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Queen's Bench Past President Presiding Justice Barbara J.R. Jones Retires from the Court of Appeal After Trailblazing Career

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by Josie Petrick



Please join us in congratulating Presiding Justice Barbara J.R. Jones on her retirement from the California Court of Appeal in September 2020 after 24 years on the Court of Appeal and a stellar 28-year judicial career. Justice Jones served as Queen's Bench President in 1983. She also co-chaired the Awards Committee in 1990 and served on the Judicial Appointment Committee in 1988-1980. In 2009, Queen's Bench awarded Justice Jones our Lifetime Achievement Award, and she is a Queen's Bench Lifetime Member.

Justice Jones was confirmed as Presiding Justice of Division 5 of the First District Court of Appeal in September 1998, the first woman to serve as presiding justice in the District. She was first nominated to the Court of Appeal in December 1996 by Governor Pete Wilson. She began her judicial career on the San Francisco Superior Court when she was appointed Judge in 1992 and reelected by the People thereafter. Before becoming a judge, she worked as a civil litigator and became a name partner in her law firm, Bianco, Brandi & Jones in San Francisco.

Justice Jones received her undergraduate degree in History from Duke University in 1965 and her J.D. from the University of San Francisco School of Law in 1974. She was a member of the University of San Francisco Law Review and McAuliffe Society, the academic honor society.

Among other notable decisions, Justice Jones is known for her dissent in *People v. Cunningham*, in which she voiced the view that pursuant to U.S. Supreme Court precedent, portions of California's criminal sentencing laws were unconstitutional because it authorized a judge—and not the jury—to find aggravating facts that would expose defendants to an elevated sentencing range. (*People v. Cunningham* (Cal. Ct. App., Apr. 18, 2005, No. A103501) 2005 WL 880983, at *10 (Jones, P.J., concurring, and dissenting), as modified on denial of reh'g (May 4, 2005).) Her dissenting view eventually won the day after the U.S. Supreme Court took up the case and agreed that the California sentencing law violated defendants' Sixth Amendment right to a trial by jury. (*Cunningham v. California* (2007) 549 U.S. 270.)

Justice Jones' majority opinions have also positively influenced the development of the law, and have been widely cited in court opinions and leading practice guides. (E.g., *Hahn v. Mirda* (2007) 147 Cal.App.4th 740; *Cadlo v. Owens-Illinois, Inc.* (2004) 125 Cal.App.4th 513, as modified (Dec. 30, 2004).)

Justice Jones also sat pro tem on the California Supreme Court, participating actively in oral argument and in several decisions by the Court. (*Apple Inc. v. Superior Court (Krescent)* (2013) 56 Cal.4th 128; *Galland v. City of Clovis* (2001) 24 Cal.4th 1003, as modified (Mar. 21, 2001).)

Under Presiding Justice Jones' leadership, the turnaround time for opinions of the First District, Division Five, was among the most efficient in the State, despite heavy caseloads—a testament to her dedication to the important administrative aspects of her role as Presiding Justice.

Justice Jones has also been active in her legal endeavors off the bench. In 1995, Justice Jones was appointed by the California Supreme Court to its Advisory Committee on the Code of Judicial Ethics, charged with drafting a new code of ethics for California judges. She has advised the Supreme Court ever since on issues related to California's Code of Judicial Ethics as a member of the Advisory Committee.

Throughout her legal career, Justice Jones has taught countless continuing legal and judicial education programs. She has been on the faculty and Planning Committees for California Center for Judicial Education and Research, Civil Law and Procedure Institutes and has served on various Judicial Council advisory committees and working groups.

In addition to her service with Queen's Bench, Justice Jones was honored by the National Association of Women Lawyers in 2003 with its President's Award in recognition of her work in judicial ethics, and by the San Francisco Trial Lawyers Association in 2005 as Appellate Justice of the Year. Justice Jones is a lifetime member of Queen's Bench and California Women Lawyers. She was President of the University of San Francisco, School of Law alumni association in 1984, and a founding member of the USF School of Law Women Lawyers Committee.

Before attending law school—during which she worked full-time—she was an elementary school teacher, an editor of social studies textbooks, and staff member in the Washington, D.C. office of a U.S. Congressman.

In her time off, Justice Jones enjoys road cycling. Congratulations, Your Honor!