



# California LITIGATION



A SUPREME  
COURT CLERK  
REMEMBERS  
JUSTICE RUTH  
BADER GINSBURG

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*RBG (Revered  
By Generations):  
Defying and  
Redefining Labels*

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## EDITOR'S FOREWORD

# Seriously, How Are You?

By Benjamin G. Shatz

Until last year, the quotidian greeting “How are you?” was mechanically followed by “Fine. How are you?” and implicitly meant, “I acknowledge your presence, now let’s get to work.” But with the trauma of 2020, parroting the usual social lubricants simply doesn’t cut it. With so much turmoil on so many fronts, it can’t be taken as a given that anybody’s truly just “fine” anymore. Keep this in mind when interacting with your friends and colleagues. When you ask how someone is, take the question seriously. And don’t be surprised if you get a serious answer in return.

Today’s version of “how are you?” is “how’s your quarantine going?” If yours is anything like mine, at some point in 2020, your household suffered a serious nervous bake down. Having now stress-gorged on every possible version of banana bread (with nuts, with peanut butter, etc.), zucchini bread, beer bread, biscuits, buns, bars, brownies, sourdough (how many starters did you kill?), and far too many different types of cookies, I’m just happy not to have put on the Covid-19 (pounds). Home exercise, not eating at restaurants, and 2020’s taxing



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tensions actually resulted in a significant net weight loss for many lawyers. So maybe that’s a silver lining.

There’s no need to enumerate all the particulars of our past annus horribilis. The hangover of last year’s catastrophes still throbs. One of the rawest and most dismal events for lawyers was the passing of Justice Ruth Bader Ginsburg. Her storied and glorious life became legendarily iconic, spawning major-motion-picture biopics, and setting the highest possible bar for anyone who wears a robe for a living. To the mounting collection of encomiums, this issue of California Litigation contributes its cover and first two articles. Thank you, Anna-Rose Mathieson and Rupa Singh for your memorials.

From the inspiration of RBG, we descend to explore some of the realty-related consequences of the Covid-19 pandemic. The economic crisis flowing from the health crisis means that many individuals and businesses simply can’t pay the rent. And while various forms of relief have been provided to protect tenants and the public at large, what about the landlords who need to collect

rent to cover mortgages? What is the law in this area and what should it be? Read Mike Hensley's and Jim Burling's articles for some information and ideas.

Speaking of big-picture law and society issues, Professor Slomanson is back, this time to talk about guns. Because so few Supreme Court cases have addressed the Second Amendment, there's much room for development. And it's coming in one form or another.

Similarly on the Supreme Court theme, Dan Lawton reviews *The Essential Scalia*. Nino was, of course, famously a close friend of the Notorious One. Both were larger than life characters, and regardless of how you view their jurisprudential positions, you can't criticize the quality of their writing.

As for outsized personalities who have been influential on all Americans, California has been home to many such giants. One of the most remarkable is our own Governor Supreme, Jerry Brown. Having reviewed *The Browns of California* in issue 32:3 (2019), Marc Alexander is back with a review of Jim Newton's latest biography, *Man of Tomorrow: The Relentless Life of Jerry Brown*.

But we're not only about the "big picture" thought-leadership here at California Litigation. We know that our readers demand practical guidance on California litigation. Accordingly, this issue packs some serious wisdom and guidance. Trial lawyers Daralyn Durie and Jesse Lanier share some secrets of witness preparation in their entertaining piece using lessons from popular cinema. Appellate lawyer Tom Watson presents a state-of-the-art article on staying enforcement of money judgments on appeal. Appellate bonds and stays aren't often on anyone's list of sexiest topics. But money is at the heart of nearly all civil litigation, and so this article is one you will want to save and retrieve when you need it.

Well, that's what's in this issue. Did we miss a topic near and dear to your heart? Please let us know. And if you won't write that article yourself, perhaps the Editorial Board can find someone who will. Contact us with your ideas and opinions. Feedback of any sort is always appreciated. This is your journal and we always want to stay on your must-read/must-share list.