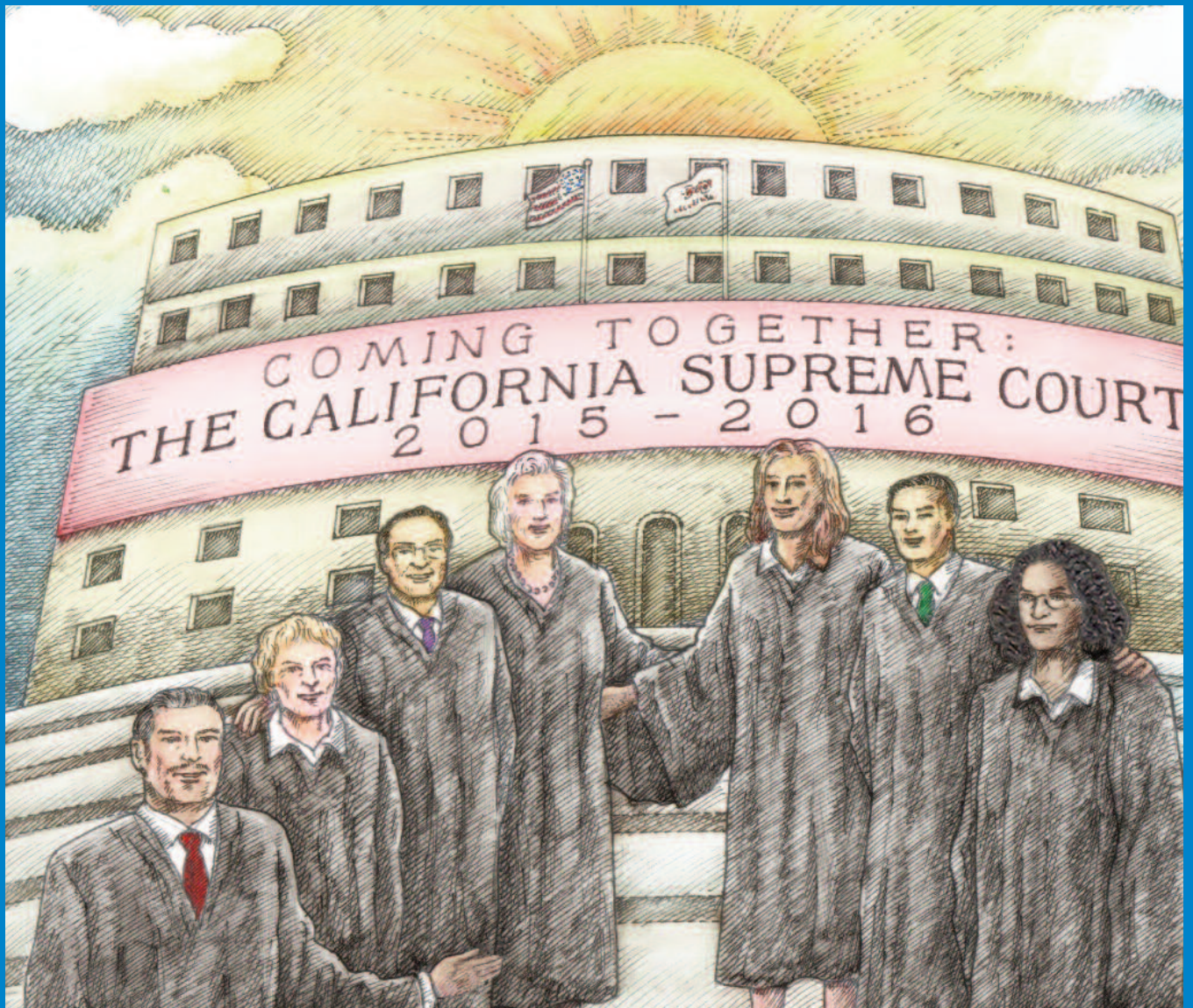


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California Litigation

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This is Not a Book Review 2 (The Sequel): Circling the Quad of the Litigation Section's Publications

By Benjamin G. Shatz, Editor-in-Chief

Once again, this is not a book review. But it is a review of reading material that will interest you. Promise.

If you're reading this, then you're holding **California Litigation**, a print publication of the California State Bar's Litigation Section. The Section has been printing three issues of this journal every year since 1987. To see what articles have appeared in past decades of the journal, visit our website at <http://litigation.calbar.ca.gov/Publications/CaliforniaLitigation.aspx>.

But this journal is merely one voice in a quartet of Litigation Section publications. The other three are California Litigation Review, Litigation Update, and the Litigation Section Quarterly Newsletter.

California Litigation Review is a yearly print and online publication that—for over a decade—has provided an annual summary of developments in substantive and procedural areas of interest to California civil litigators. The range of topics is fairly exhaustive, with articles on pretrial procedure, class actions, evidence, appeals and writs, alternative dispute resolution, as well as explorations of specific areas such as employment law, insurance law, intellectual property, unfair competition and many more. This publication now also includes an in-depth interview of a California Supreme Court Justice. If you litigate in California, this is a must-read compilation every year. You can review past issues at <http://litigation.calbar.ca.gov/Publications/CaliforniaLitigationReview.aspx#2005>.

Litigation Update is a monthly electronic publication that highlights and briefly summarizes recent opinions of note. The headlines and case descriptions are written in an engaging and often humorous fashion, which makes digesting them both enjoyable and edifying. There simply is no better way to stay on top of important developments of case law. The Senior Editor for Litigation Update is Court of Appeal Justice Eileen Moore—so you can be sure that you are getting the cream of the crop in terms of selection of cases and expert analysis. The website for Litigation Update is <http://litigation.calbar.ca.gov/Publications/LitigationUpdate/August2016.aspx>

Rounding out the foursome is the **Litigation Section Quarterly Newsletter**, the Section's latest publication, started just this year. This is an electronic publication that allows your Section leadership to fill you in on Section news and upcoming events, including CLE programs.

Together this redoubtable ensemble puts the “rad” into tetrad. If you're not taking full advantage of all four publications, it's time to step up your game. And if you're somehow reading this despite not being a Litigation Section member [<http://litigation.calbar.ca.gov/>], it's time to join the party officially so you don't miss out. Don't delay in joining at <http://sections.calbar.ca.gov/About/JoinaSection.aspx>.

Editor's Foreword

A Move From The Silver Linings Playbook

By Benjamin G. Shatz



Benjamin G. Shatz

A little over a year ago, calamity erupted in the legal periodicals scene: After 35 years of publication, California Lawyer died. Many of us—indeed, the vast majority of currently practicing lawyers—grew up with California Lawyer. A monthly magazine founded in 1981, California Lawyer was the successor publication to the California State Bar Journal started in the 1920's. Sent to all California attorneys automatically for many years, and in later years by an easy opt-in request, California Lawyer was a tangible “benefit” of State Bar membership. California Lawyer contained legal news, commentary, reviews, awards and accolades, articles on substantive law (some with MCLE tests), and covered trends in legal

practice, technology, and law firm management. Most issues also contained in-depth articles displaying the finest that legal journalism had to offer.

When word spread that California Lawyer's October 2015 issue was to be its final printed installment, the legal community emitted a collective groan, accompanied by now-cliché, 20th century griping, about the death of print. (In true 21st century fashion, California Lawyer lives on as a “web portal” at www.CalLawyer.com.)

One of California Lawyer's most valuable contributions to California practitioners was its annual California Supreme Court review by Professor Gerry Uelmen. Rather than ruing the apparent loss of this scholarly gem through depression-induced paralysis, your California Litigation editorial board sprang to action, realizing we could offer a new home for the good professor's labors. Fortunately, it was not a hard sell. Gerry has a history with this publication, having served on its editorial board throughout the 1990's. And no one knows better than Gerry that “if it doesn't fit,” you cannot quit! So in this issue, we are pleased to present Professor Uelmen's 2015-2016 California Supreme Court exposition. The demise of California Lawyer remains a regrettable stain on the fabric of legal publishing, but our silver lining is that California Litigation now has Gerry's work.

Following Gerry's Supreme Court analysis, we present a bracing brace of arbitration articles. Mark Alexander's

piece analyzes the politics of arbitration. Paul Dubow's ditty follows the money: What happens when one side can't (or won't) pay for arbitration?

From there, we return to some litigation nuts-and-bolts with articles on litigation bonds and examining witnesses. *Direct and Cross-Examination* derives from a program at the State Bar's 2016 Annual Meeting, and we hope to provide similar practical, how-to's in coming issues. We are especially pleased, as well, that this issue features a two-fer for the top-notched (but lower-cased) e.bob wallach, an irrepressible advisor to the Litigation Section's Executive Committee and Trial Lawyer Hall of Famer. He has accumulated over half-a-century's worth of litigation wisdom during his prolific career, and we are blessed to be able to capitalize on that.

To conclude, our resident curmudgeon, Tom McDermott, returns to channel Robert Graves (and Joan Didion) for a title in *Goodbye to All That*, mourning the state of stare decisis.

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