

EDITOR'S FOREWORD: NEW LEADERSHIP ARRIVES

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As you probably know, this journal publishes three issues a year. The third issue of the year (e.g., this issue) follows the end of the CLA-leadership year (a September-to-September calendar), meaning that the Litigation Section now has a new chair for the upcoming “bar year.” Unless you follow the Section closely, you may not notice these leadership changes. Indeed, despite having been sent a large number of emails from CLA and the Section about such things, it’s quite possible that the first time it actually registers that there is a new chair, is when you happen to notice a new head shot for the Chair’s column that leads off each issue of this publication.

All of that is to say, we’ve got a new chair you should know about. The 41st Litigation Section Chair is Adriennette Ciccone. She introduces herself in her first Chair’s column immediately preceding this foreword. But I want to make my own introduction. I first met Adriennette at an in-person CLA/Section event in San Diego when she joined the Section Executive Committee back in 2018. I was taken by her enthusiasm for the Section and could tell even then that she had a future in Section leadership, should she so desire to pursue that path. We are lucky she did. Adriennette is passionate and energetic, which are qualities any volunteer organization is lucky to have in leadership. She was also instrumental in the formation and success of Racial Justice Committee, which started as a Litigation Section idea, but simply could not be contained to a single section, and so became a CLA-wide endeavor. In short, Adriennette already has much to be proud of regarding her CLA service. No doubt more good things are coming.

Of course, all of our Section chairs have been remarkable and accomplished. Yet they typically are not called out in a foreword like this. I do so here because it seems meaningful to point out that (as far as I can tell) Adriennette is the first woman of color to lead our section in 25 years. CLA embraces diversity and inclusion as a core value, so it is fulfilling to see that reflected in Adriennette’s ascension. The broader point worth emphasis, however, is that anyone with an interest and drive can follow in her footsteps and achieve similar accomplishments.

Volunteer organizations like CLA absolutely require enthusiastic lawyers to step forward and devote their energy to issues they care about. The starting point, as always, is to pay attention and get involved. Consider applying to the Section ExCom, where your voice can effect changes to improve not just the Section and CLA, but also our profession and state. If you don't believe me, ask any of our Section officers about their own path to CLA and beyond. (And if you don't feel like making a cold-call — which would undoubtedly be received warmly — our Section has instituted regular 'office hours' via Zoom where any Section member can converse with the chair or other host. Your ideas matter and your feedback is always sought.)

Moving beyond the Chair's Column, this issue contains yet another assortment of fascinating articles to enlighten and delight you. For many years now, our final issue of each year has included a California Supreme Court review. And for the past few years we have been fortunate to have Kirk Jenkins to provide his intricate quantitative analysis. I have no idea how long it takes Kirk to compile the data and crunch the numbers, but we are the beneficiaries of his arduous labors once again. Kirk's work is obviously of tremendous interest to appellate lawyers, but any litigator should be interested in the operations of our supreme court and the details about which sorts of cases and from which courts end up there. At the very least, understanding the odds is always useful in litigation strategy and client communications.

Next, we have a pair of articles by retired Court of Appeal Justice Dan Kolkey. Dan is currently the President of the California Supreme Court Historical Society, and he makes a compelling case for your involvement in that organization. If you enjoy this journal, you will no doubt enjoy the Society's publications and MCLE programs. Dan's second piece is an update to his article on international arbitration. In particular, he focuses on new legislation — passed with CLA's assistance — effective January 1, 2025 that will make California a more attractive venue for international commercial arbitration.

Another reliable contributor to this publication is Professor Bill Slomanson, who has provided a variety of articles on topics of topical legal interest recently. In this issue, he gives us *Presidential Immunity: Precedential Impunity?*, presenting a summary of the law regarding Oval Office immunity. As a law student, decades ago, I recall skimming through a short Nutshell guide on presidential powers and immunity by Professor Arthur Miller, covering some of the exciting new cases from those crazy Watergate years in the 70s. I remember thinking that this was an area of law that — despite a few aberrant one-off, off-the-wall scenarios — wasn't of much relevance and wasn't going anywhere in terms of legal development — sort of like Second Amendment jurisprudence. What appeared back then to be legal dead ends — good for some amusing hypothetical novelties — have emerged now with a vengeance. Yogi Berra (and someone not quite similar to Yogi, Niels Bohr) supposedly said "It's tough to make predictions, specially about the future." Ray Bradburry purportedly cynically quipped: "Predict the future? What I want to do is prevent it!"

Also in the realm of alleged criminal wrongdoing, we have an article by a quartet of Manatt lawyers about the risks and rewards of "attorney proffers." If you don't know what that even means, you'll definitely want to check out this article. Even if you try to avoid anything remotely sounding criminal, you probably could not avoid hearing about *Menendez* this year. No, not those infamous brothers in the Netflix true crime documentary released this year. We're talking East Coast now: the United States Senator from the Garden State who resigned this year after his conviction for political corruption. Who can forget seeing headlines about gold bars hidden in baggies? Even if your own docket isn't filled with such high-profile cases, understanding how to work with prosecutors is an essential skill.

Another key skill for litigators is understanding the ins and outs of deposing persons "most qualified" or "most knowledgeable." Fortunately, retired judge Allan Goodman (a member of this publication's editorial board and frequent contributor) shares