

MARCHIANO, James John

PRESIDING JUSTICE, COURT OF APPEAL, First Appellate District, Division One

Appointment/Election: Appointed to current position by Governor Davis and confirmed by the Commission on Judicial Appointments, Jan. 25, 2002; Appointed as Associate Justice, Division 1 [succeeding Justice Robert Dossee, retired] by Governor Wilson Aug. 13, 1998, and subsequently confirmed by Commission on Judicial Appointments, Sept. 2, 1998. Reconfirmed by electorate Nov. 7, 2006.

Other Judicial Office: Associate Justice, Court of Appeal, First Appellate District, Division One, until Jan. 25, 2002; Judge, Superior Court, Contra Costa County, appointed [succeeding Judge Gary E. Strankman, elevated] by Governor Deukmejian Aug. 26, 1988 (oath Sept. 30, 1988), elected in 1990 (unopposed), reelected in 1996 (unopposed).

Past Employment: Private law practice: Oakland, Calif., 1978-88 (partner, Crosby, Heafey, Roach & May); and City & County of San Francisco, 1970-78 (first as associate and then partner, Bledsoe, Smith, Cathcart, Boyd, and Elliot).

Memberships/Awards: Member: Judicial Council's Jury System Improvement Task Force Committee, 1998-2003; Calif. State Federal Judicial Council, 1999-2002; Calif. Judges Assn., 1998—; AOC Courts of Appeal Centennial Committee, 2005; American Board of Trial Advocates, San Francisco chapter, 1981-2006; Robert G. McGrath Inn of Court (Founding member), 1997—; California Supreme Court Historical Society (Board of Directors, 2005-11). Member: Alameda County Bar Assn., 1978-88; Contra Costa County Bar Assn., 1972-88; and Assn. of Defense Counsel, San Francisco, 1971-88 (Board of Directors, 1980-81 and 1977-78). Named "State Trial Judge of the Year" (1992) by Calif. Trial Lawyers Assn.; "1990 Trial Judge of the Year," by Alameda-Contra Costa Trial Lawyers Assn.; Jurist of the Year (2002), Italian-American Bar Assn. San Francisco chapter.

Teaching/Lectures/Panelist: Rutter Group: Standards of Appellate Review (2005); Rutter Group Institute on Insurance Law; New Judges Orientation Program for CJER; Panelist for CJA Alternative Dispute Resolution; Civil Institute for Trial Judges; AOC ADR Conference; CJER Statewide Satellite Education, Jury Innovations (2001). Adjunct Professor of Law, Hastings College of the Law, San Francisco, 1976-84 ("Litigation Advocacy"). Faculty, Civil College of Advocacy, Hastings College of the Law, San Francisco, 1984, 1981, 1979, and 1977. Lecturer and panelist, CEB programs on Trial Techniques and Procedures, 1984, 1981, 1979, 1978, 1977, 1975, and 1974. Lecturer, John F. Kennedy Law School, Walnut Creek, Contra Costa County, 1974-75 ("Trial Practice").

Publications: Author: "Misconduct of Counsel and Court" and "Jury Management," in Civil Procedure During Trials, 3rd Edition, Vol. 2 (Cal.CEB, 2010); Action Guide: Handling Depositions (Cal CEB 2011); "Use and Abuse of Interrogatories at Trial," 15 Calif. Trial Lawyers Journal (1976); and "State Farm v. Partridge: Expanding Insurance Liability," 7 Pacific Law Journal (1976). Consultant for Civil Procedure During Trial, Vol. 1 (Cal CEB, 1982); Consultant for Michie's Evidence Book (1993); Consultant for Bench Handbook "Jury Management" (CJER 2011).

Education: J.D. (1969), Univ. of Calif., Boalt Hall School of Law, Berkeley, Calif.; B.A. (1965), St. Patrick's College Seminary, Menlo Park, Calif.

Personal: Born June 5, 1943; Detroit, Michigan; Married. Four children.

California Appellate Court Legacy Project – Interviewee Biography: Justice James Marchiano

Interests: Enjoys reading history and traveling to historic sites.

Admission: Admitted to Calif. Bar, to U.S. Court of Appeals, Ninth Circuit, and to U.S. Dist. Court, Northern Dist. of Calif., Jan. 15, 1970.

Political Affiliation/Religion: Democrat; Catholic.

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