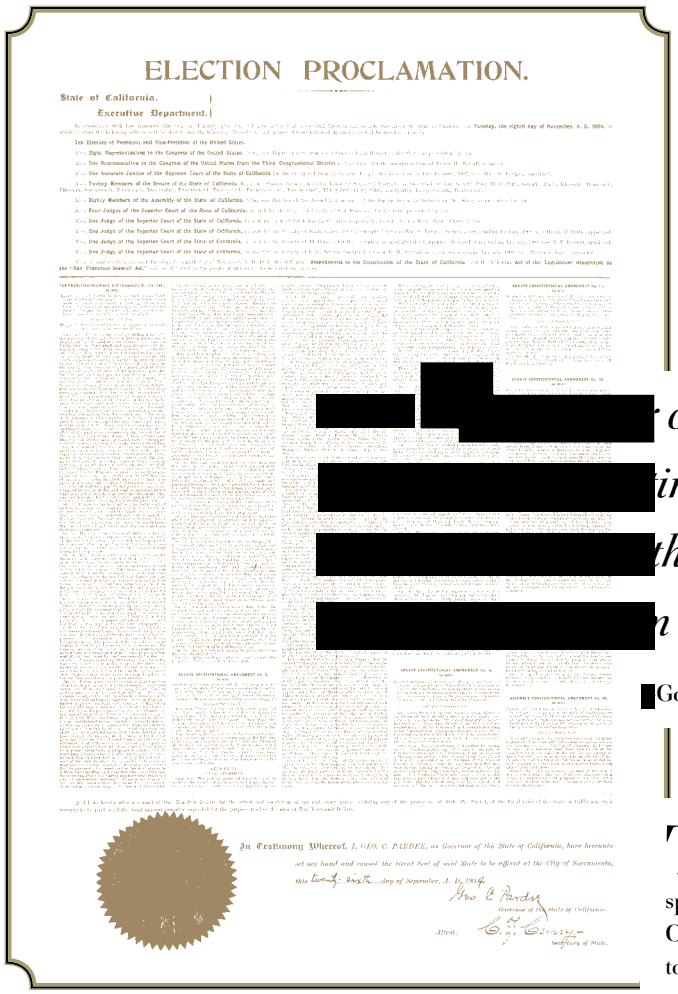
Striving for Justice

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: [illegible]
Secretary of State.

[redacted] of our Supreme Court, even with [redacted] ting Commission, to hear and [redacted] thin a reasonable time, the causes [redacted] n 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

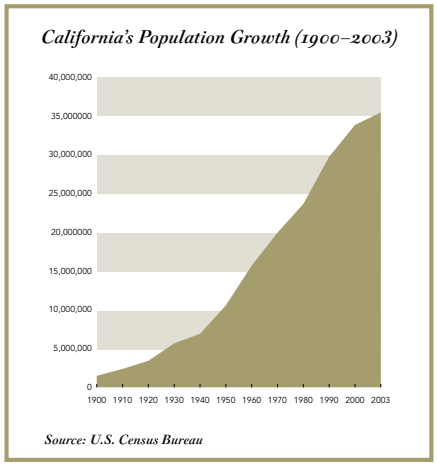
Norton Parker Chipman
Presiding Justice, Third Appellate District

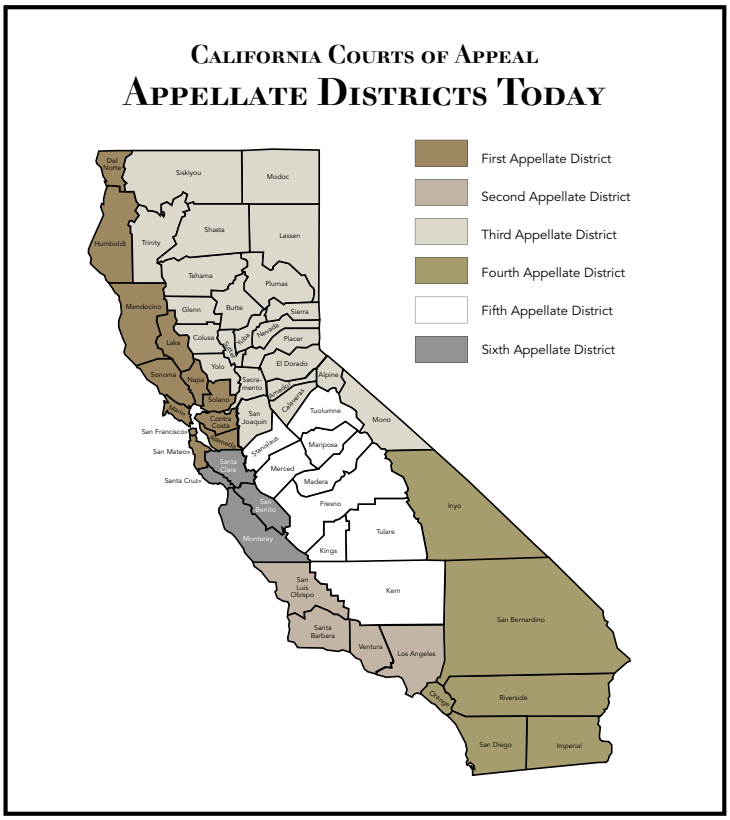
Photography credits:
Ralph C. Harrison: Court of Appeal, First Appellate District
Wheaton A. Gray: Court of Appeal, Second Appellate District
Norton Parker Chipman: Court of Appeal, Third Appellate District

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.

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.

Edwin L. Jefferson

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.

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

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. Dooling, Jr.*
Abraham F. Roy*
Fred B. Wood
Herbert C. Kaufman*
Murray Draper*
Matthew O. Tobriner*
Benjamin C. Duniway
Daniel R. Shoemaker*
James R. Agee
Preston Devine*
Byrl R. Salsman
Raymond L. Sullivan*†
John B. 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 E. 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
Madeleine O. Sahrbeck
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. Dondero
Kathryn Mickle Werdegar*
Carol A. Corrigan
Paul R. Haerle
Jeanne C. Pitrelli
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 B. Simons
Sandra L. Margulies
Stuart R. Pollak
Maria P. Rivera
Linda M. Gemello

1905–January 1911
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January 2002–

Second District

Justices

Wheaton A. Gray*
George Hugh Smith*
Matthew Thompson Allen*
James W. Tappet
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*
R. Roy Schauer*†
Clement L. Shinn*
Parker Wood*
Emmet H. Wilson
Paul Vallee
Louis C. Drapeau
W. Turney Fox*
Lester William Roth*
Walter J. Faust
Allen W. Ashburn
Roy L. Herndon
Mildred L. Lillie*
John J. Ford*
Frank S. Balthis
Louis H. Burke*†
Edwin L. Jefferson
Gordon L. Files*
Robert Kingsley
Matklin Fleming
Otto M. Kaus*
Shirley M. Hufstedler
Conrad J. Moss
James A. Cobey
Clarke E. Stephens
John F. Aiso
Robert S. Thompson
Gerald Cassavilla Dunn
Donald B. Wright*
William A. Bergen
Harold W. Schweitzer
John R. Alpert
Roy A. Gustafson
Lynn D. Compton
William P. Clark, Jr.*
Herbert L. Ashby
James H. Hastings
L. Thaxton Hanson
Edwin T. Beach
Rodney K. Potter
Bernard S. Jefferson*
Joan Dempsey Klein*
Arthur L. Alarcon
Arleigh Maddox Woods*
Eugene McClosky
Vaino Spencer
Vincent S. Dahlstrom
Ehrood Gus Ho Lai
George E. Danielson
Richard Amerian
Robert Feinerman*
Donald N. Lewis
Richard Schanes*
Leon Thompson
Richard W. Aldrich
Steven John Stone*
Arthur Gilbert*
Earl Johnson, Jr.
Armand Arabian*
John A. Arguelles*
Campbell M. Lucas*
David N. Eagleson*
Robert R. Devich
Merle 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 1906–December 1926
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December 1982–

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

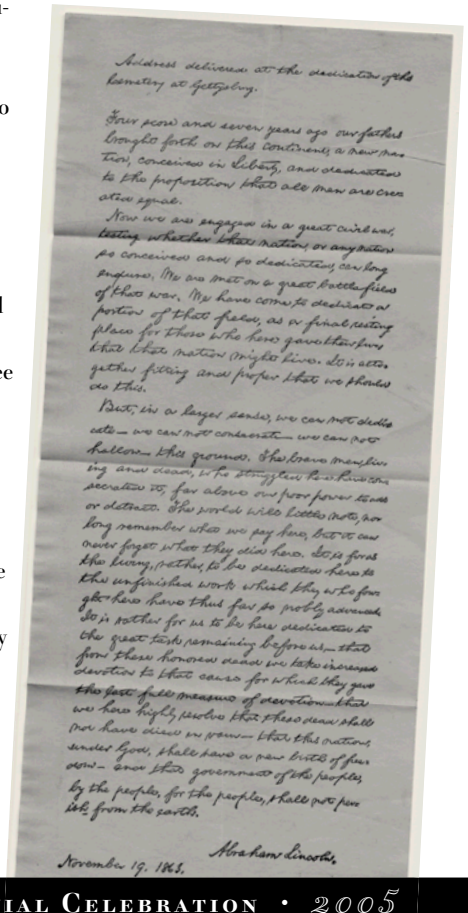
Norton Parker Chipman came west from the District of Columbia in 1876 and practiced law in Tehama County for several years. For a time he was a leader of the organization that eventually became the California Chamber of Commerce. In the late 1800s, he served as one of five commissioners to the California 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 consecrated 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

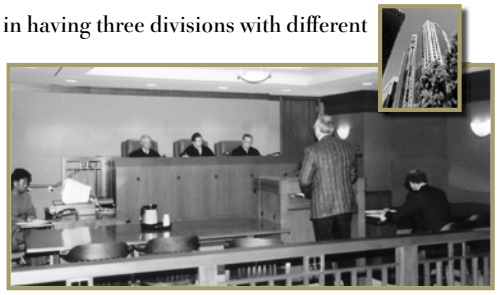
Ronald Reagan State Building, 300 South Spring Street, Los Angeles (Divisions One, Two, Three, Four, Five, Seven, and Eight), and 200 East Santa Clara Street, Ventura (Division Six).

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