

EXEMPLARY NOMINEES AND A COLORFUL PUZZLE

PREVIEWING THE 2016 ALMANAC & READER

Green Bagatelle #1 (January 20, 2016)

The “Exemplary Legal Writing” ballots are in the mail. During 2015, judges and other legal scholars nominated judicial opinions and law review articles for our annual collection of exemplary legal writing. Those nominators are now voting for what they believe to be the most especially exemplary of those nominees. In a few weeks we will tally the votes and then publish the top vote-getters in the 2016 *Green Bag Almanac & Reader*. We had planned to honor exemplary writing in four categories, but we ended up with just three, for a reason that will become obvious if you keep reading.

Here is a complete list of the exemplary legal writing on the ballot:

I. OPINIONS FOR THE COURT

- Cecilia Maria Altonaga, *In re Denture Cream Products Liability Litigation*, 2015 WL 392021 (S.D. Fla. Jan. 28, 2015)
- Charles R. Breyer, *In re Hewlett-Packard Company Shareholder Derivative Litigation*, No. 3:12-cv-06003-CR (N.D. Cal. July 28, 2015)
- The Court, *In re Hong Yen Chang*, 344 P.3d 288 (Cal. 2015)
- Frank H. Easterbrook, *Iqbal v. Patel*, 780 F.3d 728 (7th Cir. 2015)
- Judith L. French, *In re Complaint of Pilkington North America, Inc.*, 2015 WL 7485933 (Ohio 2015)
- Elena Kagan, *Mach Mining, LLC v. EEOC*, 135 S.Ct. 1645 (2015)
- Cornelia T.L. Pillard, *Arpaio v. Obama*, 797 F.3d 11 (D.C. Cir. 2015)
- Jed S. Rakoff, *In re Petrobras Securities Litigation*, 104 F.Supp.3d 618 (S.D.N.Y. 2015)

- Antonin Scalia, *Johnson v. U.S.*, 135 S. Ct. 2551 (2015)
- Amul R. Thapar, *Wagner v. Sherwin-Williams Co.*, 2015 WL 5174130 (E.D. Ky. 2015)
- William G. Young, *In Re Nexium (Esomeprazole) Antitrust Litigation*, 309 F.R.D. 107 (D. Mass. 2015)

II. CONCURRENCES, DISSENTS & OTHER OPINIONS

- Carlos T. Bea, *John Doe I v. Nestle USA, Inc.*, 788 F.3d 946 (9th Cir. 2015)
- Frank H. Easterbrook, *Thomas v. Clements*, 797 F.3d 445 (7th Cir. 2015)
- Jennifer Walker Elrod, *Trent v. Wade*, 801 F.3d 494 (5th Cir. 2015)
- Alex Kozinski, *Garcia v. Google, Inc.*, 786 F.3d 733 (9th Cir. 2015)
- Goodwin Liu, *People v. Grimes*, 340 P.3d 293 (Cal. 2015)
- Jill A. Pryor, *In re Rivero*, 797 F.3d 986 (11th Cir. 2015)
- John G. Roberts, Jr., *McFadden v. U.S.*, 135 S.Ct. 2298 (2015)
- Ojetta R. Thompson, *Sanchez v. Roden*, 2015 WL 8057132 (1st Cir. 2015)
- Don R. Willett, *Patel v. Texas Department of Licensing and Regulation*, 469 S.W.3d 69 (Tex. 2015)

III. LAW REVIEW ARTICLES PUBLISHED 50 YEARS AGO

- David L. Bazelon, *Law, Morality, and Civil Liberties*, 12 UCLA Law Review 13 (1964-1965)
- John R. Brown, *The Trumpet Sounds: Gideon — A First Call to the Law School*, 43 Texas Law Review 312 (1965)
- Guido Calabresi, *The Decision for Accidents: An Approach to Nonfault Allocation of Costs*, 78 Harvard Law Review 713 (1965)

Paul Mishkin, *Foreword: The High Court, the Great Writ, and the Due Process of Time and Law*, 79 *Harvard Law Review* 56 (1965)

Joseph T. Sneed, *The Criteria of Federal Income Tax Policy*, 17 *Stanford Law Review* 567 (1965)

Arthur E. Sutherland, Jr., *Crime and Confession*, 79 *Harvard Law Review* 21 (1965)

Herbert Wechsler, *The Courts and the Constitution*, 65 *Columbia Law Review* 1001 (1965)

IV. U.S. SUPREME COURT BRIEFS

Interestingly, our voters have nothing to vote for in this category because we received zero nominations. We wonder why.



Like every *Green Bag Almanac & Reader*, this year's will have — in addition to the “Exemplary Legal Writing” honorees — our perennially popular annual reviews:

Bryan Garner's *The Year in Language & Writing*
Greg Jacob and Rakesh Kilaru's *The Year in Law*
Tony Mauro's *A Term in the Life of the Supreme Court*
and
Kevin Underhill's *A Year of Lowering the Bar*

We will also have our customary thematic “useful and entertaining tidbits.” Like last year's *Almanac & Reader*, this year's will have a Sherlock Holmes/John Watson theme. This time we will focus on two stories: “The Reigate Puzzle” (one of the classics) and “The Field Bazaar” (a somewhat obscure and controversial vignette).

Unfortunately, there are limits to what we can do in the *Almanac & Reader*, mostly because it is a small book (6 inches wide by 9 inches tall) and it is printed in plain, relatively inexpensive black and white. That's too bad. Some of the most appealing of the old printings of the Sherlock Holmes stories are from large-format newspapers and magazines, with colorful illustrations.

For example, as Ira Brad Matetsky explained in the 2015 *Almanac & Reader*, the last complete set of the *New York World* was almost lost to the world. Heroics by crusading ink-on-paper lover Nicholson Baker saved the last complete set of that historically significant newspaper:

Owned by Joseph Pulitzer from 1883 until his death in 1911, the paper acquired a reputation for sensationalism and the original “yellow journalism.” In 1896, it became the first newspaper with a four-color press, of which it took robust advantage during the ensuing years. It published O. Henry and Mark Twain and A.J. Liebling and later Dorothy Parker; it featured the first comic strip (“Hogan's Alley,” aka “The Yellow Kid”) and the first crossword puzzle.¹

Today, those old *Worlds* are in the care of Duke University's David M. Rubenstein Rare Book and Manuscript Library.

Duke's collection includes a colorful 1905 edition of “The Reigate Puzzle.”² We cannot faithfully reproduce it in our plain, cellulose-based *Almanac & Reader*, but we can in this, our snazzy, web-based *Green Bagatelle*. And so, with the generous assistance and permission of the kind people at the Rubenstein Library, we present the *World's* “Reigate Puzzle” here. But first, the *World's* Saturday (June 10, 1905) cliffhanger introduction to the full Sunday (June 11) version of the story . . .³

— Ross E. Davies

¹ Ira Brad Matetsky, *The Adventure of the New York World*, 2015 *GREEN BAG ALM.* 465, 467.

² Arthur Conan Doyle, *The Reigate Puzzle*, N.Y. *WORLD*, June 11, 1905, Sunday Edition, Magazine Section, at 7-8, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

³ Arthur Conan Doyle, *The Reigate Puzzle*, N.Y. *WORLD*, June 10, 1905, Evening Edition, Story Supp., at 3 (via *Chronicling America*, Library of Congress, chroniclingamerica.loc.gov).