opinion, just like a brief, can be much easier to follow and enjoy when it is written this way.

Justice Scalia’s readers were inspired to hope that his tantalizing dissent in Gonzalez might be a sign that he had finally come around to agreeing with his co-author, and a sign of things to come. But it was not meant to be, at least not yet. Since Gonzalez was decided, Justice Scalia has authored several more opinions, but not one of them follows the novel format of that historic dissent. Is his opinion in Gonzalez a precursor of a bold new writing style we can expect to see from Justice Scalia from time to time in other cases? Or was it merely a device that he thought would somehow be especially appropriate for that case? Only time will tell. In the meantime, those of us who read Supreme Court opinions for a living can only wait and hope.

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VESTED INTEREST

To the Bag:

I have in my collection of books on trials and trial advocacy several old bound copies of The Green Bag. I was not aware that it was again being published until I was doing some research for an upcoming presentation, and I came across Jacob Stein’s article on Howe & Hummel.

I have Richard Rovere’s book and was aware of the wonderful story of Howe & Hummel, but what amazed me in Mr. Stein’s article was his reference to T. Edward O’Connell.

I have been an Anglophile for years, and typically appear in court in a morning suit and wearing one of my collection of colorful vests that I purchased in the Burlington Arcade in London. I was astonished to learn from Mr. Stein’s article that I am not the first person who had this idea. Apparently T. Edward O’Connell had previously done the same thing. Also, like him, I obtained my law degree at night school. I am almost beginning to believe in reincarnation.

George A. Heitzman
Bethlehem, PA
George Heitzman sporting what is, in life, a colorful vest.

THE BRANDEIS BRIEF, REVISITED

To the Bag:

David Bernstein’s essay on the Brandeis brief (Autumn 2011) does not describe “winner’s history;” (page 15); Brandeis’ concerns with Supreme Court treatment of constitutional cases involving state governments remain largely unaddressed today.

Moreover, it is simply not true that “Lochner was an anomaly, not the leading edge of a Supreme Court war on progressive legislation.”(page 11). One alleged “standard myth” (page 9) should not be succeeded by another. Post-Lochner decisions included Adair v. United States\(^1\) and Coppage v. Kansas\(^2\) invalidating federal and state laws bar-

\(^1\) 208 U.S.161 (1908).
\(^2\) 236 U.S.1 (1915). The overruling of this decision was a necessary predicate to the