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WILLIAMSBURG — Chief Justice Burger of the Supreme Court of California said Saturday that appellate courts "cannot avoid making some law," because there is no higher court to review legislation covering cases brought before them.

He said that appellate courts are not interested in making law, but that sometimes difficult cases, not adequately covered by statutes, put the courts in that position.

He emphasized the crucial role the courts play in the legal system, saying they are the last resort for people whose rights are not protected by legislation. Without the ability to make law, he said, "the courts become just another form of legislation."