



EX ANTE

OUR MISTAKES

We begin this installment of the *Green Bag*'s never-ending saga of self-embarrassment with an apology to Professor Lucy Salyer. Here is why. She sent us a tactful note in July:

Dear editors,

I was delighted to have my book, *Under the Starry Flag: How a Band of Irish Americans Joined the Fenian Revolt and Sparked a Crisis over Citizenship*, as a title recommended by Judge Rakoff and Lev Menand in *Green Bag Almanac & Reader* for 2018. It was such an honor to be selected. Unfortunately, my name was spelled incorrectly as "Saylor" when it should have been "Salyer". Is there a way to correct the spelling, at least on the webpage which lists the recommended books? I just want people to be able to find the book, if they're interested in reading it.

Thanks very much for your support.

All best wishes,

Lucy Salyer

We were mortified. We replied with an apology and promises to correct the spelling of her name on our website (done: see greenbag.org/green_bag_press/almanacs/almanacs.html) and publish corrections in the next issue of our flagship quarterly journal (done: right here and now) and the next *Green Bag Almanac & Reader* (to be done in 2020).

Now we move to another, and similarly awful, foul-up. Before we published the Spring 2019 issue of *Green Bag*, we sent Judge D. Brock Hornby the proofs of *Fables in Law, Chapter 13* for pre-publication review. He responded, as he always does, quickly and with a few good corrections. One

of them was:

The final Fable has some text and a footnote that has crept in from some other article (at the end after the Moral).

We thanked him and made the called-for corrections, as we always do. Or so we thought. To our extreme embarrassment, it turns out that we managed to delete the footnote that had crept in, but not the text. (Take a look at the last three lines of text on page 273 of our Spring issue.) There is a silver lining to this mortifying indicator of our intermittent (quarterly and without fail, it seems) incompetence: The great number of readers who speedily brought the mistake to our attention is a mighty good indicator of the perennial popularity of Hornby's *Fables*. So, we will continue to press him for more *Fables*, and we will do better, if we can, about printing just what he writes. And now, from attentive reader Judge Harold Kahn, our favorite missive about this latest misstep:

I just finished reading the excellent Spring 2019 issue No doubt I am not alone in finding three stray lines following the moral of Judge Hornby's last fable on page 273. The obviously out-of-place lines struck me as reminiscent of the fine article by Dan Schweitzer about state attorneys arguing as *amici curiae* in the Supreme Court that appeared in the previous issue. A quick check disclosed that the misplaced lines following Hornby's fable were repeats of the properly placed lines in Schweitzer's article appearing at 22 *Green Bag 2d* 143. As someone who has not infrequently gotten lines crossed in my own writings, I can relate to the likely pain you experienced in learning of this insignificant error. In the true spirit of Wayne Gretzky's superb aphorism that "You miss 100% of the shots you don't take," I am grateful that *Green Bag 2d* and its sister publications make so many shots, notwithstanding the infrequent errant one.

See also page 282 below.

And if all that is not enough to teach us humility, then surely this gentle correction from attentive reader Mark Pulliam ought to advance our education a bit more:

I enjoy *The Green Bag* and generally read each issue as soon as it arrives in the mail. Since typos and similar errata are important to you, I bring to your attention the caption to the illustration on

page 254 of the Spring 2019 issue (volume 22, number 3): Justice Blackmun's name is spelled in the manner of Professor Josh Blackman. Others will surely point out the same thing.

Thank you. Correct in every respect.

as to in e w	evidentiary hearing. See HEARING; ADMINISTRATIVE PROCEEDING.
n	evidentiary privilege. See PRIVILEGE (3).
er	evil, adj. (bef. 12c) 1. Morally retrograde; contrary to virtue, rightness, and wholesomeness <evil thoughts>. 2. Possessing bad moral qualities; ethically corrupt <an evil dictator>. 3. Tending to harm; injurious to well-being <an evil policy>. 4. Of, relating to, or involving calamity, trouble, or sorrow; disastrous <evil times>.
of y	evil, n. (bef. 12c) 1. Wickedness, wrongdoing, or moral badness; DEPRAVITY (1). 2. Something that hurts or harms; an affliction or deleterious action that hampers prosperity, diminishes happiness, prevents enjoyment, and decreases welfare. • Legal theorists normally reserve the word in this sense for violations of fundamental individual rights (as with arbitrary wounding or killing) or seriously wrongful harms (as with wanton destruction of the environment), as opposed to impersonally bad outcomes.
as n 's	► created evil. <i>Int'l law.</i> The evil that arises from a war.
p s-	► resisted evil. <i>Int'l law.</i> The evil that a war is meant to avert.
	3. The fact of suffering a misfortune, calamity, or wrongdoing; misery. 4. A malady or disease.

GARNER INCLUDES EVIL IN BLACK'S 11TH, YET ESCAPES CENSURE

If you don't get the joke, that's okay. You can look it up.¹ Bryan Garner's new *Black's Law Dictionary* is shot through with useful, and sometimes even entertaining, new entries. We know from experience that a few of them will qualify as Easter eggs.² It was during our own ongoing search for eggs that we stumbled upon evil. Help with the hunt would be welcomed.

¹ *Black's Law Dictionary* xvi, 277, 703 (11th ed. 2019) (Bryan A. Garner, ed.).

² Cf. *id.* at 647 (no eggs!); *id.* at 652 (eggs!).