

The Appellate Strategist

INSIGHTS ON APPELLATE ISSUES, TRIAL CONSULTATIONS, AND EVALUATING APPEALS

[A Profile of the California Supreme Court \(minus Justice Moreno\)](#)

January 20, 2011 by [Michael Walsh](#)

Before profiling potential candidates to replace [Justice Moreno](#) on the California Supreme Court, we first provide a brief profile of the remaining court – not including Justice Moreno, whose announced retirement has initiated this discussion. When choosing a new member for the high court, there is often a discussion about what is “missing” from the court; in order to better address that issue, it can be helpful to look at its existing composition.

The remaining six members of the California Supreme Court represent a total of 134 years of judicial experience, although only two of them, [Chief Justice Cantil-Sakauye](#) and [Justice Corrigan](#), had extensive experience on the bench before joining the high court, each with about twenty years of prior experience. In comparison, [Justice Chin](#) had previously served as a judge for eight years, while the others had previously served for about three years each. There may be other types of judicial experience, however, in that [Justice Werdegar](#) was a senior staff attorney with both the California Court of Appeal and the California Supreme Court, while [Justice Baxter](#) assisted in the appointment of more than 700 judges while serving in the Deukmejian administration. However, regardless of their varied judicial experiences, each of the current justices had previously sat on a Court of Appeal before being nominated to the Supreme Court.

The average tenure of the remaining Supreme Court justices is about 13 years, ranging from 22 years for [Justice Kennard](#) to about one month for [Chief Justice Cantil-Sakauye](#). A majority of the justices have been on the Supreme Court for at least 15 years. While the existing justices had widely varying experiences before taking the bench, all of them were government prosecutors earlier in their careers, most as deputy district attorneys ([Justice Werdegar](#) worked in the U.S. Dept. of Justice, [Justice Kennard](#) in the L.A. Attorney General’s office). All of the justices are long time California residents, with four of them native born and two others moving here in the early 1960’s. The average age of the remaining justices is about 65, with the youngest being Chief Justice Cantil-Sakauye at 51 years old.

All of the justices were nominated to the Supreme Court by Republican governors, two each by Deukmejian, Wilson and Schwarzenegger. As such, the new justice, like Justice Moreno, will be the only member of the Court nominated by a Democratic governor. Of the remaining six justices, four are women, meaning the court will have a female majority regardless of who [Governor Brown](#) nominates. Along ethnic lines, the court has three Asian-Americans and three justices of European descent. The current lack of either a Latino or an African-American has been raised by commentators in predicting the next nominee.

In future posts, we will profile candidates being considered to replace Justice Moreno on the California Supreme Court.