

EDITOR'S FOREWORD: WE THANK AND EXCUSE PAUL DUBOW

Written by Benjamin G. Shatz*
Editor-in-Chief



This journal's production depends on the dedication of a volunteer editorial board—which, following the parlance of our late managing editor, Stan Bachrach, we call the Eddy Board. The names of Eddy Board members are listed in the fine-print masthead of every issue.

This issue will be the last to include Paul J. Dubow as an Eddy Board member. Having joined the ranks of nonagenarians, Paul has decided to cut back on his bar activities. The loss is ours. Paul has been an active Eddy Board member for over 25 years. No other existing Eddy Board member has served anywhere near as long. His numerous articles have graced the pages of many issues of this journal. Paul was admitted to the California Bar in 1971. He spent the next 30 years conducting litigation at Dean Witter Reynolds, where he tried over 125 arbitrations as well as bench and jury trials. He became a full-time ADR practitioner in 2001, spending the next couple decades conducting hearings in over 250 arbitrations and over 325 mediations. In addition to his busy day job, Paul has been a devoted bar junkie, including as a CLA member providing invaluable service not just to this journal, but to the ADR Committee. We will miss Paul and wish him the best; or, as we litigators say, "we thank and excuse" Paul Dubow.

The name Paul Dubow isn't the only other big name the appear in this issue: Reading the articles in this issue will re-introduce you to Perry Mason, O.J. Simpson, and Socrates. Really! Judge Curtis Karnow kicks things off with *A Drink With Perry* about some lessons to be had from one of the greatest fictional lawyers of all time. Sure, TV lawyering isn't "real," but Judge Karnow points out how emulating the professionalism of fictional lawyers would benefit actual practice.

Transitioning from hero to villain, retired Justice Gary Hastings share his memories of a very memorable trial in *The Civil Case Against O.J. Simpson*. Football fans may be able to cite hall of fame numbers like 14,368 (rushing yards) or 76 (touchdowns), but California lawyers can

cite 86 Cal.App.4th 573, *Rufo v. Simpson*, and numbers like 8.5 million (dollars of compensatory damages) and 12.5 million (dollars of punitive damages).

Speaking of hall of fame members, James Brosnahan (in our Section's Trial Lawyer Hall of Fame and cover boy of this publication's volume 36, issue 2, last year) is hard at work drafting a book about famous historical trials. While this exciting endeavor remains a work in progress, he shares with us his thoughts on *Socrates's Trial*.

Zooming from ancient history to contemporary face-recognition technology, Marc Alexander reviews Kashmir Hill's book *Your Face Belongs to Us*. Never mind worrying about dystopian futures, we should be worrying about nightmare scenarios with us today. Anyone who doubts the "death of privacy"—a jeremiad decried for decades now—should be shaken by this book. Actually, we all should be.

As always, this journal likes to whipsaw readers from the grandest of big-picture concepts back to the nitty-gritty of litigation practice. Thus, we present Rachel Naor and Michael Lundholm's article *Understanding Key Distinctions in California's State and Federal Privilege Law*, and Evangeline Burbidge and Nitesh Daryanani's *Courtroom or Conference Room: Considerations for Jury Trials v. Arbitration*. Also of value to litigators is Judy Posner and Kian Tamaddoni's exploration of some important new law in *The Shrinking Shelter of Relief from Jury Trial Waivers*.

On the substantive law front, Barbara Adams gets us up to speed with *Proposition 65: The Ubiquitous, Yet Invisible Litigation*, and Paul Traina, John Shaller, and Trevor Weitzenberg update us with their piece on *Survival Actions After the 2021 Amendment to Code of Civil Procedure Section 377.34*.

Next, regardless of practice area, every lawyer should be aware of how the State Bar's prosecution arm audits MCLE compliance. State Bar Court expert Erin Joyce and Soovya Nag (a 2L at Southwestern Law School) provide the background and essential information to stay out of trouble.

Finally, our Federal Courts Committee comes through (as always) with a judicial interview, this time with Northern District Judge Rita Lin. Her interview references Joe Montana, Jerry Rice, and Steve Young, taking us back yet again to the NFL Hall of Fame. The law is indeed a seamless web. Enjoy this issue and share your feedback!

**Benjamin G. Shatz, Editor-in-Chief of this journal, is a certified Specialist in Appellate Law and co-leads the appellate practice at Manatt, Phelps & Phillips, LLP, in Los Angeles. BShatz@Manatt.com.*

CALIFORNIA
LAWYERS
ASSOCIATION

INTRODUCING NEW MEMBER BENEFITS



CAREER CENTER

Find a new job opportunity or post a job opening to attract qualified candidates.

JOBS.CALAWYERS.ORG



in partnership with
CalBar CONNECT

CALBAR CONNECT

Take advantage of exclusive discounts on business software, insurance, and more!

CALBARCONNECT.COM



ONLINE COMMUNITY

Grow your network and connect with other CLA members in our discussion forum.

CALAWYERS.ORG/COMMUNITY