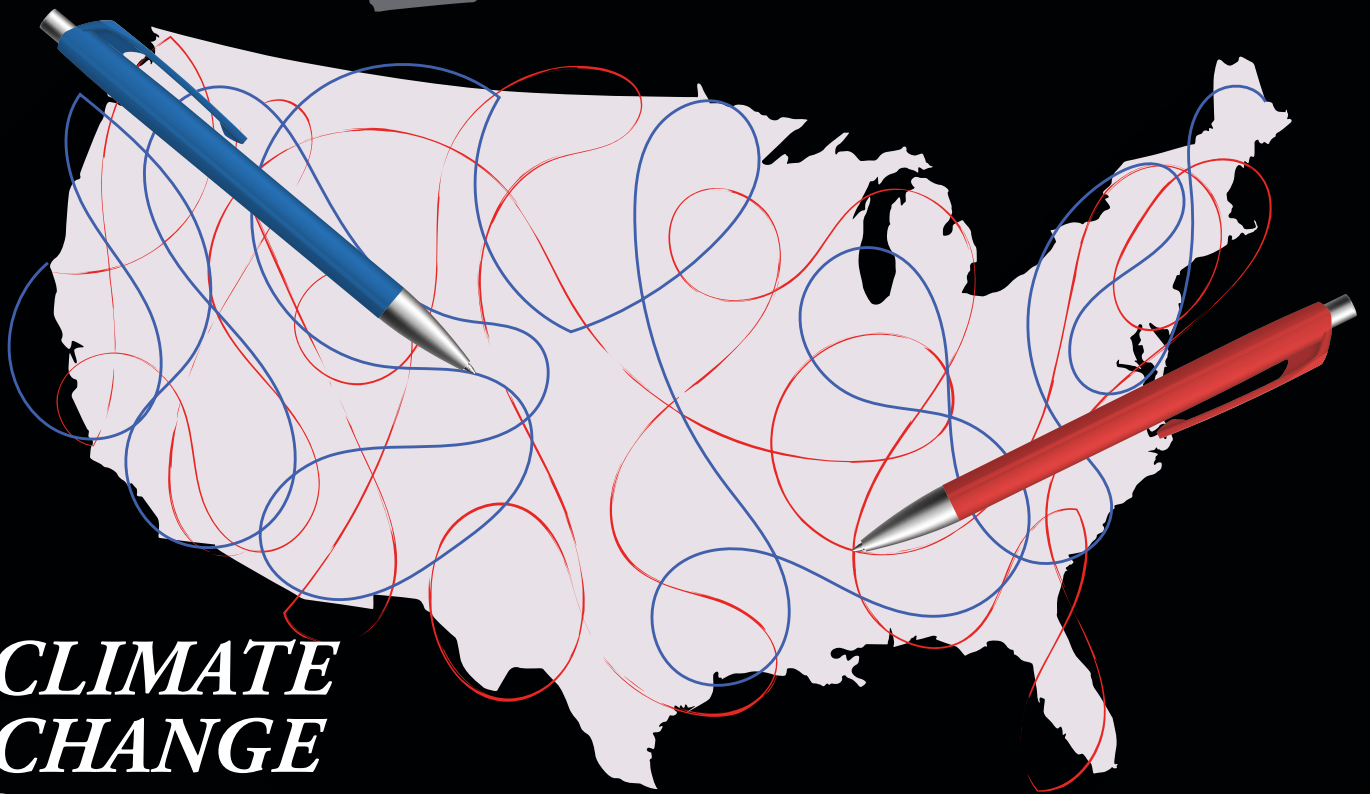


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EDITOR'S FOREWORD

Still Flying High

By Benjamin G. Shatz



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The verdict is in: You like our new look; you really do! To be sure, there are some who will wistfully recall the (very expensive) textured paper and bespoke hand-painted illustrations that were hallmarks of this esteemed journal over the past few decades. But the days of feather quills are gone and we've (finally) moved on to enter the 21st Century (with only minimal kicking and screaming). And the results are sublime. A few letters to the editor appear after this foreword to "show" rather than "tell" the point.

So thanks for all the valuable feedback on our new format. In this issue we have increased the point size of the text, which was a bit too small—especially for lawyers who probably suffer from failing eyesight more than any other profession.

But let's not get caught up in all the flashy new presentation. Nobody's plucking this journal off the newsstand because it's sexy. We have approximately 10,000 readers for our scholarly, practical, and often amusing, *content*.

To begin this issue, we welcome back Kirk Jenkins, who crunches court stats every morning for breakfast and digests them for us in his annual Supreme Court review. Only Kirk knows how

many hours of toil go into his annual article, but we all benefit tremendously.

Next, Justice Alison Tucher provides SCOTUScular insights about a couple big cases affecting the whole country. How our census works (and shouldn't work) and how gerrymandering works (or shouldn't work) are matters that reached our nation's highest court. Best pay attention to these issues and what they may foreshadow. The big picture, big case approach continues with Douglas Fretty's piece on climate change litigation.

Getting even more academic, Professor Bill Slomanson ponders if the civil procedure grass really is greener on the other side. Exploring the differences between how California courts and federal courts process litigation yields interesting insights and intriguing possibilities for change. You can imagine the debates between Feddies and Stateys, each recoiling in mock horror, crying "I can't believe you do it that way?" Diversity may be the spice of life (and a way to federal court), but if the other system has a sounder approach, better to adopt than adhere for no other reason than tradition.

And speaking of big changes, don't miss Justice Elizabeth Grimes and Sean SeLegue's jeremiad

decrying under-publication. We've all been there: You fly high upon finding the perfect precedent, only to crash in despair when you realize it's unpublished. If you don't care about this issue, then you're simply not paying attention.

Along somewhat the same lines, Sarah Hofstadter presents some tips and tricks on choosing and using the right authority. We aim to give you practical guidance as well as food for deep thought. Hence, we also present Dr. Noelle Nelson who offers a new approach to jury selection.

Our ADR installment continues our Singapore fling, with another piece on the hot new convention on everyone's lips. Ana Sambold was there, one degree north of the equator, in the room where it happened, and tells all.

Then there's Marc Alexander, who just won't stop reading. And we are so grateful for his great book reviews. This issue he reviews *The Browns of California: The Family Dynasty That Transformed a State and Shaped a Nation* — not to mention having a tremendous influence on California law and our court system. This book may not be strictly "about" litigation, but you better believe it's relevant to California Litigation.

Finally, we take a last look at our beloved late former Managing Editor, Stan Bachrack, who passed away shortly after stepping down from this Journal. Of those on our Editorial Board, Tom McDermott knew him the best and the longest, and he has penned a fitting tribute.

LETTERS TO THE EDITOR

Wow! The new look is awesome!

- Neil J Wertlieb, Wertlieb Law Corp,
Pacific Palisades

EIC Responds: Thanks, Neil! You've expressed the common reaction from readers around the state.

I love the look of the newly reformatted California Litigation! Congratulations on making this happen after so many years.

- Sonya L. Sigler, JustResolve, San Jose

I really enjoyed the latest issue of California Litigation focusing on tentative rulings. I for one agree with Judge Kulkarni that their pluses outweigh their minuses for the parties, their attorneys, and the trial courts.

I write to offer a perspective not covered; on the benefits of utilizing past tentative rulings.

Although not a traditional way of doing legal research, reading one's trial judge's prior rulings can offer valuable insight into how your judges think, what cases they cite, and what arguments persuade them. As a former court law clerk and a current practitioner, I find that using tentative rulings in this way can greatly improve an attorney's law and motion practice success rate.

But tentative rulings often disappear from trial court's websites after oral argument, making it difficult for anyone to access past rulings. In an effort to solve this problem, this year I started a free, online database of prior tentative rulings: <https://rulings.law/>. It currently has over 15,000 rulings for Los Angeles Superior Court, and will expand to cover other California counties as soon as possible. I hope this resource can be of as much use to other Litigation Section members as it has been for me.

- Crawford Appleby, Los Angeles