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Preface

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PREFACE

The vast geographical jurisdiction of the United States Court of Appeals for the Ninth Circuit—encompassing nine states, the Territories of Guam and the Northern Mariana islands, and for over fifty years, an extraterritorial court in China—presents both opportunities and challenges unrivaled by any other circuit.¹ From its inception in 1891, the range of issues and diversity of litigants before the Ninth Circuit have not only helped to shape the region,² but have had a significant impact on legal trends throughout the country. The Ninth Circuit's decisions draw both praise and criticism, but undoubtedly advance legal discourse and serve as inspiration to the *Golden Gate University Law Review Ninth Circuit Survey*.

The Ninth Circuit is the largest of the circuit courts of appeals not only in terms of geography, but also in terms of caseload. The staggering number of cases before the Ninth Circuit as compared to the other circuits sparked debate over the division of Ninth Circuit over seventy years ago,³ and remains a hot button for political discourse today. Yet, the judges of the Ninth Circuit continually meet that demand. In her introduction to this edition, Ninth Circuit Judge Morgan Christen highlights the innovative case-management system employed by the Ninth Circuit to meet the circuit's ever-expanding caseload. Judge Christen points out that the success of that system is not only attributable to the ingenuity of the judges, but also the tireless work performed by senior judges, visiting judges, and the Circuit's professional staff.

The *Ninth Circuit Survey* is the nation's only Law Review devoted exclusively to the work of the Ninth Circuit. As such, this edition of the *Ninth Circuit Survey* highlights some of the most important and interesting cases heard before the Ninth Circuit during the course of the past year. The articles contained herein not only present the importance of the holdings of these cases, but also provide valuable insight into the current state of the law and future implications of these decisions.

¹ David C. Frederick, *Rugged Justice: The Ninth Circuit Court of Appeals and the American West, 1891-1941* 3-4 (1994).

² See generally *id.*

³ *Id.* at 227-38.

I would like to express my gratitude to each of the authors for their efforts in producing these articles. I would also like to extend my appreciation to Judge Morgan Christen for graciously contributing to this edition with an introduction that provides valuable insight into the inner-workings of the Ninth Circuit's case-processing system.

This edition of the *Ninth Circuit Survey* is the culmination of the diligent efforts of many. I would like to thank the Law Review staff for their contribution to the publication process. I am especially grateful for the dedication, flexibility, and revelry of the Editorial Board, without which the publication of this edition would not have been possible. On behalf of the entire Editorial Board, I would also like to thank the faculty and staff of the Golden Gate University School of Law for their invaluable support. We are especially grateful to Professor Ed Baskauskas for generously lending his expertise to the Law Review.

As Executive Editor, it is my privilege to present this edition of the *Golden Gate University Law Review Ninth Circuit Survey*.

Kate Baldrige
Ninth Circuit Survey Executive Editor