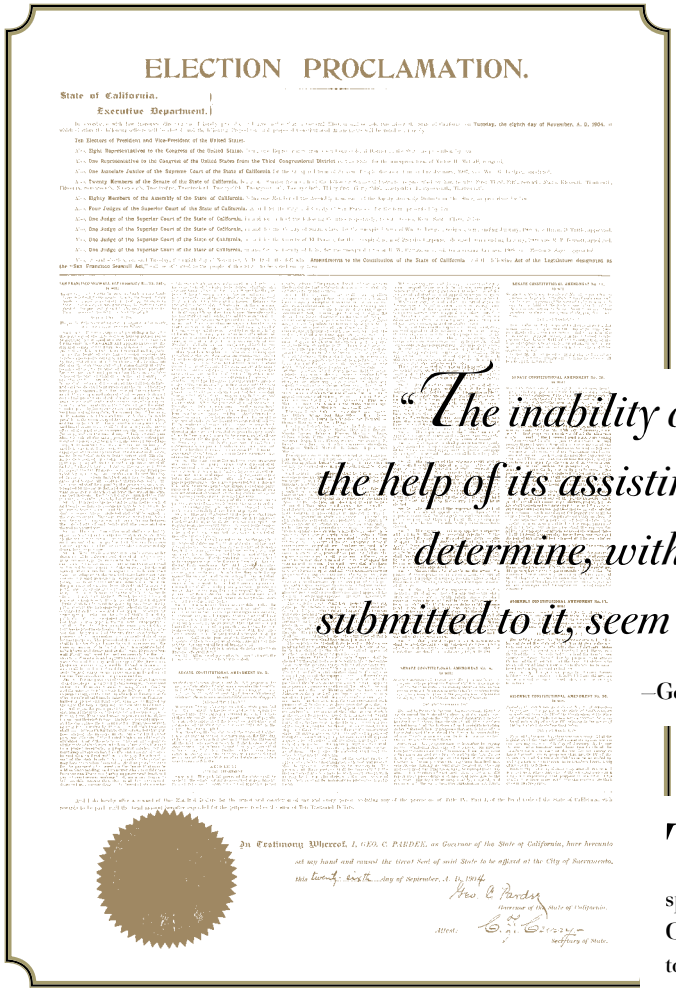
Striving for Justice

Yesterday, Today, and Tomorrow



ELECTION PROCLAMATION.

State of California.
Executive Department.

In Testimony Whereof, I, GEO. C. PARDEE, as Governor of the State of California, have hereunto set my hand and caused the Great Seal of said State to be affixed at the City of Sacramento, this twenty-sixth day of September, A. D. 1904.

Geo. C. Pardee
Governor of the State of California.

Attest: C. F. Curry
Secretary of State.

"The inability of our Supreme Court, even with the help of its assisting Commission, to hear and determine, within a reasonable time, the causes submitted to it, seem to call for prompt relief."

—Governor George C. Pardee's Inaugural Address, January 1903

The history of the state's 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.

Image of Governor Pardee courtesy of California Department of General Services

The Original Districts

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.

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.

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 votes, and on November 8, 1904, California's Courts of Appeal were created by an amendment to article VI of the Constitution, the "judicial article."

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. On April 10, 1905, Governor Pardee appointed the first nine justices of the Courts of Appeal to hold sessions in three districts.

Ralph C. Harrison
Presiding Justice, First Appellate District

Wheaton A. Gray
Presiding Justice, Second Appellate District

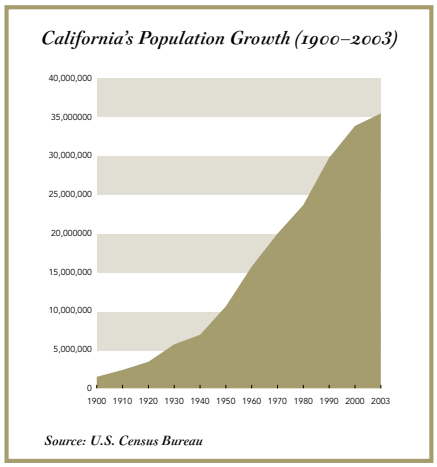
Norton Parker Chipman
Presiding Justice, Third Appellate District

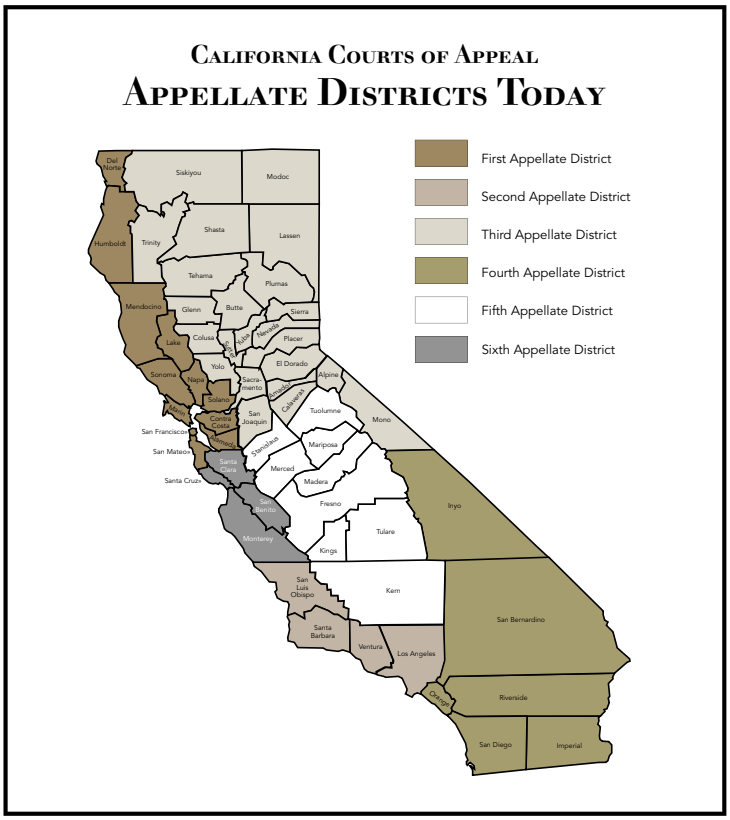
Photography credits:
Ralph C. Harrison: Court of Appeal, First Appellate District
Wheaton A. Gray: Court of Appeal, Second Appellate District
Norton Parker Chipman: Court of Appeal, Third Appellate District

The Court Expands

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 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. The numbers of both divisions and justices have increased dramatically since the Courts of Appeal were created.

The Right of Review

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.

California has six appellate districts. The six districts are composed of 19 divisions and 105 justices. The district headquarters are:

- First District, San Francisco
- Second District, Divisions One through Five, Seven and Eight, Los Angeles; Division Six, Ventura
- Third District, Sacramento
- Fourth District, Division One, San Diego; Division Two, Riverside; Division Three, Santa Ana
- Fifth District, Fresno
- Sixth District, San Jose

Cases are decided by randomly selected three-justice panels. Decisions of the panels, known as opinions, are published in the *California Appellate Reports* if those opinions meet certain criteria. In general, the opinion is published if it establishes a new rule of law, involves a legal issue of continuing public interest, criticizes existing law, or makes a significant contribution to legal literature. During fiscal year 2002–2003, 7 percent of Court of Appeal opinions were certified as meeting the criteria for publication.

Last year, the rules for appellate procedure and practice were refined and simplified as part of a six-year project to update the rules first written 60 years ago. A special Supreme Court advisory committee is also studying the standards used to determine which Court of Appeal opinions should be published in the *California Appellate Reports,* to better ensure that, statewide, the appropriate cases are published as precedent.

Justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. Newly appointed justices must stand for election by the public at the next general election and at the end of each 12-year term.

The Appeal Process

Case is decided in trial court.

▼

Losing party files a notice of appeal with the superior court.

▼

Superior court clerk notifies other parties and the Court of Appeal.

▼

Trial court record is submitted to the Court of Appeal.

▼

Both sides (appellant and respondent) submit written briefs presenting their legal arguments.

▼

Case is put on calendar and assigned to a panel of justices.

▼

A panel of three Court of Appeal justices reviews the trial court record and written briefs.

▼

Oral argument is heard, unless waived by litigants.

▼

Concurrence of two of the three justices is necessary to decide a case and file an opinion.

▼

Written opinion is filed and (if it meets criteria for publication) published.

▼

Petition for Rehearing

Losing party may ask the Court of Appeal to rehear the case.

▼

Petition for Review

If the Court of Appeal denies petition for rehearing, the losing party may ask the California Supreme Court to review the case by filing a petition for review.

Chronology of the Court

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.

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 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.

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.

Annette Abbott Adams

The first woman ever to serve on a state Court of Appeal was Annette Abbott Adams. Upon her appointment to the Third District by Governor Culbert Olson in 1942, she also became the first female presiding justice. In April 1950 she became the first woman ever to sit with the state's high court. The Supreme Court was commemorating its centennial, and as part of that celebration Justice Adams was appointed to sit pro tempore on one case.

Edwin L. Jefferson

The first female justice in the Second District was the venerable Mildred L. Lillie. She 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.

In 1961 Edwin L. Jefferson, a native of Mississippi, became the first African American to serve on a California Court of Appeal. He was appointed to the Los Angeles Municipal Court in 1941 by Governor Culbert 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.

Stephen K. Tamura

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.

Cruz Reynoso

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.

The first Hispanic justice on the California Court of Appeal was Cruz Reynoso, appointed to the Third District in 1976 by Governor Jerry Brown. The son of Mexican farm workers, Justice 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. Justice Reynoso served with the appellate court until 1982, when Governor Brown elevated him to the California Supreme Court. He was the first Hispanic on that court.

Photography credits:
Annette Abbott Adams: Ted Sirlin, Sacramento
Edwin L. Jefferson: Elson-Alexander, Buena Park
Stephen K. Tamura: Court of Appeal, Fourth Appellate District
Cruz Reynoso: Court of Appeal, Third Appellate District

The Justices

Three hundred sixty-eight justices have served the people of California during the 100-year history of the Courts of Appeal.

Judges and Justices

A judge is a public official who decides legal questions that come before a court. In California judges serve in the trial courts, all of which now are classified as superior courts.

A justice is a judge who sits on a California Court of Appeal or on the California Supreme Court.

A presiding justice supervises a division or panel of justices in districts having more than one division, and in general is responsible for the administration and case management in that division.

An administrative presiding justice is responsible for the overall leadership of a district, establishing policies, and allocating resources within the district.

The Chief Justice of California is the presiding or principal justice of the Supreme Court and the head of the state's judicial branch, a coequal branch of government under the California Constitution. The Chief Justice also chairs the Judicial Council of California, which is the policy-making body for the judicial branch, and is responsible for improving judicial administration statewide.

How Justices Are Selected

The office of appellate justice is nonpartisan. A person must have practiced law for at least 10 years to be eligible to serve. In addition, the Governor must nominate the person by submitting his or her name to the Commission on Judicial Nominees Evaluation (JNE) of the State Bar of California.

The JNE Commission comprises lawyers and members of the public who reflect California's social diversity. They evaluate each nominee's background and qualifications, assessing character, reputation, common sense, knowledge, legal skills, professional experience, objectivity, ethics, ability to make difficult decisions, work ethic, temperament, and integrity and make a finding on the qualifications of the candidate.

The Commission on Judicial Appointments then reviews the JNE Commission's evaluation at a public hearing. The commission consists of the Chief Justice of California (currently Ronald M. George), the Attorney General of California (currently Bill Lockyer), and the senior presiding justice of the affected Court of Appeal.

If the commission confirms the nominee, the person takes the oath of office and becomes a Court of Appeal justice. The new justice must then be confirmed by the voters in his or her district at the next general election.

Justices of the Courts of Appeal Since 1905

First District

Justices

James Addison Cooper*
Samuel Pike Hall
Ralph C. Harrison*
Frank H. Kerrigan*
Thomas J. Lennon*
John E. Richards*
Frank S. Brittain
Thomas E. Haven
William H. Waste*†
William H. Langdon*
John T. Nourse*
George A. Sturtevant
John P. Tyler*
A. F. St.Sure
Benjamin K. Knight
D. Avery Cashin
Joseph S. Koford*
Homer R. Spence*
Louis H. Ward
Raymond E. Peters*†
C. J. Goodell
Maurice T. Dunlap, Jr.*
Abraham F. Roy*
Fred R. Wood*
Herbert C. Kaufman*
Murray Draper*
Mathew O. Tobriner*
Benjamin C. Duniway
Daniel R. Shoemaker*
James R. Agee
Preston Devine*
Byrl R. Salsman
Raymond L. Sullivan*†
John R. Molinari*
Michael J. Phelan
Wakefield Taylor*
Richard M. Sims, Jr.
Harold C. Brown
Winslow Christian
Joseph A. Rattigan
Norman Elkington
Thomas W. Caldecott*
Robert F. Kane
Allison M. Rouse
James R. Scott
John T. Racanelli
Sidney Feinberg
William A. Newsom, Jr.
Paul N. Halvonik
Clinton W. White*
John J. Miller
Marcel B. Poche
Joseph B. Grodin*†
Jerome A. Smith
Betty Barry-Deal
John W. Holmdahl
Harry W. Low*
Donald B. King
Zerne P. Haning III
J. Anthony Kline*
Edward A. Panelli*
Carl W. Anderson*
William R. Channell
Madeson O. Salmon
Robert W. Merrill
John E. Benson
Gary E. Strankman
James C. Foley
Timothy A. Reardon
William D. Stein
J. Clinton Peterson*
Ming W. Chin*
Robert L. Dossee
Kathryn Mickle Werdegar*
Carol A. Corrigan
Paul R. Haerle
Joanne C. Parrilli
Daniel M. Hanlon*
Douglas E. Swager
James R. Lambden
Herbert W. Walker
Barbara J.R. Jones*
Ignazio J. Ruvolo
William R. McGuiness*
James J. Marchiano*
Lawrence Thompson Stevens
Patricia K. Sepúlveda
Laurence Donald Kay*
Mark R. Simons
Sandra L. Margulies
Stuart R. Pollak
Maria P. Rivera
Linda M. Gemello

April 1905–January 1921
April 1905–August 1912
April 1905–January 1907
January 1907–January 1923
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January 1945–December 1953
November 1945–June 1960
February 1947–September 1964
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July 1963–March 1977
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January 2002–
January 2002–
January 2002–

Second District

Justices

Wheaton A. Gray*
George Hugh Smith
Matthew Thompson Allen*
James W. Taggart
Victor E. Shaw
William P. James
N. P. Conrey*
Walter Middlecoff
Frank G. Finlayson*
William A. Sloane*
W. H. Thomas
Dana R. Wolfe
Lewis B. Works*
Gavin W. Craig
Frederick W. Houser*†
J. W. Curtis*
John M. York*
Ira F. Thompson*
Albert Lee Stephens*
Walter Desmond*
Charles S. Crail*
Walton J. Wood
William C. Doran
Marshall F. McComb*
Thomas P. White*
Minor Moore*
B. Rey Schauer*
Clement L. Shinn*
Parker Wood*
Emmet H. Wilson
Paul Vallee
Louis C. Drapeau
W. Turney Fox*
Lester William Roth*
Walter J. Fourt
Allen W. Ashburn
Roy L. Herndon
Mildred L. Lillie*
John J. Fleef*
Frank S. Bablitz
Louis H. Burke*†
Edwin L. Jefferson
Gordon L. Files*
Robert Kingsley
Macklin Fleming
Otto M. Kaus*†
Shirley M. Hufstedler
Conrad J. Moss
James A. Cobey
Clarke E. Stephens
John F. Aiso
Robert S. Thompson
Gerald Cassidy Dunn
Donald B. Wright*
William A. Beggs
Harold W. Schweitzer
John R. Allport
Roy A. Gustafson
Lynn D. Compton
William P. Clark, Jr.*
Herbert L. Ashby
James H. Hastings
L. Thaxton Hanson
Edwin F. Roth
Rodney K. Potter
Bernard S. Jefferson*
Joan Dempsey Klein*
Arthur L. Alarcon
Arleigh Maddox Woods*
Eugene McCinsky
Valno Spencer
Vincent S. Dalsimer
Ehrenzel Gen Ho Lai
George E. Danielson
Richard Amerian
Robert Feinerman*
Donald V. Lewis
Richard Schanes*
Leon Thompson
Richard W. Abbe
Steven John Stone*
Arthur Gilbert*
Earl Johnson, Jr.
Armand Arabian*
John A. Arguedas*
Campbell M. Lucas*
David N. Kaplan*
Robert R. Devich
Morris L. Falsten
Ronald M. George*†
Roger W. Boren
H. Walter Croskey
Joyce L. Kennard*
Jack E. Goertzen
Reuben A. Ortega
Fred Woods
Paul A. Turner*
Norman L. Epstein
Edward A. Hinz, Jr.
Miriam A. Vogel
Michael G. Nott

April 1905–December 1926
April 1905–December 1926
April 1905–October 1913
January 1907–July 1911
January 1907–January 1923
July 1911–March 1923
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August 1948–December 1961
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November 1959–September 1977
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April 1988–April 1989
April 1988–August 1991
June 1988–December 2004
August 1988–
November 1989–
April 1990–
May 1990–February 1994
July 1990–
December 1990–March 2005

Kenneth R. Yegan
Margaret M. Grignon
Charles S. Vogel*
William A. Masterson
Ramona Gurley Perez
Patti S. Kitching
Orville A. Armstrong
J. Gary Hastings
Richard D. Aldrich
John Zebrowski
Elizabeth A. Baron
Richard C. Neal
Paul H. Coffee
Daniel A. Curry
Candace D. Cooper*
Steven Z. Perren
Robert M. Mallano
Kathryn Doi Todd
Richard M. Mosk
Dennis M. Perluss*
Laurence D. Rubin
Paul Boland
Judith M. Ashmann-Gerst
Madeleine I. Flier
Laurie D. Zelon
Sandy R. Gaughler
Frances Rothschild
Thomas L. Willhite

Third District

Justices

Abraham Jay Buckles
Charles Emmett McLaughlin
Norton Parker Chipman*
Albert Gleon Burnett
Elijah Carson Hart
William M. Finch*
John A. Plummer
Rolfe Lynn Thompson
Hugh Lawson Preston*
John Francis Pullen*
Raglan Tuttle
Annette Abbott Adams*
Paul Peek*†
Benjamin Franklin Van Dyke*
Andrew B. Schottky
Fred B. Plaver
Leonard M. Friedman
Edwin J. Regan
Bertram D. Janes
Frank K. Richardson*†
George E. Paras
Robert K. Puglia*
Hugh Arthur Evans
Cruz Reynoso
Coleman A. Blease
Frances Newell Carr
Keith F. Sparks
Rick Sims
Fred W. Marler, Jr.
Rodney Davis
Arthur G. Scotland*
Joseph Anthony DeCristoforo
George W. Nicholson
Vance W. Raye
Fred K. Morrison
Janice Rogers Brown*
Consuelo Maria Callahan
Harry E. Hull, Jr.
Daniel M. Kolkey
Ronald Boyd Robie
M. Kathleen Butz
Tani Gorre Cantil-Sakauye

Fourth District

Justices

William A. Sloane*†
Emerson J. Marks
Charles R. Barnard*
William Paxton Carr*
Lary D. Jennings
Lloyd E. Griffin*
Stanley W. Mussell
Arthur C. Shepard
Martin J. Coughlin
Gerald Brown*
Vincent A. Whelan
Hilton H. McCabe*
John W. Kerrigan
Stephen K. Tamura
Richard B. Salt
Robert Gardner*
Marcus M. Kaufman*
John G. Gabbert
Gordon Calogne
F. Douglas McDaniel
Margaret J. Morris*
Robert O. Staniforth
Howard B. Wiener
Don Ross Work

December 1990–
January 1991–December 2004
December 1992–January 2004
January 1993–June 2010
January 1993–June 2011
January 1993–
January 1993–
September 1993–
August 1994–
October 1995–November 1999
April 1996–June 1998
April 1997–February 2011
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November 1999–
August 2000–
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October 2001–
October 2001–
October 2001–
November 2001–
December 2001–
September 2002–
September 2002–
September 2002–
April 2005–
April 2005–
April 2005–

Third District

Justices

Abraham Jay Buckles
Charles Emmett McLaughlin
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Elijah Carson Hart
William M. Finch*
John A. Plummer
Rolfe Lynn Thompson
Hugh Lawson Preston*
John Francis Pullen*
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Rick Sims
Fred W. Marler, Jr.
Rodney Davis
Arthur G. Scotland*
Joseph Anthony DeCristoforo
George W. Nicholson
Vance W. Raye
Fred K. Morrison
Janice Rogers Brown*
Consuelo Maria Callahan
Harry E. Hull, Jr.
Daniel M. Kolkey
Ronald Boyd Robie
M. Kathleen Butz
Tani Gorre Cantil-Sakauye

April 1905–January 1907
April 1905–February 1924
January 1907–January 1913
January 1911–January 1919
October 1913–February 1924
January 1919–January 1921
January 1919–May 1921
January 1921–May 1931
January 1921–October 1933
January 1921–March 1937
January 1923–October 1987
March 1923–December 1925
February 1926–February 1949
October 1926–December 1972
December 1926–September 1935
March 1934–August 1948
September 1935–June 1959
September 1935–September 1945
October 1935–March 1958
March 1937–December 1955
December 1937–August 1959
August 1939–January 1958
October 1941–December 1951
October 1944–December 1966
October 1944–December 1976
September 1945–December 1951
August 1948–December 1961
March 1949–November 1955
February 1952–September 1964
December 1952–October 1992
December 1955–September 1969
January 1956–October 1963
February 1958–July 1975
March 1958–October 2002
November 1959–September 1977
September 1961–January 1963
September 1961–November 1964
September 1961–May 1975
January 1962–February 1982
January 1963–December 1987
December 1963–September 1981
December 1965–July 1981
December 1966–September 1968
December 1966–April 1969
December 1966–December 1982
December 1966–October 1984
November 1968–January 1973
November 1968–September 1979
November 1968–October 1977
December 1968–April 1970
December 1968–May 1972
December 1968–October 1973
August 1969–January 1981
November 1969–June 1971
May 1970–September 1990
July 1971–March 1975
June 1972–August 1992
May 1973–November 1987
July 1973–April 1990
September 1973–December 1986
March 1974–April 1982
October 1975–June 1981
April 1976–
June 1976–November 1979
March 1980–December 1995
August 1980–February 1990
August 1980–
July 1981–June 1986
July 1981–September 1987
March 1982–April 1992
May 1982–April 1984
May 1982–February 1988
May 1982–March 1995
December 1982–April 1984
December 1982–May 1988
December 1982–December 1990
December 1982–January 1999
December 1982–
December 1982–
November 1983–March 1990
July 1984–March 1987
September 1984–January 1992
November 1984–March 1987
January 1986–June 1993
January 1987–February 1999
August 1987–September 1991
August 1987–
November 1987–
April 1988–April 1989
April 1988–August 1991
June 1988–December 2004
August 1988–
November 1989–
April 1990–
May 1990–February 1994
July 1990–
December 1990–March 2005

John K. Trotter, Jr.*
Robert E. Richter*
Edward Thomas Butler
Edward J. Wallin
Sheila Prull Sannenhine
Thomas F. Crosby, Jr.
Gerald Jorgensen Lewis
Daniel J. Kremer*
Joseph R. Campbell*
William D. Todd, Jr.
John H. Hans
Patricia D. Benke
Howard M. Dabney
Harmon G. Scoville*
Henry T. Moore, Jr.
Thomas E. Hollenhorst
Charles W. Froehlich, Jr.
Richard D. Huffman
Gilbert Nass
Robert J. Timlin
David G. Sills*
Art W. McKinster
Manuel A. Ramirez*
Judith L. Haller
Betty A. Richli
William F. Rylaarsdam
Alex C. McDonald
James A. Mehryn
James D. Ward
William W. Bedsworth
Barton C. Gaut
Terry B. O'Rourke
Kathleen E. O'Leary
Eileen C. Moore
Judith D. McConnell*
Richard M. Aronson
Richard D. Fybel
Cynthia G. Aaron
Raymond J. Ikola
Jeffrey King
Jean K. Irion

April 1922–August 1987
December 1922–December 1986
December 1922–February 1988
December 1922–February 1999
December 1922–April 1993
December 1922–June 2001
November 1924–May 1987
July 1925–July 2002
July 1926–November 1989
October 1926–December 1994
January 1927–January 1989
June 1927–
November 1927–September 1995
January 1928–April 1990
August 1928–April 1994
August 1928–
October 1928–August 1995
October 1928–
October 1928–
April 1929–October 1994
August 1930–
December 1930–
December 1930–
August 1934–
December 1934–
April 1935–
June 1935–
April 1936–
June 1936–
April 1937–
May 1937–
December 1938–
January 2000–
December 2000–
October 2001–
November 2001–
February 2002–
January 2003–
January 2003–
January 2003–
September 2003–

Fifth District

Justices

Ralph M. Brown
Philip Conley*
Frederick E. Stone*
Roy J. Gargano
Thomas Coakley
George A. Brown*
Donald B. Franson*
George A. Hopper
George N. Zenovich
Pauline Davis Hanson
Kenneth Andreen
Wickson B. Woolpert
Charles F. Hamlin
Robert L. Martin
Hollis G. Best*
Jay R. Ruhanyan
William A. Stone
James A. Ardais*
Marvin E. Baxter*
Nicholas J. Dibiano
Steven M. Vartabedian
James F. Thaxter
Thomas A. Harris
Timothy S. Buckley
Rebecca A. Wiseman
Herbert I. Levy
Dennis J. Gilbert
Gene M. Gomes
Betty L. Dawson

September 1956–April 1966
September 1956–August 1969
September 1956–December 1972
September 1956–December 1977
August 1969–January 1971
February 1971–August 1987
December 1971–September 1990
December 1971–June 1981
March 1973–June 1984
April 1980–July 1987
September 1980–January 1985
October 1980–February 1989
December 1980–June 1987
October 1984–February 1994
May 1986–August 1988
January 1988–September 1999
January 1988–
December 1988–January 1991
June 1989–
October 1989–
January 1990–May 2001
August 1990–
December 1990–
November 1992–
February 1993–
December 1993–
November 1995–
August 1997–
December 2000–
May 2002–
September 2003–

Sixth District

Justices

Edward A. Panelli*†
Harry T. Brauer
Nat A. Agliano*
Walter P. Coparzioli
Christopher C. Cottle
Franklin D. Ellis
Eugene M. Premo
Patricia Bannister-Manoukian
William M. Wunderlich
Nathan D. Milhara
Conrad L. Rushing*
Richard J. McAdams

September 1984–December 1985
November 1984–June 1989
November 1984–February 1993
October 1986–December 1993
September 1988–August 2001
September 1988–
September 1988–
October 1989–
February 1993–April 2004
February 1993–
January 2002–
September 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.*

Unique Service

Mildred L. Lillie

44 Years of Service

Justice Mildred L. Lillie of the Second Appellate District was appointed to the Court of Appeal by Governor Goodwin Knight in 1958. She was known for being the first to arrive at work and the last to leave, and she wrote approximately 3,000 appellate court opinions during her career. Her judicial career in California began many years before she joined the Court of Appeal; she was a state judicial officer from 1947 until her death in 2002.

Mildred L. Lillie

Born in Ida Grove, Iowa, in 1915, Justice Lillie came to California at the age of three. She graduated from the University of California at Berkeley in 1935. Although law was far from a well-traveled career route for a woman at that time and although her family's finances were tight, she worked her way through law school at Berkeley and received her law degree in 1938. She practiced law in Fresno until 1942, when she was appointed an assistant U.S. attorney for the Southern District of California. In 1946, she returned to private practice for just over one year. She then was named to the Los Angeles Municipal Court in 1947 by Governor Earl Warren. In 1949, she was elevated to the Los Angeles Superior Court, where she served until 1958 and her appointment to the Court of Appeal.

On July 1, 1984, Governor George Deukmejian appointed her presiding justice of the Second Appellate District, Division Seven. Justice Lillie was the longest-serving justice of the Courts of Appeal, serving the courts and the people of California for 44 years.

Norton Parker Chipman

Confidant of Lincoln and Grant

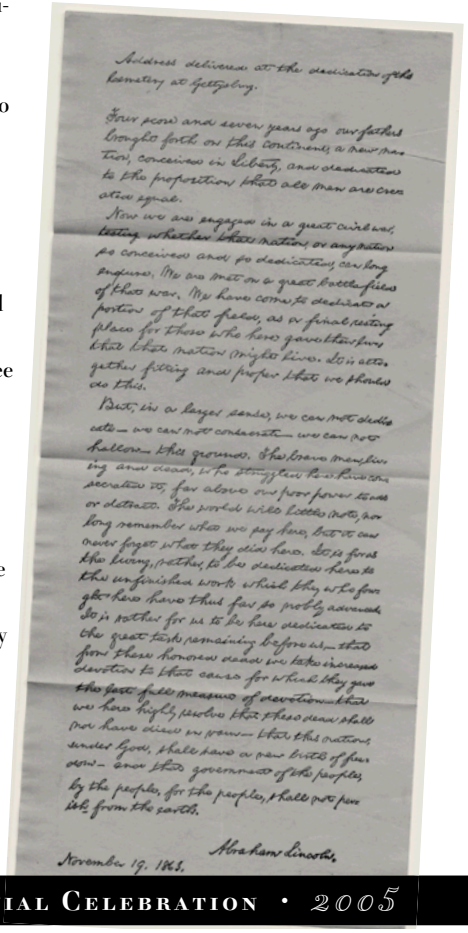
Norton Parker Chipman came west from the District of Columbia in 1876 and practiced law in Tehama County for several years. For a time he was a leader of the organization that eventually became the California Chamber of Commerce. In the late 1800s, he served as one of five commissioners to the California Supreme Court—forerunners to the justices of the Courts of Appeal. In 1905 he became the first presiding justice of the Court of Appeal, Third Appellate District, where he served with distinction until 1921.

Chipman received his law degree in Cincinnati at the age of 20. He then entered service as a lieutenant in the Union Army during the Civil War, under the command of General Ulysses S. Grant. While in the service, he became General Grant's close friend and confidant, and President Abraham Lincoln's personal emissary to commanding officers in the field. Chipman was with Lincoln when he prepared and delivered the Gettysburg Address. He retired from the Union Army with the rank of brigadier general.

When General Grant became president in 1868, he appointed his friend Chipman as the first secretary of the District of Columbia. Chipman later served two terms in the House of Representatives as a nonvoting representative of the District.

Norton Parker Chipman

Chipman was instrumental in persuading Congress formally to create Memorial Day after the Civil War. This is the same Memorial Day the United States observes today.



Address delivered at the dedication of the Cemetery at Gettysburg.

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate — we can not consecrate — we can not hallow — this ground. The brave men, living and dead, who struggled here, have hallowed it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth.

Abraham Lincoln.

November 19. 1863.

Photography credits:
Mildred L. Lillie: Court of Appeal, Second Appellate District
Norton Parker Chipman: Court of Appeal, Third Appellate District
Gettysburg Address image: Court of Appeal, Third Appellate District

The Process of Review

The Appeal

An appeal is a request to a higher court to review a decision already made in a completed trial. Most legal disputes initially are decided by trial courts or certain administrative agencies. After the trial or decision is complete, if the losing party believes the trial court or administrative agency made a mistake harmful to their case, the losing party may ask the judge to overturn the decision or to order a new trial. If the judge denies the request, the losing party may file an appeal in the Court of Appeal.

The Appeal Begins

In a trial court, a case is decided by a judge or jury after a hearing in which evidence is presented through the testimony of witnesses and the examination of documents or exhibits. The Courts of Appeal, in contrast, do not decide an appeal by accepting new evidence or deciding which witnesses told the truth—there are no witnesses, jurors, or additional testimony. (The trial exhibits are part of the appellate record, and the transcripts contain all the trial testimony.)

A Court of Appeal accepts the fact-finding of the trial court and decides only questions of law by evaluating a written record of the original trial; written arguments or "briefs," presented by both parties; and in some cases, "oral argument," or presentations of both parties' legal positions in court, by the parties' attorneys. Often the justices research points of law that may have been overlooked by the attorneys. The authority to review decisions on appeal is not left to a single individual. Each Court of Appeal sits as a "panel" of one presiding justice and two associate justices.

Courts of Appeal: What They Do

The Courts of Appeal are the state's intermediate courts of review. Their primary responsibility is to ensure that the law is interpreted and applied correctly and consistently.

Courts of Appeal hear appeals from the trial courts (which in this state are superior courts) and in certain other matters determined by law. Matters filed in a Court of Appeal concern diverse areas of law such as criminal convictions and civil cases involving personal injury, contracts, employment, wills and trusts, real estate, and child custody.

Briefs

A brief is a written argument that an attorney prepares for the courts. It details errors the losing party thinks were committed by the trial court and points to other cases or laws that support his or her position. The person against whom the appeal is taken, or the respondent, is then given an opportunity to file a brief in response. Next, the person appealing the case, or the appellant, is usually given the opportunity to file a reply brief. Briefs are often anything but brief. In death penalty cases, where some trial records can reach 80,000 pages, the briefs are usually at least 300 pages long.

Oral Argument

An oral argument is an oral presentation in court in which attorneys emphasize the most critical points of the case, clarify complex issues, and reply to justices' questions that were not fully answered in the briefs they have filed with the court. Traditionally, attorneys are instructed not to repeat the arguments presented in the briefs, and justices attempt to focus their questions on unsettled or troublesome issues.

Written Opinions

After the justices have heard oral arguments, the presiding justice assigns a justice to prepare a written opinion—a statement of the decision of the three-justice panel in the case. Draft opinions are circulated to all of the justices until an agreement is reached on a majority opinion. The final majority opinion and any opinions expressing agreement (concurrence) or disagreement (dissent) are issued within 90 days after the case has been heard or all briefs have been filed.

An opinion of a Court of Appeal contains a written recommendation by the panel of justices regarding whether the opinion should be published. A Court of Appeal opinion is published if it establishes a new rule of law, involves a key issue of continuing public interest, criticizes existing law, or makes a significant contribution to legal literature.

Published opinions establish precedent. They may be regarded as law that must be followed by all California trial courts. The practice of referring to a previously published case is called "citing." Unpublished opinions do not establish precedent and may not be cited as authority to back up an argument. Court of Appeal opinions are published in the *California Appellate Reports*, and they are posted to the California Courts Web site at *www.courtinfo.ca.gov* within hours of filing.

Facts and Figures (2002–2003)

- 22,043 records of appeal and original proceedings were filed.
- 12,543 cases were disposed of by written opinion.
- 7% of opinions were published.

Court Locations

In addition to sharing the workload of appellate cases, the Courts of Appeal share courtrooms with the Supreme Court when it holds sessions in San Francisco, Los Angeles, and Sacramento.

First District

Earl Warren Building, 350 McAllister Street, San Francisco.

Second District

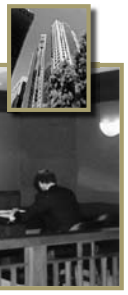
Ronald Reagan State Building, 300 South Spring Street, Los Angeles (Divisions One, Two, Three, Four, Five, Seven, and Eight), and 200 East Santa Clara Street, Ventura (Division Six).

Third District

Stanley Mosk Library and Courts Building, 900 N Street, Sacramento.

Fourth District

Today the Fourth District is unique in having three divisions with different geographical jurisdictions.



Division One: 750 B Street, Suite 300, San Diego.

Division Two: 3389 Twelfth Street, Riverside.

Division Three: 925 North Spurgeon Street, Santa Ana.

Fifth District

2525 Capitol Street, Fresno.

Sixth District

Comerica Bank Building, 333 West Santa Clara Street, Suite 1060, San Jose.

Photography credits:
California Supreme Court Archives; Court of Appeal, Second Appellate District; Court of Appeal, Third Appellate District; first argument in Symphony Towers courtroom (1989), Fourth Appellate District, Division One; Court of Appeal, Fourth Appellate District; Court of Appeal, Fifth Appellate District; Comerica Bank

Public Service

Presiding Justice Robert K. Puglia

Judge ❧ Scholar ❧ Wordsmith ❧ Teacher ❧ Patriot

Robert K. Puglia was born in 1929 and raised in Westerville, Ohio. He graduated from Ohio State University with a degree in political science, then fought in Korea and became a first sergeant in the Third Infantry Division. He graduated in 1958 from the University of California Boalt Hall School of Law.

Justice Puglia began his legal career as a deputy attorney general in Sacramento, and then moved to the Office of the District Attorney, Sacramento County. At age 34, he was named chief deputy district attorney In 1969, he became a partner in McDonough, Holland, Schwartz, Allen & Wahrhaftig. He was a professor of law at the McGeorge School of Law, University of the Pacific, and taught at California State University at Sacramento.

Governor Ronald Reagan appointed him judge of the Superior Court of Sacramento County in August 1971; associate justice of the Court of Appeal, Third Appellate District, in June 1974; and presiding justice in December 1974. After becoming a judge, Puglia served on the Judicial Council, the state courts' governing council. He served as president of the California Judges Association and the National Council of Chief Judges of Courts of Appeal. Admired and respected by appellate judges everywhere in America, he often served as a member of the faculty of the Appellate Courts Institute, conducted annually by the California Center for Judicial Education and Research, and of the Appellate Judges Seminar, held each year by the Institute of Judicial Administration, New York University School of Law.

Robert K. Puglia distinguished himself, in California and in the nation, both as a prosecutor and as a jurist, during his more than 40 years in the law. Known for his keen intellect and clear reasoning, he is remembered by colleagues and litigants alike for his sharp memory, gregarious personality, thorough consideration of issues, and effective leadership. His stewardship of the court was exemplary, marked by a respect for his colleagues and a concern for the independence of the judiciary.

Justice Puglia's opinions are distinctive for their scholarship, common sense, clarity, and eloquence, reflecting his philosophy of judicial restraint and his understanding of the proper role of the courts in a democratic society. He wrote more than 4,000 opinions, of which 446 were published, including one opinion he wrote as Chief Justice pro tem of the California Supreme Court. A dynamic, innovative, collegial, and respected leader and mentor, he retired from the Court of Appeal in November 1998; its library was dedicated and named in his honor the following April. Robert K. Puglia died on March 11, 2005.

"[Justice Puglia's] stewardship of the court was exemplary, marked by a respect for his colleagues and a concern for the independence of the judiciary."

An Early Voice for Open Government

In *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, Justice Puglia held that "the alleged participation by defendants, the majority of the legislative body of the redevelopment agency, in a series of one-to-one nonpublic and unnoticed telephone conversations with the agency's attorney for the commonly agreed purpose of collectively deciding to approve the transfer of ownership in redevelopment property constitutes a 'meeting' at which 'action' was taken in violation of the Brown Act." Many statutes and court rulings across the nation follow this interpretation today, holding that a serially conducted telephone poll or series of one-on-one meetings or other communications among a number of members or a quorum of a public body violate open meeting requirements. Justice Puglia's *Stockton Newspapers* decision was a crucial step toward ensuring government openness and meaningful citizen involvement in California and the United States.

Ann Taylor Schwing, et al.
Open Meeting Laws 2d
(Fathom, 2000)

Photography credit:
Sirlin Photographers, Sacramento

Temple of Justice

The Stanley Mosk Library and Courts Building

Sacramento

The first home of the Court of Appeal, Third Appellate District, was in the apse, or rounded portion, on the east side of the State Capitol Building. With the construction of the East Annex in 1954, this portion of the Capitol was demolished.

The curved courtroom in the State Capitol served both the Supreme Court and the Third Appellate District until 1928, when the Library and Courts Building opened.

Designed in 1918 by architects Weeks & Day, the Library and Courts Building has been described as one of Sacramento's best-kept architectural and artistic secrets.

The courtroom has been called the most beautiful in California. The original gum (eucalyptus) paneling on the walls has remained unchanged since the building opened to the public, as have the furniture and light fixtures.

The Court of Appeal, Third Appellate District, was housed in the State Capitol Building from 1905 until 1928, when the newly constructed Library and Courts Building was ready for occupancy.

Designed in 1918, the Library and Courts Building typifies an earlier era of traditional government buildings. Its monumental twin, the Jesse Unruh California State Office Building, looms just across Capitol Mall and the circular fountain that links the two buildings with the State Capitol. The twin edifices were designed by architects Weeks & Day, who also crafted the Hotel Mark Hopkins and the San Francisco Chronicle Building, among other landmarks in the San Francisco Bay Area.

The Library and Courts Building stands a full 5 stories, with 10 granite columns flanking the main entrance, topped by a classic pediment, which sculptor Edward F. Sanford embellished with life-sized figures from Greek mythology. Always challenging the judges, lawyers, and researchers who use the building every day, the inscription *Into the highlands of the mind, let me go* appears beneath the pediment.

The building's interior, a vivid display of skilled artistry and craftsmanship, integrates artistic details with expansive rooms and monumental ceilings. On the first floor stands the ornate, two-story courtroom jointly used by the California Supreme Court and the Court of Appeal, Third District. Interior artwork of the building itself consists largely of neoclassical designs, motifs featuring Greek gods and goddesses, classic bronze sculpture, gold leaf, and recessed Roman ceilings covered with *clathri* stars. Prominent art deco muralists Maynard Dixon and Frank Van Sloun provided several panoramic creations that remain clear and striking to this day.

Adapted from Michael Rich, "War and Progress Through the Ages" (Fall 1991) The Sophisticate: Magazine of the Art Deco Society of California *8–10*

In 2002, the building was renamed in honor of Superior Court Justice Stanley Mosk, the longest-serving justice in the history of the state's high court. Justice Mosk had died the previous year.

Photography credits:
Court of Appeal, Third Appellate District
California State Library

The Third Appellate District

Sidlin Photographers, Sacramento

Back row (left to right): M. Kathleen Butz, Harry E. Hull, Jr., Vance W. Raye, Fred K. Morrison, Ronald Boyd Robie, Tani Gorre Cantil-Sakauye
Front row (left to right): Rodney Davis, Coleman A. Blease, Arthur G. Scotland, Rick Sims, George W. Nicholson

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 area of Connecticut, Delaware, New Hampshire, Rhode Island, and Vermont.

"A great deal of the law in California is actually made by the Court of Appeal."

—Justice Robert K. Puglia

Because the Third District is based in California's capital, Sacramento, it frequently issues decisions of great importance to state constitutional officers and state agencies alike—decisions that affect many of the political processes of the state.

In *Lungren v. Superior Court* (1996) 48 Cal.App.4th 435, for example, 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 employed 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 held 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 prospectively applied to the licenses. (*California Trout, Inc. v. State Water Resources Control Board* (1989) 207 Cal.App.3d 585.) The ruling helped resolve a long-running water rights dispute in the Mono Lake basin.

Facts and Figures

The trend from 1993 through 2003 in the record of appeal filings in the Third District has been an increase in civil and juvenile appeals and a slight decrease in criminal appeals. A total of 1,329 opinions were written by the justices of the Third District during fiscal year 2002–2003. Of those involving majority decisions, 9 percent were published—2 percent more than the statewide average.

PERCENTAGE OF MAJORITY OPINIONS PUBLISHED
(FISCAL YEAR 2002–2003)

COURT	TOTAL	CIVIL APPEALS	CRIMINAL APPEALS	JUVENILE APPEALS	ORIGINAL PROCEEDINGS
Statewide	7%	13%	4%	3%	17%
Third District	**9%**	**17%**	**5%**	**4%**	**30%**

With Justice for All

From Many Backgrounds…a Single Purpose

In the Third Appellate District's 100-year history, the district's citizens have been served by 42 justices (4 of whom went on to serve as associate justices of the California Supreme Court), 11 clerk/administrators, and numerous administration and support staff.

As the numbers of court staff have changed, so too has the face of the court. The Court of Appeal reflects the communities it serves, at every level of the court, the justices, the lawyers, and the staff. You can look around and see someone who has a face like yours, someone who is committed to providing "justice for all."

A Reflection of Its Communities—the People of the Court of Appeal

Abraham Jay Buckles
Congressional Medal of Honor; lost a leg at Civil War battle at Hatchin Run, 1865
Court of Appeal, Third Appellate District, 1905–1907

Paul Peek
California State Assembly, 1936–1940
California Secretary of State, 1940–1943
Court of Appeal, Third Appellate District, 1943–1961
California Supreme Court, 1962–1966

Francis Newell Carr
Daughter of migrant farmworkers, former nightclub photographer, Liberty shipyard worker, and radio announcer
Court of Appeal, Third Appellate District, 1980–1992

Janice Rogers Brown
Born in rural Alabama, granddaughter of a sharecropper
Court of Appeal, Third Appellate District, 1994–1996
California Supreme Court, 1996–present

Frank K. Richardson
Court of Appeal, Third Appellate District, 1971–1974
Presiding Justice
California Supreme Court, 1974–1983

Consuelo Maria Callahan
Court of Appeal, Third Appellate District, 1996–2003
U.S. Court of Appeals, Ninth Circuit, 2003–present

Arthur G. Scotland
Presiding Justice
Court of Appeal, Third Appellate District, 1989–present
2002 Sacramento Bar Association Humanitarian of the Year

M. Kathleen Butz
Former AFS exchange student to Brazil
Court of Appeal, Third Appellate District, 2003–present

Vance W. Raye
Former Chief of Military Justice (chief prosecutor), Beale Air Force Base
Court of Appeal, Third Appellate District, 1991–present

Tani Gorre Cantil-Sakauye
Daughter of a Hawaiian sugar-cane worker and deep-sea diver
Court of Appeal, Third Appellate District, 2005–present

Photography credits:
Court of Appeal, Third Appellate District
Sirlin Photographers, Sacramento