

**SUPREME COURT MINUTES  
TUESDAY, OCTOBER 6, 2015  
SAN FRANCISCO, CALIFORNIA**

**S228477**

**THOMPSON (JAMAL) v.  
BOARD OF PAROLE  
HEARINGS (DEPARTMENT  
OF CORRECTIONS &  
REHABILITATION)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**BAR MISC. 4186    IN THE MATTER OF THE APPLICATION OF THE COMMITTEE  
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA  
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,222)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

**SUPREME COURT MINUTES  
TUESDAY, OCTOBER 6, 2015  
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the Ronald M. George State Office Complex, Milton Marks Auditorium, Lower Level, 350 McAllister Street, San Francisco, California, on Tuesday, October 6, 2015, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Werdegarr, Chin, Corrigan, Liu, Cuéllar, and Kruger.

Officers present: Frank A. McGuire, Clerk, Jorge Navarrete, Assistant Clerk Administrator, and Gail Gray, Calendar Coordinator.

S220289            Howard Jarvis Taxpayers Association et al., Petitioners,  
                         v.  
                         Alex Padilla, as Secretary of State, etc., Respondent;  
                         Legislature of the State of California, Real Party in Interest.

Cause called. Fredric D. Woocher argued for Real Party in Interest.  
Thomas W. Hiltachk argued for Petitioners.

Mr. Woocher replied.  
Cause submitted.

Associate Justice, Ming W. Chin, not participating in the following case, will not join the bench.

The Honorable William J. Murray, Jr., Associate Justice, Court of Appeal, Third Appellate District, sitting on the following case, under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S206587                      Gillette Company et al., Plaintiffs and Appellants,  
v.  
Franchise Tax Board, Defendant and Respondent.

Cause called. Edward DuMont, Office of the Attorney General, argued for Respondent.

Amy L. Silverstein argued for Appellants.

Mr. DuMont replied.  
Cause submitted.

Justice William J. Murray, Jr., not participating in the following case, will not join the bench. The court is now rejoined by Justice Chin at the bench.

S213132                      Randall Keith Hampton et al., Plaintiffs and Appellants,  
v.  
County of San Diego, Defendant and Respondent.

Cause called. Benjamin I. Siminou argued for Appellants. Christopher J. Welsh, Office of the County Counsel, argued for Respondent.

Mr. Siminou replied.  
Cause submitted.

Court recessed until 2:00 p.m. this date.

Court reconvened pursuant to recess at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California.

Members of the court and officers present as first shown.

S143743

The People, Plaintiff and Respondent,  
v.  
Huber Joel Mendoza, Defendant and Appellant.

Cause called. Kathy Moreno argued for Appellant.  
Christina Hitomi Simpson, Office of the Attorney General, argued  
for Respondent.

Ms. Moreno replied.  
Cause submitted.

S120583

The People, Plaintiff and Respondent,  
v.  
Micky Ray Cage, Defendant and Appellant.

Cause called. Susan K. Massey argued for Appellant.  
Theodore M. Cropley, Office of the Attorney General, argued  
for Respondent.

Ms. Massey replied.  
Cause submitted.

Court recessed until Wednesday, October 7, 2015, at 9:00 a.m.

**TUESDAY, OCTOBER 6, 2015**  
**SPECIAL SESSION SAN FRANCISCO**

The Supreme Court of California convened for its special session in the Ronald M. George State Office Complex, Milton Marks Auditorium, Lower Level, 350 McAllister Street, San Francisco, California, on Tuesday, October 6, 2015.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Werdegarr, Chin, Corrigan, Liu, Cuéllar, and Kruger.

Officers present: Frank A. McGuire, Clerk; Jorge E. Navarrete, Assistant Clerk Administrator; and Gail Gray, Calendar Coordinator.

**CHIEF JUSTICE CANTIL-SAKAUYE:** Well, good afternoon. We welcome the Mandela Law and Public Service Academy in Oakland's Fremont High School. And these are the 10th-grade students, and Ms. Patricia Arabia, Director of the Academy. Would you give us a wave? Thank you. Ms. Claire Mueller, career technical education specialist. We'd like to give special thanks to Alice Collins for facilitating this outreach. And, of course, the special teachers and parents who are chaperoning this special event.

We also welcome 14 students from an advanced legal writing seminar at the University of Southern California, and their instructor, Professor James Brecher, thank you.

Thank you for being here, for your interest in civics, especially the judicial branch, the Supreme Court, and to your teachers a special thanks for bringing you to oral argument. As you know, the California Supreme Court is the highest court in California, and in some cases our decisions are appealed to the United States Supreme Court. And let me introduce the justices. This is Justice Werdegarr. This is Justice Chin. This is Justice Corrigan. This is Justice Liu. This is Justice Cuéllar. This is Justice Kruger. And, before we invite your questions to the bench, I'd like to ask Justice Cuéllar to please say a few words.

**JUSTICE CUÉLLAR:** Buenas tardes. Damos la bienvenida a la Academia de Derecho y Servicio Publico Mandela, en la Escuela Preparatoria Fremont de Oakland. Nos acompañan los estudiantes del décimo, junto con Patricia Arabia, Directora de la Academia, y Claire Mueller, especialista en educacion tecnica y de carrera. Extendemos un agradecimiento especial a Alice Collins por facilitar esta sesion, y a los maestros y padres de familia adicionales supervisando este evento especial. Tambien extendemos una bienvenida a catorce estudiantes del seminario de escritura avanzada para el derecho de la Universidad del Sur de California, y su instructor, el professor James Brecher. Muchas gracias por estar aqui, por su interes en asuntos civicos, especialmente la rama juridica, y la Suprema Corte. Y a sus maestros extendemos un agradecimiento especial por traer estos estudiantes a nuestro argumento oral. Como ustedes saben,

la Suprema Corte de California es la corte mas elevada de California, y en algunos casos nuestras decisiones son apeladas a la Suprema Corte de los Estados Unidos. Bienvenidos.

**CHIEF JUSTICE CANTIL-SAKAUYE:** Thank you. And let me also say while we have all of your attention, many thanks to Debbie Genzer, Frank McGuire, and Jorge Navarrete, who also made this day possible. Please proceed.

**STUDENT:** Good afternoon, Justices. My name is Norma Pablo Calmo. I am a sophomore at Fremont High School, Mandela Law and Public Services Academy in Oakland. My question is: Why is Lady Justice blindfolded?

**JUSTICE WERDEGAR:** I'm sorry. Could you repeat the question?

**STUDENT:** My question is: Why is Lady Justice blindfolded?

**JUSTICE WERDEGAR:** Oh, I like that question. I once gave speeches on that question. As you know, Lady Justice IS blindfolded, she has a pan in either hand. There perhaps are many interpretations but the one I choose this morning is: She is blindfolded because she is impartial, she is going to be fair. She's not going to be swayed by who the parties before her are, or any biases she might have. She has an open, unbiased mind. And the scales of justice will tilt according to what's fair after the oral argument, like this morning. Thank you very much.

**STUDENT:** Thank you.

**STUDENT:** Good morning, Justices. My name is Olga Macias, and I'm a sophomore at Mandela Public Service Academy in Oakland. And my question is: What inspired or influenced you to become attorneys and judges?

**JUSTICE KRUGER:** I want to thank you for that question, and thank you for being here today.

I think the answer for each of us will be very different. I think one thing that we all have in common is that none of us imagined when we were growing up or when we were in your shoes, or even beyond, that we would find ourselves here one day. I grew up not knowing very much what it meant to be a lawyer other than what I saw on TV, which it turned out was a little bit misleading. But I grew up knowing that what I really wanted to do is find out what I was good at, and figure out how best to make use of that for the good of the community that I live in. Over time, it began to occur to me that what I really enjoyed doing most was writing, and tried to think of ways in which I could write and make a difference in the world. And, as I proceeded in school, as I had the chance to learn what lawyers do, as I had the chance to visit oral argument, like you're doing today, it started to occur to me that maybe law was the place to do that. Law was the place where I could use my pen to make a difference, and that was what originally attracted me to the law and it's what's guided my path from law school and beyond.

**STUDENT:** Thank you.

**STUDENT:** Good afternoon, right? Yeah? So, good afternoon judges. My name is Bianca Ramirez; I'm a sophomore also at Fremont High, and I'm also one of the two students directors at the OUSC Board of Education. Thank you. OK, my question for you is: What advice do you give the attorney about being persuasive?

**JUSTICE CHIN:** Oh, I could answer that.

**STUDENT:** OK.

**JUSTICE CHIN:** I want to welcome all of you to the Supreme Court.

**STUDENT:** Thank you.

**JUSTICE CHIN:** You know, this is the most diverse Supreme Court in the country, and in spite of that fact, four of us have chosen to live in your county. So, we welcome you to the Supreme Court. As far as being persuasive, I think the top of my list would be brevity. And I think I'll end with that. Now, isn't that persuasive?

**STUDENT:** I guess so.

**JUSTICE CHIN:** But really, we have to absorb a lot of information, from a lot of different sources. The more concise you can break it down for us, the better it will stick in our minds. And you just sat in on one case today, this is the third one this court has heard. We have a couple more this afternoon, and a few more tomorrow. So, that's a lot of information to absorb in a short period of time. You have to be direct when you talk to us, answer the questions directly that the justices ask. In your writing, you have to be concise and to the point. If you ramble on and on and on, and talk about everything in the world, we're not going to get it. So, be brief. Thank you for being here.

**STUDENT:** Thank you. And, good luck with your oral argument.

**STUDENT:** Good morning. I mean, good afternoon, Justices. My name is Kevin Nguyen. I'm a sophomore at Fremont High School, and Mandela Law and Public Services Academy of Oakland. My question is: What do you like most about your jobs as justices of the Supreme Court?

**JUSTICE CUÉLLAR:** There's so much that I don't think I can BE brief. I should take Justice Chin's advice and try to be very quick about it. But, first of all, let me just say how privileged I feel that all of you are here. I don't live in Alameda County but I still like you guys. And I think it's a special thing for us to have you here because the truth is we all work for you. And I think that's what I like most about the job. There are so many things that you can do in your

life that might make you happy, might make you feel like you're making a difference in the world. But there's something special about working for the people, where you get up in the morning and you know that your job is to be as close as possible to that ideal of wearing a blindfold, and trying to be completely fair and impartial. And, if in addition to having that great responsibility, you also have something that's really interesting, that you get to talk about taxes, or about criminal justice, or think about the way constitutions work, that's an added bonus. And, if in addition to that, you also have great colleagues that you like to spend time with, that's really very special. So, I like all of that.

**STUDENT:** Thank you.

**STUDENT:** Good afternoon, justices. My name is Jordan Houston. I'm a sophomore at Mandela Law and Public Services Academy in Oakland. And my question is: How does a case get selected to come before the Supreme Court?

**JUSTICE CORRIGAN:** Oh, so that's a great big question. So, you know, you start in the trial court, and that's usually what you see on TV. You know, the lawyers get together and they call witnesses, and there's a big trial. And somebody wins. And then the person who loses can take an appeal to what we call the Court of Appeal, logically enough. And the Court of Appeal decides whether or not they're going to uphold the trial court. And, then, the people who feel that the Court of Appeal didn't get it right, can come to the Supreme Court here, and say, not we get to come here as a matter of right, you have to take our case, but you should take our case for some reason. The Courts of Appeal disagree, some Courts of Appeal, like the Court of Appeal in Los Angeles says we think the rule ought to be this way. And the Court of Appeal in San Francisco says, no, the rule ought to be this way. Now all the lawyers in California are in a froth because they don't know what the rule is. So they come here to have us resolve that conflict. Sometimes it's a new question of law that nobody's ever spoken to before and it's a big deal, so we need to resolve that. Or if the case is a death penalty case, that comes directly here, it doesn't stop at the Court of Appeal. It goes right from the trial court, and if there's a conviction and the imposition of the death penalty, then that comes directly to this court.

**STUDENT:** Thank you.

**STUDENT:** Hi. My name is Madison Keavey, I am one of the students from USC, and I am a journalism student, and there's a couple of us who are journalism students, English students, and so we study every day how language works in media and in our writing. And so in the context of the courtroom, I think something we were interested in asking the justices today is: In what way does language shape and permit the actualization of the law? Maybe even more specifically, what are the limits of language in actualizing the law to its fullest extent



**JUSTICE LIU:** Thank you. That's an incredibly deep question. I want to add my welcome to those of my colleagues, and commend all of you who are here today, and your teachers and your parents for spending some time with us.

Language is the currency of what we do. We only render our decisions through written opinions, making transparent for all to see why we rule the way we rule. In other words, when you get a decision from these cases that you've seen today, from our court, it doesn't just say this side wins, or that side wins. It's accompanied by an entire opinion and statement of reasons. I think language is used extremely carefully by courts because clever lawyers and the lower court judges who have to look at what we write, parse every single word. And one of the things that we try to avoid is unintended consequences or unintended meanings. And so, all of us here on the court write extremely carefully. You're right to observe that sometimes language is limited. There are limitations to what you can do with language. So, in addition to the specific words chosen in a case, often we indicate in our opinion how broadly we are ruling, which is to say, is this case going to stand for just what happened with these facts, and these facts alone? And this is how it should come out. Or, are we trying to establish a general rule that might guide different facts but are governed by the same principle into the future, and we will make that clear. So, these are the ways in which I think courts very carefully use language, and I hope that consumers of our opinions, including journalists, find them adequately reasoned and transparent. Thank you.

**STUDENT:** Thank you so much.

**STUDENT:** Hello, and good afternoon. My name is Eleanor Hadar, and I'm a senior at USC, and I have a question. In the past, we have seen this court deal with matters of statutory construction, and we have also seen the court apply specific rules for interpreting statutory meaning. What rules do you apply to interpret the text of the California Constitution, which has much less historical record with respect to legislative intent, and other methods of constitutional analysis.

**CHIEF JUSTICE CANTIL-SAKAUYE:** Thank you, I'll take that question. And congratulations on being a senior at USC.

We interpret the Constitution in much the same way that we interpret many of the legal questions that come before us. As Justice Liu said about the language, we look at the language and text and content of the Constitution. We look at its history. We look at the societal context in which certain provisions were added. We also look at it in comparison to all other parts of the Constitution. We test our interpretations against case law that has already perhaps interpreted some other aspects of the Constitution. Or, perhaps, the federal Constitution. Or a similar phrase in another state Constitution. The truth is we bring all tools to bear when it comes to interpreting our California Constitution. And, because our Supreme Court has previously written on certain aspects of the Constitution, we have those in mind as we begin the task of trying to determine the meaning of the Constitution as it may be applied to initiatives, or as it may be applied to resolutions or law. So, everything in our tool chest is used.

**STUDENT:** Thank you.

**CHIEF JUSTICE CANTIL-SAKAUYE:** Thank you again. We hope that we've been able to provide some answers that you can dissect and debate in school with the help of your teachers, and we will retire and resume court again at 2:00 o'clock this afternoon. But we've really enjoyed having you here. Thank you and come again.