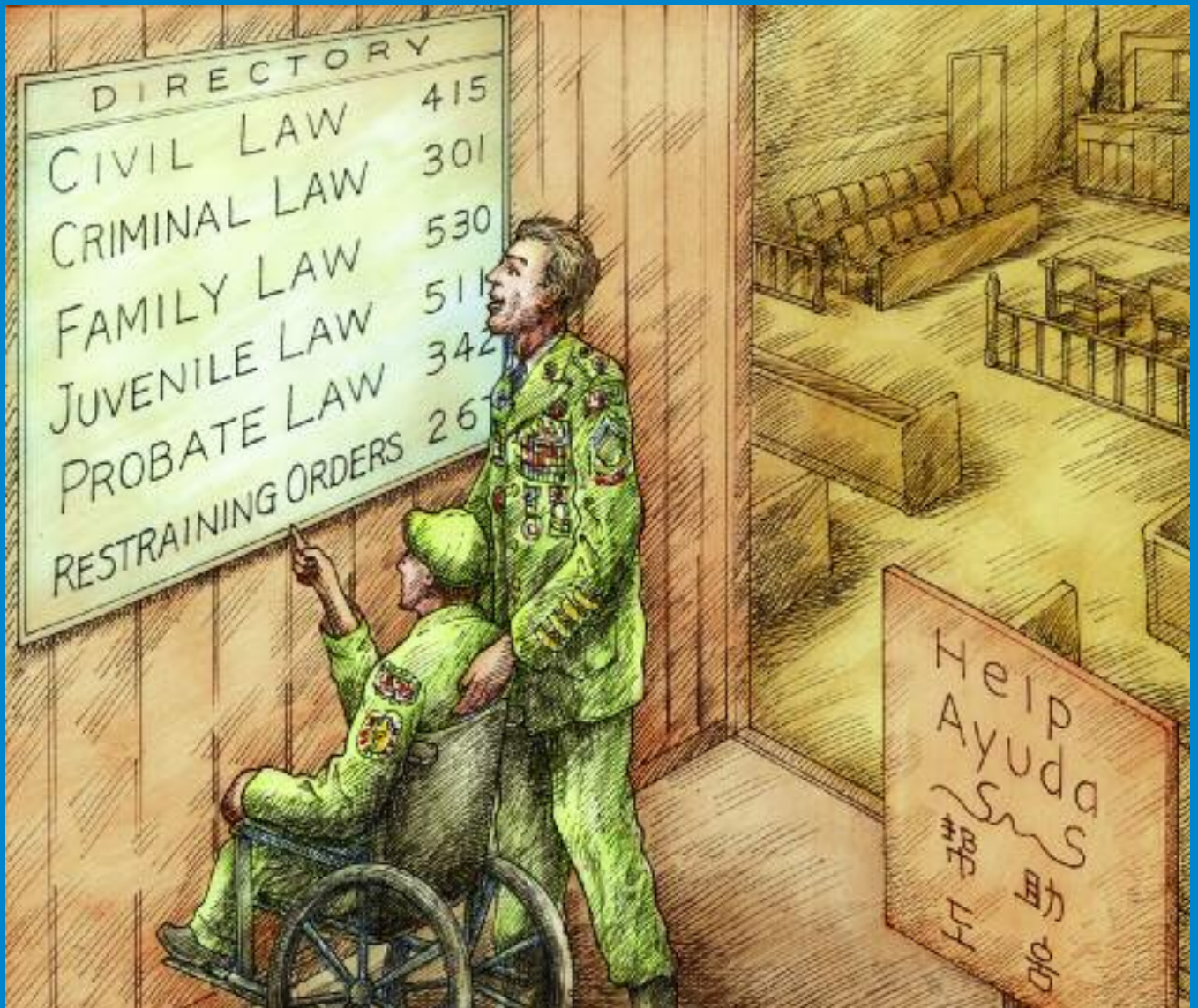


California Litigation

THE JOURNAL OF THE LITIGATION SECTION, STATE BAR OF CALIFORNIA



Editor's Foreword

Help for litigants, help for the courts

By Benjamin G. Shatz



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The initial checklist that runs through your mind at the start of litigation undoubtedly covers items like subject matter jurisdiction, personal jurisdiction, venue, statutes of limitations, and the like. And you probably also take stock of whether there's anything special about any of the parties (disabilities? juvenile? elderly?) that could trigger preferences or other unusual treatment. (See, e.g., Code Civ. Proc. § 36.) This issue's lead article should prompt you to add another checkbox to your list: Is any party in the military or a veteran? In *California Courts on Active Duty*, Justice Eileen Moore, a veteran herself, takes on the herculean task of compiling the various state and fed-

eral laws that distinguish ordinary civilian litigation from matters involving service personnel and veterans. These differences span the legal gamut from civil, criminal, family, probate, juvenile and other matters. Litigators who fail to discover the possible military histories of their own clients and other parties in a case are headed into a minefield.

On the general topic of checklists, be sure to check out a book published back in 2009, *The Checklist Manifesto: How to Get Things Right*, by Atul Gawande, which Malcolm Gladwell called "powerful and thought-provoking" in addressing "how professionals deal with the increasing complexity of their responsibilities." To lighten the complications of finding the article in this issue that's right for you, what follows is a quick checklist of our exciting content. But really, you'll want to read them all.

Litigation is complicated and confusing enough as it is in "plain English," but how much more frustrating can it be for millions of Californians with limited proficiency in English? Read *Language Access for All*, by Judges Steve Austin and Manual Covarrubias to learn how our courts are meeting the challenges of our polyglot populace.

In the same vein of exploring ways to help the courts work efficiently and effectively, we offer two more insightful articles of an appellate nature. First, M.C. Sungaila provides data about the importance and impact of amicus briefs. Next, Justice Elizabeth

Grimes and Erica Toews address remote judging in *Working From Home*.

On the substantive law front, Khai LeQuang provides a primer on injunctions. And our ADR update continues the developing saga of arbitration law in Paul Dubow's *Follow-up to Concepcion*.

Everyone loves a good war story, and in this issue's newer lawyer column, employee-side plaintiff's lawyer Tamara Freeze shares her experiences in *My First Jury Trial*. Counter-balancing youth with experience, Tom McDermott's op-ed effectively ponders a past schoolyard battle, analogizing modern litigation to an inane toddler brawl.

And finally, the curtain rises on an exclusive dramatic treat! Picking up on McDermott's theme and running to the stage, Paul Marks amuses and edifies us with a world premiere theatrical extravaganza in *The Demurrer*. On the off-chance that play's subtle-as-a-sledgehammer didactic message eludes anyone, we've included an interview with the playwright. The Stanley Mosk Courthouse in Downtown L.A. is only a block away from Broadway....

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