



Report me and my cause aright
Hamlet, Act V, Scene 2

The Catchline

BULLETIN OF THE ASSOCIATION OF REPORTERS OF JUDICIAL DECISIONS

VOLUME XXX, No. 2

JUNE 2011

President's Message

By the time you read this President's Message, you should have received your registration materials for ARJD's 30th annual meeting in Boston. If you have not already returned your registration, please do so without delay. The Boston meeting is shaping up nicely, and I hope you are all looking forward to it. If by some chance you have not received registration materials, please let me know right away.

Remember to reserve your hotel rooms directly with the Millennium Bostonian Hotel. Reservations can be made at (617) 523-3600 Mon.-Fri. between 8:30 am and 5:30 pm EST. Please identify yourself as a member of the Association of Reporters of Judicial Decisions group to obtain the ARJD negotiated rate when making reservations. The standard ARJD room rate is \$169 per night plus 14.45% taxes (applicable to the three nights preceding and following the meeting). A 3rd or 4th person in the room increases the rate by \$20 *per person* plus taxes, per night. The cut-off date for room reservations at the ARJD rate is Wednesday, July 13.



Cliff Allen has planned another outstanding educational program. Our very generous vendors will again be helping make our Boston meeting an educational and entertaining success. On Thursday evening, we will be attending the Cleveland Indians-Boston Red Sox baseball game at historic Fenway Park, courtesy of Thomson Reuters. On Friday evening, after participating in a charity event and reception, we will be treated to a tour of Boston in a "Duck Boat," courtesy of LexisNexis. And on Saturday afternoon, we will venture out to the Stellwagen Bank Marine Sanctuary, a rich feeding ground for marine life, for whale watching aboard the Voyager III, courtesy of Wolters Kluwer.



Another great feature is that we are re-instituting the Wednesday welcoming dinner this year. The Wednesday evening dinner is a great opportunity to renew old acquaintances and meet new friends. This year's dinner will be at the **Union Oyster House**, the oldest restaurant in Boston and the oldest restaurant in continuous service in the U.S. All in all, the Boston annual meeting is not to be missed!



In the last issue of the *Catchline*, I described the four committees that ARJD will utilize going forward education, communications, external outreach, and annual meeting. I am pleased to report that there are now committee chairs in place for each committee. Frank Wagner will chair the communications

committee, Leah Walker (with help in transition from Cliff Allen) will chair the education committee, Susan Williams will chair the external outreach committee, and the annual meeting committee will be chaired by the then-current president. It is the executive board's hope that many, if not all, members will choose to be active on one of our committees. Time will be set aside on Saturday morning at the annual meeting for initial meetings of these committees.

The executive board held its spring board meeting at the United States Supreme Court on April 8, 2011. The following is a brief synopsis of some of the items discussed:

Tim Fuller's Treasurer's Report shows a balance of more than \$16,000. Tim has indicated that he will continue as treasurer for one more year, and Dan Anselmo has agreed to assume the position of treasurer when his term as president has been completed at the conclusion of the 2012 annual meeting in Chicago.

Due to escalating costs of just about everything, the membership will be asked to approve an increase in ARJD dues to \$60 (from \$50) for reporters and to \$40 (from \$30) for associate members.

As the 2013 annual meeting will not be held in Kenya (see the discussion in the last issue of the *Catchline*), the executive board authorized investigation of Washington, DC and San Diego, CA as potential sites for the 2013 annual meeting. Further details will be discussed at the annual meeting.

I encourage you to come to Boston this summer to enjoy the social and educational programs and to take advantage of the wonderful opportunity to network with your peers. Please also try to encourage other reporters and associates to join our association. It is well worth it!

I hope to see you all in Boston!

RALPH PRESTON
ARJD PRESIDENT 2010-2011

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NCLR Receives Prestigious Award

Congratulations are in order for our ARJD colleagues from **The National Council for Law Reporting (NCLR) in Kenya**. The prestigious Technology in Government in Africa (TIGA) Award, 2011, has been received by Michael Murungi on behalf of NCLR. The award, which was presented in Addis Ababa, Ethiopia, recognized outstanding achievement “in developing and implementing innovative projects to improve online government service delivery with a specific focus on citizens or businesses as clients of government.”

The award was presented during the second meeting of the Committee on Development Information, Science and Technology, which is a committee of the United Nations’ Economic Commission for Africa (UN-ECA), and is co-sponsored by the UN-ECA and the Government of Finland. There were 89 entries from 24 African countries.

The judges stated that NCLR’s initiative “aims at recognizing the primary role of local initiatives in free publishing of their own national information; co-operating in order to achieve these goals; recognizing reciprocal advantages that obtain from access to each others laws; helping each other and to support, within their means, other organizations that share these goals with respect to promotion of public policy conducive to the accessibility of public legal information, technical assistance, advice and training, development of open technical standards, and academic exchange of research results.”

Not Your Average General Counsel

All those in the ARJD who know her, know that **Barbara Kincaid** is not your average General Counsel. Now, thanks to *Canadian Lawyer* magazine, many others know as well. As the article points out, Barbara “heads the operations sector at [the Supreme Court of Canada], which makes her and her staff responsible for all activities related to processing cases that are brought to the [Supreme Court], including case management, providing legal and research services, and publication of the court’s decisions. That places her in command of about 80 court employees and four operational branches – law, reports, registry, and library and information management.”

For those who would like to know what Barbara does when she is not serving as an ARJD officer, executive board member, or committee chair, the article appears in the February 2010 issue of *Canadian Lawyer* or may be found at: <http://www.canadianlawyermag.com/not-your-average-gc.html>

The Law Reporting Council of Ireland

The **Law Reporting Council of Ireland** is offering its publications to the members of the ARJD at greatly reduced prices. The Reporting Council is one of Ireland’s oldest publishing houses, having been founded in 1866. It is a legal charity composed of the senior members of the judiciary, the Attorney General, the Director General of the Law Society, and elected members of the legal profession. The Council publishes the “official” series of law reports of the superior courts of Ireland (The Irish Reports). It also publishes other legal titles, including The Superior Courts of Law “Official Law Reporting in Ireland 1866-2006, by Dr. Eamonn G. Hall.

The Council is offering a 45% discount on the purchase price of a complete set of the Irish Reports for any five, ten or twenty year period from 1979 to the present. The Council is also offering a 25% discount to a new subscriber to the Irish Reports in the first year of subscription.

Inquiries may be made to ciaran@irishreports.ie



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“Reason and Passion in Opinion Writing”

Professor **Douglas E. Abrams**, who presented “Judges and Their Editors” at our Halifax meeting, has again considered judicial opinions in his article “Justice Jackson and the Second Flag-Salute Case: Reason and Passion in Opinion-Writing,” found in the *Journal of Supreme Court History*, 2011 Vol. 36 No. 1, p. 30. Professor Abrams notes that the majority opinion written by Justice Robert H. Jackson in the United States Supreme Court decision, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), has been described by Judge Richard A. Posner as possibly “the most eloquent majority opinion in the history of the Supreme Court,” and that Justice Jackson has been called “the best writer ever to sit on the Court” by Professor Charles Alan Wright.

In placing the *Barnette* case in historical context, Professor Abrams points out that the case “reached the Court as the nation waged global war.” Only two years



Douglas E. Abrams

prior to *Barnette*, the Court had decided *Minersville School District v. Gobitis*, 310 U.S. 586 (1940), which rejected the religious freedom claims of Jehovah’s Witnesses and held that the First Amendment permitted states and localities to mandate flag salutes and the pledge of allegiance in public schools. The decision in *Gobitis* was followed by expulsion from public schools for some 2,000 Jehovah’s Witness children and criminal court appearances by many of their parents. Justice

Jackson was chosen to explain why the Court, only two years after *Gobitis*, was reversing itself. Professor Abrams describes Justice Jackson’s majority opinion as a “reasoned, yet passionate endorsement of individual freedom that has been called ‘the most illuminating definition of Americanism in the history of the Court.’” Nearly seventy years later *Barnette* “continues to engage historians and students of the Court” due to the “high drama and the endurance of its doctrine.”

Of special interest to ARJD members may be the manner in which Justice Jackson approached the craft of judicial opinion writing. Professor Abrams states that Justice Jackson became the Court’s “paramount writer without relying on law clerks or other ghost writers to compose his work or turn a phrase for him.” It is also clear from reading only a few of Justice Jackson’s judicial opinions that he did not write like a lawyer. The article quotes Professor Rodell’s speculation that Justice Jackson “wrote so unlegally well — with the force of plain and pointed talk replacing lawyers’ jargon — because he never went through law school nor won a law degree; indeed, . . . he never even went through college, and [one year at Albany Law School] was his only formal education after high school.

A reading of the Supreme Court’s decisions in *Gobitis* and *Barnette*, followed by Professor Abrams’s article, Justice Jackson and the Second Flag-Salute Case: Reason and Passion in Opinion-Writing, is an exercise that the reader will find to be both historical and contemporary.

Typography for Lawyers

The May 2011 ABA Journal, at p. 11, in an article by **Arin Greenwood**, discusses a recently published book by Matthew Butterick, entitled *Typography for Lawyers*. For those ARJD members who are responsible for matters such as “spacing, punctuation, symbols, fonts, and margins,” this book might be a helpful tool.

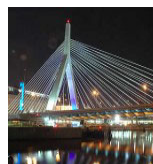
http://www.abajournal.com/magazine/article/looking_good

Bryan A. Garner, Editor in Chief of Black’s Law Dictionary, calls this book a “tour de force” that’s “smartly reasoned,” “well written,” and “assuredly infallible.”

William Rubenstein, Professor of Law, Harvard Law School said “This book convincingly explains why presentation matters and it teaches you how to master the art. Every law student and lawyer should buy this book, read it, and follow it.”



Faneuil Hall Marketplace at night



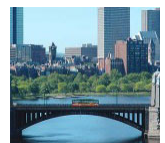
Bunker Bridge



State House



Paul Revere Statue



Longfellow Bridge

Welcome to Boston!



John Adams Courthouse



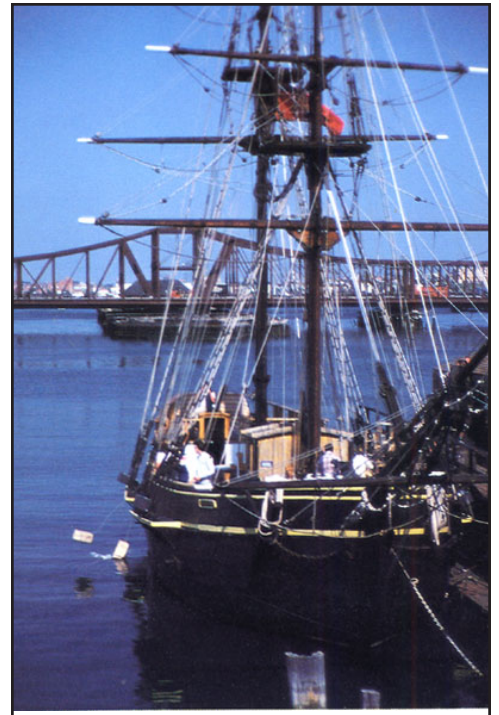
Ghosts & Gravestones Tour



Stellwagen Whale Watching



Boston Long Wharf



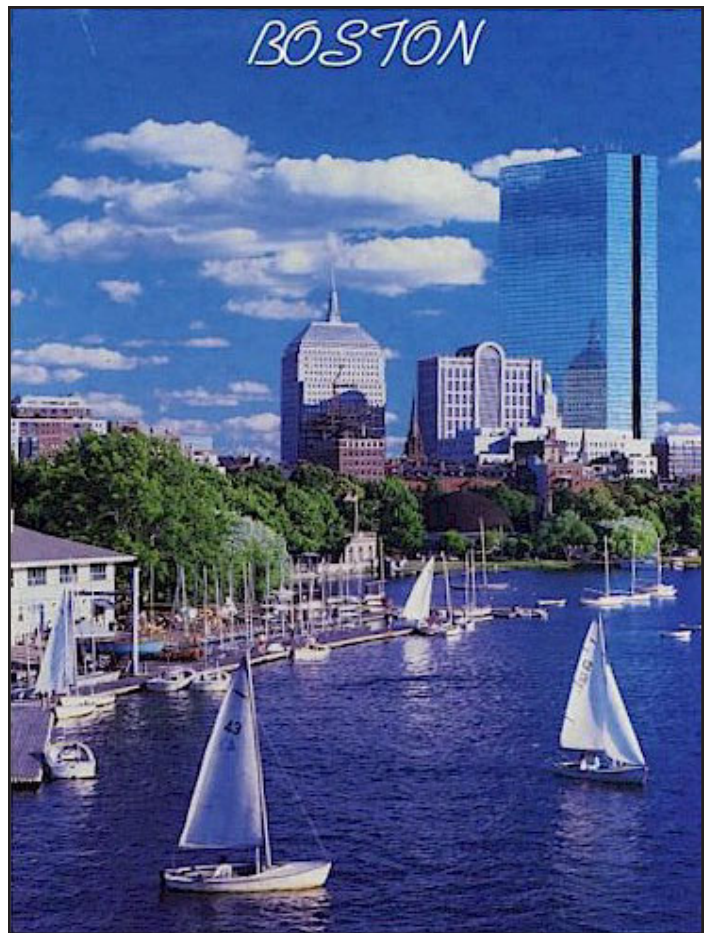
The famous "Boston Tea Party" ship!



The USS Constitution—"Old Ironsides"



Tour boat excursions depart regularly from Long Wharf



Boston Common Frog Pond Carousel



Boston Museum Construction



<http://www.millenniumhotels.com/milleniumboston/index.html>



Hotel Lobby



Hotel Entrance



View of Boston Skyline



Hotel Lobby



View from Hotel



JQ Room

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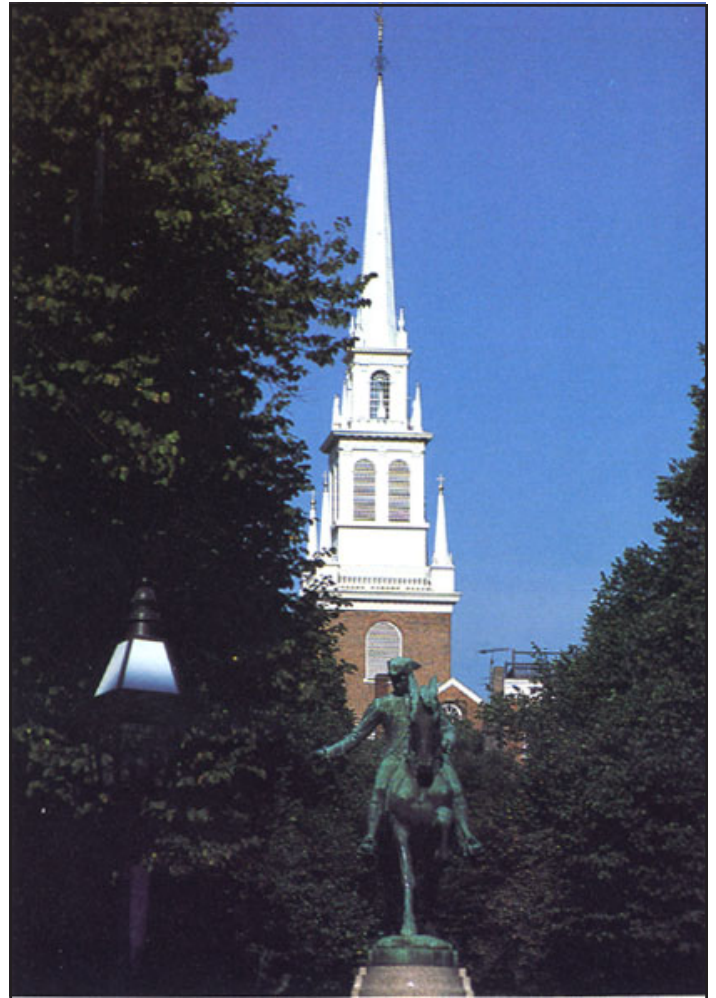
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The Catchline

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Old North Church, one of the many sites on the Freedom Trail



The delightful swan boats in the Public Garden



The New England Aquarium

Visit our Web site at <http://www.arjd.washlaw.edu>