

EDITOR'S FOREWORD

No Longer on Demand

By Benjamin G. Shatz

In August, I received an email from Kimberly McDermott Stefanowicz. The McDermott name should ring a bell, since Tom McDermott was a founder of this journal and its longest-serving editorial board member. Sadly, the email was a notification from Tom's daughter that he had passed away. Tom's dedication to the Litigation Section and this journal were unparalleled. He chaired the section in 1993-94 and wrote extensively for this publication, including his regular column called *McDermott on Demand*. To honor Tom, here is the obituary from his daughter:

Thomas John McDermott, Jr. (1931-2021)

Thomas J. McDermott, Jr., who was born and raised in Santa Monica during the Great Depression before becoming a successful litigator, died June 30, 2021. He was 90 and still practiced law full time. He graduated with a B.A. in English Literature from UCLA. He then served in the United States Army in Ft. Lee and Korea before receiving his J.D. from UCLA School of Law, where he was Articles Editor of Law Review and Order of the Coif.



Benjamin G. Shatz, Editor-in-Chief of this journal, is a certified Specialist in Appellate Law and Co-chairs the Appellate Practice Group of Manatt, Phelps & Phillips, LLP, in Los Angeles. BShatz@Manatt.com

Tom practiced law for 62 years, mainly in Los Angeles before opening his own firm in Palm Desert. He represented major corporations (e.g., United Airlines, Pan Am, Packard Bell, Baskin Robbins, IBM, Ford, Pfizer, Warner Bros.), government entities, and well-known entertainers.

He helped found and was president of the Association of Business Trial Lawyers (serving as the first editor of the ABTL Bulletin), president of the UCLA Law Alumni Association, chair of the State Bar's Litigation Section, chair of the Lawyer Representatives Coordinating Committee of the Ninth Circuit Judicial Conference, chair of the Ninth Circuit Judicial Conference, and chair of the Ninth Circuit Advisory Board. He was a Fellow of the American College of Trial Lawyers. He was a founder of the Los Angeles Opera Company and represented it for several years, and served on the board of the Los Angeles Music Center Performing Arts Council.

Throughout his career he earned many awards. In 2009 he received the John Frank Award, given annually by the Ninth Circuit

to a lawyer for outstanding service to the federal courts. In 2013 he was inducted into the Litigation Section's Trial Lawyer Hall of Fame.

Tom enjoyed listening to music and performing magic. He was a member of the Magic Castle in Hollywood before moving to the desert. He loved attending operas, musicals, and comedies. He was an avid reader, with a fondness for James Joyce, Charles Dickens, and F. Scott Fitzgerald. He also collected books and donated his personal collection to the University Library "Rare Book Room" at California State University Northridge.

He and his former wife helped coordinate the adoption of numerous orphans in Thailand in the mid-1970's. He was a proud member and former President of the La Quinta Rotary Club. Palm Desert proclaimed September 12, 2013 as Thomas J. McDermott Day. He met his wife, Yolanda, during the 1989 coup d'état in the Philippines where they were both taken hostage at their hotel in Manila.

Tom is survived by his wife Yolanda, children Kimberly and Kish, and grandchildren Trystan and Skylar.

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Tom may not longer be "on demand," but he'd undoubtedly want to the show to go on. In this issue we have our annual Cal Supreme Court recap by Kirk Jenkins. We then shift to the U.S. Supreme Court for Jimmy Azadian's take on our newest high court justice, Amy Coney Barrett. Sticking with the federal theme, Eddy Board member Dan Lawton interviews the unstoppable

nonagenarian Ninth Circuit Judge Cliff Wallace.

We next take a historical look at two important cultural touchstones that have reached their half-century mark: First, an analysis of *Flood v. Kuhn*, which changed baseball, and then a modern take on Inspector Harry Callahan, in *Dirty Harry Turns 50*. On the retrospective theme, ADR guru (and inaugural ADR Hall of Famer) Richard Chernick looks back at his groundbreaking career. But before that, we've also tucked in a quartet of practical articles, addressing special masters, 998 offers, recent employment law developments, and the evolving saga of lawyer Steven Donziger. (Is Donziger a legal hero or villain? Send in your views!)

Surely something in this issue will catch your interest. If so, let us know. And if not, let us know what you'd like to be reading about. This is your Section and your journal, and we can serve you best when you share what's on your mind. My in-box is always open for you.