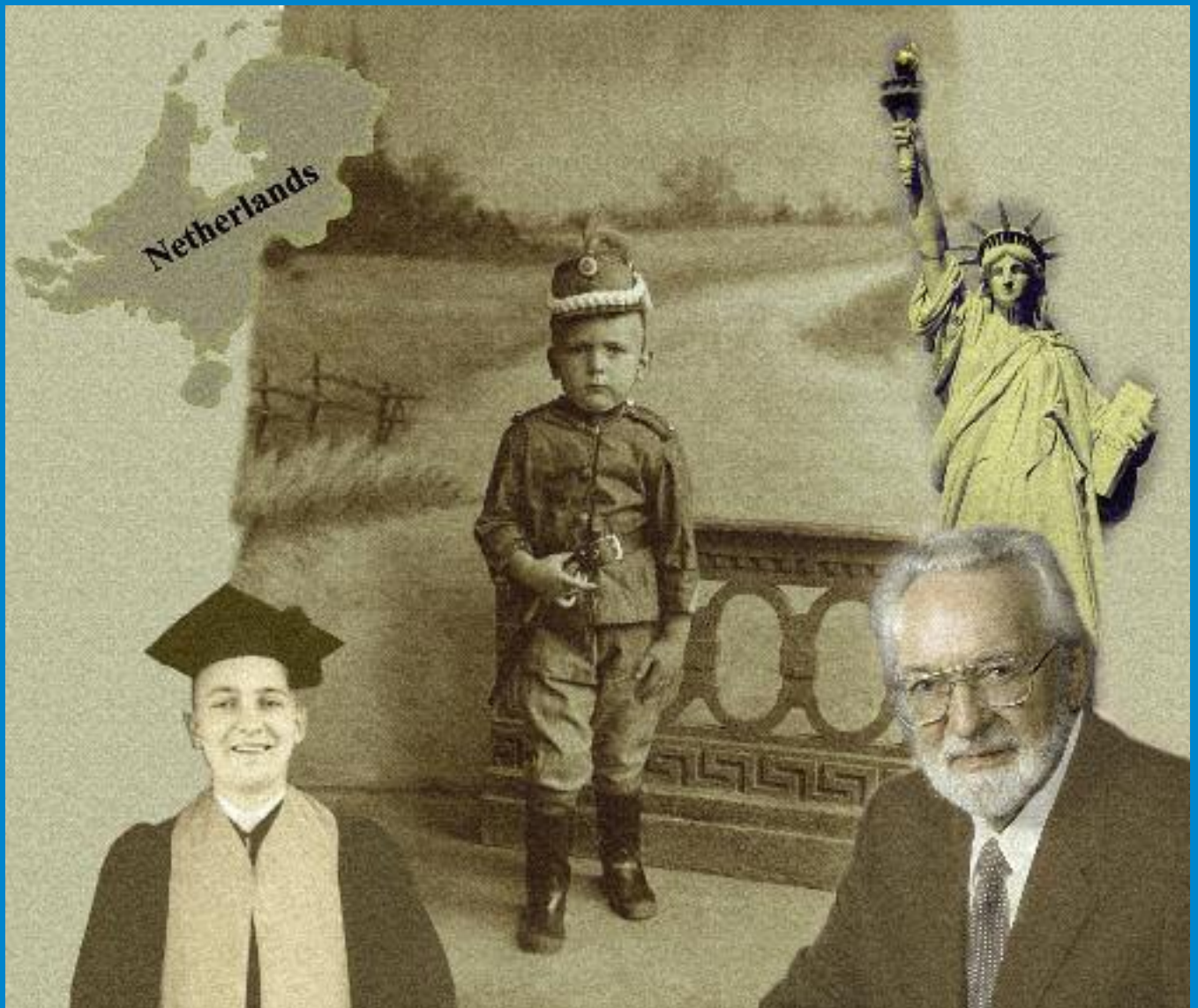


Volume 28 • Number 2 2015

California Litigation

THE JOURNAL OF THE LITIGATION SECTION, STATE BAR OF CALIFORNIA



Editor's Foreword

This is Not a Eulogy!

By Benjamin G. Shatz



Benjamin G. Shatz

Our last issue bid Justice Bill Rylaarsdam “A Fond Vaarwel,” thanking him for his volunteer work on this journal — over 27 years’ worth. But if he thought he could slink away with that slight tip of the hat, well, nope. Here at *California Litigation*, when we give thanks, we do so with abundance. (At least as much as the Litigation Section budget allows.) And do justice to the Justice by honoring him in these pages a final time: both on our cover and with a fascinating profile by his longtime colleague, Justice Eileen Moore. Her article alone is worth the price of admission.

Before flipping the page, please look across the gutter (that’s a technical printing term, meaning the center, folded area of a magazine) to see Don Barber. Mr. Barber’s barber has his work cut out for him. While I can’t recommend a horsehair toupee for California’s courts, I can recommend the highly amusing (and edifying) classic article on judicial garb by Charles Yablon, *Judicial Drag: An Essay on Wigs, Robes and Legal Change* (1995) 1995 Wis.L.Rev. 1129. Don chaired the Section’s London Committee for over a decade and current Chair Bradley Patterson avers that Don continues to be a “significant asset” to the program. Don’s report on the latest program, held the week of April 20, 2015, speaks for itself. Read it. (We’ll wait.) Now that you’re ready to sign up, the good news is that you’ve got time to arrange your schedule: The next trip over the pond will be in October 2017. Monitor AWeekIn Legal London.com for details.

Back to the rest of this issue, in which we offer our usual amazing assortment of treats, tidbits and goodies, starting with Paula Mitchell exploring the phenomenon of judges and court staff using the internet to self-educate about pending cases. Curious George apparently has got nothing on the monkey business that can happen in chambers.

Next, Peter Afrasiabi delves into the tension between First Amendment anonymity rights versus copyright.

Non-lawyer, Dan Huckabay, a bonding agent, follows with his expert’s primer on civil surety bonds.

Paul Johnson discusses recent changes that — finally! — fix the posttrial motions calendaring mess.

Speaking of messes, Mark Alexander weighs in on an especially hot and confusing topic: arbitration and PAGA claims.

Mike Rothwell then demystifies another red-hot litigation area, patent litigation.

We conclude with our traditional trio of viewpoints: Saveena Takhar (bar number 300630) presents her newer lawyer perspectives, contrasted with the more experienced views of Trial Lawyer Hall of Famer Raoul Kennedy (holder of a five-digit bar number, starting with a 4), who pays tribute to many other Hall of Famers. And we sign off with our dear curmudgeon, Tom McDermott (owner of an even lower bar number), who takes aim at...the Supreme Court of the United States. Sure, why not and who better? Enjoy.

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

California Litigation Vol. 28 • No 2 • 2015