



California LITIGATION

Special Racial Justice Issue

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EDITOR'S FOREWORD

At a Crossroads for a Juster System

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Our nation is at a crossroads with regard to racial justice issues. Where society and the law will go next is unclear, but significant changes—long overdue—are brewing. This issue of California Litigation focuses on some of these important topics, looking forward, looking back, and examining where we are today.

Included in this issue are substantive pieces about criminal litigation, highlighting our collaboration between the Litigation Section and the Criminal Law Section. We also offer historical articles—both legal and highly personal—that we hope will provide needed context and food for thought. Articles in this issue also focus on failures of our criminal justice system. In particular we feature a pair of pieces not only *about* Guy Miles, who spent over 18 years incarcerated for a crime he did not commit, but also one *by* Mr. Miles himself. Rarely are the voices of actual parties, as opposed to lawyers, heard directly in these pages.

If you have not yet read the California Supreme Court's opinions in *B.B. v. County of Los Angeles*, 10 Cal.5th 1 (Aug. 10, 2020), you

should stop reading this foreword and pull up Justice Chin's opinion and Justice Liu's concurring opinion right now. Early in the concurring opinion (in which Justice Cuéllar concurred), the Court notes that: "we heard oral argument in this case one week after another Black man, George Floyd, was killed by a Minneapolis police officer who pressed his knee into Floyd's neck with the full weight of his body for 8 minutes and 46 seconds — an incident that galvanized protests in every state across the country and throughout the world. [Citations] In all likelihood, the only reason Darren Burley is not a household name is that his killing was not caught on videotape as Floyd's was." On page 59 we reprint our California Supreme Court's Statement on Equality and Inclusion. Supreme Courts across the county have published similar declarations on racial justice. (See National Center for State Courts, *State Court Statements on Racial Justice*, ncsc.org/newsroom/state-court-statements-on-racial-justice.)


As Americans we have a civic duty to strive for a just and fair society. As lawyers, no matter what specific practice area, we are part of the justice system, for better or worse.

We should strive to make it better. “Equal justice under law” should not be merely a marble-etched sentiment to walk by as we head to court. We must bring that credo to life in our practices and in our daily lives.

Topics regarding policing, criminal procedure, and racial justice can spark divergent and emotional opinions. We welcome your viewpoints and encourage you to submit letters to the editor or articles of your own.

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This foreword cannot end without lamenting the passing of Justice Bill Rylaarsdam since our last issue. Justice Rylaarsdam was a founding father of this journal and instrumental in its success, to which he devoted over 25 years of service. He personally wrote 28 articles, spanning volumes 1, 3-4, 6-16, 18, 20, 22, and 25, and was the subject of the cover and lead article (Justice Eileen Moore’s *Dutch Treat*) in volume 28, issue 2. His passing is yet another reason why the year 2020 will bear a black mark for sorrowful events.



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