

Bement, Piatt Co. Ill.  
July 30<sup>th</sup>, 1858

Dear Sir:

Your letter, dated yesterday, accepting my proposition for a joint discription at one prominent point in each Congressional district as stated in my previous letter was received this morning.

The times and places designated are

**Expanding Justice for All:  
the Supreme Court of  
California in Times of Change**

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as follows:  
Oklahoma, Nowata Co, August 21<sup>st</sup>, 1858  
Hempstead, Westchester Co, " 27<sup>th</sup> "  
Hempstead, Westchester Co, " 27<sup>th</sup> "  
Hempstead, Westchester Co, " 27<sup>th</sup> "  
Charleston, Colles Co, " 18 " "  
Galesburg, Knox Co, October 7 " "  
Hempstead, Westchester Co, " 13 "

# Expanding Justice for All: the Supreme Court of California in Times of Change

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This booklet is a companion to the exhibition, *Expanding Justice for All: the Supreme Court of California in Times of Change*, on display in the Archives Room on the first floor of the Ronald M. George State Office Complex in San Francisco's Civic Center beginning spring 2022. Organized by the California Judicial Center Library and the Supreme Court of California, the exhibition features illustrated panels and primary source materials documenting the efforts of diverse Californians to obtain justice before the Supreme Court of California and Court of Appeal, First Appellate District, from 1849 until the present day.



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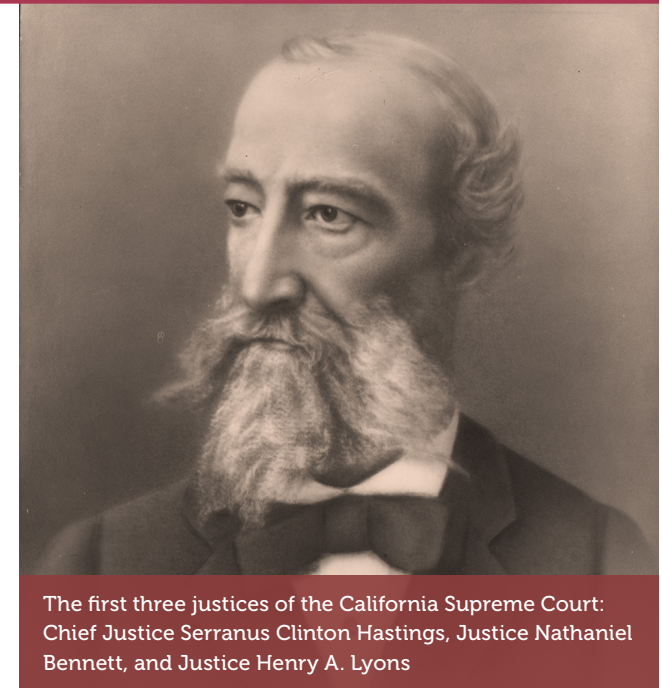
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The first three justices of the California Supreme Court: Chief Justice Serranus Clinton Hastings, Justice Nathaniel Bennett, and Justice Henry A. Lyons

## “The World Rushed In”: 1849–1868

After gold was discovered in the Sierra Nevada foothills in January 1848, immigrants from around the world flocked to California, transforming what was once the remote northern frontier of Mexico into one of the most diverse and rapidly growing regions of the United States. In the words of historian J. S. Holliday, “the world rushed in”—not only from the United States, but also from Europe, Australia, China, and Latin America. While many newcomers found opportunities in California, Chinese, Latin American, and African American immigrants, Spanish-speaking Californians, and Native people faced discrimination and violence.

The Supreme Court of California was born in this time of sudden and traumatic change. In the fall of 1849, 48 men assembled in Monterey and drafted the new Constitution of California, in English and Spanish translation. The Constitution created three equal branches of government: the executive, legislative, and judicial. It established the Supreme Court as the highest court of the judicial branch, consisting of a chief justice and two associate justices. The first three justices were elected by the state Legislature. Subsequent justices would be elected by the voters. Only white male citizens were allowed to vote.

In the period leading up to and including the Civil War, the new Supreme Court made difficult decisions in cases that impacted the everyday lives of diverse Californians. The state and its highest court engaged in the bitter conflicts of the Civil War era, including struggles over slavery, religious freedom, and the rights of nonwhite people.



Cecilia Joaquin, Pomo woman, gathering seeds, 1924, photograph by Edward S. Curtis, The Library of Congress



A ROAD SCENE IN CALIFORNIA.

A road scene in California, before 1856, California Historical Society

## ***People v. Smith (1850)*** **1 Cal. 9**

The first case heard by the California Supreme Court concerned the growing violence against California's Native peoples. Before European colonization, California was home to approximately 300,000 Native Americans speaking more than 100 different languages. Native communities were devastated by the Spanish and American conquests of the eighteenth and nineteenth centuries. After the American takeover in 1848, violence against Native Californians rose. This violence was often overlooked or sanctioned by local, state, and federal authorities.

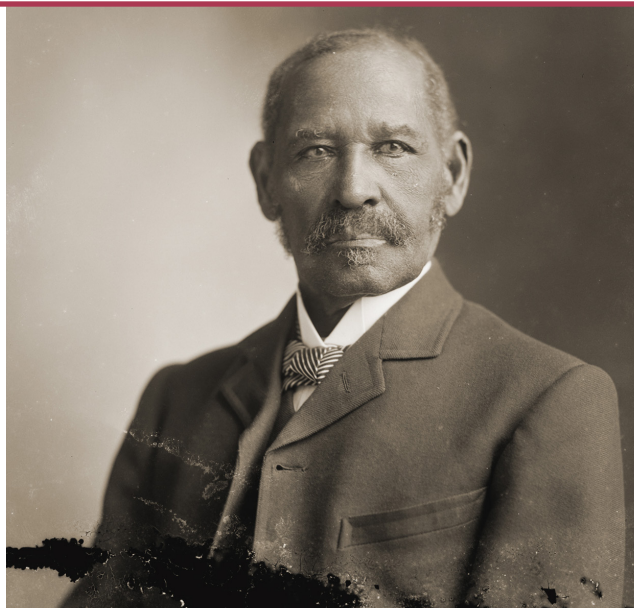
In February and March 1850, white settlers attacked Coast Miwok, Pomo, and Wappo communities in the Napa and Sonoma areas. Multiple witnesses attested that the men killed unarmed people, burned their homes, and drove them from their villages. Seven men were arrested and held by the sheriff of Sonoma County. The prisoners petitioned the newly established California Supreme Court to be released from the sheriff's custody. Although the court denied the request, it permitted the prisoners' release on bail. None of the men ever stood trial for the massacres.

## ***Lin Sing v. Washburn*** **(1862) 20 Cal. 534**

By 1853, approximately 25,000 Chinese people had immigrated to California as part of the Gold Rush. Chinese immigrants and other groups advocated for their rights by forming protective associations, establishing newspapers, and seeking justice in the courts. In 1862, the merchant Lin Sing challenged the so-called "Chinese Police Tax," a tax of \$2.50 a month levied on all Chinese Californians. The California Supreme Court agreed with Sing, striking down the tax as an improper state encroachment on the federal government's power to control foreign trade.



Spanish Flat, 1852, daguerreotype by J. B. Starkweather, courtesy of the California History Room, California State Library, Sacramento



Judge M. W. Gibbs, between 1901–1903, The Library of Congress



Warrant of arrest, *Stovall v. Archy*, March 17, 1858, The National Archives at San Francisco

### ***In re Archy (1858) 9 Cal. 147***

By 1852, there were some 2,000 African Americans in California. Many free African American families migrated to California from the Northeastern United States, establishing churches, newspapers, and a local abolitionist movement. Although the state Constitution outlawed slavery, white Southerners brought enslaved people to the California gold fields to work for them. One of these people was Archy Lee, an 18-year-old African American man who came to California from Mississippi with his enslaver, Charles Stovall.

Lee fled from Stovall and was arrested in Sacramento in January 1858. The African American community in Sacramento

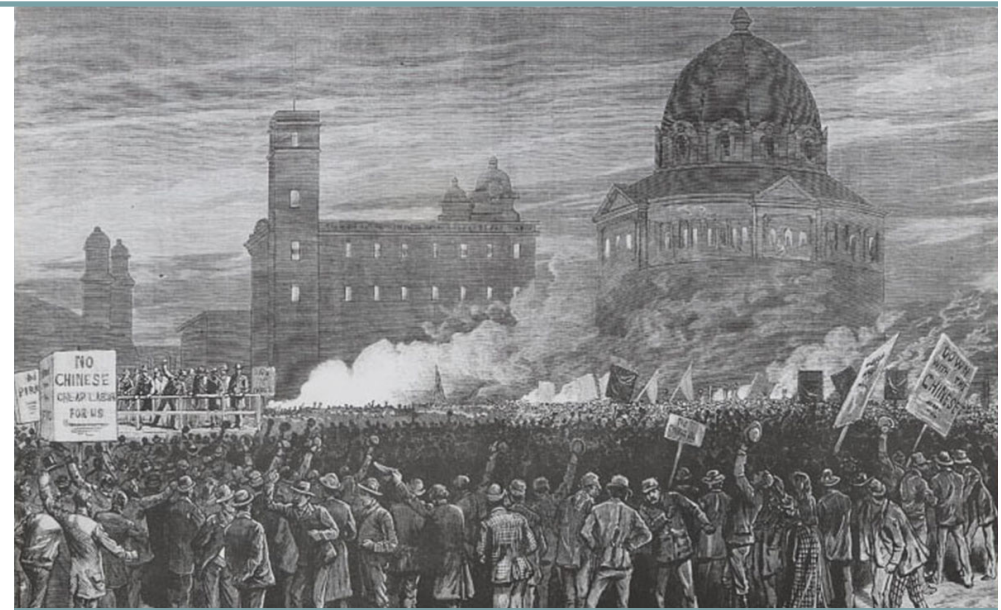
rushed to his defense, hiring attorneys, including future California Supreme Court Justice Edwin B. Crocker. In a much-scorned ruling, the California Supreme Court ordered that Lee be returned to Stovall's custody. Undaunted, Lee's supporters continued to press his case until he was freed by a federal commissioner in April 1858. Shortly afterward, Lee immigrated to British Columbia with a group of African Americans, including one of his defenders, Mifflin Wistar Gibbs. Gibbs returned to the United States after the Civil War and became the nation's first elected African American judge, in Little Rock, Arkansas.

***"As a class, we are a liberty-loving people, who are deeply interested in whatever pertains to the welfare of mankind. In the case of Archy, we feel that we are maintaining the laws of the State of California, and ask for his liberation upon just and legal grounds, believing he is rightly entitled to his freedom, which we are interested in securing according to law, and which we will leave no proper means untried to accomplish."***

Statement of the Colored Convention, March 1858, quoted in Rudolph Lapp, *Archy Lee: A California Fugitive Slave Case* (The Book Club of California, 1969)



Native American viewing railroad from top of Palisades, between 1865–1867, photograph by Alfred A. Hart, California Historical Society



The Chinese agitation in San Francisco—a meeting of the Workingmen's Party, circa 1877, California Historical Society

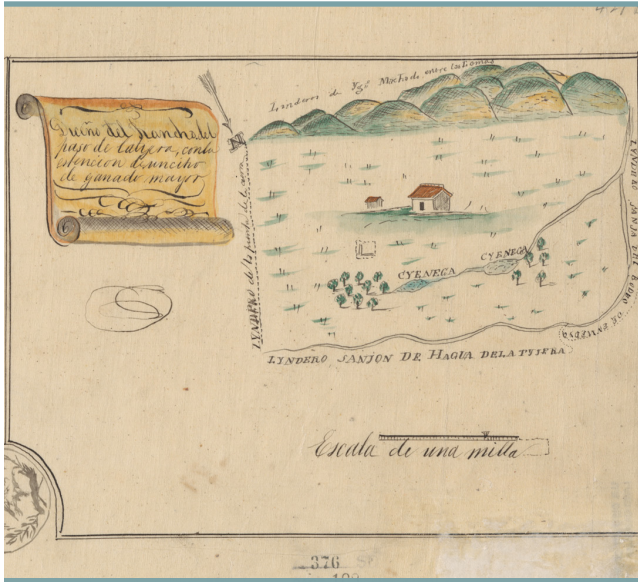
## The Supreme Court Enters the Industrial Age: 1869–1899

California emerged from the Civil War as a growing industrial power. The completion of the transcontinental railroad in 1869 connected the state to the rest of the nation, opening California to a flood of goods and people from the eastern United States. As industries like transportation, finance, and agriculture grew, power and wealth were consolidated into fewer hands. Spurred by economic depression, white workers lashed out against Chinese Californians and big business, seizing the weapons of political action and mob violence. Formed in 1877, the Workingmen's Party of California drove efforts to call a new

constitutional convention to change the state's highest law. On May 7, 1879, a new Constitution was ratified by the voters. This charter reorganized California's judicial branch, expanding the Supreme Court to seven justices and lengthening their terms of office to twelve years.

The cases heard by the California Supreme Court during this period reflected the tensions of an unequal and rapidly changing society. Clashes over land use, labor, immigration, and civil rights put intense pressure on the social and political fabric. The Supreme Court issued landmark decisions in cases affecting environmental regulation,

educational opportunities for women and African American children, and Chinese Americans' right to pursue a livelihood, as Californians from diverse backgrounds sought justice in the courts.



Diseño del Rancho del Paso de Latijera [map of Pablo de la Guerra's lands], 1844, The Bancroft Library, University of California, Berkeley



Pablo de la Guerra, Salvador Vallejo, and Andrés Pico, The Bancroft Library, University of California, Berkeley

*"To the women of California this constitution ... was a light bearer. It furnished to her the first streak of dawn, by which her awearied feet have been guided into larger fields of opportunity."*

Clara Shortridge Foltz, "Struggles and Triumphs of a Woman Lawyer," *The New American Woman*, March 1917

### ***People ex rel. Kimberly v. De La Guerra (1870)*** **40 Cal. 311**

Born in Santa Barbara in 1819, Pablo de la Guerra was a politician and judge from a prominent *Californio* family. Californios were Spanish-speaking people from Mexico who settled in California prior to the American conquest. In 1870, a political rival challenged Judge de la Guerra's election to the First District Court in Santa Barbara, arguing that the California native was not a United States citizen. The California Supreme Court sided with de la Guerra, ruling that the Treaty of Guadalupe Hidalgo guaranteed citizenship rights to Californios.

### ***Foltz v. Hoge (1879)*** **54 Cal. 28**

Clara Shortridge Foltz was the first woman attorney in California. In 1878, Foltz and fellow suffrage activist Laura de Force Gordon successfully lobbied the state Legislature to pass the "Woman Lawyer's Bill," a groundbreaking law that allowed women to practice law in California. Later that year, Foltz and Gordon applied to Hastings Law School and were denied admission because they were women. In response, the women sued the school's board of directors. In November 1879, the California Supreme Court ordered Hastings' directors to admit Foltz.



Clara Foltz, 1901, courtesy of the California History Room, California State Library, Sacramento



Identification photograph of Wong Kim Ark, 1904, The National Archives at San Francisco

*There are no surviving photographs of Yick Wo. This photograph shows Wong Kim Ark, a native-born Californian who sought justice in the courts after he was denied reentry into the United States. In the 1898 case *United States v. Wong Kim Ark*, the United States Supreme Court affirmed Ark's citizenship and the "fundamental rule of citizenship by birth."*



Chinese laundry house of Yick Wo, filed January 22, 1886, California State Archives, Office of the Secretary of State, Sacramento

### *In re Yick Wo* (1885) 68 Cal. 294

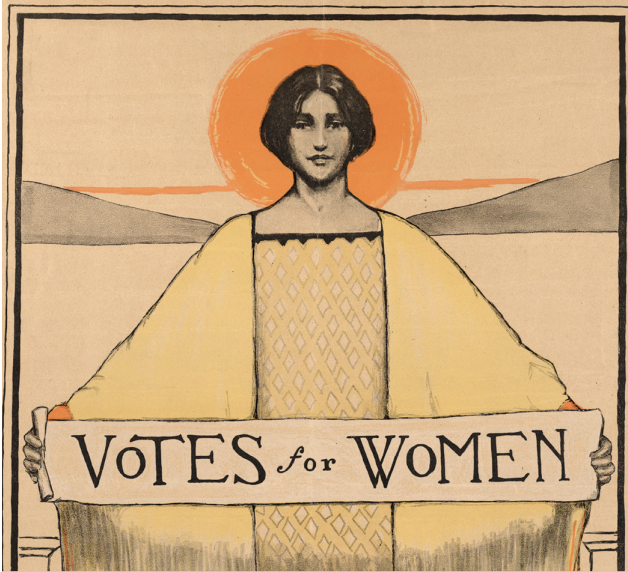
Chinese people in California actively resisted discrimination, making important contributions to the civil rights movement of the post-Civil War era. Chinese immigrants formed protective associations, or tongs, which advocated for their members' rights in and out of the courts. Because Chinese people were barred from practicing law in California, tongs hired some of the state's best white attorneys, including the famous lawyer Hall McAllister.

In 1880, the city of San Francisco passed two ordinances effectively outlawing Chinese-owned laundries. Laundry

owners were required to obtain permission from the Board of Supervisors to operate out of wooden buildings. Chinese laundry owners' applications were always denied. In 1885, longtime laundry owner Yick Wo, or Yick Wo Chang, was arrested for operating a laundry in a wooden building without a permit. With the financial support of the Chinese laundry workers' tong, Wo sued for relief in the courts. Although the California Supreme Court upheld the city ordinances in 1885, the United States Supreme Court ruled in Wo's favor the following year. This landmark decision held that a neutral-seeming law enforced in a discriminatory way—"with an evil eye and an unequal hand"—is unconstitutional.



The burning city, San Francisco, 10 a.m., April 18, 1906, photograph by R. J. Waters and Company, California Historical Society



Votes for women, 1913, poster designed by Bertha M. Boye, The Bancroft Library, University of California, Berkeley



California State Building, circa 1920s, postcard by Pacific Novelty Company, California Judicial Center Library

## The Supreme Court During War and Peace: 1890–1945

In the first half of the twentieth century, the population of California increased by more than 700 percent. Immigrants from the Midwest, the southern United States, Italy, Portugal, Armenia, Japan, India, the Philippines, Mexico, and other places came to California in search of opportunity. As urban centers boomed, reformers, labor activists, conservatives, and radicals offered different solutions to the problems of political corruption and inequality. In 1911, California voters approved a slate of progressive reforms—including women’s suffrage and the initiative, referendum, and recall—which would

have a dramatic impact on California politics for the rest of the century.

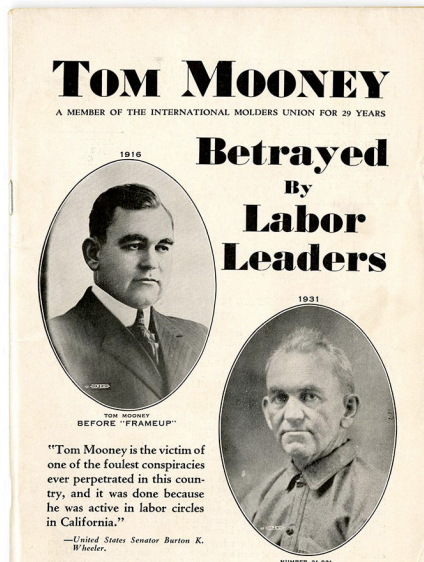
The period between World War I (1914–1918) and World War II (1939–1945) was an age of extremes. The Red Scare of the 1920s gave rise to a nationwide civil liberties movement. The poverty and uncertainty of the Great Depression inspired the New Deal. The Second World War created new economic opportunities for women, African Americans, and other people employed in California’s military industries. In times of war and peace, the Supreme Court rendered consequential decisions in disputes over public utilities, city planning, free speech, immigrant

rights, labor unions, and segregation.

As California grew in size and complexity, so did the state’s judicial branch. In 1904, California voters approved a constitutional amendment establishing the Courts of Appeal to help relieve the Supreme Court’s caseload. In 1926 and 1927, the Judicial Council of California and the State Bar of California were established to improve judicial administration. In this time of growth, the Supreme Court found a permanent home—the now-named Earl Warren Building, completed in 1922 as part of San Francisco’s majestic Civic Center complex.



General view of the Preparedness Day parade at San Francisco in 1916, July 22, 1916, The Library of Congress



Tom Mooney, a member of the International Molders Union for 29 years, betrayed by labor leaders, 1931, California Historical Society



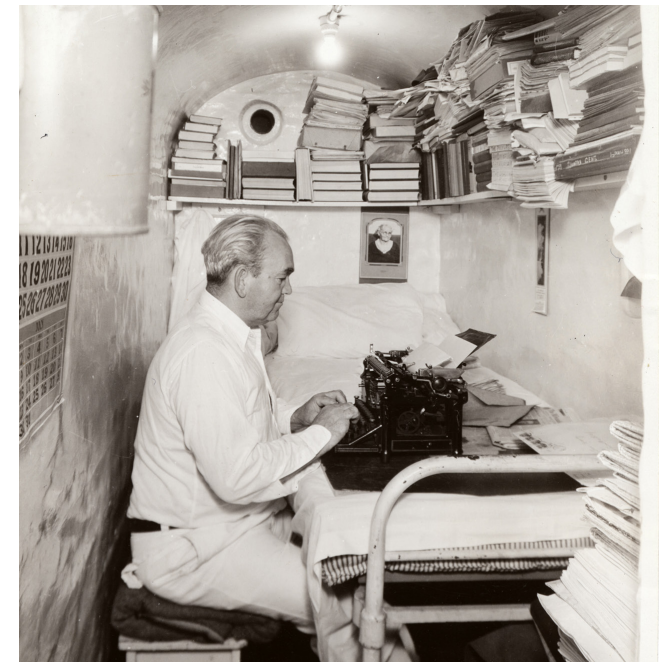
Tom Mooney with legal counsel, California Supreme Court, 1935, California Historical Society

## The Mooney case, 1916–1939

On July 22, 1916, a bomb exploded at Steuart and Market Streets during San Francisco's Preparedness Day Parade, killing 10 people and wounding many more. Two labor activists—Tom Mooney and Warren Billings—were arrested and convicted of murder, with Mooney sentenced to death. After the convictions, evidence that perjured testimony had been used to frame the men was publicized. An international outcry pressured California Governor William Stephens to commute Mooney's sentence to life imprisonment in 1918. Jailed at San Quentin, Mooney became one of

the country's most famous prisoners, regarded by many as a labor martyr who had been punished for his political beliefs.

The California Supreme Court heard Mooney's case three times, twice in 1918 and again in 1937, but did not find sufficient evidence of perjured testimony to exonerate Mooney. In 1939, California Governor Culbert Olson granted Mooney a full and unconditional pardon. He was released from prison after serving 23 years.



Tom Mooney seated at typewriter in jail cell, circa 1930s, The Bancroft Library, University of California, Berkeley



African American boilermakers' strike, Marin shipyards, Sausalito, 1943, San Francisco News-Call Bulletin newspaper photograph archive, BANC PIC 1959.010—NEG, Part 2, Box 56, [50026.03:04], © The Regents of the University of California, The Bancroft Library, University of California, Berkeley



Poston, Arizona, Legal staff, Poston Camp Number 1, January 4, 1943, The National Archives at College Park

*All of the men in this photograph were Japanese American attorneys who were incarcerated at the Poston internment camp in Arizona. Saburo Kido (far right) was president of the Japanese American Citizens League and represented the Oyama family. Stephen K. Tamura (far left) would become the first Asian American to serve on the California Court of Appeal.*

### ***James v. Marinship Corp.*** **(1944) 25 Cal.2d 721**

Large numbers of African Americans migrated to California during World War II to work in the state's booming wartime industries. Although African Americans found economic opportunity in California, they faced discrimination from employers and unions alike. In 1944, Joseph James, an African American welder and civil rights leader, filed suit against the shipbuilding company Marinship and the International Boilermakers' Union for requiring African American workers to join a segregated union auxiliary. His legal team included future U.S. Supreme Court Justice

Thurgood Marshall. In a groundbreaking opinion, the California Supreme Court ruled in James' favor, holding that racial discrimination against union membership violates "a definite national policy against discrimination because of race or color."

### ***People v. Oyama*** **(1946) 29 Cal.2d 164**

The passage of anti-Asian laws continued after the Chinese Exclusion Act of 1882 barred Chinese immigration to the United States. Targeting California's growing Japanese community, California's alien land laws of 1913 and 1920 prohibited Asian immigrants from owning land or leasing property for more than three

years. In 1942, American teenager Fred Oyama and his family were forcibly removed to an internment camp, along with 120,000 other Japanese Americans. While Oyama was incarcerated, California's Attorney General filed an escheat action transferring his family property to the state on the grounds that his parents had evaded the Alien Land Law. With the help of civil rights attorneys A. L. Wirin and Saburo Kido, Oyama appealed his case to the California Supreme Court. The state Supreme Court affirmed the lower court's judgment in favor of the state. Two years later, the United States Supreme Court reversed the state court's ruling.



View of students seated in Sproul Plaza, 1964, University Archives, University of California, Berkeley



Aerial view of the Ronald M. George State Office Complex, 1999, Photograph: William A. Porter, California Judicial Center Library

## The Supreme Court in the Postwar Era: 1946–the Present

After World War II, California continued to grow at a staggering rate, surpassing New York in the 1960s as the most populous state in the nation. Immigration from Mexico swelled, with people from Central America arriving in large numbers after 1970. A federal immigration law lifted the ban on Asian immigration in 1965, opening California to people from China, Korea, Vietnam, Cambodia, Laos, India, and other Asian countries. New immigrants from around the world continue to enrich California, making it one of the most diverse states in the nation.

The 1960s was a pivotal decade in California and nationwide. In the span of five years, California gave birth to the Farm Workers' Movement, the Free Speech Movement, and the Black Panther Party. In 1966, voters elected Ronald Reagan to his first term as California Governor, planting the seeds of the conservative movement that swept the nation in the 1980s. Beginning in the 1960s, lawmakers, the judicial branch, and the electorate struggled with issues like housing discrimination, school funding, and capital punishment. Many voter-approved initiatives were challenged in the courts. In 1986, three Supreme Court

justices lost their retention bids in an unprecedented campaign that focused on their votes in death penalty appeals.

The late 1970s and early 1980s were watershed periods for diversity on the California Supreme Court. In 1977, Governor Jerry Brown appointed the court's first woman and first African American justices: Chief Justice Rose Bird and Justice Wiley Manuel. African American jurist Justice Allen Broussard was elevated to the court in 1981, followed by the Latino trailblazer Justice Cruz Reynoso in 1982.



California Fair Employment Relations Commission, 1959, Cottrell Laurence Dellums Papers, African American Museum & Library at Oakland, Oakland Public Library. Rumford is seated at center.

**Come! See! Hear!**

SENATOR  
EUGENE McATEER

ASSEMBLYMAN  
W. BYRON RUMFORD

AND

Tarea Hall Pittman  
Regional Secretary NAACP

SPEAK ON THE CAMPAIGN FOR  
**A FAIR HOUSING  
LAW IN CALIFORNIA**  
and Other Human Rights Legislation  
**IN 1963**

FRIDAY, MARCH 22, 1963 - 7:30 p.m.

Ben Franklin Junior High School  
GEARY AND SCOTT STREETS, SAN FRANCISCO **Ample Parking**

California Committee for Fair Practices  
G. L. Dellums, Chairman  
William Becker, Secretary  
Terry A. Francois, Meeting Chairman

Sponsoring Organizations:  
S. F. Branch NAACP  
S. F. Committee for Fair Housing  
Catholic Interracial Council  
Community Service Organization

**Benefit:** California Committee for Fair Practices - 2940 16th St., San Francisco - MA 1-7742

A Fair Housing Law in California, March 22, 1963, The Bancroft Library, University of California, Berkeley



March on Washington, 1963, photograph by Warren K. Leffler, The Library of Congress

Chief Justice Tani Cantil-Sakauye (2011–present) is the first Asian-Filipina American to serve as the state’s Chief Justice. As leader of California’s judicial branch, she is dedicated to expanding access to justice to all Californians.

### **Mulkey v. Reitman (1966) 64 Cal.2d 529**

William Byron Rumford was a Berkeley pharmacist, civil rights pioneer, and the first African American elected to the California State Assembly from Northern California. During the governorship of Edmund “Pat” G. Brown (1959–1967), Assembly Member Rumford was instrumental in pushing civil rights legislation through the state Legislature. In 1963, he authored and sponsored a bill to prohibit discrimination in public and private housing. The Rumford Fair Housing Act was signed into California law less than one month after the historic March on Washington. The

political backlash against the new fair housing law was swift. In November 1964, California voters approved Proposition 14, a ballot initiative that overturned the Rumford Fair Housing Act.

In 1966, African American renters challenged the legality of Proposition 14, eventually seeking relief in the California Supreme Court in the case *Mulkey v. Reitman*. The state Supreme Court ruled in the renters’ favor, striking down Proposition 14 as discriminatory and unconstitutional. This decision was upheld by the United States Supreme Court in 1967.



Del Martin and Phyllis Lyon, 2008, Liz Mangelsdorf/San Francisco Chronicle.

*Del Martin and Phyllis Lyon were married on February 12, 2004, and, again, on June 16, 2008. Officiated by then-Mayor Gavin Newsom, their wedding was the first same-sex marriage ceremony to take place after the California Supreme Court's *In re Marriage Cases* ruling.*

### ***Perez v. Sharp* (1948) 32 Cal.2d 711**

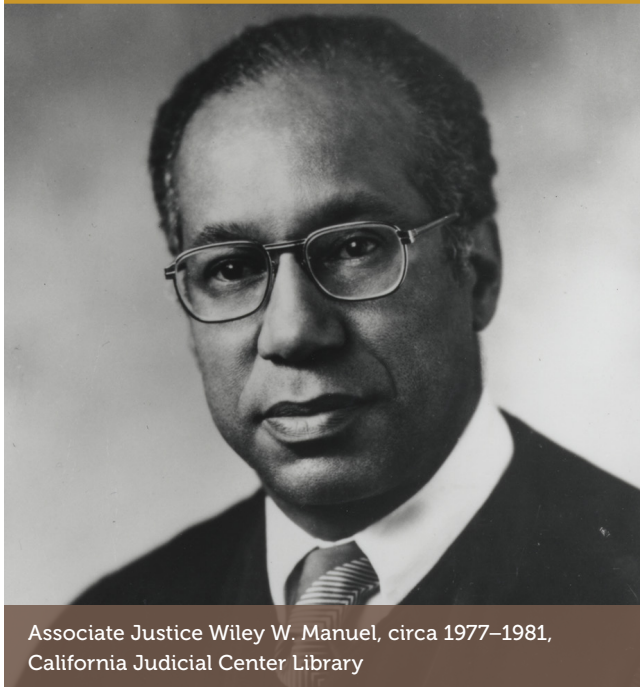
In 1948, a young Catholic couple, Andrea Perez and Sylvester Davis, appealed to the California Supreme Court after being denied a marriage license by the Los Angeles County Clerk. The clerk based his refusal on the California Civil Code, which prohibited marriage between white people and people of African or Asian ancestry. Davis was African American; Perez, a Mexican American woman, was classified as white. The couple was represented by attorney Daniel Marshall, for whom Perez had worked as a babysitter in high school. In a 4–3 decision, the California Supreme

Court struck down the state law. Marriage, Justice Roger J. Traynor wrote, is “something more than a civil contract subject to regulation by the state; it is a fundamental right of free men.” Nearly 20 years later, the U.S. Supreme Court agreed, overturning all interracial marriage bans in the case *Loving v. Virginia*.

### ***In re Marriage Cases* (2008) 43 Cal.4th 757**

On February 12, 2004, San Francisco Mayor Gavin Newsom directed the City and County of San Francisco to begin issuing marriage licenses to same-sex couples. Some 4,000 same-sex marriages took place in San Francisco before the

California Supreme Court ordered the city to stop issuing the licenses on March 11. On August 12, 2004, the state Supreme Court invalidated the marriages, directing city officials to enforce state marriage laws “unless and until they were judicially found to be unconstitutional.” Four years later, the California Supreme Court ruled that California’s marriage statutes were unconstitutional, affirming marriage rights for LGBT (Lesbian, Gay, Bisexual, and Transgender) people in the *In re Marriage Cases* decision. Chief Justice Ronald M. George cited *Perez v. Sharp* in his opinion, concluding that the “right to form a family relationship” is a fundamental constitutional right guaranteed to all Californians.



Associate Justice Wiley W. Manuel, circa 1977–1981,  
California Judicial Center Library



Group portrait of California Supreme Court justices at bench, 2019

## Court Traditions: the Judicial Robe

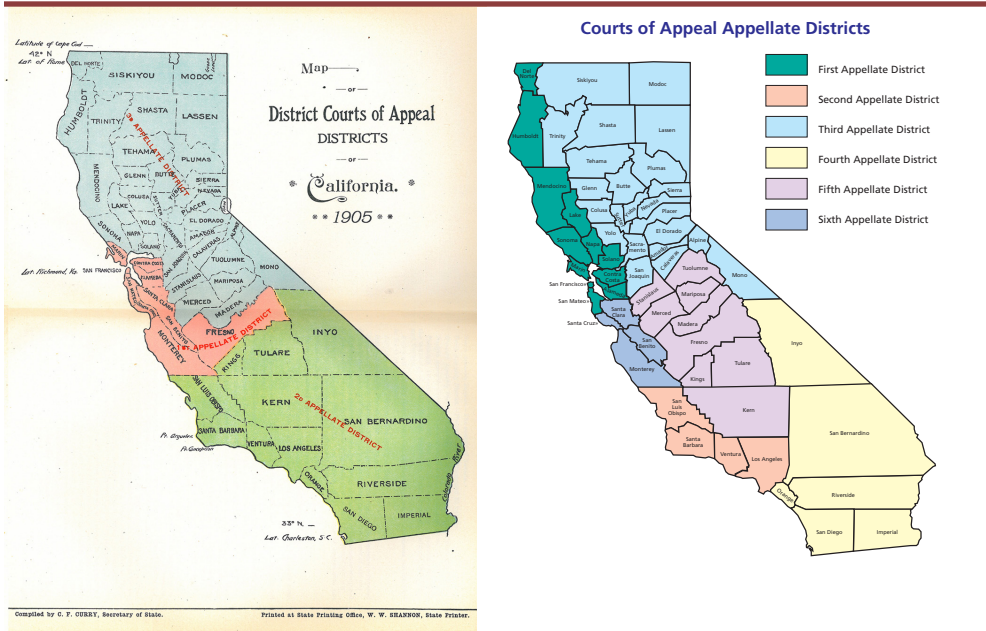
Court traditions serve as powerful symbols of the history, values, and aspirations of the justice system. The tradition of wearing judicial robes can be traced back to Medieval England. Although United States Supreme Court justices have worn robes since around 1800, this custom was not adopted by the California Supreme Court until 1928, when Chief Justice William Waste instituted the practice.

Justice Wiley Manuel was the first African American justice to serve on the California Supreme Court. Born in Oakland, California, in 1927, Manuel attended Berkeley High School, the

University of California, Berkeley, and Hastings Law School. Following graduation, he served for 23 years with the California Department of Justice as a deputy attorney general, assistant attorney general, and chief assistant attorney general. In 1977, Governor Jerry Brown nominated Justice Manuel to the California Supreme Court, where he served as associate justice until his untimely death in 1981. The Wiley W. Manuel Courthouse in Oakland is named in his honor.

Justice Manuel's robe and gavel are held in the archives of the California Judicial Center Library and were displayed

at the California African American Museum. These objects are powerful symbols—of judicial dignity, individual achievement, and social change.



Courts of Appeal, Appellate Districts, 1905 (left) and 2019 (right)



Market St., looking east from 5th St., 1897, The Bancroft Library, University of California, Berkeley. The Emporium Building (center) was home to the California Supreme Court and the Court of Appeal.

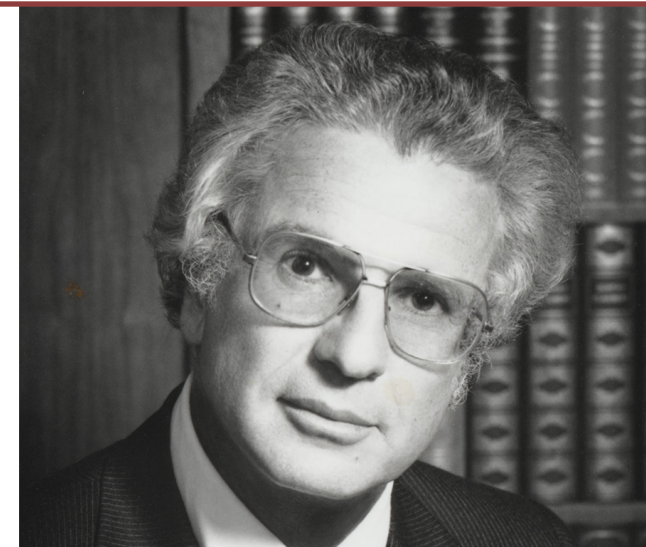
## The Court of Appeal, First Appellate District

By 1882, the Supreme Court of California had a backlog of pending cases with an average wait of two years. In 1885, the state Legislature directed the Supreme Court to appoint three “commissioners” to help decide cases more efficiently, but as California’s population boomed, the court’s caseload continued to outpace judicial capacity. In 1904, voters approved an amendment to the state Constitution establishing intermediate courts of appeal to review cases appealed from the trial courts. The state was divided into three appellate districts with three justices each: the First Appellate District, seated in San Francisco, the Second Appellate District, in Los Angeles, and the Third Appellate District, in Sacramento. Today, there are six appellate districts, composed of 19 divisions and 105 justices.

The First Appellate District of the Court of Appeal shares a courtroom with the California Supreme Court in San Francisco’s Earl Warren Building. It has jurisdiction over 12 Northern California counties—Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Solano, and Sonoma—with a combined population of over 6 million. The First Appellate District is divided into five divisions, with four justices each. These 20 justices hear more than 3,000 cases each year. In its over 100-year history, the Court of Appeal, First Appellate District has issued influential decisions in cases affecting consumer protection, environmental regulation, inclusionary zoning, and marriage rights.



See's Candy Co., 519 West Washington, Los Angeles, 1931, "Dick" Whittington Studio Collection, The Huntington Library, San Marino, California



Joseph Grodin, Associate and Presiding Justice of the California Court of Appeal, First Appellate District (1979–1982) and Associate Justice of the California Supreme Court (1982–1987)

### ***Escola v. Coca-Cola Bottling Co. of Fresno*** **(Cal. App. 1943) 140 P.2d 107**

Gladys Escola, a waitress, sued Coca-Cola Bottling Company after a bottle exploded in her hand as she was unpacking a case of soda at work. She was represented by flamboyant San Francisco attorney Melvin Belli, known as the "King of Torts." Although the First Appellate District of the Court of Appeal ruled in Coca-Cola's favor, Presiding Justice Raymond Peters' dissenting opinion—that the manufacturer's negligence could be inferred based on the legal principle of *res ipsa loquitur* ("the thing speaks for itself")—would have an enduring influence on

personal injury law. In 1944, the California Supreme Court agreed with Justice Peters, holding Coca-Cola responsible for Escola's injury. In a seminal concurring opinion, California Supreme Court Justice Roger Traynor argued that "public policy demands that responsibility be fixed wherever it will most effectively reduce the hazards to life and health inherent in defective products that reach the market."

### ***Pugh v. See's Candies, Inc.*** **(1981) 116 Cal.App.3d 311**

In 1973, Wayne Pugh was dismissed by See's Candies after 32 years of service. Pugh had worked his way up from dishwasher to vice president of

production. He believed that he had been fired in retaliation for voicing objections to a "sweetheart contract" between the company and the union that he felt would be unfair to employees. He sued both the company and the union, alleging that he was terminated wrongfully. In 1981, the First Appellate District of the Court of Appeal ruled in Pugh's favor, holding that the length of his employment, company policy, and other factors provided evidence of an implied contract not to terminate without good cause. Presiding Justice Joseph Grodin's pathbreaking opinion became the standard in California employment law, setting limits on employers' right to terminate "at-will" employees.



Within a mile of magnificent redwoods are sites of some of the worst logging and cutting practices, 1972, photograph by Tomas Sennett, The National Archives at College Park



Squatter Camp, California, 1936, photograph by Dorothea Lange, The Library of Congress

***Bayside Timber v. Board of Supervisors of San Mateo County (1971)***  
**20 Cal.App.3d 1**

In 1945, the California Legislature passed the Forest Practice Act, establishing four district forest practice committees to adopt rules and approve plans for California’s privately owned forest lands. These committees were composed primarily of private timber owners. In late 1960s, a district committee issued a permit to Bayside Timber Company to log redwood forests in San Mateo County. Following the objections of local residents, the San Mateo County

Board of Supervisors denied Bayside Timber road-building permits, and the logging company sued the county. In 1971, the First Appellate District of the Court of Appeal ruled in the county’s favor, striking down the 1945 Forest Practice Act as unconstitutional. This landmark ruling ushered in a new era of forest management in California, under which private interests would be balanced by conservation concerns and public oversight.

***Home Builders Assn. v. City of Napa (2001)*** 90 Cal. App.4th 188

In the 1970s, local governments began

adopting inclusionary zoning policies with the goals of reducing segregation and increasing the availability of affordable housing. In 1999, at the height of the first dot-com boom, the City of Napa enacted a zoning ordinance requiring land developers to set aside 10 percent of all newly constructed residential units as affordable housing. The Home Builders Association of Northern California challenged the ordinance, and the case was appealed to the Court of Appeal, First Appellate District. In a unanimous decision, the court ruled in the city’s favor, holding that the government has a “legitimate state interest” in creating affordable housing for low- and moderate-income families.

