by the Repository may apply for a permit to 'take' a live eagle."[11] Indeed, the Court dealt with that permitting system at length. Mr. Friday was criminally prosecuted for killing a bald eagle to use in a Northern Arapaho Sun Dance and attempted to defeat that prosecution on religious-freedom grounds, claiming that eagle parts from the Repository were inadequate for his religious needs. The availability of an alternative to the Repository was one of the Court's reasons for permitting the prosecution to proceed.[12]

One of Mr. Friday's complaints was that the permitting system for bald eagles was "not widely known," and he even alleged that employees of the Fish and Wildlife Service were unaware of it.[13] The *Bag* should not perpetuate the error.

William Baude
Washington, DC

BIG NUMBERS

To the *Bag*:

After having finished reading the most recent issue of the *Green Bag*, I came to the last page, which invites readers to begin or renew a subscription. I had a nagging feeling that my subscription might be about to lapse, so I took more careful notice of this subscription information. Readers can subscribe for a period of one, two, three, or four years. Some journals and magazines, rags that they are, provide a discount for readers if they buy a multi-year subscription, but not the *Bag.* The *Bag* increases the price if a reader buys a multi-year subscription. One year is $40, two years is $80, three years is $120, but four years is $200. Why would the fourth year cost $80, twice the rate of the first three years? A few options present themselves:

(1) The *Bag*, staffed as it is by those studied in the law, simply miscalculated the price for a four-year subscription and is providing further evidence for the maxim that lawyers are bad at math.

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[11] 525 F.3d 938, 944 (10th Cir. 2008) (citing 16 U.S.C. § 668a & 50 C.F.R. § 22.22).

[12] *Id*. at 953-955.

[13] *Id*. at 945, 957-958.

To the Bag

Anytime an attorney or judge makes a math error, they inevitably seek to excuse their error by relying on the old yarn that "everyone knows lawyers are bad at math." They certainly have support for this position. Attorneys and judges seem to have trouble with even simple addition. For instance, an attorney filed a tort claim against a government transit authority a day late because he failed to properly count to 100. *Segal v. Southern California Rapid Transit Dist.,* 12 Cal. App. 3d 509, 511 (1970) (filing claim on 101st day, instead of 100th day). Of course, lest we think that attorneys are the only ones with problems counting, probably the most notorious legal math error in recent memory occurred when, on February 10, 2004, a federal judge granted Keith Bowles' request to extend the filing date of his appeal. The statute only allowed the court to grant a 14-day extension, but the court added 10 and 14 and came up with February 27, 2004, instead of February 24, 2004. As a result, the court inadvertently gave Mr. Bowles a 17-day extension, and Mr. Bowles, relying on the court's math, filed his appeal 16 days later, on February 26. The Supreme Court dismissed Mr. Bowles' appeal as untimely because, as the dissent put it, "counsel should have checked the judge's arithmetic." *Bowles v. Russell*, 551 U.S. 205 (2007).

So, it's possible that the *Bag* is following a storied legal tradition in calculating its subscription fee, and simply made a multiplication mistake. 4 x \$40 = \$160, not \$200. Sure, it's possible, but it doesn't seem likely. While we have evidence that lawyers and judges make math errors all the time, I have yet to uncover this problem in the legal academy. Plus, I give the *Bag* the benefit of the doubt on this one. What other options remain?

(2) The *Bag* is using its faithful readers as unwitting accomplices in a survey to determine if the maxim that lawyers are bad at math has any validity.

Certainly, those at the *Bag* must have heard that lawyers are bad at math. In an effort to demonstrate this point, the *Bag* has designed its subscription prices to test whether it's true that lawyers are, in fact, bad at math. Each time the *Bag* receives a check for \$200, the editors can add that reader to the "bad at math" column in their Ex-

cel spreadsheet, adding one more data point in their ongoing survey of the legal profession's mathematical skills. Again, while this is a possibility, the editors of the *Bag* seem to be too friendly a set to devise such an underhanded plan. Taxing readers $40 for being bad at math seems a bit like taking candy from a baby, something those associated with the *Bag* would never do. This led me to what I consider the most likely explanation.

(3) The *Bag* has something *big* planned for its subscribers in four years, and the only way to pull it off is to charge its readers $80 that year.

While I'm disappointed to learn that the price of my subscription to the *Bag* is going to double in four years time, my disappointment is tempered by the knowledge that the *Bag* must be planning something very *big* for its readership in 2015. After all, doubling the subscription price for 2015 has to come with some benefits, right? At first, my thoughts turned to visions of bobbleheads, almanacs, readers, trading cards, *etc*. Maybe the *Bag* has plans to start distributing a bobblehead every month in 2015, but can only afford to do so with an increased subscription price. But a careful reading of the subscription disclaimer reveals that bobbleheads and the like are not part of our subscription, so that can't be it. Perhaps the *Bag* has plans to move to 8 issues per year in 2015, instead of the usual 4. This might explain the increase, but somehow doesn't seem *big* enough to justify doubling the subscription price. Then, it occurred to me that I should simply ask about your plans in 2015. If you can share, and hopefully I'm not ruining the surprise here, I'd love to know what you have in store for us readers in 2015.

Very truly yours,
Conor P. Moore
San Francisco, CA

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