



# The Appellate Judge's Reply Brief

WITH APOLOGIES TO BOTH POE ☺ LAURA I APPLEMAN, ESQ.

*J. Michael Eakin*

*A term quite dreary, I was weary, as I weighed appellant's theory,  
heavy as it was with words designed to make one snore.  
Argument had left me bleary, not one answer to my query  
why, on appeal, we should not laud the trial judge with 'Encore!'  
As I nodded, nearly snoozing, with appellant surely losing,  
suddenly there came a schmoozing clerk peeking in my chamber door.*

*The clerk was bright and surely clever, tending always to endeavor  
to persuade me of the merits of some plaintive loser's cause.  
Print-out laden, with papers heavy, surely he would offer a bevy  
of reasons pro-appellant, never mind prevailing laws.  
How I wish I had been snoozing, or on the home couch boozing,  
for this would truly be confusing, as he strived to give me pause.*

*“Appleman is right” he stated, smiling, bright and near elated.  
“Appleman? Who’s that?” I asked – the name came not to mind  
“The lawyer on this brief” he said, “I should have named the case instead,”  
and then he pressed the issue and the facts that lay behind.  
But for all his erudition, still he fell short of his mission -  
It was naught but intuition; alchemy by the logically blind.*

*“Have you read her lamentation, where she offers explanation  
for the fact there is no logic she can offer to our court?”  
“I have not” he muttered bleakly, then retreated from me meekly,  
for despite his brilliance he was a deferential sort.  
“Read the Green Bag” I asserted - he said “Oh,” his eyes averted;  
to the bookshelves he reverted, without murmur or retort.*

*Appleman was right, I knew; her words about her brief rang true -  
her skills can’t change a sow’s ear to a handsome silken purse.  
If the record won’t support it, and the client won’t abort it,  
appeal will come to nothing, and the brief make her look worse.  
One can write until next Tuesday, but citations that are used may  
give you nothing but the blues; they cause the judge to fume and curse.*

*Nor was it just contrary to send my clerk to our library  
to ponder over quaint and curious volumes of forgotten lore.*

*But if I'm to be his tutor, he can't rely on just computer  
research to divine the intricacies of law, and nothing more.  
For this clerk, but five and twenty, did find resources aplenty  
and so, when sent, he eyed the stacks and slowly shut the door.  
He's found a new prescription and for the term of his conscription,  
will use my Green Bag subscription, and peruse it first EVERMORE.*

