



EX ANTE

OUR MISTAKES

John Q. Barrett and Shale Stiller each usefully pointed out to us an error in the data used by Patric Verrone in his *Extracurricular Scrivening: Top Ten Supreme Court Bibliographies*, 18 GREEN BAG 2D 459 (2015). Verrone gave us this equally useful response:

Two corrections need to be made to *Extracurricular Scrivening: Top Ten Supreme Court Bibliographies* – one of minor impact; the other more so. Regarding Benjamin Cardozo, contrary to the article’s assertion that he published *Law and Literature and Other Essays and Addresses* when he was a Justice, the book actually appeared in print (1931) a year before he appeared on the Court (1932). Regarding Robert H. Jackson (not previously on the list), several works have come to my attention which should earn him a place on the list: the bestselling *The Struggle for Judicial Supremacy: A Study of a Crisis in American Power Politics*, published in 1941 while he was U.S. Attorney General; a *Columbia Law Review* standalone printing of his Cardozo Lecture called *Full Faith and Credit – The Lawyer’s Clause of the Constitution*, issued in 1945 after his appointment to the Court; and two (somewhat redundant) collections of materials written while he was chief U.S. prosecutor at the Nuremberg trials, *The Case Against the Nazi War Criminals* (1946) and *The Nürnberg Case* (1947). These four titles assure Jackson a place on the list (tied for #7) but two posthumous publications could arguably rocket him to #4 on the chart. A collection of written-but-undelivered lectures called *The Supreme Court in the American System of Government* (1955) was published a year after Jackson’s death, and a manu-

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script undiscovered for nearly 50 years eventually appeared as *That Man: An Insider's Portrait of Franklin D. Roosevelt* (2003). Regardless of where Jackson places, his entry into the list now bumps Antonin Scalia and Arthur Goldberg's tenth-place-tie to eleventh place. They are, therefore, out of the Top Ten, at least until a new work is written by Scalia (or found for Goldberg; knowing as we now do that, while dead men don't tell tales, dead justices sometimes do).

We also received this kind note from Robert Markle:

Methinks I've come upon a mistake or two within the *Our Mistakes* portion of *Ex Ante*. It's in the Spring 2015 portion of volume 18 at page 239, in the first paragraph: "We recently came across some neglected and forgotten post-publication notes on Judge Reinhardt thoughts about a few passages that would have benefited from some pre-publication correction." Shouldn't Judge Reinhardt's last name be in the possessive, *i.e.*, Judge Reinhardt's thoughts?

Next sentence: "Here those passages, as they were printed and as they ought to have been printed." It seems a tad clearer once you add the word "are" immediately following the word "Here."

Always glad to help . . .

Markle is correct on both counts, and we are grateful for his help. (There are few things funnier, or more embarrassing, than editorial errors in editorial error corrections. At least to us.)

And John Conway sent us this humorous yet substantive query:

About Robin Feldman's piece *Coming of Age for the Federal Circuit*, 18 GREEN BAG 2D 27 (2014): will the "considerable hand waiving" noted at pp. 32-33 be followed by a period of hand ringing?

The answer, of course, is No. The hand in question should have been waving. So, by this correction we ringingly declare that it is.

Finally, we noticed (that is, we brought to our own attention) an error in our reproduction of Arthur Train's *The Lost Stradivarius*, 18 GREEN BAG 2D 313 (2015). On page 317, the heading that reads "VIOLIN LOST: #500 REWARD." should read "VIOLIN LOST: \$500 REWARD." A full investigation has been conducted, and we can now report that a clumsy editor who pressed shift + 3 should have pressed shift + 4. Law reviews just aren't training 'em up the way they used to.