



# HASTINGS LAW JOURNAL

UNIVERSITY OF CALIFORNIA  
HASTINGS COLLEGE OF THE LAW

## *Editorial Offices:*

HASTINGS LAW JOURNAL  
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## **Democracy and the Courts:** Judicial Selection, Legal Literacy, and the Role of Public Opinion

**Friday, February 19, 2010**

**9:00am – 5:30pm**

**Alumni Reception Center, U.C. Hastings College of the Law**

Through this symposium, the *Hastings Law Journal* will explore various interactions between the Judiciary and the People. Having borne witness to the unique Constitutional controversy surrounding gay marriage and Proposition 8, our interest in exploring this perplexing relationship is all the more timely.

“Democracy and the Courts” will include the following panel discussions:

### **Judicial Selection: Election or appointment?**

Leading experts on judicial selection, including former California Supreme Court Justice Joseph Grodin, will explore various controversies surrounding the way we choose judges. The Supreme Court’s decision in *Caperton v. Massey* reignited the debate over judicial elections, campaign contributions, and the speech rights of judicial candidates. On the federal side, the recent appointment of Justice Sonia Sotomayor raised new questions about the fairness and effectiveness of the nomination and appointment process.

### **Legal Literacy: How do the People inform themselves about legal issues, and do they know enough?**

Two leading academics and a seasoned legal correspondent will discuss a question that is fundamental to our democracy: Is the public sufficiently informed about the courts and our legal system? Covering topics ranging from cameras in courtrooms to the role of legal journalism, this diverse panel will discuss whether the people know enough—and what it means for society if they don’t.

### **The Role of Public Opinion: What influence should the will of the electorate have on the judiciary?**

Bringing together experts from the legal and political science academies, this panel will address whether or not the public influences judicial decision-making, and whether or not it should have an influence. These important questions are not only implicated in the current litigation over the validity of Proposition 8, but they bear on broader issues of judicial legitimacy and the role of courts in a constitutional democracy.



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### Speaker List

#### Keynote Address

**Linda Greenhouse**

Knight Distinguished Journalist-in-Residence, Joseph Goldstein Lecturer in Law  
Yale Law School

#### Afternoon Remarks

**Justice Ming Chin**

Associate Justice  
California Supreme Court

#### Panel One: *Judicial Selection*

- **Joseph Grodin**, U.C. Hastings College of the Law
- **Jason Mazzone**, Brooklyn Law School
- **Jed Shugerman**, Harvard Law School

#### Panel Two: *Legal Literacy*

- **Vikram Amar**, U.C. Davis School of Law
- **Bob Egelko**, Legal Correspondent, San Francisco Chronicle
- **James Gibson**, Washington University, Dept. of Political Science

#### Panel Three: *The Role of Public Opinion*

- **Calvin Massey**, U.C. Hastings College of the Law
- **Malcolm Feeley**, U.C. Berkeley School of Law
- **Gordon Silverstein**, U.C. Berkeley, Dept. of Political Science