boland	November 2001–
Judith M. Ashmann-Gerst	December 2001–
Madeleine I. Flier	September 2003–
Laurie D. Zelon	September 2003–
Sandy R. Kriegler	April 2005–
Frances Rothschild	April 2005–
Thomas L. Willhite	April 2005–

Clerk/Administrators

W. D. Shearer	1905–1924
H. C. Lillie	1924–1939
James E. Brown	1939–1962
John T. Alley	1962–1966
Clay Robbins, Jr.	1966–1987
Robert N. Wilson	1987–1991
Joseph A. Lane	1992–

THIRD DISTRICT

Justices

Abraham Jay Buckles	April 1905–January 1907
Charles Emmett McLaughlin	April 1905–January 1907
Norton Parker Chipman*	April 1905–May 1921
Albert Glenn Burnett	January 1907–August 1923
Elijah Carson Hart	January 1907–January 1929
William M. Finch*	May 1921–May 1931
John A. Plummer	September 1923–October 1938
Rolfe Lyon Thompson	February 1929–January 1950
Hugh Lawson Preston*	June 1931–October 1932
John Francis Pullen*	October 1932–November 1941
Raglan Tuttle	December 1938–July 1942
Annette Abbott Adams*	March 1942–November 1952
Paul Peek*†	December 1942–December 1962
Benjamin Franklin Van Dyke*	February 1950–October 1961
Andrew R. Schottky	January 1953–September 1964
Fred R. Pierce*	October 1961–September 1971
Leonard M. Friedman	December 1962–February 1978
Edwin J. Regan	January 1965–June 1987
Bertram D. Janes	November 1968–November 1979
Frank K. Richardson*†	August 1971–September 1974
George E. Paras	June 1974–August 1981
Robert K. Puglia*	June 1974–November 1998
Hugh Arthur Evans	December 1974–July 1990
Cruz Reynoso†	August 1976–February 1982
Coleman A. Blease	June 1979–
Frances Newell Carr	May 1980–January 1992
Keith F. Sparks	October 1981–August 1997
Rick Sims	December 1982–
Fred W. Marler, Jr.	August 1987–April 1992
Rodney Davis	February 1989–
Arthur G. Scotland*	February 1989–
Joseph Anthony DeCristoforo	April 1989–November 1990
George W. Nicholson	August 1990–
Vance W. Raye	January 1991–
Fred K. Morrison	August 1994–
Janice Rogers Brown†	November 1994–May 1996
Consuelo Maria Callahan	December 1996–May 2003
Harry E. Hull, Jr.	February 1998–
Daniel M. Kolkey	December 1998–November 2003

* Served as presiding justice.

† Served as an associate justice of the California Supreme Court.

§ Served as Chief Justice of California.

Source: *California Official Reports*.

Ronald Boyd Robie	January 2002–
M. Kathleen Butz	October 2003–
Tani Gorre Cantil-Sakauye	January 2005–

Clerk/Administrators

Homer W. Wood	1905–1907
G. H. Chase	1907–1913
W. M. Lowell	1913–1914
John T. Stafford	1914–1935
Cavins Hart	1935–1944
George N. Didion	1944–1949
Ludwig A. Endres	1949–1962
Margaret A. Flynn	1962–1964
Wilfried J. Kramer	1964–1988
Robert L. Liston	1988–2000
Deena Fawcett	2001–

FOURTH DISTRICT

Justices

William A. Sloane ^{*†}	September 1929–April 1930
Emerson J. Marks	September 1929–July 1948
Charles R. Barnard [*]	September 1929–July 1958
William Paxton Cary [*]	May 1930–December 1930
Lacy D. Jennings	January 1931–June 1938
Lloyd E. Griffin [*]	October 1938–February 1965
Stanley W. Mussell	August 1948–January 1960
Arthur C. Shepard	October 1958–January 1963
Martin J. Coughlin	January 1960–August 1971
Gerald Brown [*]	January 1963–June 1985
Vincent A. Whelan	March 1965–February 1975
Hilton H. McCabe [*]	January 1966–March 1970
John W. Kerrigan	January 1966–November 1975
Stephen K. Tamura	January 1966–October 1981
Richard B. Ault	January 1970–March 1977
Robert Gardner [*]	January 1970–December 1981
Marcus M. Kaufman [†]	January 1970–March 1987
John G. Gabbert	May 1970–May 1974
Gordon Cologne	March 1972–August 1984
F. Douglas McDaniel	December 1974–June 1990
Margaret J. Morris [*]	July 1976–February 1986

Robert O. Staniforth	December 1976–July 1986
Howard B. Wiener	May 1978–December 1993
Don Ross Work	August 1980–May 2001
John K. Trotter, Jr.*	April 1982–August 1987
Robert E. Rickles	December 1982–December 1986
Edward Thomas Butler	December 1982–February 1988
Edward J. Wallin	December 1982–February 1999
Sheila Prell Sonenshine	December 1982–April 1999
Thomas F. Crosby, Jr.	December 1982–June 2001
Gerald Jorgensen Lewis	November 1984–May 1987
Daniel J. Kremer*	July 1985–July 2003
Joseph B. Campbell*	July 1986–November 1989
William D. Todd, Jr.	October 1986–December 1994
John H. Hews	January 1987–January 1989
Patricia D. Benke	June 1987–
Howard M. Dabney	November 1987–September 1995
Harmon G. Scoville*	January 1988–April 1990
Henry T. Moore, Jr.	August 1988–April 1994
Thomas E. Hollenhorst	August 1988–
Charles W. Froehlich, Jr.	October 1988–August 1995
Richard D. Huffman	October 1988–
Gilbert Nares	October 1988–
Robert J. Timlin	April 1990–October 1994
David G. Sills*	August 1990–
Art W. McKinster	December 1990–
Manuel A. Ramirez*	December 1990–
Judith L. Haller	August 1994–
Betty A. Richli	December 1994–
William F. Rylaarsdam	April 1995–
Alex C. McDonald	June 1995–
James A. McIntyre	April 1996–
James D. Ward	June 1996–
William W. Bedsworth	April 1997–
Barton C. Gaut	May 1997–
Terry B. O'Rourke	December 1998–
Kathleen E. O'Leary	January 2000–
Eileen C. Moore	December 2000–
Judith D. McConnell*	October 2001–
Richard M. Aronson	November 2001–
Richard D. Fybel	February 2002–
Cynthia G. Aaron	January 2003–
Raymond J. Ikola	January 2003–
Jeffrey King	January 2003–
Joan K. Irion	September 2003–

* Served as presiding justice.

† Served as an associate justice of the California Supreme Court.

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Source: *California Official Reports*.

Clerk/Administrators

M. C. Van Allen	1929–1946
Earl J. Verdeckberg	1946–1962
George J. Kobelin	1962–1968
John R. McDowell	1968–1974
Ervin J. Tuszyński	1974–1978
Robert L. Ford	1978–1981
Keenan G. Casady	1982–1988
Stephen M. Kelly	1988–

FIFTH DISTRICT

Justices

Ralph M. Brown	September 1961–April 1966
Philip Conley*	September 1961–August 1969
Frederick E. Stone*	September 1961–December 1972
Roy J. Gargano	September 1966–December 1977
Thomas Coakley	August 1969–January 1971
George A. Brown*	February 1971–August 1987
Donald R. Franson*	December 1972–September 1990
George A. Hopper	December 1976–June 1981
George N. Zenovich	March 1979–June 1984
Pauline Davis Hanson	April 1980–July 1987
Kenneth Andreen	September 1980–January 1985
Wickson R. Woolpert	October 1982–February 1989
Charles F. Hamlin	December 1982–June 1989
Robert L. Martin	December 1982–June 1997
Hollis G. Best*	October 1984–February 1994
Jay R. Ballantyne	May 1986–August 1988
William A. Stone	January 1988–September 1999
James A. Ardaiz*	January 1988–
Marvin R. Baxter†	December 1988–January 1991
Nickolas J. Dibiaso	June 1989–
Steven M. Vartabedian	October 1989–
James F. Thaxter	January 1990–May 2001
Thomas A. Harris	August 1990–
Timothy S. Buckley	December 1990–
Rebecca A. Wiseman	November 1995–
Herbert I. Levy	August 1997–
Dennis A. Cornell	December 2000–
Gene M. Gomes	May 2002–
Betty L. Dawson	September 2003–

Clerk/Administrators

James G. Huggins	1961–1971
David Blomgren	1971–1974
Kevin A. Swanson	1974–1996
Eve Sproule	1996–2004
Kay Frauenholtz	2004–

SIXTH DISTRICT*Justices*

Edward A. Panelli*†	September 1984–December 1985
Harry T. Brauer	November 1984–June 1989
Nat A. Agliano*	November 1984–February 1992
Walter P. Capaccioli	October 1986–December 1992
Christopher C. Cottle	September 1988–August 2001
Franklin D. Elia	September 1988–
Eugene M. Premo	September 1988–
Patricia Bamattre-Manoukian	October 1989–
William M. Wunderlich	February 1993–April 2004
Nathan D. Mihara	February 1993–
Conrad L. Rushing*	January 2002–
Richard J. McAdams	September 2003–

Clerk/Administrators

Richard J. Eyman	1984–1988
Michael J. Yerly	1988–

* Served as presiding justice.

† Served as an associate justice of the California Supreme Court.

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Source: *California Official Reports*.

