

S147999

IN THE SUPREME COURT OF CALIFORNIA

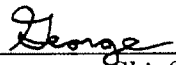
In re MARRIAGE CASES

The Court requests each party to file, on or before April 1, 2008, a supplemental brief addressing the following questions:

1. If four lawyers sitting on one side of the podium all agree, but the four lawyers on the other side of the podium (sitting to my left but to your right, unless you are watching on television, in which case they are invisible to you) disagree, with whom should the Court agree? Who would win in a tug of war?
2. If one child can have two mothers, or two fathers, etcetera, etcetera, etcetera, can one law be defended by two state officials?
3. Assuming for the sake of argument that words matter, what word am I thinking of now?
4. Complete the following sentence: Marriage is to domestic partnership as a duck is to a _____ . Explain.
5. How much reliance should we place on an interim report from a legislative commission from another state? Can we out-source our legislative process to New Jersey?
6. One justice, while an attorney, filed a petition for rehearing with this Court stating: “A single crucial point is at issue in this case. It is not whether the death penalty is socially, philosophically, or politically desirable, but solely whether there is a specific provision in the Constitutions of the United States or California which precludes the people of the State of California from determining through their elected representatives that the protection of society requires the availability of the death penalty as a form of punishment for the most serious offenses. . . .(¶) Any citizen . . . who believes that our form of government entrusts the enactment and repeal of legislation exclusively to the legislative representatives elected by popular vote, who believes that the doctrine of separation of powers restricts the judicial as well as the executive and legislative branches of government, and who believes that we are a government of law and not of men, cannot help but be alarmed by this Court’s opinion holding the death penalty unconstitutional as punishment both cruel and unusual.” Please name the justice.

The court notes that its request that the parties brief these matters does not necessarily signify that the court will address these points in its opinion.

As indicated above, the supplemental briefs addressing these points are to be served and filed simultaneously on or before April 1, 2008. The parties may serve and file simultaneous supplemental reply briefs, addressed to these questions, on or before October 31, 2008. Because of the nature and the number of questions here, the limitation on the permissible length of the briefs set forth in the Rules of Court do not apply to these supplemental briefs.



Chief Justice