

The Appellate Strategist

INSIGHTS ON APPELLATE ISSUES, TRIAL CONSULTATIONS, AND EVALUATING APPEALS

[Associate Justice Carlos Moreno of the California Supreme Court](#)

January 12, 2011 by [Michael Walsh](#)

After serving the California courts for twenty-four years, [Associate Justice Carlos R. Moreno](#) has announced his retirement from the court. [In a recent interview](#), Justice Moreno said that recent changes, including the retirement of Chief Justice Ronald George and the election of Governor Jerry Brown, had prodded him to explore other possibilities. His retirement creates an early opportunity for newly sworn Governor Brown to establish a tone for his administration. In future posts, we will provide profiles for candidates being considered to fill this unexpected vacancy. But first, we note the distinguished judicial career of Justice Moreno.

Justice Moreno is [native to Los Angeles](#), where he continued to live after his appointment to the Supreme Court by commuting to San Francisco. After receiving a B.A. in political science from Yale University (1970) and a 1975 J.D. from Stanford Law School, Carlos Moreno served in the Los Angeles City Attorney's Office, prosecuting criminal and civil consumer protection cases. In 1979, he joined a private firm, representing clients in general commercial litigation. During this time he was also president of the Mexican American Bar Association.

Moreno has enjoyed judicial nominations from both parties. Governor George Deukmejian appointed Justice Moreno to the Municipal Court, Compton Judicial District, in 1986, where Moreno handled general criminal matters and supervised the court's civil department. In October 1993, Governor Pete Wilson elevated Justice Moreno to the Los Angeles County Superior Court, where he presided over felony trials in downtown Los Angeles. In 1997, Moreno received the [Criminal Justice Superior Court Judge of the Year Award](#) from the Los Angeles County Bar Association. President Bill Clinton nominated Justice Moreno to the federal bench, and he was unanimously confirmed to the United States District Court for the Central District of California by the United States Senate in February 1998.

After his nomination by Governor Gray Davis, Justice Moreno was sworn in as an associate justice of the Supreme Court of California on October 18, 2001. Moreno was given the Roger J. Traynor Appellate Justice of the Year Award from the Consumer Attorneys Association of Los Angeles in 2003. [At present](#), Justice Moreno is the only Democrat on the Supreme Court, and the only Latino. Describing himself as a "moderate-to-liberal centrist," Moreno initially sided with conservative members of the court as often as its more liberal members. As the court reportedly became more conservative over the years Moreno wrote an increasing number of solo dissents, the most prominent of which was [his dissent from the Court's decision upholding Proposition 8](#), in which the Court reinstated the ban on same-sex marriage. Justice Moreno was prominently mentioned as a potential nominee by President Obama for the United States Supreme Court both [in 2009](#) and [in 2010](#). During that debate, Appellate Strategist profiled Justice Moreno [here](#).

Join us below the jump for a sampling of Justice Moreno's most important opinions.

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Justice Moreno authored several notable opinions in his last year on the Supreme Court.

- *Ruiz v. Podolsky* (2010) [50 Cal.4th 838](#). Finding that all wrongful death claimants are bound by arbitration agreements entered into pursuant to [C.C.P. § 1295](#), at least when the language of the agreement manifests an intent to bind these claimants.
- *Pearson Dental Supplies v. Superior Court (Turcios)* (2010) [48 Cal.4th 665](#). In which the Court concluded that an arbitrator award was properly vacated when it prevented an employee from pursuing unwaivable statutory rights due to legal error, but that an arbitration agreement that require arbitration of administrative claims was enforceable.
- *International Society for Krishna Consciousness, Inc. v. City of Los Angeles* (2010) [48 Cal.4th 446](#). Upholding City of Los Angeles' ordinance limiting solicitation of monetary donations by religious groups at Los Angeles International Airport. Whether or not LAX was a public forum for free expression under the California Constitution, the ordinance was valid as a reasonable time, place, and manner restriction of expressive rights to the extent that it prohibited soliciting immediate donations. It was not substantially broader than necessary to address the problems caused by immediate solicitation of donations and did not unduly impinge on the group's ability to convey its religious message.
- *People v. McKee* (2010) [47 Cal. 4th 1172](#). Upheld the requirement that defendant, after his initial commitment under Sexually Violent Predators Act, must prove by a preponderance of evidence that he was no longer an SVP. This requirement did not violate due process; in his initial commitment, defendant had been found beyond a reasonable doubt to meet the definition of "SVP."
- *People v. Martinez* (2010) [47 Cal. 4th 911](#). Trial court did not err in admitting all of defendant's statements at trial. Defendant had been Mirandized five times before, including the previous night. The record therefore record failed to support any inference he was unaware of his rights or the significance of his waiver of counsel.

For a sampling of previous important opinions written by Justice Moreno earlier in his tenure on the Court, see our 2009 profile [here](#).