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The glorious history of the Committee on Appellate Courts

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APPELLATE PRACTICE

Once upon a time, the State Bar of California not only licensed, regulated and disciplined lawyers, but also formed committees of lawyer-volunteers to address issues related to the practice of law. A little over 50 years ago, one such committee was created to focus on appellate practice. That group, the Committee on Appellate Courts, still exists and thrives today.

It all began in June 1970, when Seth Hufstedler was appointed as the first chair of the State Bar's Special Committee on Appellate Courts. Robert Seligson became chair in December 1971 and served until May 1974, when Noble Gregory (law clerk to the chief justice of the California Supreme Court 1946-48) became chair. From the beginning, the committee focused on issues important to appellate practice. In 1972, for instance, the committee tackled questions of appellate court efficiency and reform, and recommended that an additional court be created and inserted between the courts of appeal and the state Supreme Court. See "The Court of Review: A New Court for California" (1972) 47 Cal. St. B.J. 28,34. (The Judicial Council rejected the idea.) Similarly, in 1973 the committee pointed out problems with the no-citation rule for unpublished opinions. In 1994 the committee was a reviewer of J. Clark Kelso's "A Report on the California Appellate System," 45 Hastings L.J. 433, 517 (1994).

Apart from their chairs, rosters for the earliest committees have been lost to time. The 1974-75 committee roster, however, indicates that in June of 1972 a number of appellate luminaires were appointed, including Rose Bird, Ellis Horvitz, and Arlo Smith. In May 1974, 1st District Justice Winslow Christian (who also became the first executive director of the National Center for State Courts) was appointed an adviser and remained so into the late 1970s.

Over the years the committee continued to do its good work. Although the committee was always small -- typically composed of only a dozen or so members -- its members were diverse in terms of practices and geography, drawing members from law firms of all sizes, sole practitioners, defense and prosecution offices handling criminal appeals, appellate court research staff, and law school faculty. A who's-who of deceased legends of the appellate bar appear in the committee's annals: Ralph Kleps (law clerk for Chief Justice Phil Gibson), Gerald Marer (chair 1980), Reed Hunter (chair 1984), Phil Goar (chair 1993), Mitch Abbot (co-chair 1998), Pam Dunn (chair 1999), Russ Iuengerich, Quin Denvir, and Larry Jay. Similarly, many now-"inactive" appellate superstars cheerfully toiled on the committee, including Gideon Kanner, Peter Davis, Joan Wolff, Rick Derevan (chair 1982), Jonathan Steiner (chair 1983), Arthur Schwimmer, Barbara Ravitz, and Buzz Kinnaird. Many then-practitioners who served the committee went on to become justices, judges or court administrators, e.g.: Paul Watford, William Dato, Miriam Vogel, Paul Fogel (chair 1990), Ethan Schulman, Colin Leis (chair 2004), Helen Williams (chair 2006), Deborah Servino (chair 2008), Kira Klatchko (chair 2012), Audra

Ibarra, Syda Cogliati, and Susan Soong. The committee has benefitted by the participation of many research attorneys from all over the state and from those on the Supreme Court (e.g., Blair Hoffman (chair 2007), Melissa Johnson).

Obviously many more names could be dropped, of course. But since we know that appellate careers last many decades, it would be immodest and unseemly to list all of the outstanding appellate attorneys still in practice who have graced the committee over its five decades.

This listing is not intended to cast further glory on these historic volunteers. The satisfaction they've derived from their participation is for them to relish. Rather, the point of this exemplar enumeration is that readers of this column should recognize some (hopefully most) of the names of these outstanding members of the California appellate community and will wish to add their names to the committee's ongoing roster.

When the California Lawyers Association emerged from the State Bar, the Committee on Appellate Courts continued as a standing committee of CLA's [Litigation Section](#). The committee continues to address issues of appellate court operation and appellate practice, with particular focus on rules and procedures for California state appeals. The committee submits comment letters on proposed rules and legislation. And many ideas fleshed out at committee meetings have become court rules. Committee activities include planning and presenting educational programs to foster the improvement of appellate practice, including webinars (available on CLA's website) and an annual Appellate Summit. This Summit is typically a day-long conference presenting appellate specialization MCLE and a keynote, often by a California Supreme Court Justice. The 2020 summit was presented (very successfully) virtually, and the next one is scheduled for May 2021 (also to be presented virtually). In 2018 the committee founded the Appellate Lawyer Hall of Fame, and inducts a new member each year (they join existing members Ellis Horvitz, Jon Eisenberg and Dennis Riordan). Committee members also draft the appellate law update in the CLA Litigation Section's annual California Litigation Review, and edit CLA's monthly online Litigation Update publication, which summarizes important opinions from California's appellate courts, the 9th Circuit, and the U.S. Supreme Court.

If you've read this far, you're probably just the sort of exceptionally appellate person who should apply to serve on the committee. The May 31 application deadline to serve on the Committee on Appellate Courts is quickly approaching so don't delay! The committee's size was recently increased to up to 25, so there's a seat waiting for you. Members serve three-year terms, and the committee meets monthly via videoconference. The committee wishes to reflect the fullest diversity of California's lawyers' experiences, and is committed to including people from a wide variety of practice and geographic areas. In particular this year, the committee is hoping to add members from criminal and government practice, as well as current appellate court staff. Lawyers of all races, ethnicities, national origins, religions, ages, sexes, sexual orientations and gender identities, as well as people with disabilities, are encouraged to apply. How? To apply,

please send your completed application form and résumé to Committee Secretary Bryce Young at byoung@duanemorris.com by May 31.

As vocal human beings, lawyers like to complain. We can't resist complaining about court rules and practices, and about the loss of civility and civic pride in our profession. But complaining provides little satisfaction. Prove that you're an exceptional appellate lawyer by joining the Committee on Appellate Courts and take action you can be proud of for the rest of your career.