Hastings Law Journal

Volume 15 | Issue 1 Article 1

1-1963

Issue Editor's Preface

Barry A. Schulman

Issue Editor's Preface

As the summer issue of the JOURNAL was being prepared, the staff was informed of the death of Dean David E. Snodgrass. Dedication of only a single issue of this publication is an inadequate tribute to the man who founded the "modern" Hastings College of the Law, for without his efforts there would be no HASTINGS LAW JOURNAL. Nor would the law school today be housed in its modern structure, truly a lasting monument to the Dean. And perhaps most important, it was he who assembled the distinguished faculty which has brought fame to our school. Our debt is so great that we can do no more than announce with reverence his passing.

The legislative and judicial laws and rules pertaining to appealability have been made for the avowed purpose of speeding up the process of litigation, shortening the record of each case, and saving the parties excessive expense. Whether this has been accomplished is certainly a current and important problem. However, the attorney of today is not so much concerned with the problem of what the rules of appellate practice ought to be in the future, but rather what they are today. The objective of the issue, therefore, is to lay out the existing rules and laws in practice so that the attorney will be given every opportunity to safely and adequately appeal his client's case. The attorney has the duty to learn all the available channels of appeal which lie open to him. Failure to do so will result in crowded court calendars, and no number of legislative and judicial rules will remedy the situation.

With these problems in mind, this issue takes a look at some of the rules of appellate procedure in California. The leading articles are primarily concerned with the law as it is at this moment; the areas that are the most difficult to understand. Only the narrow area of appeal is discussed in this issue; the November issue will round out the whole subject by examining the extraordinary writs.

John Poulos and Bruce Varner discuss the intricacies involved in obtaining review by a higher court of the decision of an intermediate appellate court—a subject of particular current interest because of

the recent constitutional amendment allowing review of certain heretofore unreviewable cases in the appellate department of the superior court.

Herbert Chamberlin, himself an appellate brief writer for many years, summarizes the law on loss and waiver of the right to appeal.

The student notes and comments question whether some of the existing rules are fulfilling the purposes for which they were designed. The One Final Judgment Rule and Collateral Order Doctrine are treated in this section.

Departing from our usual format, we also present an excellent treatment by Jack Leavitt of a particularly perplexing problem—the no-contest clause in wills. Mr. Leavitt, of the San Francisco Law School, provides a thoughtful, scholarly and witty analysis.

To members of the staff of last year and to members of this year's staff, a debt of gratitude is owed for long and tireless efforts.

BARRY A. SCHULMAN
Issue Editor