



THE GREEN BAG

AN ENTERTAINING JOURNAL OF LAW

SECOND SERIES



VOLUME 26, NUMBER 4



SUMMER 2023

ESTABLISHED 1889



RE-ESTABLISHED 1997

Although in popular speech and writing it is common to refer to a person as a *bankrupt* – a common usage since at least the early 16th century – modern bankruptcy statutes use the term *debtor* instead. In general usage, though, almost all of us are *debtors*; only the insolvent among us are *bankrupts*.

Bryan A. Garner

Garner's Modern English Usage 94
(4th ed. 2016)

THE GREEN BAG

AN ENTERTAINING JOURNAL OF LAW

Ross E. Davies

Editor-in-Chief

David M. Gossett

Executive Editor

Gregory F. Jacob

Senior Editor

Contributing Editors

Cattleya M. Concepcion, Susan M. Davies, Anna Ivey, Rakesh Kilaru,
Thomas B. Nachbar, Sarah Nash, and Meaghan VerGow

Editorial Alumni

Daniel G. Currell, Thomas H. Dupree, Jr., Steve Engel, David L. Franklin,
Curtis E. Gannon, Suzanne Garment, Britton B. Guerrina, James C. Ho,
Melanie James, Susan Kearns, Montgomery N. Kosma, David B. Salmons,
Keith Sharfman, Edward N. Siskel, Roger V. Skalbeck, and Amy Steacy

Board of Advisers

Robert C. Berring, A. Morgan Cloud, Richard A. Epstein, Samuel Estreicher,
Suzanne Garment, Bryan A. Garner, Mary Ann Glendon, R.H. Helmholz,
Philip B. Heymann, Dennis J. Hutchinson, Montgomery N. Kosma,
Henry P. Monaghan, James M. Rosenbaum, Suzanna Sherry, and Kate Stith

Copyright © 2023 by The Green Bag, Inc., except where otherwise indicated and for U.S. government works. ISSN 1095-5216. “The Green Bag” and the “GB” logo are our trademarks. Thanks to O’Melveny & Myers LLP.

SUBSCRIPTIONS. Subscribe at www.greenbag.org or use the form in this issue. Claims must be filed at subscriptions@greenbag.org by 2/21/24. When you buy a *Green Bag* subscription, that is all you are buying – one copy of each issue of the journal and the *Almanac & Reader* (plus, for “extravagant” subscribers, four surprises per year) for the duration of your paid order. Everything else we make is a gift (*e.g.*, a bobblehead Justice) that may or may not be given to some subscribers and other people, or something sold separately (*e.g.*, the *Baker Street Almanac*), or something else (*e.g.*, a Lunchtime Law Quiz prize).

EDITORIAL POLICY. We publish authors’ ideas in their own words. We fix typos and mistakes and make minor changes to produce an attractive, grammatical, readable journal.

AUTHOR NOTES. Gratitude to RAs is nice. Colleagues who make major contributions should share the by-line. Recognize those who help in small ways with something printed by Hallmark, not the *Bag*.

SUBMISSIONS. Please send them to editors@greenbag.org. We welcome anything interesting, law-related, well-written, and short (no more than 5,000 words, including no more than 50 footnotes).

DEALING WITH AUTHORITY. Citations should be accurate and unobtrusive. Authors may use any form they like. We do edit to keep footnotes from looking like goulash.

WEB CITES. We are not responsible for the accuracy or persistence of cited URLs for websites. We do not guarantee that the content on any of those websites is accessible, accurate, or appropriate.

COPYRIGHT. If a copyright notice appears in an author note, get permission to copy from the holder. All other copying requires advance written permission from us.

CORRESPONDENCE. Please write to The Green Bag, Inc., 6600 Barnaby Street NW, Washington, DC 20015, visit www.greenbag.org, or email editors@greenbag.org.

CONTENTS

SECOND SERIES

• VOLUME 26, NUMBER 4

• SUMMER 2023

EX ANTE

Our Mistakes.....	265, 353
Watch Your Mailbox	266

TO THE BAG

John Q. Barrett	267
<i>The Good Green Bag Neighbor</i>	
Aaron Kirschenfeld.....	269
<i>A Challenge Not Necessarily Suitable for the Curious</i>	

ARTICLES

Laura N. Coordes.....	273
<i>'Til Fraud Do Us Part: Bartenwerfer v. Buckley</i>	
Tessa L. Dysart.....	281
<i>The Rise and Fall of the Roman Numeral</i>	
Bryan A. Garner.....	287
<i>The Death of Webster's as a Dictionary Trademark: A Shaggy-Dog Story – Part One, 1844-1915</i>	
Joseph R. Guerra	303
<i>The Possibly Imminent – and Deeply Ironic – Demise of Chevron Deference</i>	

Contents

FROM THE BAG

Gregory F. Jacob	317
<i>A Puzzling Adventure: Some Solutions</i>	
Ross E. Davies.....	327
<i>Spiro T. Agnew in His Own Words: 1973 and 1983</i>	

EX POST

Gregory F. Jacob	349
<i>A Rolling Stone Cold Quiz</i>	
<i>Credits and URLs</i>	353