January 2008

Introduction

The Honorable Mary M. Schroeder

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INTRODUCTION

THE HONORABLE MARY M. SCHROEDER*

The judges of the Ninth Circuit are grateful to the Golden Gate University Law School for this survey on our work. We live in a world where communication is instantaneous and changing technology creates new issues, as well as new ways of looking at old issues, so we get precious few opportunities to look back and think about where we have been. This survey presents an excellent opportunity for astute observers to do just that.

The docket of our court spans the legal and social issues of the day in a way that few courts can. We seem to get the hard issues first, and resolve them before anyone, other than those immediately involved, have had a chance to think about their ramifications. We strive to analyze the issues fairly and explain our reasoning for others to accept, reject or refine. The cases selected for discussion in this issue reflect our efforts to deal with cutting-edge issues, ranging from copyright on the internet, to water law in the West, to excessive force in the classroom.

During the seven years from 2000 to 2007, when I served as Chief Judge of the Circuit, our Court dealt with some of the most divisive cases in the country, including cases about the California gubernatorial recall election and the Pledge of Allegiance. In the past few years we have been deluged on the civil side by immigration asylum petitions. On the criminal side we have felt the effects of guideline sentencing uncertainties. Our court staff, under the capable hands of then Court Clerk, and now Circuit Executive, Cathy Catterson, worked with the judges to adopt and experiment with new procedures to improve our already trail blazing capacity to deal with large volumes of cases raising similar and recurring issues. The technology evolution of the last decade has had an enormous impact on the Ninth Circuit because the intellectual technology industry is thriving in the West. Our Court is now recognized

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as key to the development of IT and IP law in the nation and possibly the world.

Our newer colleagues are contributing immensely in many ways and we continue to be indebted to our senior judges for doing work they are no longer obligated to do. We learn from our juniors and our seniors every day. I conclude my service as Chief secure in the belief that the judges and lawyers of the Circuit will continue in the cooperative spirit of the West to lead the way, across the Golden Gate and through the global issues of the next century. This Survey should be a good starting point.