

VICTOR HANSON
Commercial & Industrial Real Estate Manager
vhanson1@aol.com
35 Ashford Ave.
Mill Valley, CA 94941
Telephone: 415.380.8570

October 31, 2010

Re: **Vote “No” on California Supreme Court Justices**

Equal rights and free speech are being cut-off by our California Supreme Court. We're *not allowed* to cite (use) appeal court opinions stamped “not to be published” (over 90%) - even though available on-line.

California *forbids* us to use these “unpublished” opinions, but this *prohibition* ignores the 2006 federal policy restoring our historic rights to cite them.

US Chief Justice Roberts said: “[we] ought to be able to tell a court what it has done.” But, in seeking equal treatment, whether in home foreclosures, job layoffs, or “red light camera” violations, Californians are *prohibited* to use 90% of past opinions.

Supreme court justices Ming Chin, Carlos Moreno and chief justice candidate, Tani Cantil-Sakauye, *unopposed* on Tuesday’s ballot for *12 year* terms, refused to explain their support for current California policy destroying our First Amendment rights.

Voters should return free-speech and equal protection rights by voting against these candidates.

[For background, see: the September 2008 letter from Assemblymember Jared Huffman (www.nonpublication.com/huffman00508.pdf); and generally, www.NonPublication.com]; the October 27 e-mail format to the three supreme court candidates (and to all major-party state constitutional office candidates); the Cantil-Sakauye response; and the undersigned’s reply as follow:

On Oct 27, 2010, at 4:57 PM, Vhanson1@aol.com wrote:

October 27, 2010

Dear Candidate Tani Cantil-Sakauye:

Unlike most other major states, California has not followed the 2006 federal restoration of citizens' historic rights to cite and use appeal court opinions ordered "unpublished" to help litigants in court. (Currently about 90% of appellate decisions are unpublished.) [www.nonpublication.com/huffman090508.pdf].

And, California is the only state which "depublishes" (erases – with no change in the holding), turning published opinions into unpublished opinions. (The use in court of all unpublished opinions is forbidden to us, even though they are available on the internet).

What is your position on these issues?

What policy do you believe best preserves transparency, accountability, predictability, dependability and reliability for the justice system and why?

Sincerely,

Victor Hanson
vhanson1@aol.com
35 Ashford
Mill Valley, CA 94941
415.380.8570

cc: cmarinucci@schronicle.com
achance@sacbee.com
maura.dolan@latimes.com
pjelias@ap.org

In a message dated 10/29/2010 6:40:23 A.M. Pacific Daylight Time, tmhc@sbcglobal.net writes:

Thank you for the inquiry. I apologize for my delayed response, I have been in San Francisco for a Judicial Council meeting and other events.

As for your first two questions- I agree with the current practice in California. Regarding your last inquiry, of course I support transparency, accountability, predictability, dependability and reliability. Where the judicial branch lacks these, please let me know and I will endeavor to remedy it.

Sincerely,
Tani Cantil-Sakauye

From: <Vhanson1@aol.com>
Date: Fri, Oct 29, 2010 at 3:38 PM
Subject: Re: Cite and Use of Unpublished Opinions
To: tmhc@sbcglobal.net, cantil_sakauye@yahoo.com

October 29, 2010

Dear California Chief Justice Candidate Tani Cantil-Sakauye:

I appreciate your response today to my email of October 27. However, I am disappointed that you have not provided detailed reasons why you reject the successful 2006 federal policy change allowing citation and use of unpublished appeal opinions (as advocated by US Supreme Court Chief Justice John Roberts and US Supreme Court Justice Samuel Alito, approved by the US Judicial Conference, and put into effect all across America federally and in most larger states). Please explain to me why you support the current practice in California, which prohibits our free speech rights to use and cite about 90% of our appellate decisions.

I am encouraged to learn that you will endeavor to remedy areas where the judicial branch lacks transparency, accountability, predictability, dependability and reliability. California Assemblymember Jared Huffman already let you know where these qualities are lacking in his 2008 letter to Chief Justice George and the Judicial Council (of which you are and were a member). That letter, which according to the Assemblymember the Chief Justice refused to answer, can be found at www.nonpublication.com/huffman090508.pdf. Please explain in detail what you will do to remedy those concerns as soon as possible, so that your response can be reviewed before the election next Tuesday.

Thank you.
Sincerely,

Victor Hanson
vhanson1@aol.com

35 Ashford Ave.
Mill Valley, CA 94941
Telephone: 415.380.8570]
