Del Norte Triplicate NEWS

California First District Court of Appeal

By Linda Sutter October 8, 2026

CRESCENT CITY, CA (MPG) - This summary focuses on appellate experience and selected decisions involving public records, government accountability, police powers, civil rights, free speech/open meetings, property rights and constitutional issues. “Authored” means the justice wrote the court’s opinion; “Joined” means the justice agreed with another justice’s opinion. It is a factual comparison, not a voting recommendation.

Charles A. Smiley III

Court of Appeal: Since 2025 - the newest appellate justice in this group.

Smiley nevertheless has substantial lower-court experience. He served as an Alameda County judicial officer beginning in 2007 and became a Superior Court judge in 2012.

Relevant case: Mendocino Railway v. Meyer (Dec. 9, 2025), involving eminent domain and private-property rights.

Joined: Smiley joined the decision. Justice Monique Langhorne Wilson authored it.

Key point: Smiley has the least Court of Appeal experience among these ten, but not the least overall judicial experience.

Kathleen M. Banke

Court of Appeal: Since 2010.

Important case: City of Vallejo v. Superior Court (June 27, 2025), involving a California Public Records Act request concerning Vallejo police officers and the practice known as “badge bending.”

Authored: Banke wrote the opinion.

The court granted part of the ACLU’s writ petition and required further consideration of disclosure, redactions, and privilege claims. This is one of the most directly relevant decisions in this group concerning CPRA, police records, and government transparency.

Therese M. Stewart

Court of Appeal: Since 2014.

Authored: Bair v. California Department of Transportation (Mar. 26, 2026), concerning another challenge to the Richardson Grove Highway 101 project in Humboldt County. The court concluded earlier litigation prevented relitigation of the issues.

Joined: Oakland Bulk & Oversized Terminal v. City of Oakland (June 27, 2025), involving Oakland's interference with contractual development rights at the former Oakland Army Base.

Tara M. Desautels

Court of Appeal: Since 2024 - one of the newer appellate justices.

Before joining the appellate court, she spent approximately 14 years as an Alameda County Superior Court judge.

The initial review did not identify a major published CPRA or Brown Act opinion authored by Desautels comparable to Banke's City of Vallejo or Brown's Berkeley People's Alliance. That should not be interpreted as opposition to public access; her appellate record is simply shorter.

Ioana Petrou

Court of Appeal: Since 2018.

Relevant case: People v. Parker (Oct. 3, 2025), involving competency proceedings, ineffective assistance of counsel, and an asserted equal-protection issue.

Joined: Petrou joined the decision. Justice Victor A. Rodriguez authored it.

The initial review did not identify a similarly prominent published CPRA or Brown Act opinion authored by Petrou.

Victor A. Rodriguez Court of Appeal: Since 2021.

Authored: People v. Parker (Oct. 3, 2025).

The case involved constitutional and criminal-procedure issues, including competency proceedings and an equal-protection argument. The court affirmed the judgment. The case is more informative about constitutional criminal procedure than public-records law.

Tracie L. Brown

Court of Appeal: Since 2018.

Authored: Berkeley People's Alliance v. City of Berkeley (Sept. 30, 2025).

The case concerned disrupted public meetings that Berkeley moved into smaller rooms, excluding other members of the public. The court concluded the Brown Act did not simply authorize the city to relocate the meeting in a way that excluded nondisruptive members of the public.

This is one of the most directly relevant cases in this group involving open meetings, public participation, and California open-government protections.

Danny Y. Chou

Court of Appeal: Since 2023.

Relevant case: Independent Office of Law Enforcement Review & Outreach v. Sonoma County Sheriff's Office (Mar. 26, 2026).

Joined: Chou joined the decision. Justice Mark B. Simons authored it.

The court held that the independent civilian oversight agency possessed statutory authority to subpoena Sheriff's Office personnel. This is significant to law-enforcement oversight and government accountability.

Mark B. Simons

Court of Appeal: Since 2001 - the longest appellate experience among these ten.

Authored: Independent Office of Law Enforcement Review & Outreach v. Sonoma County Sheriff's Office (Mar. 26, 2026).

The court held that Sonoma County's independent sheriff-oversight office had statutory subpoena authority in a whistleblower investigation and rejected the argument that a labor agreement could eliminate authority granted by state law.

This is a significant decision involving independent law-enforcement oversight and government accountability.

10. Monique Langhorne Wilson

Court of Appeal: Since 2024 - one of the newer appellate justices.

Authored: People v. Pritchett (May 29, 2024), reversing suppression of evidence in a police-search case.

Authored: Mendocino Railway v. Meyer (Dec. 9, 2025), involving eminent domain and private-property rights.

Authored: People v. McCowan (Jan. 14, 2026), involving California's large-capacity-magazine prohibition.

Joined: City of Vallejo v. Superior Court (June 27, 2025), Banke's CPRA/police-records opinion.

Wilson also temporarily sat on the California Supreme Court in Town of Apple Valley v. Apple Valley Ranchos Water (Aug. 24, 2026) and joined the unanimous decision requiring meaningful judicial review of the town's attempted takeover of a privately owned water utility.

Gordon B. Burns

Court of Appeal: Since 2018. Burns is an Associate Justice in Division Five, alongside Mark B. Simons and Danny Y. Chou.

Before joining the Court of Appeal, Burns spent much of his career in the California Department of Justice. He served as a Deputy Attorney General, later became California's first Deputy Solicitor General for Civil Law, and subsequently served as Undersecretary of the California Environmental Protection Agency.

His prior government-law work included tort and condemnation matters, land and natural-resources litigation, water rights, water quality, groundwater management, and other major civil matters involving state government.

Experience point: Burns has served on the First District Court of Appeal since 2018, giving him substantially more appellate experience than the newer members of this list such as Smiley (2025), Wilson and Desautels (2024), and Chou (2023).

This revised summary preserves Danny Y. Chou and Mark B. Simons as separate entries; Gordon B. Burns is added as the eleventh justice in the comparison.

Experience Summary

Longest Court of Appeal experience among these eleven: Mark B. Simons - since 2001.

Shortest Court of Appeal experience among these eleven: Charles A. Smiley III - since 2025.

Important distinction: Smiley had many years of lower-court judicial experience before his appellate appointment, so "least appellate experience" does not mean "least judicial experience."