



Ex Ante

Bobblerratum, etc.

IN OUR ANNOTATION OF the Justice Sandra Day O'Connor bobblehead (7 GREEN BAG 2D 312), we described her as occupying “a unique position on the Court in a number of ways, as the only Justice with ... state-court experience” As alert reader Stephan Johnson and *How Appealing* blogger Howard Bashman noted, we were wrong. When O'Connor joined the Court in 1981, she was the only former state-court judge on that bench, but she lost that distinction with the arrival of Justice David Souter, the former New Hampshire judge.

In other bobblehead business, the *Rutland Herald* reports that a William Rehnquist bobblehead is playing a part in shrinking the backlog of criminal cases in the Vermont state courts:

The [Rutland District Court] has been awarded a bobblehead version of U.S. Supreme Court Chief Justice William Rehnquist ... for ranking among the top courts in Vermont in terms of reducing its criminal case backlog over the past six months. ...

The genesis of the award can be traced back to a statewide judicial conference held in Burlington in January ... [at which] Vermont Supreme Court



Chief Justice Jeffrey Amestoy pledged ... to award his own Rehnquist bobblehead to the court that made the most progress in reducing its criminal case backlog over the first six months of the year.

Several other courts in the Orange, Windham, Bennington, and Chittenden districts also did a good job of reducing their backlogs. As a result, said Chief Judge Brian Burgess of the Orange District Court, “this trophy will tour the other above mentioned courts over the next couple of months, as reduction in backlog continues.”

appellateblog.blogspot.com; Alan J. Keays, Rutland court wins noddin' noggin award, Rutland Herald, Sept. 7, 2004.



The Geography of Justices

IN 1978, AN ANALYST of Supreme Court appointments wrote:

The nineteen states which have not yet had a person appointed to the Court have tended to be the least populated of their region. However, the geographical representation argument seems to be plausible and should operate to the advantage of some of these states prior to the conclusion of this century. One can reasonably expect that Presidents will continue to be concerned with the geographic factor, and that officials from the as yet unrepresented states will continue to call attention to their status when vacancies occur on the Court.

Wrong. More than a quarter-century after that prediction was published, there are still nineteen states that have not yet sent a citizen to the Supreme Court. See the map on the next page.

Surely Justice Sandra Day O'Connor has part of the explanation:

The Supreme Court and other appellate courts benefit by having judges from diverse backgrounds and experiences. Most people these days live in