

THE GREEN BAG

AN ENTERTAINING JOURNAL OF LAW

SECOND SERIES • VOLUME 19, NUMBER 4 • SUMMER 2016

ESTABLISHED 1889 • RE-ESTABLISHED 1997

Louis Vuitton Malletier, S.A. ("Louis Vuitton"), the maker of Louis Vuitton bags, is perhaps unfamiliar with the "my other car" trope. Or maybe it just cannot take a joke. In either case, it brings claims against MOB with respect to MOB totes that are concededly meant to evoke iconic Louis Vuitton bags. . . . For the reasons that follow, MOB's motion for summary judgment is granted and Louis Vuitton's motions are all denied.

Jesse M. Furman

Louis Vuitton Malletier, S.A. v. My Other Bag, Inc., 156 F.Supp.3d 425, 430 (S.D.N.Y. 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

Susan M. Davies, Curtis E. Gannon, Anna Ivey, Rakesh Kilaru, Thomas B. Nachbar, and Sarah Nash

Editorial Alumni

Daniel G. Currell, Thomas H. Dupree, Jr., Steve Engel, David L. Franklin, 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, Kate Stith, and William Van Alstyne

Copyright © 2016 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 at the back of this issue. Call (800) 828-7571 for back issues. Claims must be filed at subscriptions@greenbag.org by 2/5/17. 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 the extravagant subscribers, four surprises/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 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 byline. 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. We hold all other copyrights. You may copy for classroom use items to which the *Green Bag* holds the copyright if you: (1) distribute them at or below the cost of reproduction; (2) identify the author and the *Green Bag*; (3) affix a proper copyright notice to each copy; and (4) tell us. All other copying requires advance written permission.

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 19, NUMBER 4 • SUMMER 2016

Ex Ante	
Our Mistakes	335
Our First Year of Living Extravagantly	335
The Best and the Bobbliest: Frank H. Wu	336
To the Bag	
Robert C. Berring	337
Contents Are 80% Librarian	
Paul D. Carrington	337
About Ex parte Quirin	
Paul Kiernan	338
The Paper Clip Files	
Articles	
Erwin Chemerinsky	343
Everything Changed: October Term 2015	
Eric Goldman	357
Writing Tenure Review Letters: My Top 10 Suggestions	
Brianne J. Gorod	369
A Strange Year at the Court	

Contents

Dan Schweitzer38	33
When Timing Is Everything in the Supreme Court	
Dwight H. Sullivan & Eugene R. Fidell	}7
From the Bag	
Belva A. Lockwood41	13
My Efforts to Become a Lawyer	
Ex Post	
D. Brock Hornby43	35
Fables in Law: Legal Lessons Inspired by Piero Calamandrei	
Acknowledgments & Credits44	12

