

California Litigation

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Editor's Foreword

This Award-Winning Publication(?)

By Benjamin G. Shatz



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If you're the sort of person who reads an editor's foreword, then you're probably also the sort of reader who will be very excited by the following news item.

In April, I received an email with the subject line: "California Litigation article gets award!" Apparently, the Burton Awards (www.BurtonAwards.com), a nonprofit, run in association with the Library of Congress, selected one of "our" articles from last year to receive a national 2014 Distinguished Legal Writing award. The acclaimed article was *Warning: The Internet May Contain Traces of Nuts (Or, When and How to Cite to Internet Sources)* (2013) 26:1 California Litigation 4 — an excellent piece that I'm sure you remember well. (And if

not, perhaps that's motivation to pull out that back issue and enjoy it again. You are keeping all your old issues, aren't you?)

The award, of course, was for that particular article — not this esteemed journal per se. So all credit and glory truly belong to the article's *author*: Paul J. Killion, certified appellate specialist, partner at Duane Morris LLP in San Francisco, and incredibly bright and generous fellow. Those first two facts can be confirmed by Internet searches. The last characterization comes from my own personal experience, having served with Paul on the State Bar Committee on Appellate Courts. To put a finer point on the point, the email about how a *California Litigation* (emphasis added) article won an award came from Paul himself. (Naturally. He'd be the first to learn of his own outstanding accomplishment.) But with an open heart, he graciously shared the warmth of his success by spreading his good news as if the publication itself were honored.

In fact, *California Litigation* is honored; very honored to have been able to provide a platform for Paul to share his wisdom with the wider legal community. Therefore, to Paul: Hearty congratulations! To all other readers: Isn't it time you sent *your* should-be-award-winning manuscript to us here at California Litigation?

Basking in the glow of Paul's triumph, here's a preview peek at the issue you now hold. We begin with two articles on the Supreme Court's *River-island* opinion on the parol evidence

rule. Next, we present another take on the Supreme Court's *Sargon* opinion, this time from two legal academics. We're thrilled to be able to publish from eminent professors, especially Professor Imwinkelried. (If you're not familiar with his work, then you're not researching deeply enough into the law of evidence.)

Shifting from "law" to "the practice of law," we feature an article on fighting procrastination, a topic near and dear to many of us. (No fair asking how close to publication this foreword is being typed.) We continue with a pair of pieces concerning mediation, followed by an in-depth analysis of attorney fee orders. To conclude, we offer a trio of somewhat more personal ditties. The first addresses scorched-earth discovery tactics; the second describes lessons learned by a young lawyer gorging at the motion buffet; and finally, our own Tom McDermott remains "on demand," with some musings of an equine nature.

Enjoy. And let us know what you think. We'll leave the in-box open for you.

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