

# THE RECENT PAST AND NEAR FUTURE OF REPORTING IN-CHAMBERS

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Compiling in-chambers opinions in traditional books of cases was a good idea in 2001 – when Cynthia J. Rapp created the first three volumes of *A Collection of In Chambers Opinions by the Justices of the Supreme Court of the United States* (aka *Rapp's Reports*) – and 2004 – when the *Green Bag* published them. Now the time has come to make some changes. *The Journal of In-Chambers Practice* – Ira Brad Matetsky's new periodical, the first issue of which you are now reading – is where those changes will take place. Here are the basics:

## FINAL PUBLICATION OF 4 RAPP

Since 2004, Rapp, Matetsky, and I have been collecting and annotating in-chambers opinions for a fourth volume of *Rapp's Reports*. The *Green Bag* has been publishing those opinions in a series of preliminary pamphlet installments. The cover of each of those 4 *Rapp* preliminary prints features this appeal:

NOTICE: This supplement is subject to revision before the complete, bound edition of 4 *Rapp* is published sometime in the next few years. Please notify the *Green Bag* ([editors@greenbag.org](mailto:editors@greenbag.org)) of any errors you find, so that we can fix them now.

Later this year, we will combine those preliminary prints (with corrections) into the final book version of 4 *Rapp*. So, if you catch an error in any of those preliminary prints – all of which you can read for free by visiting

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www.greenbag.org and clicking on the “In Chambers Opinions” button – please let us know before September 30, 2016.

The final bound version of *4 Rapp* should be in print by December 2016. It will, in all likelihood, be the last traditional opinion-compilation volume in the *Rapp’s Reports* series.

But it most certainly will not be the end of *Rapp’s Reports*. Print publication will continue in *The Journal of In-Chambers Practice* – see, for example, pages 38-43 in this issue. In addition, *The Journal of In-Chambers Practice* will be available electronically on Westlaw and HeinOnline, on the websites of the *Journal of Law* and the *Green Bag*, and probably in other online resources as well.

## IN-CHAMBERS OPINION REPORTING IN *THE JOURNAL OF IN-CHAMBERS PRACTICE*

New in-chambers opinions, and newly discovered old ones (which we keep finding in various archives and libraries), will be published in the “Rapp’s Reports” section at the back of *The Journal of In-Chambers Practice*. There will be a half-dozen notable differences between this new format and the old format used in *1 Rapp* through *4 Rapp*:

1. *Headnote*: In *1 Rapp* through *4 Rapp*, some opinions have explanatory headnotes and some do not, and headnote content varies pretty widely. From now on, each opinion will be introduced by a signed editorial headnote which will include, at least: (a) a citation to the original source of the opinion (for example, a record in an archive or library, or a page in a book, or the name of an individual collector); (b) the name of the author of the opinion and the basis for that identification; (c) the date the opinion was issued and the basis for that judgment; and (d) the recommended citation for the opinion. See, for example, pages 38-43 in this issue.

2. *Opinion formats*: In *1 Rapp* through *4 Rapp*, we attempted – sometimes with limited success – to mimic the widely varied and sometimes very informal formatting of in-chambers opinions in their original formats. For *Rapp’s Reports* in *The Journal of In-Chambers Practice* we are abandoning that well-intentioned but practically useless approach in favor of a more nearly (but not absolutely) consistent format that preserves the content of the opinions while making them easier to read, and to look at.

3. *Cumulative Tables and Indexes*: In *1 Rapp* and *4 Rapp*, there are some excellent reference tools. As wonderful as they are, we are going to stop updating them because, with in-chambers opinions searchable online, the cost-benefit ratio strikes us as too high. Maintaining those tables and indexes requires a lot of work, and publishing them requires a lot of pages.

4. *Complementary primary content*: Because we modeled *1 Rapp* through *4 Rapp* on traditional case-reporter volumes, it was inappropriate to include too much material other than reference resources connected to the opinion themselves – that is, the cumulative tables and indexes. We were limited, or at least felt limited, to a preface and, sometimes, an introductory essay. By housing *Rapp's Reports* in a scholarly and practical law journal, we are now free to include as much additional material as the editor-in-chief, Matetsky, sees fit to allow. So, now the sky – or at least the ceiling in-chambers – is the limit.

5. *Mistakes*: One other benefit of moving from the traditional case-reporter format to the journal format is that we will be able to publish reporting errors in the “Errata” section of this journal (wherever that might turn out to be), where the errors will be searchable online. In a case-reporter system, errata are traditionally not so accessible.

6. *Volume 5*: For purposes of citation – and just in case we decide to produce another compilation volume someday – the in-chambers opinions section of *The Journal of In-Chambers Practice* will be labeled “Rapp’s Reports, Volume 5,” and the opinions themselves will be numbered sequentially by their appearance in the journal.

There will, I expect, be other improvements and innovations in in-chambers opinion reporting under Matetsky’s leadership. The ones I’ve listed here make for a good start, though.