



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-131

For business meeting on September 19, 2023

Title

Court Facilities: Request to Name Fourth
Appellate District Courthouse in Santa Ana

Rules, Forms, Standards, or Statutes Affected

None

Recommended by

Court Facilities Advisory Committee
Hon. Brad R. Hill, Chair
Hon. Patricia M. Lucas (Ret.), Vice-Chair
Hon. Keith D. Davis (Ret.), Chair of the
Subcommittee on Courthouse Names

Agenda Item Type

Action Required

Effective Date

September 19, 2023

Date of Report

September 24, 2023

Contact

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Executive Summary

The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend approving the request of the Court of Appeal, Fourth Appellate District, Division Three to name the existing appellate courthouse in the City of Santa Ana as the “Cruz Reynoso Courthouse.” This approval provides a name for the existing courthouse that honors Justice Reynoso’s distinguished service on the California Court of Appeal and the Supreme Court of California.

Recommendation

The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend that the Judicial Council, effective September 19, 2023, approve the request to name the existing appellate courthouse in the City of Santa Ana as the “Cruz Reynoso Courthouse.”

Relevant Previous Council Action

The council has taken no previous action on this courthouse naming request. In July 2023, the council adopted a revision to its *Courthouse Naming Policy* (see Link A).

Analysis/Rationale

Currently, the Court of Appeal, Fourth Appellate District provides service from its three facility locations: Division One in San Diego, Division Two in Riverside, and Division Three in Santa Ana. The existing courthouse for Division Three in the City of Santa Ana specifically serves Orange County. This facility is a state-owned, three-story building of approximately 52,000 square feet located in the Santa Ana Civic Center. It was built in 2009 but never named.

Justice Cruz Reynoso was born and raised in Orange County. To honor his many contributions to the legal community and years of service until his passing in 2021, the appellate court requests that the existing courthouse be named after Justice Reynoso (see Attachment A).

Justice Reynoso was a trailblazing lawyer, jurist, and law professor. In a life of distinguished achievements, he was:

- A military veteran, having served in the U.S. Army Counterintelligence Corps from 1953 to 1955.
- The only Latino in his graduating UC Berkeley School of Law class in 1958.
- Admitted to the State Bar of California in 1959 and began his legal career as a legislative assistant in the California State Senate, working in this position from 1959 to 1960.
- Assistant chief of the Fair Employment Practices Commission from 1965 to 1966.
- Staff secretary of the Governor's Office in 1966.
- Associate general counsel for the Equal Employment Opportunity Commission from 1967 to 1968.
- Executive director of California Rural Legal Assistance from 1969 to 1972.
- Appointed to the Court of Appeal, Third Appellate District in 1976.
- The first Latino associate justice of the Supreme Court of California in 1982, serving from 1982 to 1987.
- Law school faculty at the University of New Mexico, University of California at Los Angeles, and University of California at Davis.
- Nationally recognized for his talents and efforts through many appointments, including:
 - Congressional Select Commission on Immigrant and Refugee Policy, by President Carter in 1979;

- U.S. Commission on Civil Rights, by the U.S. Senate in 1993 and until 2004; and
- Justice/Civil Rights Sub-team of the White House Transition Team, by President Obama in 2009.

Justice Reynoso was the recipient of numerous awards, including the:

- State Bar of California's Bernard E. Witkin Medal;
- University of California at Davis Medal of Honor;
- Hispanic Heritage Award in Education; and
- Presidential Medal of Freedom—the United States’ highest civilian honor—awarded by President Clinton in 2000 for his public service and efforts to address social inequities.

There is also community support for this request, as expressed by a legal organization (see Attachment B).

The advisory committee and its Subcommittee on Courthouse Names reviewed the naming request against section III.B.2.b of the council’s *Courthouse Naming Policy* (see Link A). They found that it complies with all requirements—including overcoming the 10-year rebuttable presumption regarding the naming of a court facility after a living person—because Justice Reynoso’s character and reputation have been investigated extensively and repeatedly in connection with prior appointments to positions of public service, such as the California Court of Appeal and Supreme Court of California, as well as with prior awards, such as the Presidential Medal of Freedom. (*Id.* at § III.B.2.b.ii.)

Policy implications

Per the council’s naming policy, requests involving names of persons for court facilities require evaluation by the Court Facilities Advisory Committee’s (CFAC) Subcommittee on Courthouse Names, with a recommendation to the full advisory committee. Each evaluation was carried out as described below.

Comments

The CFAC’s Subcommittee on Courthouse Names previously discussed the naming request at a meeting, open to the public, on June 12, 2023. It was posted in advance of that meeting for public comment, and no public comments were received. The subcommittee voted unanimously that the council approve the request subject to conformance to the revised *Courthouse Naming Policy* (see Link A), which at the time was pending Judicial Council approval, and concurrence of the CFAC. On June 27, 2023, at a meeting open to the public, the CFAC was informed of this request, and subsequently it acted by voting unanimously by email on July 28, 2023, affirming the subcommittee’s recommendation.

Alternatives considered

Because of Justice Reynoso’s distinguished service as a jurist on the California Court of Appeal and the Supreme Court of California, as well as service to the United States as a veteran, many contributions to the legal community, years of service until his passing in 2021, and the naming

request's compliance with the council's naming policy, no alternatives to the recommended action were considered. The CFAC and its Subcommittee on Courthouse Names unanimously support this proposal.

Fiscal and Operational Impacts

Costs associated with the design, fabrication, and installation of the signage for the existing appellate courthouse in the City of Santa Ana would be paid from the operating budget of the Court of Appeal, Fourth Appellate District, Division Three.

Attachments and Links

1. Attachment A: Courthouse naming request from Presiding Justice Kathleen E. O'Leary, Court of Appeal, Fourth Appellate District, Division Three, March 9, 2023
2. Attachment B: Letter supporting the naming proposal of Justice Reynoso from the Cruz Reynoso Bar Association, July 31, 2023
3. Link A: *Courthouse Naming Policy*, July 21, 2023, www.courts.ca.gov/documents/cthse-naming-policy-2023.pdf



Court of Appeal

FOURTH DISTRICT, DIVISION THREE
601 WEST SANTA ANA BLVD.
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(714) 571-2734
FAX (714) 571-2735

CHAMBERS OF
KATHLEEN E. O'LEARY
PRESIDING JUSTICE

March 9, 2023

VIA E-MAIL

Hon. Keith D. Davis, Chair
Subcommittee on Courthouse Names
Court Facilities Advisory Committee
kddavis@sb-court.org

Re: Courthouse Naming Policy

Dear Judge Davis:

I write to request a variance from the Judicial Council's policy that courthouses should only be named for an individual who has been deceased for ten years. I believe there is good cause for an exception to allow the Fourth District Court of Appeal, Division Three building in the City of Santa Ana in Orange County to be named for the Honorable Cruz Reynoso. Justice Reynoso died on May 7, 2021, five days after his 90th birthday.

The Honorable Cruz Reynoso is a beloved native son of the City of Brea in the County of Orange. He was born in Brea, and when Justice Reynoso was seven years old, the family moved to a barrio outside of the City of La Habra also in Orange County. When the Reynoso family moved there, the United States Postal Service refused to provide Rural Free Delivery service within the barrio even though non-minority families living nearby received the service. A young Cruz Reynoso circulated a petition demanding service. The Postmaster General's office in Washington, D.C. responded to his petition and ordered that mail delivery be provided to the barrio (much to the chagrin of the local postmaster). Justice Reynoso was quoted in the 2009 California Bar Journal saying his boyhood success helped motivate him to "keep doing things that needed to be done." He did just that and became the first Latino Associate Justice of the California Supreme Court in 1982.

Orange County's population of over 3 million persons is 34 percent Hispanic/Latino and the City of Santa Ana has a Hispanic/Latino population of over 75 percent. The California Court of Appeal, Fourth Appellate District, Division Three, is located in the City of Santa Ana in the County of Orange. Justice Reynoso spent a lifetime fighting the prejudices he first encountered during his childhood in Orange County. He serves as an extraordinary example of how a Latino child from a barrio in Orange County can make a difference in his community and in the world and become an icon in his or her profession.

Cruz Reynoso was a trailblazing lawyer, jurist, and law professor. He was the only Latino in his graduating class at Berkeley Law in 1959. Justice Reynoso began his legal career in private law practice in El Centro, California. He served as a legislative assistant in the California State Senate from 1959 to 1960. He was an Associate General Counsel for the Equal Employment Opportunity Commission in 1967 and 1968. He later became the Director of California Rural Legal Assistance.

Justice Reynoso served as a faculty member at the University of New Mexico School of Law, the UCLA School of Law, and the UC Davis School of Law. In May 2011, Chapman University School of Law, here in Orange County, conferred an honorary Doctor of Laws degree upon him. His awards are far too numerous to mention in their entirety, but they include the Presidential Medal of Freedom (the United States' highest civilian honor – awarded by President Bill Clinton), the State Bar of California's Bernard E. Witkin Medal, the UC Davis Medal of Honor, and the Hispanic Heritage Award in Education. Justice Reynoso served on the California Court of Appeal, Third District, from 1976 until 1981, when Governor Jerry Brown appointed him to the Supreme Court.

Cruz Reynoso, the boy who grew up in a barrio in Orange County, went on to be nationally recognized for his talents and efforts. President Jimmy Carter appointed Justice Reynoso to serve as a member of the Congressional Select Commission on Immigrant and Refugee Policy. The United States Senate appointed Justice Reynoso to the U.S. Commission on Civil Rights in April 1993. President-elect Barack Obama appointed Justice Reynoso to his White House transition team in early 2009, as part of a justice and civil rights sub-team.

Justice Reynoso's story is a model for all of us, particularly the Latino youth in our county. A courthouse in Orange County named for Justice Reynoso would highlight his achievements and would encourage and empower many children who come from similar circumstances to seek to achieve their dreams.

Without a doubt, naming a courthouse after a deceased person must be carefully considered to protect the integrity and independence of the judicial branch. I believe a courthouse named for Supreme Court Justice Cruz Reynoso would not only protect, but would enhance, the integrity and independence of the branch. Justice Reynoso made many recognizable and significant contributions to the state and national justice system. There are no issues of conflict of interest. The only standard Justice Reynoso does not meet is the period of time since his death.

The stated purpose of the ten-year waiting period is to allow sufficient time to establish the individual's character within which unknown facts would come to light. Justice Reynoso was a public person for the vast majority of his life. The details of his personal and professional life were widely researched and published over the years. He was thoroughly vetted not only for his positions as an Associate Justice on the Third District Court of Appeal and the California Supreme Court, but also as a recipient of the Presidential Medal of Freedom. When a person is the subject of such intense public scrutiny during their lifetime, it is not reasonable to assume there are unknown facts that will come to light over the next nine years.

Your question is likely, why can't this wait for another eight years? Certainly, if this was just about honoring Cruz Reynoso, the man, naming a courthouse for Justice Reynoso would be a tribute to his legacy whenever it is done. But to wait eight years to name a courthouse in Orange County for an Orange County native who became the first Latino Justice of the California Supreme Court means delaying the inspiration and motivation of young Orange County Latinos needlessly. It is difficult to imagine the potential that would be lost by an eight-year delay. Now is the time to motivate our youth to do as Justice Reynoso did – "keep doing things that need to be done."

Sadly, there are very few buildings named for prominent Latinos in Orange County, especially considering its Latino population exceeds one million people. There are no such public (non-school) buildings that I was able to find. Some of the rare examples are a building named after Cesar Chavez at Santa Ana College and a Santa Ana high school named after Santa Ana postmaster Hector G. Godinez, along with a few intermediate and grammar schools. Fullerton College has announced its intention to dedicate the Cruz Reynoso Hall on September 14, 2023. Naming a courthouse after Justice Cruz Reynoso would be a much needed and significant acknowledgement of the contributions made to our county and our state by him and the Latino community.

I recognize to name a courthouse after Justice Reynoso at this time would be a departure from the Judicial Council's guidelines, but it appears it would not be the first such departure. The legendary Judge Richard E. Arnason died in 2015 at the age of 94.

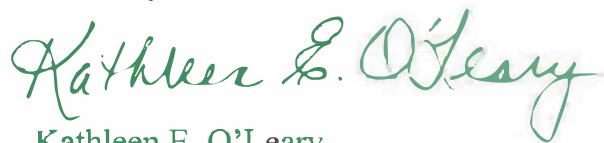
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The naming of a justice center in Contra Costa for him was approved by the Judicial Council in 2008, seven years prior to his death. The Hall of Justice in Alameda County was named for retired Judge George E. McDonald who died at the age of 95 in 2016. And in 2008, a Merced County courthouse was renamed for the Robert M. Falasco Justice Center in honor of Judge Falasco who died in 2012. The Charles James Ogletree Jr. Courthouse naming ceremony took place on February 17, 2023. Ogletree grew up in Merced and went on to be one of Harvard Law School's most notable professors. Unfortunately, the seventy-year-old was unable to attend the ceremony.

These are just some of the exceptions I have observed to the rule. What is clear is that exceptions can only be made for exceptional people. I strongly believe Justice Cruz Reynoso is such an exceptional person.

Thank you for your consideration. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Kathleen E. O'Leary
Presiding Justice

cc: Hon. Patricia Guerrero, Chief Justice of California*
Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee*
Hon. Patricia M. Lucas, Vice-Chair, Court Facilities Advisory Committee*
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Mr. Larry Spikes*
Hon. Robert J. Trentacosta*
Mr. Thomas J. Warwick, Jr.*
(* *by email only*)



CRUZ REYNOSO

BAR ASSOCIATION

20 Bicentennial Circle Sacramento, CA 95826

July 31, 2023

Hon. Brad Hill
 Chair, Court Facilities Advisory Committee
 California Court of Appeal, Fifth Appellate District
 2424 Ventura Street
 Fresno, CA 93721
Via email: brad.hill@jud.ca.gov

Dear Presiding Justice Hill,

The Cruz Reynoso Bar Association (CRBA) offers this letter to support the naming of the California Court of Appeal 4th Appellate District Division 3 courthouse in Santa Ana after the late Justice Cruz Reynoso. Justice Reynoso was more than merely a renowned and respected jurist, but was a true visionary and leader whose impact upon our system of justice will continue to be felt by many for generations to follow.

Justice Reynoso's legacy of fighting on behalf of the underserved and marginalized is one which continues to resonate for countless individuals in our State who have been inspired by his selfless dedication to service of others. A pioneer in the area of civil rights and in advancing the fair administration of the law, Justice Reynoso will forever be remembered as a giant amongst men who confronted adversity both fearlessly and with the highest confidence in the principles of equity and equality which often motivated him to action. His extensive efforts throughout his career towards improving our society for the benefit of all is synonymous with the ideals which our courts and system of justice are founded upon: that all persons should be treated equally in the eyes of the law. There are few in our legal history who are held in as high esteem as the late Justice Reynoso, and it would be a fitting testament to the impact of his life and legacy that a courthouse be named in his honor.

The CRBA fully supports without reservation that the Fourth District Court of Appeal courthouse in Santa Ana bear his name in order to serve as a reminder and inspiration for the people of our State that our society is one which strives to achieve fairness and equality for each individual despite one's background or personal history. Justice Reynoso, often exceedingly humble in his greatness, would likely shy away from the notion that he merits such recognition. But for those of us who admire and emulate the impact he has had for so many and for our system of justice, it is beyond debate that few are as deserving as he of such a monumental distinction.

Respectfully submitted,

CRBA Board of Directors

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