



California Litigation

THE JOURNAL OF THE LITIGATION SECTION OF THE CLA



CASELOAD CRISIS

HELP!

Editor's Foreword:

The East is (in the) Red!

By Benjamin G. Shatz, Editor-in-Chief



Benjamin G. Shatz

In July I received an email from Lawrence O'Neill, Chief Judge of the Eastern District. No, it wasn't a forwarded joke. Far from it. It was plea for help. And it was addressed to every attorney admitted to the district, which probably means you too. Judge O'Neill's missive highlighted the judicial crisis in the Eastern District and urged us to contact Washington for help. If judicial districts had dashboard gauges, the East would be in the dangerous red zone. This issue features the Eastern District's woes on our cover and in our lead article by Geoff Wilson and Alyson Berg. Read their take on this judicial crisis and then fol-

low up by writing to your representatives and senators.

Our second article addresses a problem of a more cerebral nature: how to untangle plurality opinions. Our newest Editorial Board member Tom Freeman takes such a deep intellectual dive that we'll have to start calling him "Professor" Freeman. Until the Supreme Court clarifies things, this article will be a go-to keeper. Rather than hold your breath, better tear out Tom's take and save it for when you'll need it.

On the practice tips front, Mike Stein teaches us about opening statements. And further in, David Perlutt and Katie Vinson remind us about Jury Perceptions.

On the practice area front, John Monte presents a primer on Bankruptcy Litigation, highlighting how what you don't know can definitely hurt you. Next, Eric Chang shares historical and timely insights into the exciting new burgeoning field—in California at least—of International Arbitration. Whether you're looking for a new arena to flex your litigation muscles or not, Eric's article is a fascinating introduction about a type of litigation about to blossom in a big way here.

Finally, we know that lawyers spend a lot of time reading at work. So what do lawyers do for fun over the summer? Read more, of course! You've been hitting the books, and we've received many book review submissions. This issue includes two especial-

ly timely articles.

First, Larry LaPorte reviews *The Judge: 26 Machiavellian Lessons*. With Justice Kennedy's retirement, we've lost our California voice on the Supreme Court. And with judicial hearings back in the daily news, now's a good time to explore just what it is we expect judges to really do—and to examine how they actually behave. Prussian general and military theorist Carl von Clausewitz famously asserted that "war is the continuation of politics by other means." Perhaps we can add judging as a less destructive one of those "other means" as well.

Second, Marc Alexander, a frequent contributor—and now another new Editorial Board member—returns to review two new books addressing one of the words on everyone's lips these days—impeachment. (Other words frequently expressed about our elected leaders are best left unprinted in this family publication.) Yes, we're experiencing troubled times of crisis both at home here in California and nationally in D.C. It's a good time to sit back and enjoy another fine issue of *California Litigation*.

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