

Ex Ante

And here is another gem, from the “20 Questions” with Justice Kay B. Cobb of the Supreme Court of Mississippi:

Bashman: I see that before you became a Justice you served in the Mississippi State Senate. How if at all does having served in the legislative branch influence you in your work as a judge?

Cobb: It helps to have been a part of the law-making process; to have a thorough understanding of that process. It certainly makes it easier to understand why some statutes are so unclear and imprecise. Occasionally I have “flashbacks” to arguments on the floor of the senate when a convoluted bill was passed, and the chairman of a committee would say something to the effect of “don’t worry about the details . . . we’ll let those lawyers and judges figure them out.” However, in the pure sense of the word “influence,” I believe that it has very little effect on my work as a judge. Because our state has very scant records of legislative matters, we basically do not get into the discussion of legislative intent in our opinions construing statutes. Having been in that body, and realizing the misinterpretations which could all too easily be made, I am comfortable with our system.

There is a lot more. Maybe Bashman should put out a best-of book.

THE BREYER TRIVIA QUIZ

At O’Melveny & Myers LLP (the *Green Bag’s* bobbleheadquarters in Washington, DC), *Bag* editor Greg Jacob occasionally engages in some bobblehead-related fun and games. Here is an example – the quiz he administered for some of his colleagues to celebrate the release of our Justice Stephen Breyer bobblehead (do not peek at the answers, which are on page 376):

Breyers Ice Cream

- 1) What city – which won the 1960 NFL Championship but has never won the Super Bowl – gave birth to Breyers Ice Cream?
- 2) What are the first three ingredients for Breyers Natural Vanilla ice cream?
- 3) Breyers offers flavors paired with what two popular Girl Scout cookie brands?

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- 4) Breyers claims to have originated in this year – also the year in which the 14th Amendment was passed by Congress.
- 5) Breyers Rocky Road ice cream consists of chocolate ice cream and what two other key components?
- 6) After being acquired by the Anglo-Dutch conglomerate Unilever in the 1990s, Breyers was combined in its corporate form with this amusing ice cream brand that was originally sold primarily from trucks.
- 7) About half of Breyers cartons no longer contain ice cream, but rather contain this product with the initials FDD – so designated because it does not meet the FDA requirement that “ice cream” contain at least 10 percent dairy fat.
- 8) Breyers cookie and cream ice cream features what popular cookie brand?
- 9) Breyers no longer claims to be “all natural” after a 2012 settlement of a class action lawsuit that had also targeted what other popular ice cream company? (Note: You could get \$2 a carton as part of the settlement, with credit for up to three cartons without proof of purchase. But alas, the period for claim submissions expired in August 2012.)
- 10) Breyers “no sugar added” ice cream uses what sweetener?

Justice Stephen G. Breyer

- 1) In what year was Justice Breyer appointed to the Supreme Court?
- 2) While serving as counsel to the Judiciary Committee under Ted Kennedy, Justice Breyer championed the deregulation of what?
- 3) Justice Breyer’s mother persuaded him to go to this school for college, because she was afraid that Harvard would make him too bookish.
- 4) What court did Justice Breyer serve on prior to his appointment to the Supreme Court?
- 5) Justice Breyer was hit by a car in 1993, puncturing a lung, while doing what?

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- 6) In what area of the law did Justice Breyer specialize as a professor?
- 7) Justice Breyer occupies the Supreme Court seat previously held by Justice Frankfurter, Justice Cardozo, and this Justice who was also the author of *The Common Law*.
- 8) Justice Breyer fell 29 days short of breaking the record for longest-serving junior-most Justice on the Supreme Court, set at 4,228 days by this Justice, who also wrote the *Commentaries on the Constitution of the United States*.
- 9) What is the title of Justice Breyer's 2005 book, which could also be a cross between Richard Simmons and a New York Harbor statue?
- 10) Justice Breyer sits between what two Justices during oral arguments?

The Briar Patch

- 1) In the Uncle Remus folk tales written by Joel Chandler Harris, the enemy of Br'er Rabbit whom he begged not to throw him into the briar patch was which animal?
- 2) What are the two days each year on which the most roses are sold?
- 3) In this revolutionary Star Trek movie, "The Briar Patch" was the name given to a nebula found in Sector 441 of Federation Space.
- 4) Sweet Briar College is located in what state?
- 5) The Grimm Brothers fairy tale "Briar Rose" became the basis for Disney's *Sleeping Beauty*, in which the name of Princess Aurora's evil nemesis is what?
- 6) What President signed into law legislation making the rose the official national flower of the United States?
- 7) When it comes to tobacco use, a briar is a what?
- 8) There is an old Irish saying: "Though _____ is sweet, do not lick it off a briar."
- 9) Briar Cliff University is located in what state?
- 10) This song from Disney's first live action feature film *Song of the South* won the 1947 Academy Award for best original song.

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ANSWER KEY FOR THE BREYER TRIVIA QUIZ

Breyers Ice Cream

- 1) Philadelphia
- 2) Milk, cream, sugar
- 3) Thin Mints and Samoas
- 4) 1866
- 5) Marshmallows and almonds
- 6) Good Humor
- 7) Frozen Dairy Dessert
- 8) Oreo
- 9) Ben & Jerry's
- 10) Splenda

Justice Stephen G. Breyer

- 1) 1994
- 2) The airlines
- 3) Stanford
- 4) First Circuit
- 5) Riding his bike
- 6) Administrative law
- 7) Oliver Wendell Holmes
- 8) Joseph Story
- 9) Active Liberty
- 10) Thomas and Sotomayor

The Briar Patch

- 1) Br'er Fox
- 2) Valentine's Day and Mother's Day
- 3) Insurrection
- 4) Virginia
- 5) Maleficent
- 6) Reagan
- 7) A pipe
- 8) Honey
- 9) Iowa
- 10) Zip-a-Dee-Doo-Dah.