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A Compendium of Clever and Amusing Law Review Writings – An Idiosyncratic Bibliography of Miscellany with In Kind Annotations Intended as a Humorous Diversion for the Gentle Reader

Thomas E. Baker

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A COMPENDIUM OF CLEVER AND AMUSING LAW
REVIEW WRITINGS

AN IDIOSYNCRATIC BIBLIOGRAPHY OF
MISCELLANY WITH IN KIND ANNOTATIONS
INTENDED AS A HUMOROUS DIVERSION FOR
THE GENTLE READER*

*Thomas E. Baker***

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I. INTRODUCTION

A few explanatory comments are in order to introduce this Compendium. The world of the American law review resembles Middle Earth for all its strange inhabitants, secret rituals, and foreboding folklore.¹ Perhaps the only thing to rival its alternate reality is the virtual reality of the Internet.² The depth and breadth of law review literature defies facile characterization, but it can be stated without fear of contradiction that the truly clever or amusing law review article is the quintessential *rara avis*. Law review articles—and the people who write them and the people who read them—are serious to a fault.³ Indeed, whenever a judge, a lawyer, a law professor, or a law student writes something truly funny he or she runs the risk of waking up days later, in restraints and sedated in a little room with a fellow in a white coat holding a clipboard.⁴ Their day-to-day livelihood simply is not too lively, either in style or content. I believe this professional reality makes the occasional humorous article that much more of a treasure to behold. My purpose here is to collect and display these writings first, so that my reader might simply enjoy them and second, so that their authors might receive some deserved recognition.

Compiling a list of clever and amusing law review writings is not an easy task, certainly not one that can be accomplished logically or linearly. My criteria cannot be articulated with any specificity or precision. I could claim that I searched for writings that fit my title; in fact, I settled on my title after my search was completed. These articles *are* clever or amusing to me and, I hope and trust, most people will find something here that is funny. If not, I respectfully submit

1. Russell Korobkin, *Ranking Journals: Some Thoughts on Theory and Methodology*, 26 FLA. ST. U. L. REV. 851 (1999); William R. Slomanson, *Legal Scholarship Blueprint*, 50 J. LEGAL EDUC. 431 (2000); Reinhard Zimmerman, *Law Reviews: A Foray Through a Strange World*, 47 EMORY L. J. 659 (1998); Nathan H. Saunders, Note, *Student-Edited Law Reviews: Reflections and Responses of an Inmate*, 49 DUKE L.J. 1663 (2000).

2. Compare Bernard J. Hibbits, *Last Writes? Reassessing the Law Review in the Age of Cyberspace*, 71 N.Y.U. L. REV. 615 (1996) (finding that the use of online services and electronic law journals correct some of the problems of traditional law reviews, but leave most of the criticisms unaddressed), with Aside, *Challenging Law Review Dominance*, 149 U. PA. L. REV. 1601 (2001) (discussing the modern trend of the Internet replacing law reviews as the medium for legal discourse). See generally *Constitutional Law Symposium*, 49 DRAKE L. REV. 391 (2001) (discussing various constitutional law issues surrounding Internet usage).

3. See Thomas E. Baker, *Tyrannous Lex*, 82 IOWA L. REV. 689, 712 (1997) ("[L]aw reviews are to law what masturbation is to sex"); Kenneth Lasson, *Scholarship Run Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926, 928 (1990) ("The system is askew. The academy has a problem.").

4. But see Thomas E. Baker, *A Review of Corpus Juris Humorous*, 24 TEX. TECH. L. REV. 869 (1993) (discussing Thomas E. Baker's Top Ten List of the Most Clever Judicial Opinions).

my reader may be a likely occupant of that little room with the white-coated fellow with his clipboard. Certainly, *he* would not laugh at anything here.

To call my bibliographical techniques a research strategy would be an exaggeration.⁵ My research assistants and I worked over the usual suspects. The *Index to Legal Periodicals* includes the topic "Legal Humor," although entries often are few and far between.⁶ We mined previously-published bibliographies⁷ and law review symposia.⁸ We mined the footnotes of articles on the subject of legal humor.⁹ We performed various and sundry online searches too numerous to recount, using Westlaw and LEXIS-NEXIS. We walked up and down the law review stacks in the library, thumbing through selected journals and law reviews, like the *American Bar Journal*, *The Journal of Legal Education*, and *Green Bag 2d*, searching for the proverbial needles. We ran down leads that were posted in response to our queries on Discussion List Serves by participants who did not have anything better to do.¹⁰ We launched our Internet browsers determinedly and indeterminately, leaving postings along the way to mark the return path back here.¹¹ We tried our best to search out clever and amusing articles anywhere and everywhere we could think to look. It does say something about legal education and the legal profession, however, that there is no such thing as the *Journal of Legal Humor*.¹²

This was a diversion, to be sure, but a challenging diversion, most certainly, and I hope in turn it will be a diversion that my gentle reader will find enjoyable and entertaining and perhaps even useful. This definitely is a keeper. Put a copy in your "Humor File." If you do not have such a file, start one. Everyone, especially someone like you who reads law reviews, needs a "Humor

5. See generally Mary Beth Beazley & Linda H. Edwards, *The Process and the Product: A Bibliography of Scholarship About Legal Scholarship*, 49 MERCER L. REV. 741 (1998).

6. See, e.g., 39 INDEX TO LEGAL PERIODICALS & BOOKS 830 (Richard A. Dorfman ed., 2000).

7. See, e.g., Edward J. Bander, *A Survey of Legal Humor Books*, 19 SUFFOLK U. L. REV. 1065 (1985); Edward J. Bander, *Legal Humor Dissected*, 75 LAW LIBR. J. 289 (1982); James D. Gordon III, *A Bibliography of Humor and the Law*, 1992 BYU L. REV. 427.

8. See, e.g., Symposium, *Nova [Humor in the] Law Review*, 17 NOVA L. REV. 661 (1993); Symposium on *Humor and the Law*, 1992 BYU L. REV. 313.

9. See, e.g., J.T. Knight, *Humor and the Law*, 1993 WIS. L. REV. 897.

10. The author thanks several unnamed members of the LAWPROF discussion list-serve for their nominations.

11. See McClurg's *Legal Humor Headquarters* at <http://www.lawhaha.com>.

12. See Tracey E. George & Chris Guthrie, *An Empirical Evaluation of Specialized Law Reviews*, 26 FLA. ST. U. L. REV. 813 (1999) (discussing the specialization of law reviews and journals and listing the areas of specialization, of which, humor is not included). But see Ronald L. Brown, *Rave Reviews: The Top Ten Law Journals of the 1990s*, 12 LEGAL REFERENCE SERVS. Q. 121 (1992) (predicting, humorously, that the top ten law journals of the 1990s will be highly specialized).

File" to pull out and enjoy from time to time. For ready reference, the entries are loosely categorized under ten headings: Biography; Book Reviews; Case Studies; Constitutional Law; Contracts; Law Practice; Legal Education; Legal Humor; Legal Scholarship; and Miscellany. Each entry appears only once.

This bibliography is incomplete, of course, and penultimately I offer my sincere apology to any authors whose clever or amusing writings were overlooked. Finally, I also offer my insincere apology to any authors whose writings are included here but who were not in fact trying to be clever or amusing.

II. BIOGRAPHY

William D. Araiza et al., *The Jurisprudence of Yogi Berra*, 46 EMORY L.J. 697 (1997): Compiles the wit and wisdom of Yogi Berra, Hall of Fame Major League Baseball player and coach; applies Berra's quotes to various areas of the law including, for example, "If you ask me anything I don't know, I'm not going to answer" as it applies to the doctrine of judicial abstention, "If people don't want to come to the ballpark, nobody's going to stop them" as a maxim for civil rights jurisprudence, and "It gets late early out there" as an illustration of the midnight deadline rule for collecting banks.

Edward J. Bander, *Holmespun Humor*, 10 VILL. L. REV. 92, 503 (1964-1965): Collects numerous humorous anecdotes about Supreme Court Justice Oliver Wendell Holmes, Jr.; Holmes was the kind of person who laughed at others far more easily than he laughed at himself.

Ronald Collins, *Gilmore's Grant: Or the Life & Afterlife of Grant Gilmore & His Death*, 90 NW. U. L. REV. 7 (1995): Provides a historical account of Grant Gilmore's contributions to the law with a comedic emphasis on his book *Death of Contract*; now *that* is an inherently funny subject.

David Currie, *The Most Insignificant Justices: A Preliminary Inquiry*, 50 U. CHI. L. REV. 466 (1983): Launches an examination of the factors that distinguish significant from insignificant members of the Supreme Court, and speculates about which Justice might be the least significant or most insignificant, singling out Justice Duvall for special honors; a study about the most insignificant law professor, however, would have to be book-length.

Frank H. Easterbrook, *The Most Insignificant Justice: Further Evidence*, 50 U. CHI. L. REV. 481 (1983): Extends Professor Currie's study of the insignificant Justices of the Supreme Court through statistical analysis; recognizes default winner—Justice Thomas Todd with fourteen opinions and an otherwise modest

judicial tenure; Charles Alan Wright once repeated the story that a judge-friend of his had compared being appointed to the Supreme Court to being invited to spend the night on Cleopatra's barge—anticipation would quickly give way to anxiety/insecurity and eventually end in disappointment because one's imagination always exceeds reality in such matters.

Daniel A. Farber, *"Terminator 2 1/2": The Constitution in an Alternate World*, 9 CONST. COMMENT. 59 (1992): Describes an alternative constitutional reality as if James Madison died before he could author the Bill of Rights; counter-factual history is interesting, and it reminds us that writing history has more in common with writing a novel than we usually realize or historians care to admit.

Roy B. Herron, *The Best of Justices Joe Henry and John Wilkes: Supreme Humor*, 31 TENN. B.J. 26 (Mar./Apr. 1995): Reviews the works of two of Tennessee's most humorous state supreme court justices; one wonders just how many others there were; go Vols.

Alex Kozinski, *My Pizza with Niño*, 12 CARDOZO L. REV. 1583 (1991): Recounts eating pizza with Supreme Court Justice Antonin Scalia; analogizes Scalia's approach to pizza with his "plain meaning" approach to the Constitution; and predicts Scalia will be remembered as one of the greatest Justices to serve on the Supreme Court; ordering a large ego with anchovies.

David Mellinkoff, *Who Is "John Doe?"*, 12 UCLA L. REV. 79 (1964): Speculates about the origin of John Doe as a fictitious name; offers several possibilities from a survey of the etymology of the word "doe"; everyone who is old enough, or who watches old movies on cable television, knows that Garry Cooper is the real John Doe.

Ronald Rychlak, *The Lighter Side of the Green Movement: The Three Stooges as Early Environmentalists*, 48 OKLA. L. REV. 35 (1995): Provides the definitive legal work on the Three Stooges, including their efforts to bring environmental concerns to society's attention; to a deconstructionist this is a critique of the illegitimate hierarchy of the tripartite system of separation of powers; "Whoop, whoop, whoop . . . Ouch!"

Adam Winkler & Joshua Davis, *Postmodernism and Dworkin: The View from Half-Court*, 17 NOVA L. REV. 799 (1993): Examines interpretive legal theories of Ronald Dworkin and postmodernists by applying them to the half-court rule of basketball; fans of basketball should call for a technical foul.

III. BOOK REVIEWS

Benjamin C. Bair, *Law School: A Survivor's Guide* by James D. Gordon III, 93 MICH. L. REV. 1261 (1995) (reviewing JAMES D. GORDON III, *LAW SCHOOL: A SURVIVOR'S GUIDE* (1994)): Styled after the book it reviews as a survivor's guide to book reviews; pokes fun at book reviewers; congratulates Professor Gordon on his humorous, but not disrespectful, look at law school and the legal profession; why should law school be treated better than Rodney Dangerfield?

Thomas E. Baker, *The Supreme Nonet*, 18 CONST. COMMENT. 291 (2001) (reviewing BARBARA A. PERRY, "THE SUPREMES:" ESSAYS ON THE CURRENT JUSTICES OF THE SUPREME COURT OF THE UNITED STATES (1999)): A rhymed review of a book of biographical essays about the nine Justices; there is nothing amusing about them, of course, the Justices and the essays; the review does manage to poke a little fun at them, but only good-naturedly and meaning no disrespect; still, leave this one off the resume; note to self—send reprints only to other smart-ass professors—this Article is strike *one*.

Thomas E. Baker, *A Review of Corpus Juris Humorous*, 24 TEX. TECH L. REV. 869 (1993) (reviewing JOHN B. MCCLAY & WENDY L. MATTHEWS, *CORPUS JURIS HUMOROUS* (1991)): Reviews a compilation of humorous opinions and related legal materials; debunks the dichotomy between serious and humorous writing; provides a Top Ten List of the Most Clever Judicial Opinions; this Article is strike *two*.

Ronald L. Brown, *Rave Reviews: The Top Ten Law Journals of the 1990s*, 12 LEGAL REFERENCE SERVS. Q. 121 (1992): Publishes an address delivered at the 1991 Conference of Law Reviews; predicts the rise of permanent jobs for law review editors in the 1990s; correspondingly projects the Top Ten Law Journals for the decade; includes *The Journal of Legal Acronyms*, *The Journal of the Jurisprudence of Fruit*, *The Joys of Jewish Cooking and the Law Journal*, *The Lyrical Law Review*, *The Journal of Original Manuscripts*, *The Journal of Legal Lingerie*, *Journal of Star-Paging*, *Journal of Law Au Naturel*, *Journal of Legal Repetition*, and *The Journal of Twilight Zoning*; remarkably overlooks *The Journal of Law Review Humor*.

Jim Chen, *Something Old, Something New, Something Borrowed, Something Blue*, 58 U. CHI. L. REV. 1527 (1991) (reviewing THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (15th ed. 1991)): Offers a good-humored but pointed critique of the 15th edition of *The Bluebook*; includes a review of new *Bluebook* rules, *Bluebook* history, and *Bluebook* politics; hey, dude, *ALWD* rules!

James D. Gordon III, *Oh No! A New Bluebook!*, 90 MICH. L. REV. 1698 (1992) (reviewing THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (15th ed. 1991)): Gives an in-depth look into the path-breaking citation styles featured in the 15th edition of *The Bluebook*; this is not about the useful *Bluebook*, the one that lists the value of used cars.

Erik M. Jensen, *The Empire Strikes Back: Outsiders and the Struggle Over Legal Education*, 52 OKLA. L. REV. 515 (1999) (reviewing ARTHUR AUSTIN, THE EMPIRE STRIKES BACK: OUTSIDERS AND THE STRUGGLE OVER LEGAL EDUCATION (1998)): Begins with the disclaimer that the reviewer is a colleague of the book's author and that he likes him, but is quick to point out that he is one of very few people who do; the book and the review are about the passing of the guard in legal education; different generations looking at each other over a great divide; the book subscribes to the empirically sound theory that most new ideas are bad; the review emphasizes that there is no particular reason to buy the book because the reader can simply check it out of the library—so much for the reviewer's claim to like the author.

Erik M. Jensen, *A Survivor's Guide to Law School*, 96 W. VA. L. REV. 1191 (1994) (reviewing JAMES D. GORDON III, LAW SCHOOL: A SURVIVORS GUIDE (1994)): Asks and answers that question from time immemorial, "Aw, come on. What could a law professor at Brigham Young University—for chrissakes—say that is funny about law school (or about anything else, for that matter)?"

Erik M. Jensen, *The Heroic Nature of Tax Lawyers*, 140 U. PA. L. REV. 367 (1991) (reviewing JOHN GRISHAM, THE FIRM (1991)): Applauds Grisham for giving tax lawyers an identity—any identity—but criticizes him for misrepresenting the life of a tax lawyer; in fact, most tax lawyers need to get a life.

Arthur Allen Leff, *Memorandum*, 29 STAN. L. REV. 879 (1977) (reviewing ROBERTO MANGABEIRA UNGER, KNOWLEDGE AND POLITICS (1975)): Written in the form of a memorandum to Roberto Mangabeira Unger from the Devil; Unger ended the book being reviewed with the entreaty "Speak, God"; the review concludes, "If He exists, Me too"; this is further proof that God does not read law reviews, as if any further proof was needed.

James A. Lindgren, *Fear of Writing*, 78 CAL. L. REV. 1677 (1990): Compares the *Texas Law Review Manual on Usage & Style* (6th ed. 1990) and Merriam-Webster's *New Dictionary of English Usage* (1989); concludes that it is disturbing to see how far Texans will go to avoid writing naturally and advises

that "if you are just trying to write better English, don't buy the Texas Manual"; in the abstract, "Texas style" seems to qualify as an oxymoron.

Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343 (1986) (reviewing THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (14th ed. 1986)): Provides a scathing critique of *The Bluebook* and its rules; labels it a hypertrophy to legal citation; provides ample examples of excessive insistence on uniformity and, inter alia, "useless elaboration of citation form"; who is more likely to show up in DSM-IV under compulsive-neurotic—the editors of *The Bluebook* or reviewers of *The Bluebook*?; trick question.

Richard Weisberg, *How Judges Speak: Some Lessons on Adjudication in Billy Budd, Sailor with Application to Justice Rehnquist*, 57 N.Y.U. L. REV. 1 (1982) (reviewing HERMAN MELVILLE, BILLY BUDD, SAILOR (1962)): Discusses the relevance of works of fiction to the law; examines the story of *Billy Budd, Sailor* for its legal lessons and cultural themes; applies these lessons and the concept of "considerate communication" to one of then-Justice Rehnquist's opinions; it is uncertain whether this Article made a big difference to the current Chief Justice who served in the Army as a weather observer and who eventually awarded himself gold stripes on the sleeves of his robe.

IV. CASE STUDIES

Aside, *Don't Cry Over Filled Milk: The Neglected Footnote Three to Carolene Products*, 136 U. PA. L. REV. 1553 (1988): Focuses on a footnote other than the famous footnote four from *United States v. Carolene Products Co.*, 304 U.S. 144 (1938), as a springboard to a sarcastic and pun-filled look at the excessive use of footnotes; examines dairy jurisprudence as a part of bovine law (the *Carolene* case dealt with milk products); and speculates as to the extraterrestrial origin of *The Bluebook*; to attribute *The Bluebook* to extraterrestrials is to deny the existence of intelligent life in the universe; to admire *The Bluebook* is to deny the existence of intelligent life on Earth.

Allan Axelrod, *Was Shylock v. Antonio Properly Decided?*, 39 RUTGERS L. REV. 143 (1986): A dazzling display of microeconomic theory as it applies to the rule for imprisonment and starvation of debtors and the creditor's right to seize the debtor's corpse; concludes such practices are not good public policy; in his day, Shakespeare did not need to pick on lawyers; he had plenty of other villains to pick from among English royalty; things change as much as they stay the same.

David Gray Carlson, *Tales of the Unforeseen*, 27 HASTINGS L.J. 776 (1976): Cartoon panels depict the facts and reasoning in the famous *Palsgraf v. Long Island Railroad Co.*, 162 N.E. 99 (N.Y. 1928), case in torts; proximately humorous.

Do We Have to Know This for the Exam?, 7 CONST. COMMENT. 223 (1990): Borrowing a page from Andy Warhol's postmodern depictions of soup cans, this is a reproduction of the actual combinations of which Justices authored, joined, and dissented from which of the nine parts of the Supreme Court's opinion in *Georgia v. South Carolina*, 497 U.S. 376 (1990), a state boundary dispute case, no less and no more, in the Court's original jurisdiction.

Jared Tobin Finkelstein, Comment, *In re Brett: The Sticky Problem of Statutory Construction*, 52 FORDHAM L. REV. 430 (1983): Discusses the principles of statutory interpretation as applied to the official baseball rules; specifically, considers whether the American League President properly applied the rules in overturning the umpire's decision to disallow a home run because the batter's bat was covered with too much pine tar; the MLB rulebook resembles *The Bluebook* on many levels.

Lon Fuller, *The Case of the Speluncean Explorers*, 62 HARV. L. REV. 616 (1949): Publishes a decision by the Supreme Court of Newgarth in the year 4300; strictly speaking this classic Article is not law review humor, but it is so creative and clever and has become so famous that it is included here; see, e.g., Stephen L. Pepper, *The Case of the Human Sacrifice*, 23 ARIZ. L. REV. 897 (1981); Ira P. Robbins, *Jurisprudence "Under-Mind"?: The Case of the Atheistic Solipsist*, 28 BUFF. L. REV. 143 (1979).

James D. Gordon III, *Free Exercise on the Mountaintop*, 79 CAL. L. REV. 91 (1991): Criticizes the decision in *Employment Division v. Smith*, 494 U.S. 872 (1990), through the author's favored technique of a dialogue, this time between a student and his spiritual teacher; seriously critiques what the author regards as the Court's emasculation of the Free Exercise Clause, but along the way has a lot of fun with the footnotes, replete with famous quotations, asides, and amusing digressions; should we say a prayer that the Justices will overrule themselves?

James D. Gordon III, *Interplanetary Intelligence About Promissory Notes as Securities*, 69 TEX. L. REV. 383 (1990): Comments on the Supreme Court decision in *Reves v. Ernst & Young*, 494 U.S. 56 (1990); outlines how to determine whether a promissory note is a security; analyzes the issue from the perspective of interplanetary aliens (Zoron and Monset); concludes that the Justices are indeed from another planet; according to the Constitution only the

President has to be a natural-born citizen, so aliens can serve on the High Court; some have, but the government is not telling us which ones.

David Eccles Hardy, *Great Cases in Utopian Law*, 6 J. CONTEMP. L. 227 (1979): Presents the opinion of the Utopian High Court in *Rumplestiltskin v. Beautiful Princess* (1691); next the handsome Prince will have business cards printed up to pass out instead of kisses.

Humor Guide, *The Syufy Rosetta Stone*, 1992 BYU. L. REV. 457: Gives the answer key to the over two hundred movie titles which Ninth Circuit Judge Alex Kozinski managed to work into the opinion in *United States v. Syufy Enterprises*, 903 F.2d 659 (9th Cir. 1990); this is truly an amazing feat; most federal judges do not even go to the movies.

Wayne R. LaFave, *Mapp Revisited: Shakespeare, J., and Other Fourth Amendment Poets*, 47 STAN. L. REV. 261 (1995): A leading expert on the Fourth Amendment analyzes the Supreme Court's famous decision in *Mapp v. Ohio*, 367 U.S. 643 (1961), in a series of opinions written as parodies in the style of famous poets, including William Shakespeare and Dr. Seuss; "Give me a P . . . Give me an R . . . Give me an I . . . Give me a V . . . Give me an A . . . Give me a C . . . Give me a Y . . . What's it spell? . . . Exclusionary Rule."

Kenneth Lasson, *Rummel v. Estelle: Mockingbirds Among the Brethren*, 18 AM. CRIM. L. REV. 441 (1981): Discusses the Supreme Court's Eighth Amendment decision in *Rummel v. Estelle*, 445 U.S. 263 (1980), through a poetic memorandum; describes the stresses and strains and frustration of the Justice who had to cast the deciding vote in the style of Edgar Allen Poe's poem *The Raven*; nevermore.

Jasper Bogus McClod & Pepe Le Peu, Note, *Legislative and Judicial Dynamism in Arkansas: Poisson v. d'Avril*, 22 ARK. L. REV. 724 (1969): Written as a spoof note on the imagined opinion of *Poisson v. d'Avril*; describes the Arkansas Court in a majority decision of 1-5 upholding a hypothetical statute which purported to repeal "all laws and parts of laws"; imagines the court interpreting the Act to repeal all Arkansas statutory laws and not *the* common law because of the use of the plural "laws" rather than the singular "law" in the Act; extols some specific side effects such as abolishing the statute making it a crime to drive blindfolded cattle.

Note, *Regina v. Ojibway*, 8 CRIM. L. QTRLY. 137 (1966): Parodies common law reasoning in matters of statutory interpretations to answer the issue whether a pony with feathers on its back is a small bird under the relevant statute; actually

cited and relied on in *Stevens v. City of Louisville*, 511 S.W.2d 228, 230 (Ky. Ct. App. 1974); a classic that once was funny, i.e., on first reading back in law school.

Michael L. Richmond, *The Annotated Cordas*, 17 NOVA L. REV. 899 (1993): Offers a witty annotation to *Cordas v. Peerless Transportation Co.*, 27 N.Y.S.2d 198 (N.Y. City Ct. 1941); highlights the ironic disparity between the scholarly attention given to the decision in the contracts casebooks and the scant use of the case by courts in resolving real live disputes; one should be more concerned about lawyers who practice law from their law school class notes.

Ridgely Schlockverse III, *Mad Dogs and Englishmen: Pierson v. Post [A Ditty Dedicated to Freshman Law Students, Confused on the Merits]*, 17 NOVA L. REV. 857 (1993): Writing under a pen name, Professor Kenneth Lasson provides a legal and lyrical adaptation of Noel Coward's *Mad Dogs and Englishmen*; focuses on the real property case of *Pierson v. Post*, 3 Cai. R. 175 (N.Y. Sup. Ct. 1805); the poem is replete with witty footnotes.

Scott M. Solkoff, *If the Law is a Jealous Mistress, What Ever Happened to Pay Toilets? A Digest of the Legally Profound*, 17 NOVA L. REV. 715 (1993): Discusses off-the-wall legal theories from actual cases; includes attempts at suing the devil, complaints that female prison guards do not wear enough clothing, and claims that a prisoner had been injected with an electric beam causing him to receive voices inside his head; concludes with a commentary on the demise of the pay toilet.

Special Feature, *We Stoop to Comment*, 367 F. Supp. 373 (E.D. Pa. 1973), 12 DUQ. L. REV. 717 (1974): Provides a poetic comment on the decision and the reporting of *Mackensworth v. American Trading Transportation Co.*, 367 F. Supp. 373 (E.D. Pa. 1973), in which the District Judge and the West Keynote writer rhymed their work; someone has a lot of time on their hands; perhaps, they should try their hand at compiling a bibliography of humorous law review articles.

Three Theorems on Judicial Review, 2 CONST. COMMENT. 5 (1985): Satisfies the author's yearning for the precision of formal logic by using provable and disprovable theorems for "the first truly elegant proof that *Marbury* [*v. Madison*, 5 U.S. 137 (1803)] was right"; thus, exorcising the ghost of Justice John Bannister Gibson of the Pennsylvania Supreme Court whose critical but never read opinion, is cited in every Con Law casebook ever written, *Eakin v. Raub*, 12 Sargeant & Rawle 330 (Pa. 1825); at his confirmation hearing before the Senate Judiciary Committee, Antonin Scalia refused to discuss *Marbury v. Madison* in

case the issue of judicial review comes before him in the future; it makes you wonder just what an originalist would do if an originalist had it all to do over again; just what was the original intent of original intent?

V. CONSTITUTIONAL LAW

Aside, *The Common Law Origins of the Infield Fly Rule*, 123 U. PA. L. REV. 1474 (1975): Analogizes the development and application of baseball's infield fly rule with the development and application of the common law through time immemorial; identifies four factors involved in the development; hypothesizes that both share significant elements; a classic parody of the entire genre of the law review note.

Arthur Austin, *The Dark Side of the Second Amendment*, 4 GREEN BAG 2D 229 (2001): Begins with the observation that "true eccentrics alternate between irascible foolishness and profound revelation"; the rest of the Article—and the Second Amendment—is somewhere in-between.

Boris I. Bittker, *The Bicentennial of the Jurisprudence of Original Intent: The Recent Past*, 77 CAL. L. REV. 235 (1989): Gives a "futuristic" look to 1996, the bicentennial of original intent; outlines famous "cases" since the bicentennial, e.g., the *Corporate Due Process* case in which the Fifth Amendment's guarantee of Due Process was limited to the framers' original intent that it did not apply to corporations; explains that since these cases had been decided, litigation regarding precedential decisions brought into question by these new cases has dramatically increased forcing the need to decide what materials can be relied upon to determine the framers' intent and what principles should govern whether the now questionable precedents should stand; ends with the historical stand-off between the Special Master appointed in the case going unpaid until the Supreme Court advises on the reconciliation of the *Legal Tender* cases with the doctrine of original intent, and the Supreme Court declining to render an advisory opinion until the Special Master decides whether the Supreme Court can render advisory opinions.

David P. Bryden, *The Devil's Casebook*, 3 CONST. COMMENT. 313 (1986): Provides an essay on cynicism; lists constitutional law cases and concepts annotated in the manner of cynic Ambrose Bierce's *Devil's Dictionary* (1987); each entry contains one or more irreverent one-liners, e.g., "*United States v. Ballard*—If you talk to God, you are praying; if God talks to you, you have schizophrenia. Thomas Szasz."

Jim Chen, *Rock 'N' Roll Law School*, 12 CONST. COMMENT. 315 (1995): Connects themes found in Supreme Court jurisprudence with messages found in rock 'n' roll lyrics; if you read this Article backwards, it says "Rehnquist is Satan"; no, wait, that is another recent article read forwards.

Jim Chen, *The Constitutional Law Songbook*, 11 CONST. COMMENT. 263 (1994): A collection of songs covering important constitutional issues such as political speech, separation of powers, due process, and strict interpretation; provides whimsical lyrics to be sung to familiar tunes; the only problem is that most con law profs are tone deaf.

John P. Elwood, *What Were They Thinking: The Supreme Court in Revue, October Term 1999*, 4 GREEN BAG 2D 27 (2000): A critical analysis of a term that pundits analyzed and discussed *ad nauseum*; but according to the author at some level it was an "unexceptional term"; humorous analysis of each Justices' performances and opinions, except for Justice Kennedy who "neither wrote nor did anything that could make him the object of fun"; always remember that there are nine Justices but there were only three stooges.

Jesse I. Etelson, *State v. Raskolnikov*, 42 N.Y.U. L. REV. 223 (1967): Imagines a hypothetical opinion of the Supreme Court of the state of South Nikita; applies the *Miranda v. Arizona*, 384 U.S. 436 (1966), analysis to a murder and robbery where the facts of the crime are those told by Dostoyevsky in the famous *Crime and Punishment*; the hypothetical names of the hypothetical justices writing the opinions phonetically recreate the author's last name; rumor has it that the author had to have his name legally changed to make the Article work but it was his tenure piece.

Daniel A. Farber, *An Economic Analysis of Abortion*, 3 CONST. COMMENT. 1 (1986): Carries Richard A. Posner's suggestion of market for babies one step farther (retroactively) by applying Law and Economics to abortion; hypothesizes that a representative could be appointed on behalf of a fetus to bid against its parents in their decision to abort; explains that an economic approach to abortion is the only approach to give full weight to both the interests of both the parents and the fetus.

York Moody Faulkner, Comment, *A Negative Incentive Based Proposal for Campaign Finance Reform: Lessons from Nottingham*, 1992 BYU L. REV. 493: Provides a tongue-in-cheek reminder of the difficulty of obtaining needed political reform; proposes a campaign finance method with the key element being a tax on gross campaign receipts that curbs excessive fund raising and also

creates a fund to assist the poorer candidates; "Hey, Buddy, can you spare a few million?"

Richard H. Field, Comment, *Frankfurter, J., Concurring . . .*, 71 HARV. L. REV. 77 (1957): Details a poetic exercise of Justice Frankfurter's famous Plimsoll line of due process in *Fikes v. Alabama*, 352 U.S. 191, 199 (1957) (Frankfurter, J., concurring); Frankfurter made fun of his colleagues in his diary knowing it would be published posthumously although he did not have much of a sense of humor about himself; perhaps he was right that there was nothing funny about him.

John J. Flynn, *A Comment on "The Common Law Origins of the Infield Fly Rule,"* 4 J. CONTEMP. L. 241 (1978): A response to Aside, *The Common Law Origins of the Infield Fly Rule*, 123 U. PA. L. REV. 1474 (1975); critiques the Aside's approach and develops several alternative interdisciplinary approaches to the subject of the infield-fly rule; both the Aside and this response were written in the off season when the authors did not have anything better to do.

James D. Gordon III, *An Unofficial Guide to the Bill of Rights*, 1992 BYU L. REV. 371: Explains the first ten amendments through everyday application; e.g., Establishment Clause prohibits religious displays by government unless accompanied by Rudolph the Red-Nosed Reindeer; although not as breathless, this version is better than Melanie Griffith's version in the remake of the movie *Born Yesterday*.

Jack Achiezer Guggenheim, *The Evolution of Chutzpah as a Legal Term: The Chutzpah Championship, Chutzpah Award, Chutzpah Doctrine, and Now the Supreme Court*, 87 KY. L.J. 417 (1999): Tracks the use of the Yiddish word "chutzpah" in judicial opinion writing and legal doctrine; comments on the history of Yiddish and Jewish American lawyers in the practice of law; marks Justice Scalia's ground breaking use of "chutzpah" in *National Endowment for the Arts v. Finley*, 524 U.S. 569, 597 (1998) (Scalia, J., concurring), as the first employment of the word in the official reporter of the High Court; this also is the title of one of Alan "the-'M'-does-not-stand-for-'Modest'" Dershowitz's autobiographies.

Erik S. Jaffe, *"She's Got Bette Davis['s] Eyes": Assessing the Nonconsensual Removal of Cadaver Organs Under the Takings and Due Process Clauses*, 90 COLUM. L. REV. 528 (1990): Nothing funny about this Article or its subject, certainly; but the title merits inclusion here; *hear generally* J. DESHANNON & D. WEISS, *BETTE DAVIS EYES* (EMI Records 1981).

Erik M. Jensen, *16th Century 19th Amendment Jurisprudence*, 4 GREEN BAG 2D 465 (2001): Cf. next entry.

Erik M. Jensen, *19th Century 16th Amendment Jurisprudence*, 3 GREEN BAG 2D 241 (2000): Cf. previous entry.

Maurice Kelman, *Is the Constitution Worth Legal Writing Credit?*, 44 J. LEGAL EDUC. 267 (1994): Purportedly discovered in the archives at the College of William & Mary; a memorandum to George Wythe; there is no record that James Madison or Gouverneur Morris were given academic credit for their efforts at framing the Constitution; does not shed any light on why it takes two witnesses to convict for treason.

Andrew J. McClurg, *A Day in the Life of Justice Antonin Scalia*, ATLA DOCKET (ARK. TRIAL LAWYERS ASS'N), Spring 1997, at 7: Presumably an unauthorized account of Justice Scalia careening through his day and other people; reveals a tongue-in-cheek portrait of this most colorful Justice; the Justice himself, of course, would prefer a color-blind portrait.

Michael Stokes Paulsen, *Is Bill Clinton Unconstitutional? The Case for President Strom Thurmond*, 13 CONST. COMMENT. 217 (1996): Applies the premise of a "living constitution" to the minimum age qualification for the presidency; argues that the constitutional provision should be understood to have evolved with advancements in medicine and longer life spans, resulting in a contemporary minimum qualification of approximately fifty-nine years of age; applies that age minimum to the line of succession to conclude that Senator Strom Thurmond was the lawful President at the time of the writing; that makes sense because James Madison liked Thurmond when he was a kid.

Norman Redlich, *A Black-Harlan Dialogue on Due Process and Equal Protection: Overheard in Heaven and Dedicated to Robert B. McKay*, 50 N.Y.U. L. REV. 20 (1975): Details a dialogue between Justices Black and Harlan in heaven; imagines the former extolling the virtues of and defending his strict constructionist/absolutist view of the Constitution, and the latter advocating a due process approach to deciding constitutional issues; illustrates the two Justices' respective views by discussing many of the Court's significant decisions, including some decided after their deaths, e.g., *Roe v. Wade*, 410 U.S. 959 (1973); *Furman v. Georgia*, 409 U.S. 902 (1972).

Norman Redlich, *The Supreme Court—1833 Term—Foreword: The Constitution—"A Rule for the Government of Courts, as Well as of the Legislature,"* 40 N.Y.U. L. REV. 1 (1965): Parodies the *Harvard Law Review's*

annual "Foreword" by critiquing the important decisions of the Marshall Court and its excesses in enhancing its own importance and expanding federal powers; mocks academic hubris by concluding that the Marshall court and its Chief Justice would pass into "the judicial obscurity which they so richly deserve"; can a foreword be too forward?

Aviam Soifer, *Confronting Deep Strictures: Robinson, Rickey, and Racism*, 6 CARDOZO L. REV. 865 (1985): Offers a deconstructionist view of the integration of Major League Baseball by the first African-American player, an event which may not have been as beneficial for his race as conventional wisdom would suggest; relies on baseball imagery to present baseball as a metaphor for life; for some fans life is a metaphor for baseball.

VI. CONTRACTS

Douglass G. Boshkoff, *Selected Poems on the Law of Contracts*, 66 N.Y.U. L. REV. 1533 (1991): Provides twenty-nine limericks based on contract cases, the original manuscript of which was allegedly found in and is currently on file with the mythical Raintree County Memorial Library; these are the kind of limericks one expects to find in a law review, as opposed to a public restroom.

Jean Braucher, *The Afterlife of Contract*, 90 NW. U. L. REV. 49 (1995): Continues Grant Gilmore's *The Death of Contract* (1995); apparently there is life of contract after the death of contract; has nothing to do with the living Constitution.

James D. Gordon III, *Consideration and the Commercial-Gift Dichotomy*, 44 VAND. L. REV. 283 (1991): Critiques and predicts the eventual death of the doctrine of consideration in a sequel to his Article *A Dialogue About the Doctrine of Consideration*; continues the discussion of the doctrine of consideration; client proposes replacing the doctrine in the context of commercial promises with a theory of promises related to exchange of values; affords a great deal of consideration to consideration.

James D. Gordon III, *A Dialogue About the Doctrine of Consideration*, 75 CORNELL L. REV. 987 (1990): Imagines a dialogue between a hypothetical lawyer and a client president of a coal company who wants the lawyer to draft an amendment to a contract for the sale of coal; ends with the client suggesting the doctrine of consideration has little utility in the business world; the real issue is whether a lump of coal is equal to a peppercorn.

Marianne M. Jennings, *Does Secured Transaction Mean I Have a Lien? Thoughts on Chattel Mortgages (What?) and Other Complexities of Article IX*, 17 NOVA L. REV. 689 (1993): Cleverly takes the reader step-by-step through the process of creating a lien under UCC Article IX; offers commentary on the intricacies, complexities, and inanities of Article IX; provides a list of rules for surviving Article IX, including: Rely on counter help, never read Article IX, and never try to figure out where to file—just file everywhere and often.

Marianne M. Jennings, *I Want to Know What Bearer Paper Is and I Want to Meet a Holder in Due Course: Reflections on Instructions in UCC Articles Three and Four*, 1992 BYU L. REV. 385: Proposes Articles 3 and 4 of the UCC can be interesting material for law students; gives examples for law professors to give to their students; provides suggested ways for students to exercise their new knowledge and irritate/confuse/stump bank tellers; do not try this at an airport or else you will never clear security.

VII. LAW PRACTICE

Louis Auchincloss, *The Senior Partner's Ghosts*, 50 VA. L. REV. 195 (1964): Tells a fictional tale about the firm of de Grasse & Prime; Prime attempts to write a biography exposing the evil ways of his former partner and mentor de Grasse, Prime discovers that now it is he that has become the man that he so despises; happier endings apparently require more billable hours.

Thomas E. Baker, *2020 Year-End Report on the Judiciary by the Chief Justice of the United States*, 24 PEPP. L. REV. 859 (1997): Imagines the future of the U.S. Courts of Appeals in a future when caseload has undone all familiar procedures; includes the Coin Toss Calendar of the Court of Appeals for Las Vegas and the Scratch-an-Appeal cards from the Court of Appeals for Atlantic City; the author needs to get a life; *three strikes and he is out*.

Boris I. Bittker, *Tax Shelters for the Poor?*, 51 TAXES 68 (1973): A series of interoffice memoranda and I.R.S. filings and rulings by the fictitious Wall Street law firm trying to do *pro bono* tax planning for the poor, including taking an exemption for losses to coin-operated machines; making fun of lawyers, not the poor, although both will always be with us; indeed, if there are so many poor because God so loves them, then what could possibly explain why there are so many lawyers?

Neal Boortz, *Open Season on Lawyers*, 17 NOVA L. REV. 985 (1993): The complete text of a bill before the Georgia legislature to amend the general statutes to regulate the hunting of lawyers; this type of state legislation would be

preempted by a proposed federal statute that would adjust the reciprocal trade quotas between Japan and the United States to offset imported Japanese automobiles with exported American lawyers.

Jess M. Brallier, *Life, Lawyers, and Book Royalties*, 17 NOVA L. REV. 767 (1993): Provides a short essay by the author of *Lawyers and Other Reptiles* (1992); recounts the author's observations about lawyers throughout life including the moment when the realization struck that life with lawyers is far worse than life without; records a high level of bemusement at having received hundreds of letters submitting lawyer jokes for a second edition of the book from self-effacing attorneys; the author did not hear back from any lawyers who effaced others.

Joe Butler et al., *Dedication to the South Dakota Lawyer: A Collection of Essays*, 40 S.D. L. REV. 238 (1995): Addresses legal topics including legal civility, office workloads, mentoring, competency reviews, and the nature and history of the practice of law in South Dakota; does not address the effect on South Dakota if North Dakota does change its name.

Paul L. Caron, *Tax Myopia or Mamas Don't Let Your Babies Grow Up to Be Tax Lawyers*, 13 VA. TAX REV. 517 (1994): Comments on the disparagement and misperception of tax attorneys in both popular and legal culture; observes the segregation of tax law as a detriment to the field; notes that initial exposure to the Internal Revenue Code causes students either to become completely enamored with tax or to avoid all tax issues for the rest of their careers; the former are the rarer, if not the more interesting cases.

David Cohn, Comment, *Snakes, Bananas and Buried Treasure: The Case for Practical Jokes*, 17 NOVA L. REV. 883 (1993): Tracks the jurisprudence of litigation over practical jokes that someone found less than funny; argues for a "theory of practical joke jurisprudence" in which the dispositive question is whether a "discerning viewer would find the joke funny?"; a truly discerning person understands that practical jokes separate the joker from the jokee.

Jay Dushoff, *Opening Statements and Final Arguments*, C975 ALI-ABA 363 (1995): Provides a humorous checklist designed to aid litigators with their opening and closing statements; more enjoyable than staying at a Holiday Inn Express to gain the same level of confidence and expertise.

Major Thomas Keith Emswiler, *Defying Precedent: The Army Writing Style*, 143 MIL. L. REV. 224 (1994): Examines the state of poor legal writing; discusses

how principles from the *Army Writing Style* can make for better writing in any context; "Ten-hut! Give me ten tight paragraphs."

Arthur Garwin, *When on Mars*, 17 NOVA L. REV. 941 (1993): Describes a fantastic version of the Martian rules of professional conduct for lawyers; includes standards like "a lawyer shall give a client at least as much timely information as the lawyer would hope to receive from a used car salesperson," and for expediting litigation "a lawyer shall treat every case as if the lawyer represents the plaintiff"; someone should write a book about how plaintiff lawyers are from Venus and defense lawyers are from Mars.

Marianne M. Jennings, *Buying Property from the Adams Family*, 22 REAL EST. L.J. 43 (1993): Humorously details issues of real property history; considers property histories involving deaths, criminal behavior, and communicable diseases; closes with "Jennings's Psychological Questions for Buyers Concerned About Prior Property Use and History" which includes such items as "[w]hy do neighborhood children with garlic around their necks race by this house screaming?" and "[w]hy have seventeen families lived in this house in the past eighteen months?"; why, indeed.

Erik M. Jensen, *A Monologue on the Taxation of Business Gifts*, 1992 BYU L. REV. 397: Provides a comic monologue discussing tax lawyers and business gifts; argues business gifts should not continue to have effect for federal income tax purposes; this will never appear on the Comedy Channel.

Arnold B. Kanter, *Ugly as SIN*, 17 NOVA L. REV. 763 (1992): Provides an excerpt from a special subcommittee of a law firm executive committee convened to address the lack of women employed with the firm; the all-male committee designates itself SIN, the Subcommittee on Institutional Non-discrimination; recounts the chauvinism of the members by recounting suggestions like women will have to leave trials to give birth, and this problem could be avoided by hiring only less attractive women; it is very self-revealing to have left out any and all discussion of the professional possibilities for less attractive men.

Alex Kozinski, *Trademarks Unplugged*, 68 N.Y.U. L. REV. 960 (1993): Criticizes trademark law by comparing our current system to "unplugged" music; almost disqualified from this bibliography for actually being about law.

Alex Kozinski, *The Wrong Stuff*, 1992 BYU L. REV. 325: Offers some finer points on how to lose an appeal; examples include: Cheating on the page limit of the brief with creative font and margin sizes, burying winning arguments,

attacking the district judge, failing to attach or quote relevant statutory language, stonewalling the judges during oral arguments and interrupting their questions; when he turned down a seat on the Supreme Court, John G. Johnson, one of the great appellate lawyers of the 19th century, said, "I would rather talk to the damned fools than have to listen to them." Michael J. Hirrel, Book Review, 46 FED. COMM. L.J. 289 (1994).

Kenneth Lasson, *To Kill a Mockingbird: Stare Decisis and M'Naghten in Maryland*, 26 MD. L. REV. 143 (1966): Discusses how the *M'Naghten* test for insanity is an entrenched "pillar of jurisprudence" despite new formulations and modifications; the rule is likely to persist and survive; acknowledges the dilemma a Maryland judge may encounter in trying to decide whether to continue to uphold the use of the test through a clever poem modeled after Poe's "The Raven"; portrays the raven as a mockingbird imploring an appellate Justice to continue the use of the *M'Naghten* test; Boo Radley was not from Maryland, besides he was not the crazy one.

Paul A. LeBel, *The Bases Are Loaded and It's Time to Get a Restraining Order: The Confounding Conflation of America's Two National Pastimes*, 17 NOVA L. REV. 813 (1993): Examines the similarities between litigation and baseball all the way down to the sharing of pinstripes; imagines a news report from a not-too-distant future when litigiousness might run amok in baseball; but the sports pages today read like advance sheets already.

Peter Lushing, *The Exclusionary Rule: A Disputation*, 7 CARDOZO L. REV. 713 (1986): Details a hypothetical scene at a tavern during "decompression" hour after court in which an earnest young prosecutor and a die-hard defense attorney engage in a dialogue regarding the exclusionary rule; concludes with the prosecutor advocating the abolition of the rule and the defense attorney telling the prosecutor his problem is with the Fourth Amendment itself, not the exclusionary rule; both have been blacklisted from happy hour.

Maurice H. Merrill, *The Prophet's Mistake*, 11 OKLA. L. REV. 166 (1958): Provides a poem in which a judge locks up a man falsely claiming to be a prophet sent by God to influence the judge's decision in a criminal case; reasons that if the man had actually been sent by God, he would have known the correct trial procedures; reproduces the story originally told by Lord Campbell in *Lives of the Chief Justices of England* (1876); Pontius Pilate would say, "Been there. Done that."

Elmer M. Million, *Wills: Witty, Witless, and Wicked*, 7 WAYNE L. REV. 335 (1960): Reviews humorous wills including poetic wills, phonographic wills, and unusual bequests; another installment testators were dying to write.

Elmer M. Million, *Humor in or of Wills*, 11 VAND. L. REV. 737 (1958): Discusses humorous clauses in wills throughout history; none of the testators died laughing.

Myron Moskovitz, *The O.J. Inquisition: A United States Encounter with Continental Criminal Justice*, 28 VAND. J. TRANSNAT'L L. 1121 (1995): A play script comparing the United States and the civil-law European criminal justice system using the O.J. Simpson fact scenario; potential sponsors include Isotoner Gloves and Ginsu Knives.

Don Musser, *An Exposition on the Preparation and Use of Expert Testimony—A Satire*, 42 NEB. L. REV. 396 (1962): Provides a transcript of Judge Musser's comments to the Nebraska State Bar Association; questions the objectiveness of expert testimony; uses examples of experts in the fields of medicine, real estate, and S.O.B.'s; most judges can take judicial notice of S.O.B.'s, however.

Thomas W. Overton, *Lawyers, Light Bulbs, and Dead Snakes: The Lawyer Joke as Societal Text*, 42 UCLA L. REV. 1069 (1995): Analyzes the state of the legal profession in the United States; looks behind lawyer jokes to consider the problems that contribute to cynicism about the legal system; it can be said about lawyers that they are persons of average morality who deal with above-average temptations; philosophically speaking, however, there is so much cynicism in the world one has to wonder whether it will be enough.

Antonin Scalia, *Judicial Conference—Federal Circuit*, 128 F.R.D. 409, 452 (1989): Provides pointers on how to write an effective Supreme Court brief; includes a good many Ninograms; wait for his book *How to Write an Effective Dissent and Still Be Friends* (very forthcoming).

Antonin Scalia, *Judicial Proceeding—D.C. Circuit*, 124 F.R.D. 241, 283-88 (1989): Outlines the most and least admirable characteristics of appellate counsel to the D.C. Circuit; still waiting for the sequel about appellate judges.

Charles M. Sevilla, *Great Fractured Moments in Courtroom History*, 17 NOVA L. REV. 669 (1992): Provides twenty-four samples from the author's larger compilation of humorous, ridiculous, and absurd quotes from the courtroom, *Disorder in the Court* (1987); the fact that you can fool some of the people all of

the time and all of the people some of the time is the foundational principle of the jury system.

Kathie J. Sullivan, *The Librarian as Archaeologist*, 89 LAW LIBR. J. 222 (1997): Recounts a day in the life of a law firm librarian; details the adventures of cleaning out files from years past; do not wait for the movie.

Frank G. Swain, *The Therapy of Humor in the Practice of Law*, 50 LAW LIBR. J. 200 (1957): Collects poems that are intended to remind both judges and lawyers that humor is important in the practice of law; lawyers in fact invented "happy hour" so that they could get it over with and get back to billing hours.

Erasmus Van Pasento (Robert S. Ryan), *The Dajongi Experience: A Comparative Study in Federal Jurisdiction*, 18 STAN. L. REV. 451 (1966): Traces the development of unsophisticated and pragmatic jurisdictional rules in the fictitious Dajong Republic; describes how the introduction of Western legal thought threatens a "cure" to the aberrant approach of this misguided nation; Grasshopper and Cricket go to law school.

Ralph Warner & Toni Ihara, *Becoming a Partner*, 17 NOVA L. REV. 951 (1993): Offers humorous tips on becoming a partner in a law firm; includes such tips as "plan to be born white, male and Protestant," "learn to order lunch in Italian," and finally, "save your money"; written after the authors went out on their own but, of course, it was a mutual decision between them and the firm.

D. Robert White, *Recruiting Letters*, 17 NOVA L. REV. 709 (1992): Offers help with interpreting what law firms really mean by recruitment letters they send; provides pairs of sample letters with each pair containing one letter reflecting what the firm actually wrote and the other explaining what was really meant; reading between the lines allows one to save face.

Charles Yablon, *Suing the Devil: A Guide for Practitioners*, 86 VA. L. REV. 103 (2000): Posits that litigation against Satan is "an idea whose time has come"; provides a legal history of Satan from the trial of Job to *The Devil and Daniel Webster* (Townsend Ludington ed., 1937); analyzes the Devil's weaknesses including his vulnerability in equity as the source of all evil; suggests fraud as a plausible cause of action against the Devil as he is the deceiver who "makes us all believe that we can be happy"; next, "the Devil made me do it" will be an allowable criminal defense.

VIII. LEGAL EDUCATION

Roger I. Abrams, *Law and the Chicken: An Eggs-Agerated Curriculum Proposal*, 17 NOVA L. REV. 771 (1993): Proposes building the first-year law curriculum in each subject around famous "chicken" cases, e.g., *Frigaliment Importing Co. v. B.N.S. International Sales Corp.*, 190 F. Supp. 116 (S.D.N.Y. 1960), in which Judge Friendly asks that seminal—or is it ovular—question, "what is chicken?"

Aside, *Challenging Law Review Dominance*, 149 U. PA. L. REV. 1601 (2001): Examines the societal shift from paper to server to argue that websites that seek to replace law reviews by publishing scholarly articles on the Internet "tend to suck"; Beavis and Butthead are elected to the Board of Editors of the law review.

Arthur Austin, *Law Professor Salaries*, 2 GREEN BAG 2D 243 (1999): Expresses a profound concern about the threat to higher salaries being posed by the deobjectification of legal scholarship by tenured radicals; law professors should dance with the scholarship that brought them to the academic dance in the first place; pass the doctrine and pour me another martini.

Arthur Austin, *The Alchemy of Promotion and Tenure*, 75 DENV. U. L. REV. 1 (1997): This story illustrates in all its infamy the law school gamesmanship practiced by faculty members over promotion and tenure; read it to find out how it turns out.

Arthur Austin, *Scoff Law School Debates Whether a Male Can Teach a Course in Feminist Jurisprudence*, 18 J. LEGAL PROF. 203 (1993): Explores the Byzantine politics of law school faculties through a fictional account; prudently does not address the critical question of whether a law professor—of either sex/gender—has to be a jurisprude to teach jurisprudence.

Daniel H. Benson, *The You Bet Metaphorical Reconstructionist School*, 37 J. LEGAL EDUC. 210 (1987): Boldly, at the time, deconstructs and mocks critical legal studies; what is a little jargonized, illegitimate, hierarchical hegemony among friends?

Paul Bergman, *2010: A Clinical Odyssey*, 1992 BYU L. REV. 349: Describes a hypothetical faculty meeting; details a dialogue (set to the tune of various songs) of debate over clinical teaching versus case method between those arch-protagonists Roberto Unger and Carl Rogers; Roger Miller would never go near a law school.

C. Steven Bradford, *Random Questions About Law School and the Law: The World's First Socratic Law Review Article*, 78 NEB. L. REV. 587 (1999): Once reserved for the classroom, the Socratic method reaches out from the pages of a law review; includes topical questions with the answers provided in footnotes; "Why isn't the corporation a parent corporation owns called a child corporation?" Answer: "Is it because we consider children subsidiary?"; this is reminiscent of the stand-up comedy style of Stephen Wright ("What is another word for *Thesaurus*?").

C. Steven Bradford, *Ten Reasons to Attend Law School*, 1993 BYU L. REV. 921: The tenth reason to attend law school is to support law professors "who, because of their various personality disorders and sartorial problems, are otherwise unemployable"; indeed, in cities with more than one law school, polyesters are endangered species.

C. Steven Bradford, *The Gettysburg Address as Written by Law Students Taking an Exam*, 86 NW. U. L. REV. 1094 (1992): Illustrates various exam-writing inadequacies of law students through hypothetical "answers" to a hypothetical exam question asking students to write the opening line of *The Gettysburg Address*; concludes that even more people could be insulted in text and footnote if the author had taken more time, but also admits that law professors deserve little credit for writing exam questions that elicit such answers; this Article was written when the author should have been grading blue books.

Art Buchwald, *Commencement Day Address*, 27 CATH. U. L. REV. 1 (1977): Reprints the commencement speech of this noted humorist who concludes that he could have said something profound, but his audience would have forgotten it in ten minutes; therefore, he decided to give a speech that made them laugh before it was time to go home.

Anthony D'Amato, *Minutes of the Faculty Meeting*, 1992 BYU L. REV. 359: Creates the hypothetical (or perhaps typical) minutes of a law school faculty meeting in which absolutely nothing is accomplished; the Marx Brothers get tenure.

Wylie H. Davis, *That Balky Law Curriculum*, 21 J. LEGAL EDUC. 300 (1969): Considers the law school politics and difficulty of curriculum reform; proposes an entire curriculum of Mule Law, Mule Law I through Mule Law XXIX, with every course covering only cases which deal with mules, i.e., tort cases about mules, criminal law cases about mules, contract cases about mules, et cetera; if this Article were written today, it would suggest a web-based course on mules; as

an aside, any veteran of academic wars will tell you that reforming the law school curriculum is as easy—and as satisfying—as moving a graveyard.

Daniel A. Farber, *The Jurisprudential Cab Ride: A Socratic Dialogue*, 1992 BYU L. REV. 363: Describes a dialogue between a tired law professor and a cab driver who looks and sounds suspiciously like Socrates; begins when the cabbie asks the professor if he should obey the law just because he might get caught breaking it; ends with the professor admitting his theory of legal obligation is defective but that he is willing to walk the rest of the way home, through the snow, rather than suffer another question on the meter; surprisingly, the author is a law professor without any experience driving a taxi.

James D. Gordon III, *Humor in Legal Education and Scholarship*, 1992 BYU L. REV. 313: Extols the virtues of humor to legal teaching and scholarship while acknowledging its risks; gives examples, and provides helpful and informative footnotes, e.g., “[c]ondescending’ means talking down to people.” *Id.* at 314 n.10.

James D. Gordon III, *How Not to Succeed in Law School*, 100 YALE L. J. 1679 (1991): Offers an insider’s insights on the law school experience; takes a somewhat jaundiced view of such topics as admissions, the first year, faculty, curriculum, exams, interviewing, and graduation; this Article actually is in the real *Yale Law Journal*.

Michael A. Heller, *The Cutting Edge of Poster Law*, 49 J. LEGAL EDUC. 467 (1999): Anyone who walks around a law school will recognize the art form of the law school poster; explores the law of posters and posters about the law; it is only a matter of time before someone founds the Britney Spears Law Student Association just for the poster.

Robert M. Jarvis, *If Law Professors Had to Turn in Time Sheets*, 86 CAL. L. REV. 613 (1998): A glimpse into the academic life gained from this fictitious daily log of a law professor’s professional activities on the East Overshoe State Law School faculty; thirteen hours worth of incites (pun intended).

Erik M. Jensen, *Critical Theory and the Loneliness of the Tax Prof*, 76 N.C. L. REV. 1753 (1998): “Tax professors are the air-fresheners of the American law school”; “If a tax prof tries to talk about serious tax research with a bunch of law school generalists, the room clears out instantly”; this Article is critical of critical theory, in theory and in fact.

Erik M. Jensen, *Tough on Scholarship*, 39 WAYNE L. REV. 1285 (1993): Offers an account of hiring strategies and promotion and tenure standards at Sloth School of Law; given the fact that it was the first law school with a gardening clinic, "[t]here is mulch to be proud of at Sloth."

Ron Lansing, *Faculty Meetings: "A Quorum Plus Cramshaw,"* 17 NOVA L. REV. 817 (1992): Recounts the minutes from a faculty meeting as recorded by Head Faculty Secretary Cramshaw; this no-nonsense, old-fashioned secretary records the meeting with great care and parliamentary detail; the *minutia* of the minutes provide their own commentary on the typical dysfunctionality of faculty meetings; it is a little-known fact that the bromide "the whole does not equal the sum of its parts" was first said about a law school faculty meeting; it is a well-known fact that it applies to every faculty and all faculty meetings.

Paul A. LeBel, *The Law School Expansion Draft*, 43 J. LEGAL EDUC. 606 (1993): Imagines five hypothetical news articles reporting: First, President Clinton's intent to fulfill a campaign pledge of a law school in every state; second, Alaska's failed bid to buy and move a law school to the state; third, announcement of the Association of American Law Schools' plan for an expansion draft modeled after Major League Baseball's to staff newly established law schools; fourth, a riot at a law school precipitated by publication of the list of faculty to be protected in the upcoming draft; and fifth, law school dean and faculty's punditry about the fact that "mistakes were made"; see *supra* note ** (noting author's affiliation).

Paul A. LeBel, *Legal Education and the Theatre of the Absurd: "Can't Anybody Play This Here Game?,"* 1992 BYU L. REV. 413: Reveals the author's thoughts on legal education through a Socratic dialogue where indoctrination into the military is similar to beginning law school; illustrates the inertia of legal education through the fable "The Emperor with No Clothes"; the author later served as a dean for a short time and presumably got it out of his system.

Paul A. LeBel, *Law Professor Trading Cards—"Has Anyone Got a Monaghan for a Tribe?,"* 38 J. LEGAL EDUC. 365 (1988): "[G]ot 'em . . . got 'em . . . got 'em . . . need 'em . . . got 'em"; but one really has to wonder out loud whether anyone would be willing to trade a LeBel for a Baker in the first place?

James B. Levy, *Escape to Alcatraz: What Self-Guided Museum Tours Can Show Us About Teaching Legal Research*, 44 N.Y.L. SCH. L. REV. 387 (2001): Discusses the challenges of teaching legal research; suggests using an "Alcatraz" approach to teaching legal research which emulates prerecorded self-guided museum tours; argues that the "Alcatraz" method will excite and create interest

in law students much like the Alcatraz prison tour does with non-felons; there is nothing funny about solitary confinement or *The Bluebook*.

Andrew J. McClurg, *Dear Employer . . .*, 47 J. LEGAL EDUC. 267 (1997): A letter of reference that sets up the student being referenced; the introduction to a letter a law professor would write for a student like Forest Gump or Ted Bundy; the reader must fill-in the body of the letter.

Andrew J. McClurg, *Poetry in Commotion: Katko v. Briney and the Bards of First-Year Torts*, 74 OR. L. REV. 823 (1995): Uses the infamous *Katko v. Briney*, 197 N.W.2d 351 (Iowa 1972), spring gun case from Iowa to examine the stifling effect legal education and the Socratic method has on creativity; shares examples of his students' poems about the case; the author assigns his students to write poems about tort cases; what rhymes with course evaluations?

Sandra Craig McKenzie, *Law School: Preparation for Parenthood*, 37 J. LEGAL EDUC. 367 (1987): Provides a short dialogue between the author and her preschool children; demonstrates how parents can use legal analysis in relating to their children; one cannot imagine why *Parents Magazine* turned down the Article.

Robert W. Millar, *The Shade of Sir Edward Coke Reports the Baseball Game Played Between the Law School Faculty of Northwestern University and the Law Review Editorial Board on Tuesday, the 9th Day of May, 1939*, 54 NW. U. L. REV. 153 (1959): Reprints a description of the 1939 faculty-law review baseball game at Northwestern as it might have been codified by Sir Edward Coke; by the way, he mispronounced his own name "Cook."

James E. Moliterno, *On the Future of Integration Between Skills and Ethics Teaching: Clinical Legal Education in the Year 2010*, 46 J. LEGAL EDUC. 67 (1996): Takes a prophetic look at clinical legal education in 2010; observes the virtual demise of in-house clinics and their replacement by externships and simulation along with the almost complete shift of professional responsibility teaching into skills courses; the author's primary prognostication error was not to choose a date far enough in the future so that he will not be alive then.

Howard L. Oleck, *The Pompous Professions*, 18 CLEV.-MARSHALL L. REV. 276 (1969): Discusses pomposity in the learned professions; focuses on the pompousness of law faculty and deans such as the professor who has actually published a book rather than a "mere" law review article; concludes that a professor who is pompous and arrogant cannot be all bad if the students study

hard; does not reach the question of whether it is pompous *per se* to write an article about pomposity.

William L. Prosser, *Needleman on Mortgages*, 9 J. LEGAL EDUC. 489 (1957): Tells the tale of a library prank when some work-study students made up a fictitious book about a law school course that was giving students fits; they started some word-of-mouth that the book was the answer to a student's prayers and then faked the record that the only copy was checked out and not returned; all hell breaks loose around the law school; anyone who has spent any time at a law school will have a hard time believing that this was not based on a true story; if it is not true, it should be.

Gail Levin Richmond & Carol A. Roehrenbeck, *From Tedious to Trendy: A Tax Teacher's Triumph*, 17 NOVA L. REV. 739 (1993): A script of a play that tells the story of two third year law students planning to graduate and improve the quality of education at their law school by making the faculty and instruction less boring; portrays the students creating a new syllabus for Income Tax entitled "Tax Styles of the Rich and Famous"; the denouement is that the boring professor receives tenure based on outstanding teacher evaluations as a result of the changes recommended by the third year students; never happen—on many levels.

Michael L. Richmond & Robert M. Jarvis, *An Exemplar for Peer Evaluation*, 14 J. LEGAL PROF. 21 (1989): Reproduces a report to the faculty recommending a colleague still be awarded tenure, although the candidate died in the interim, a fact the report concludes might affect his future scholarship but not his teaching; gives new meaning to the problem of academic deadwood.

Marc Rohr, *Socrates' Class: A One-Act Play*, 17 NOVA L. REV. 839 (1993): A one-act play in which a student on his way to law school is transported via tornado to ancient Greece where he finds himself in Socrates' "Greek Jur." class and strikes up a conversation with classmates Plato, Aquarius, and Zorba; after much questioning by Socrates about how to solve the riddle of the mysterious law student, the scene concludes with the law student choosing to remain in Athens to assume the role of a god; in real life he would want to become an Article III judge.

Harold See, *Criteria for the Evaluation of Law School Examination Papers*, 38 J. LEGAL EDUC. 361 (1988): Outlines fair grading criteria from the student's point of view; suggests that legal analysis should receive a half point and writing "I enjoyed the class" at the end of the blue book examination should increase the

final grade a full letter grade; the flaw in this Article may well be that it reasons from a false premise that grading has any criteria, real or imagined.

Marshall S. Shapo, *Propositions of Opposition: A Guide for Faculty Members Engaged in the Assessment of Prospective and Present Colleagues*, 37 J. LEGAL EDUC. 364 (1987): Reduces the commitment of time and energy in such matters to an absolute minimum; provides a checklist of humanity, at least the subcategory of humanity, that populates law school faculties; provides pairs of moves and countermoves for all candidates and all circumstances; a labor-saving device for the overwrought law professor; most law professors, however, are underwrought.

Kevin H. Smith, *How to Become a Law Professor Without Really Trying: A Critical, Heuristic, Deconstructionist, and Hermeneutical Exploration of Avoiding the Drudgery Associated with Actually Working as an Attorney*, 47 U. KAN. L. REV. 139 (1998): Provides a vantage on the decision-making and dedication that goes into an academic career; provides the reader with a self-testing quiz on "should you become a law professor?"; discusses the qualifications for gaining employment; details the application and interview process; explains that achieving tenure, inter alia, "requires that you prove yourself adept enough at the Byzantine politics of academia to still have a sufficient number of faculty members willing to vote for you after five to seven years"; regrettably, the Article was undone by the asterisk footnote disclaimers that colleagues not hold this Article against the author and that being a law professor "is the greatest job in the world."

Grant M. Sumsion, Comment, *Reflections of a 3L—A Thought Piece*, 1992 BYU L. REV. 549: Attempts to dispel the "miserable myth" that law school is a miserable experience by explaining year-by-year the events and situations encountered in law school; argues we should understand law school for what it is, something beyond our control that is "annoying, frustrating, and at times downright heartbreaking"; the glass is half-empty and half-full; it does not take an Einstein to understand that if $E=MC^2$; then just as surely $C=JD$.

Oren S. Tasini, *Concise Guide to Surviving the First Year of Law School*, 17 NOVA L. REV. 849 (1993): Provides a week-by-week guide to new law students for making it through the first semester; includes tips like pick the right people for your study group or your life may become a living hell, avoid dating a fellow first-year law student so as to avoid having pillow talk about federal diversity jurisdiction, and realize that the light at the end of the tunnel is a freight train called finals.

Gerald F. Uelman, *Id.*, 1992 BYU L. REV. 335: Analyzes the decline in technique of the art of invective by lawyers; proposes to increase civility in name-calling by lawyers through a course taught in law school which would increase the students' vocabulary; includes sample final exam in this great tradition of the American bar, i.e., the legal profession, not saloons and taverns.

Eugene Volokh, *Hum a Few Bar Exam*, 2 GREEN BAG 2D 125 (1998): Sets out a new, more melodious version of the bar exam; a sample question in environmental law would be: "Big wheel keeps on turning; Proud Mary keeps on burning (or "boining"). What is the maximum level of particulate emissions Proud Mary may put out?"; postmodernism meets the bar examiners; the bar examiners meet postmodernism.

D. Robert White, *Getting into the Right Law School ("My Roommate the Moonie Scored in the 98th Percentile on the LSAT and Got into Harvard. Why Didn't I?")*, 17 NOVA L. REV. 979 (1993): Provides commentary on the vaunted LSAT; offers strategies for success such as be familiar with the style of questions and bring a good supply of anti-diuretics; poses mock exam questions to mock the exam questions.

Uncle Zeb, *The Best of Zeb 1995-1998*, Craig Broschow ed., THE GREEN BAG (1999), available at <http://www.greenbag.org/Zeb.pdf>: Compiles witty advice column responses to letters from law students on topics such as "romance," "current events," "jobs," "fighting the law school blues," and "the inexplicable and random"; responds to a question on how to know if one hates law school enough to drop out by opining: "You have been fooled into accepting the premise that unless you can prove otherwise you should stay in law school. The premise is the other way around. Why would any rational person stay here?"

Timothy R. Zinnecker, *"Dear Diary" Moments in the Semester of a UCC Law Professor*, 50 MERCER L. REV. 603 (1999): Diary entries divulge a semester's worth of high points, for example, writing the perfect final exam; as well as the low points, for example, the faculty approving a measure to exclude UCC-related articles from the definition of "scholarship" for the purposes of promotion, tenure, and retention; the last entry that describes comments on course evaluations are probably made up; probably.

IX. LEGAL HUMOR

Edward J. Bander, *A Survey of Legal Humor Books*, 19 SUFFOLK U. L. REV. 1065 (1985): Encourages law and literature professors to include humor in their

courses; provides examples of legal humor through a survey of humorous legal pieces; the Godfather of law review humor.

Edward J. Bander, *Legal Humor Dissected*, 75 LAW LIBR. J. 289 (1982): Analyzes the types of legal humor; sources of legal humor; bibliography of works the author considers humorous; deserves part of the credit—or part of the blame—for inspiring this annotated bibliography.

Robert F. Blomquist, *Playing on Words: Judge Richard A. Posner's Appellate Opinions, 1981-82—Ruminations on Sexy Judicial Opinion Style During an Extraordinary Rookie Season*, 68 U. CIN. L. REV. 651 (2000): Examines appellate judicial opinion writing styles; examines the method by which Judge Posner adds humor in his opinions; highlights several of the Judge's more humorous *bon mots*; cannot tell if the author was one of his law clerks or just has a lot of appeals in the Seventh Circuit; Judge Posner has written more books than some of us have read, but he is not exactly Jerry Seinfeld, or even Woody Allen.

Richard Delgado & Jean Stefancic, *Scorn*, 35 WM. & MARY L. REV. 1061 (1994): Analyzes the use of scornful humor by the Supreme Court both in opinions and oral arguments; argues that this type of humor is inappropriate for the Supreme Court and brings it to the verge of becoming an illegitimate institution; one could say the authors scorn scorn but they are seriously serious.

Patricia Ewick & Susan S. Sibley, *No Laughing Matter: Humor and Contradictions in Stories of Law*, 50 DEPAUL L. REV. 559 (2000): Discusses and speculates on the meaning of humor and law by examining the stories people tell about law; shares highlights from interviews with over four hundred people; concludes that while people find the law funny, people rarely find humor in their first-hand experiences with the law; but legal humor is a laughing matter for a bibliographer of legal humor.

David A. Golden, Comment, *Humor, the Law, and Judge Kozinski's Greatest Hits*, 1992 BYU L. REV. 507: Offers excerpts from some of Judge Alex Kozinski's opinions as an illustration that legal opinions can be witty and humorous while still articulating complex points of law; responds to critics who are labeled the "humor-impaired."

James D. Gordon III, *A Bibliography of Humor and the Law*, 1992 BYU L. REV. 427: A complete bibliography of articles that are humorous and articles about legal humor; another worthy benefactor of this annotated bibliography.

Kenny Hegland, *Humor as the Enemy of Death, or Is It "Humor as the Enemy of Depth"?*, 1992 BYU L. REV. 375: Responds to a request to write a humorous piece dealing with law and humor; proposes that serious/humorous dualism is a false dichotomy because each can communicate important matters, though they communicate differently; makes a passionate plea for more humor in legal writing that generally has gone unanswered; certainly it is beyond peradventure that law reviews are a laughing matter.

Adalberto Jordan, *Imagery, Humor, and the Judicial Opinion*, 41 U. MIAMI L. REV. 693 (1987): Favors the discreet use of imagery and humor in judicial opinions as a means of demystifying the law and making opinions more readable; defends creative judicial writing at least in theory; collects what the author regards as the best examples of judicial writing, focusing on the opinions of two contemporaries of humor on the United States Court of Appeals for the Fifth Circuit, Judge Irving Goldberg and Chief Judge John Brown; have quip and quill, will rue and rule.

J. Richard Neville, Comment, *Humorous Anecdotes of the Georgia Judiciary, 1884-1920*, 41 MERCER L. REV. 655 (1990): Examines the Georgia Bar's practice of exchanging humorous stories at their bar meetings during the period 1884-1920; provides several examples of the many stories recorded at that time; focuses on the Georgia judiciary; relates a particularly interesting tale of a Georgia judge who stops court proceedings in order to flee from revenue officers; insists that humor is indispensable to the profession of law; good old . . . humor.

Elton B. Richey, Jr., Comment, *The Court Jesters*, 41 MERCER L. REV. 663 (1990): Comments on how humor about the legal system and lawyer jokes help both the general public and those within the legal profession cope with too little or too much "justice" in "the system"; recognizes that most people's negative attitude about lawyers stems from the fact that "the law" prevents them from getting what they want; concludes that humor is necessary for both lawyers and nonlawyers—or laypersons—to deal with the ambiguous and complex nature of the legal system; maybe the profession should step back and realize that lawyer jokes are just jokes, not hate speech; if you cannot take a joke, if you have no sense of humor, then you should have gone to medical school.

Fred Rodell, *Goodbye to Law Reviews—Revisited*, 48 VA. L. REV. 279 (1962): Again, explains why legal writing is "pretentious poppycock" on the 25th anniversary of the writing of *Goodbye to Law Reviews*; narrows the attack on the language used in legal writing; condemns the utilization of pretentious polysyllabic verbiage or, as he would prefer, the use of big fancy words; urges the use of plain and simple language in legal writing so that any legal piece could

be published in a popular magazine; violates a solemn vow not ever to write in law reviews again.

Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38 (1936): Classic Article critiques legal writing, particularly law review writing; summarizes the problem with almost all legal writing to be its content and its style; criticizes overabundance of footnotes, lack of humor or creativity, and boring topics; comments on book review sections as the only redeeming part of the law reviews; ultimately labels law reviews “spinach” to invoke the classic cartoon from *The New Yorker*; makes a solemn vow not ever to write in law reviews again.

Marshall Rudolph, Note, *Judicial Humor: A Laughing Matter*, 41 HASTINGS L.J. 175 (1989): Disapproves of judicial humor in the courtroom and in judicial opinions; agrees with the decision in *In re Rome*, 542 P.2d 676 (Kan. 1975), censuring a judge’s misguided attempts at humor as judicial misconduct; maintains that judicial humor is neither judicial nor humorous; concludes with a proposed amendment to the *ABA Code of Judicial Conduct* that would make judicial humor subjecting litigants to ridicule a violation; a serious article about a very serious subject—humor.

George Rose Smith, *A Critique of Judicial Humor*, 43 ARK. L. REV. 1 (1990): Considers when humor might be appropriate in judicial decisions; suggests that humor be brief and relevant to the occasion; reminds readers that poetry, puns, and subtitles may not be funny in the first place, and may well be inappropriate in some places; one wonders what the author would say about this annotated bibliography.

X. LEGAL SCHOLARSHIP

Arthur Austin, *The Top Ten Politically Correct Law Reviews*, 1994 UTAH L. REV. 1319: Ranks the Top Ten Politically Correct Law Reviews based on criteria including dedication to critical race theory, feminism, critical legal studies, and deconstruction; tracks the development of political correctness at several major law reviews including as Numero Uno the *Cardozo Law Review*, and finishing off the top ten, the *Harvard Law Review*; identifies politically correct scholarship to be based upon “empathy, emotions, and life experiences”; written by a Case Western Reserve professor and published in the *Utah Law Review* without empathy, emotions, or experience at being PC.

Arthur D. Austin, *Why Haven’t the Crits Deconstructed Footnotes?*, 17 NOVA L. REV. 725 (1993): Posits that footnotes, like crits, women, minorities, and the

homeless, are oppressed; applies the deconstructionist technique to challenge the privilege of the text and the marginalization of footnotes; compares the patriarchal nature of the text with the nurturing and empathic qualities of footnotes; recommends a Jacques Derrida double-column presentation so that the text and the footnotes would appear and be viewed side-by-side; Jacques Derrida is funnier than Jacques Cousteau, but then, the French think Jerry Lewis is funny.

Arthur D. Austin, *Footnote Skulduggery and Other Bad Habits*, 44 U. MIAMI L. REV. 1009 (1990): Offers advice to forlorn student editors of law reviews on the nuances and tactics of footnoting; remarks that "discerning, intelligent—or unethical—manipulation of footnotes can be a significant factor in achieving promotion, tenure, and status"; remarks on the importance of quantity and density in footnote writing; describes several types of footnotes including the titillating note, the non-verifiable note, the ideological note, and self-citation; waits until note two to cite to the author's earlier work which is the subject of the immediately previous entry above.

Arthur D. Austin, *The "Custom of Vetting" as a Substitute for Peer Review*, 32 ARIZ. L. REV. 1 (1990): Discusses and critiques the practice of publicly vetting law review articles (sharing them with colleagues and crediting the reviewers); explores the dichotomy between academics and vocationalists; refers to the role of student editors in screening faculty publications as legal education's "family skeleton"; advocates private vetting among close associates rather than the now-too-common asterisk footnote listing and thanking every fancy professor at every fancy law school, living and dead.

Arthur D. Austin, *Footnotes as Product Differentiation*, 40 VAND. L. REV. 1131 (1987): Describes a strategy for using footnotes to "grease the path to promotion and tenure"; includes commentary on how to craft footnotes to differentiate an article for the competition; covers types, styles, and trends in footnoting; contains a respectable footnote count of 107 notes spread over twenty-four pages.

Randy T. Austin, Comment, *Better Off with the Reasonable Man Dead or the Reasonable Man Did the Darndest Things*, 1992 BYU L. REV. 479: Discusses the replacement of the Reasonable Man by the Reasonable Person in order to have gender-neutral language; chronicles what the Reasonable Person knows or should know and what the Reasonable Person has done and has not done, all through footnoted cites to cases.

Thomas E. Baker, *Tyrannous Lex*, 82 IOWA L. REV. 689 (1997): The author attempts to measure the amount of law the United States produces in one year, the Gross Legal Product or GLP; the measurements of legal scholarship observe

that "law reviews are to law what masturbation is to sex"; obviously could only be written by a well-published and thrice-tenured professor; absolutely the last humorous entry by this author, until this annotated bibliography eventually is published.

J.M. Balkin & Sanford Levinson, *How to Win Cites and Influence People*, 71 CHI.-KENT L. REV. 843 (1996): Provides a cynical commentary regarding Fred Shapiro's *The Most-Cited Law Review Articles*, 73 CAL. L. REV. 1540 (1985); offers advice on how to become one of the most-cited members of the legal community in the form of ten maxims; the maxims include such career advice as: Make sure you attend Harvard, Yale, or the University of Chicago law schools, publish all of your articles in the law reviews from these schools, and then get a tenure-track appointment at one of these schools; encourages writing articles on the ubiquitous Fourteenth Amendment as well as on subjects that students will want to cite; tentatively suggests that Shapiro's work has connections to "garbology"; we are all waiting for the sequel about law professors who love non-elite law reviews too much.

C. Steven Bradford, *As I Lay Writing: How to Write Law Review Articles for Fun and Profit*, 44 J. LEGAL EDUC. 13 (1994): Provides advice for faculty on how to publish a law review article; gives a step-by-step process for achieving publishing success; includes pointers on satisfying the critical legal studies movement, the law and economics crowd, and the radical feminists; encourages self-citation, the use of quality footnotes, and the use of complex jargon to sufficiently confuse and impress the audience; offers strategies for the submission and editing processes; the topic of how to write law review articles is not preempted by this Article.

John F. Bramfeld, *Love Those Law Reviews*, 5 SCRIBES J. LEGAL WRITING 101 (1994-1995): Reproduces a pointed and humorous letter critiquing articles in a law review; remarks on the poor writing and editing of three articles; sarcastically expresses dismay that the third article actually cited a case; law reviews do not give money-back guarantees.

Craig Brownlie, Note, *Marxism and Critical Legal Theory: Why Groucho?*, 17 NOVA L. REV. 921 (1993): Reveals the relationship between the Critical Legal Studies proponents, "the Critters," and the legal theory of Groucho Marx; examines Marx's thoughts on trial work, contracts, and the practice of law; recounts uses of Marx's quips in legal opinions and writings; Marxism never had it so good.

Richard B. Cappalli, *The 1990 Rose Awards: The Good, the Bad, and the Ugly—Titles for Law Review Articles*, 41 J. LEGAL EDUC. 485 (1991): Recognizes the best titles of law review articles; the “I Can’t Wait to Curl Up With This Award” goes to Robert A. King, *The Tax Treatment of Boot Distributions in Corporate Reorganizations Under Section 356(a)(2)—Commissioner v. Clark, the Latest or the Last Word?*, 11 WHITTIER L. REV. 723 (1990); the NCAA’s Bowl Championship Series replaced this one-time annual award.

W. Lawrence Church, *A Plea for Readable Law Review Articles*, 1989 WIS. L. REV. 739: Bemoans the current state of law review writing; observes the detrimental effects of increasingly numerous and complex footnotes; remarks that “the expression of ideas is a joy that attracts many to the academic world. Larding up the product with several hundred footnotes is usually less thrilling”; suggests possible reforms; sadly for this author, the thrill is gone from the pages of law reviews, the thrill is gone.

Anthony D’Amato, *Brave New Scholarship*, 49 J. LEGAL EDUC. 143 (1999): Replicates the online template at lawarticle.com which allows a user to set parameters (whatever those are) for an article mill to ghostwrite the article for a fee; use the secure credit card payment option; double-click on plagiarism.

Anthony D’Amato, *As Gregor Samsa Awoke One Morning from Uneasy Dreams He Found Himself Transformed into an Economic Analyst of Law*, 83 NW. U. L. REV. 1012 (1989): Tells a whimsical fable in which a law professor wakes up one morning as an “enormous Economic Analyst of the Law,” closets himself in his bedroom where he churns out a book a day on Economics and a different law topic for his breakfast, makes his family rich, and then gets appointed a federal judge; this Article speaks to that profound existentialist question: “[W]as he then a law clerk thinking he was a judge or is he now a judge thinking he is a law clerk?”

Richard Delgado & John Kidwell, *Recent Developments in Legal Theory: How to Compare Apples and Oranges*, 7 CONST. COMMENT. 209 (1990): Proposes that new advances in legal thinking will aid in the age-old problem of comparing two dissimilar things, e.g., that of apples and oranges; outlines four approaches: Law and Economics—assign a value to each fruit; Feminism—no fair comparison until elimination of patriarchy; Critical Legal Studies—comprised of sub-schools like the irrationalist (no “core” value to fruit); and Law and Literature—approach the comparison through great texts, e.g., the Bible where the use of the apple by the Serpent may reflect that apples are more tempting than oranges.

Lance Dickson, *Forewords and Afterwords*, 5 SCRIBES J. LEGAL WRITING 141 (1994-1995): Describes humorous misspellings of "foreword" in various publications; recounts actual misuses of the words "forward" and "foreward" in place of the proper "foreword"; looking forward to the next foreword from this author.

Robert A. Emery, *The Albany Law School Journal: The Only Surviving Copy*, 89 LAW LIBR. J. 463 (1997): Excerpts from the first student-edited law review in 1875; provides insight into the life of a 19th century law school student; this just may be fictional law office history.

Daniel A. Farber, *The Deconstructed Grocery List*, 7 CONST. COMMENT. 213 (1990): Describes a law professor working on his tenure piece as being so immersed in theories of constitutional interpretation that he cannot fill a simple late night grocery shopping list; applying the various theories to the task of shopping so confuses the professor that he cannot decide whether a tomato is really a tomato or whether he should buy pasta as a substitute for tuna; unlike law professors, shoppers should take themselves and how they shop quite seriously.

Daniel A. Farber, *Brilliance Revisited*, 72 MINN. L. REV. 367 (1987): Adopts a somewhat more serious tone than the self-described "elliptical, humorous style" of the article on "brilliance" that is the subject of Farber's *The Case Against Brilliance*, 70 MINN. L. REV. 917 (1986); responds to criticisms of that earlier essay; conveys the message that legal scholars take themselves and what they do way too seriously; no way; way.

Daniel A. Farber, *Post-Modern Dental Studies*, 4 CONST. COMMENT. 219 (1987): Provides a sarcastic commentary on the evolution of the different legal schools of thought; analogizes legal schools of thought to dental schools of thought; examples include: Dental Formalism, Dentistry and Economics, Critical Dental Studies, and Dentistry and Literature; concludes with the thought that the future for dental scholars is bright, but fortunately fluoridation has greatly reduced the need for dentists; lawyer jokes have greatly reduced the desire for lawyers, as well.

Daniel A. Farber, *The Case Against Brilliance*, 70 MINN. L. REV. 917 (1986): Develops the thesis that in law and economics a brilliant theory (novel and unconventional) is invalid because it is brilliant; posits that in economics, a true theory would already have been discovered, while an undiscovered (and thus brilliant) theory is likely false for that very reason; argues that in law, a brilliant theory is suspect because it never would have occurred to the author of the judicial opinion on which it is based; in constitutional law, which is based on the

consent of the governed, for example, what does it suggest about a theory of the Constitution of 1787 that it first occurred to a fancy law professor at a fancy law school in the 21st century?

Peter Gabel & Duncan Kennedy, *Roll Over Beethoven*, 36 STAN. L. REV. 1 (1984): Details the dialogue between Harvard Professor Duncan Kennedy and New College of California School of Law Professor Peter Gabel; presents the discussion of concepts such as “interstitial character,” “unalienated relatedness,” “phenomenological description,” and “intersubjective zap”; this Article must be deconstructed as being humorous in order to be included in this bibliography, but the ultimate meaning and humor of a text is in the reader—not the text—or something.

Gresham's Law of Legal Scholarship, 3 CONST. COMMENT. 307 (1986): Uses the law and the theory of adverse selection to explain the lack of thoughtful and sensible articles published in law reviews; we can all take heart in the observation that the law professorate could not possibly be as silly as reading the law review literature might suggest.

Erik M. Jensen, *The Shortest Article in Law Review History*, 50 J. LEGAL EDUC. 156 (2000): Purports to be the shortest law review piece in history; consists entirely of the words “This is it.”; justifies its length by claiming no less substantive content than any other law review article; discourages competitors in brevity by heralding the drafting of an “Abridged Version.”

Erik M. Jensen, *Dean Breck*, 2 GREEN BAG 2D 395 (1999): Tells a tragic tale of the aftermath of publishing a humorous law review article; chronicles a professor's quixotic quest to become a dean; fails to answer the question why anyone would want to be a dean; seriously—or humorously—why would anyone want to be a dean?

Erik M. Jensen, *The Unwritten Article*, 17 NOVA L. REV. 785 (1993): “ [sic].”

Erik M. Jensen, *A Call for a New Buffalo Law Scholarship*, 38 U. KAN. L. REV. 433 (1990): Offers a pun-filled dissertation on buffalo law; reveals the author's dismay at finding no articles treating buffalo law in the *Buffalo Law Review*, and his attempt to “fill the void” with this piece; uses innumerable plays on words, proposes to form a “new buffalo scholarship” replete with buffalo schools of thought, e.g., feminist buffalo studies and critical buffalo legal studies; wherever Dorothy and Toto are now, this Article will always be in Kansas.

Cameron Johnston & Moses Torts, *A Twenty-Fifth Anniversary Special: The Law from Moses Forward*, 25 S.D. L. REV. 208 (1980): Collects eight legal fables that tell the story of a diverse but familiar group of attorneys; includes moral lessons; Aesop, Esq.

Herma Hill Kay, *In Defense of Footnotes*, 32 ARIZ. L. REV. 419 (1990): Defends footnotes in the new era of "citation analysts" as the really important part of law review articles where citation of one's work (in someone else's article, not one's own) is a measure of one's worth as a scholar; boldly provides an article of footnotes followed by an article of the accompanying text; includes an article with nine suppressed footnotes; something definitely is being suppressed here.

J.T. Knight, *Humor and the Law*, 1993 WIS. L. REV. 897: Discusses the dearth of humor in law review articles as compared to other areas of law where humor abounds; argues that law and humor are not mutually exclusive; concludes that the benefits of using humor in law review articles outweigh the risks; this author favors funnier law review writing, not funnier law review reading, mind you.

Alex Kozinski & Eugene Volokh, *Lawsuit Shmawsuit*, 103 YALE L.J. 463 (1993): Chronicles the increasing use of Yiddish in legal writing; how do you spell "chutzpah"?

Wayne R. LaFave, *Surfing and Scholarship: The Emerging Critical Cyberspace Studies Movement*, 84 GEO. L.J. 521 (1996): Presents a mundane analysis of the exclusionary rule and the protections of the Fourth Amendment as shown in *Mapp v. Ohio*, 367 U.S. 643 (1961); accompanies the text with a witty array of footnotes referencing sites and sources on the Internet; includes references to Internet resources for insights on traveling in Ohio, learning more information about Cosmo Kramer, finding the Constitution online, and locating Snoopy's homepage; provides a humorous critique of the Internet in legal research by a distinguished scholar who is old enough to know better.

Ronald B. Lansing, *The Creative Bridge Between Authors and Editors*, 45 MD. L. REV. 241 (1986): Urges the National Conference of Law Reviews to encourage creative writing and innovative style; offers a law review version of the nursery rhyme "Humpty Dumpty" with accompanying footnotes; expresses grateful gratitude that Shakespeare did not use footnotes; "To be (see generally Aristotle's *Metaphysica*) or not to be (see generally Nietzsche's *Nihilism*); that is the question (for examples of questions see LSAT or Multi-State Bar Exam)."

Kenneth Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926 (1990): Provides pointed commentary on the

system of legal scholarship; suggests that the system of legal education is profoundly askew to value publication for tenure over classroom teaching and public service; critiques the current state of legal research, analysis, and writing; suggests that scholarship is often "inalterably bound up in politics."

Andrew J. McClurg, *The World's Greatest Law Review Article for Anyone Taking Life Too Seriously*, 81 OCT. A.B.A. J. 84 (1995): Written for anyone who lives by *The Bluebook*; an over-the-top piece of satire of a law review article that begins: "This [FN1] is [FN2] the [FN3] world's [FN4] greatest [FN5] law [FN6] review [FN7] article. [FN8]."

Patrick M. McFadden, *Fundamental Principles of American Law*, 85 CAL. L. REV. 1749 (1997): Undertakes the task of providing authority for "statements that are obviously true or completely unsupportable"; attempts to include almost every such statement within the text of a single article to alleviate the difficulty of searching for authority for the obvious; lists twelve obviously true and completely unsupportable statements about the world and the law, concluding with "[t]he sun rises in the east and sets in the west. It's always several hours later in Europe. Tomorrow is another day." Subsequently (as lawyers say when they mean "from now on"), anyone need only cite to this Article for these propositions; singing the blues, but following *The Bluebook*.

Maurice H. Merrill, *The Arkansawyer's Lament*, 10 OKLA. L. REV. 167 (1957): Poetically complains of the American Law Institute's unwillingness to draft Restatements that support real improvements in the law; proves there is a good reason there is no *Restatement of Poetry*.

Abner J. Mikva, *Goodbye to Footnotes*, 56 U. COLO. L. REV. 647 (1985): Condemns the overuse of the footnote; eloquently makes the point that footnotes in judicial opinions have taken on a life of their own; e.g., footnote four in *United States v. Carolene Products Co.*, 304 U.S. 144, 152 (1938), when Justice Stone slipped a sea change into constitutional law beneath the line and in a case about skim milk; extols the elimination of footnotes or at the very least, the sparse use of them for citation to authority only; concludes, tongue-in-cheek with a footnote-in-your-face.

Robert J. Morris, *The New (Legal) Devil's Dictionary*, 6 J. CONTEMP. L. 231 (1979): Lists over eighty legal terms and their definitions which the author suggests should be added to Ambrose Bierce's *The Devil's Dictionary*; for example, "Strict scrutiny, n. Voyeurism of a suspect class."

Cheryl B. Preston, *It Moves, Even If We Don't: A Reply to Arthur Austin, The Top Ten Politically Correct Law Reviews*, 63 TENN. L. REV. 735 (1996): Replies to Professor Austin's ranking of the "political correctness" of law reviews, which is annotated *supra*; criticizes Austin's ranking methods and traditional "white, male, and western" approach; as a result, the PC rating of the *Tennessee Law Review* increased dramatically; what are those orange and white checkerboarded end zones all about, anyway?

William L. Prosser, *Der Gegenverkehr des Wasserniedersinkens in der Nordlichen und der Sudlichen Hemisphere*, 51 MINN. L. REV. 899 (1967): Describes frustration at the difficulty of acquiring modest amounts of requested grant monies to study worthwhile issues; proposes a grandiose project no foundation could refuse in which the noted Professor Prosser and twenty-five other distinguished law professors would charter a yacht to sail around the world to study the rotation and revolution of various bodies; e.g., the draining of water, the coiling of snakes, the movement of cocktail parties, the corkscrewing of pigs' tails, et cetera; but then what would Congress have left to do?

Ronald D. Rotunda, *Law Reviews—the Extreme Centrist Position*, 62 IND. L.J. 1 (1986): Provides commentary and critique on the state of law reviews; gives advice to student editors; remarks that new editors "become drunk with power" and encourages them "not to become too drunk"; does not reach the issue of drunk driving, which is a difficult question—do you drink and not drive or do you drive and not drink—the prudent answer must be a law professor's "it depends."

Robert E. Scott, *Twenty-Five Years Through the Virginia Law Review (with Gun and Camera)*, 87 VA. L. REV. 577 (2001): An amusing reminiscence of the influence that a dean has over a law school's law review; replete with a three-act play; the received wisdom is that the best candidate for a deanship is someone who does not want to be a dean; that says it all about deans and deaning without saying anything about ships.

David L. Shapiro, *The Death of the Up-Down Distinction*, 36 STAN. L. REV. 465 (1984): Briefly deconstructs the up-down distinction; jabs a not-so-subtle barb at the pretentiousness of the Critical Legal Studies movement; it turns out that there is no "up" or "down," there is only there there; there there.

Patric M. Verrone, *Notes and Comments: A Law Review Article*, 17 NOVA L. REV. 733 (1993): Provides a generic law review article; mocks law review articles; has a good beat and easy to dance to, give it a "10."

J. Tim Willette, Note, *Memo of Masochism (Reflections on Legal Writing)*, 17 NOVA L. REV. 869 (1993): Provides insight and advice into the process of legal writing for first-year law students; focuses on writing the open memo; tracks the process from research to writing to waiting for the grade; offers humorous quotes on writing and the law throughout the piece; the student who spent all year writing a note about secured transactions that did not get published did not find this Note terribly amusing.

XI. MISCELLANY

Dave Barry, *Traffic Infraction, He Wrote*, 17 NOVA L. REV. 665 (1993): Humorously extols the virtues of the American system of justice in which "every accused person unless he has a name like 'Nicholas 'Nicky the Squid' Calamari' is considered innocent until such a time as his name is printed in the newspaper"; recounts the author's day in court following receipt of a traffic citation; includes the author's intended legal strategy—groveling.

Paul Finkelman, *Baseball and the Rule of Law*, 46 CLEV. ST. L. REV. 239 (1998): Makes many connections between the game of baseball and the legal system; "Play ball!" meets "Sue the Bastards!"; one wonders if the author wishes he were a ballplayer rather than a law professor; one does not wonder if any ballplayer ever wishes he were a law professor.

Glen Freyer, *The Nebbish Letter*, 17 NOVA L. REV. 685 (1993): Imagines a letter of application from one Frank Nebbish to Ignatious Linkletter III, Jr., the hiring partner for a Washington, D.C. law firm; begins with Nebbish identifying himself as a twenty-second year associate; recounts Nebbish's experiences as an unwitting bankruptcy lawyer, "legal counsel for the maritally challenged" (divorce lawyer), a small claims court specialist, a civil litigator relegated to eighth chair at trials—as a public defender, and as a legal writing instructor; encourages Linkletter to seek references from his former clients by writing the prison directly; offers to pay for lunch in order to meet with the firm; enclosures listed are a resume and "naked pictures of your wife."

Hendrik Hartog, *Pigs and Positivism*, 1985 WIS. L. REV. 899: Examines the law regarding swine in 18th century New York City; provides lessons on legal positivism and social custom while tracing the case of a pig-owning family and the mayor of the city; it turns out that George Orwell was wrong, pigs actually favor pluralism.

Paul D. Healey, *De Minimis Curat Lex: A Compendium of Legal Trivia*, 89 LAW LIBR. J. 55 (1997): Discusses sources for legal trivia; compiles 466 amusing

legal trivia questions; divides trivia into categories such as "Famous Cases," "Lawyers and the Legal Profession," and "Literature and Entertainment"; poses such timeless interrogatories as, *inter alia*, "What current talk show host has a J.D.? Answer: Geraldo Rivera"; an excellent source of some sure-winning bar bets.

Paul Horowitz et. al., *The Law of Prime Numbers*, 68 N.Y.U. L. REV. 185 (1993): Reveals the influential role mathematical prime numbers have had in the study and practice of law; matches prime numbers to many well-known cases and accompanying doctrines; "2 was the number of weeks turn-of-the-century Britons were required to use the Carboloc Smoke Ball in order to ward off influenza," "29 was the chapter of the Magna Carta from which was derived the concept of 'due process of law'"; the list goes on and on and on—that makes three "on's"—another prime number; Laurence Tribe was a mathematician before he went to law school.

James L. Huffman, *Chicken Law in an Eggshell: Part III—A Dissenting Note*, 16 ENVTL. L. 761 (1986): Discusses the field of chicken law and all its nuances; notes that fried chicken outlets seem to be the favored meeting place for criminals; examines several of the more notable chicken cases including *United States v. Causby*, 328 U.S. 256 (1946), the famous chicken takings case; strikes several blows, fair and fowl, for the chicken.

Robert M. Jarvis, *Legal Tales from Gilligan's Island*, 39 SANTA CLARA L. REV. 185 (1998): Provides the long-awaited definitive account of the jurisprudence of the television situation comedy to conclude that what the castaways really needed on the island was a good lawyer; "okay, now hypothesize a rubber raft."

Kenneth Karst, *Federal Jurisdiction Haiku*, 32 STAN. L. REV. 229 (1979): This UCLA law professor sponsors a haiku festival each year in his federal jurisdiction class; "with apologies to Basho, Buson, and Issa"; none of the poems answers the age-old question "is this going to be on the final exam?"

Legal Humor and Oddities, available at <http://lawschool.westlaw.com/shared/marketInfoDisplay.asp?id=66&code=MI&site=site:lawschool.westlaw.com> weekly series of humorous miscellany; proves that huge publishing monopolies *can* have a sense of humor.

Andrew J. McClurg, *Rungful Suits*, 83 JUNE A.B.A. J. 98 (1997): Discusses the ever-expanding area of product liability by examining ladder litigation; includes top ten common ladder mistakes, e.g., "there is no such thing as safe sex on a ladder"; reprints of this Article are packed and shipped with all ladders

manufactured and sold by the Acme Company, which was the supplier of props for the Roadrunner cartoons.

M.C. Mirow & Bruce A. McGovern, *An Obituary of the Federal Estate Tax*, 43 ARIZ. L. REV. 625 (2001): Provides an account of the life and times—and the demise—of the Federal Estate Tax; . . . *Requiescat in Tax*.

Paul Morris, *Dear Paul: Language Tips Questions and Answers*, 17 NOVA L. REV. 729 (1993): Recounts several question and answer exchanges regarding the use of the English language; includes questions on what does “plethora” mean, how should we pronounce all those French words that pop up in the law, and what does it mean to “pole” the jury; in response to the latter, the author replies that unless what was meant was “poll” the jury, then there were likely some very surprised jury members.

Gretchen Craft Rubin & Jamie G. Heller, *Restatement of Love (Tentative Draft)*, 104 YALE L.J. 707 (1994): Argues for a codification of the principles of love “premised on the view that love, like all other aspects of human interaction, can be subjected profitably to legal analysis”; includes a survey of the three principal models under which relationships begin—the blind date model, the informal acquaintance model, or the aggravating circumstances model; includes none-too-realistic illustrations; the authors are looking for love in all the wrong places, or else they have never attended a meeting of the American Law Institute.

Louis J. Sirico, Jr., *Future Interest Haiku*, 67 N.C. L. REV. 171 (1988): Presents haiku from famous cases such as *Shelley's Case*, 76 Eng. Rep. 206 (1551); but can there be an English-speaking haiku?; what sound does it make?; just how much future interest will there be in future interest haiku?; why do law schools teach property law as medieval real estate transactions anyway?

Louis J. Sirico, Jr., *Supreme Court Haiku*, 61 N.Y.U. L. REV. 1224 (1986): Demonstrates how Supreme Court opinions evoke haiku moments; transcribes six Supreme Court opinions into haikus that seek to transcend the intellect; but nothing rhymes with Nino.

Gerald F. Uelmen, *The Care and Feeding of TV Court Critics*, 17 NOVA L. REV. 825 (1993): Collects amusing comments on the history of critics of the courts from Mark Twain to modern Court TV; speculates on the advances in presentation and strategy that will be demanded by playing to both juries and TV audiences; provides examples of rhymes and lyrics that judges and attorneys alike might employ on Court TV; inquiring minds want to know.

Alexander Volokh, *n Guilty Men*, 146 U. PA. L. REV. 173 (1997): Examines the “Blackstone ratio” that it is better that ten guilty persons escape, than that one innocent person suffer; remarks that *n*, the number of guilty persons, changes often; traces the history of *n*; just *who* is *n*—and even better for *whom*?

Charles M. Yablon, *Judicial Drag: An Essay on Wigs, Robes and Judicial Change*, 1995 WIS. L. REV. 1129: Analyzes the legal system by using legal fashion as a looking glass; traces the history of wigs and robes in the legal system and offers conjecture to explain their continued usage; concludes that both “English judges and Batman use their costumes to hide their ‘secret identity,’ which is, in fact, their ordinary everyday identity”; the Lord Chancellor in Gilbert & Sullivan’s operetta *Iolanthe* has nothing on Chief Justice Rehnquist.

