



EX ANTE

OUR MANY AND AMUSING MISTAKES

Our Spring 2017 issue was good for, among other things, inspiring correspondence about our mistakes. Paul Kiernan sent us what must qualify as one of the most meta mistake letters of all time:

Beaucoup thanks for the Beauchamp piece, *Notable Lacunae*, 20 Green Bag 2d 307 (2017). I never met a meta-concept I didn't like. So an article you can cite for the proposition that there is nothing you can cite to – well, that's just a cite to see.

Surely, I am not alone in spotting that Professor Beauchamp introduced his own lacuna, a nod towards the nothingness that awaits even the self-referential. In citing his own piece, the Professor locates it at 20 Green Bag 2d 313, rather than at 20 Green Bag 2d 307. *See* 20 Green Bag 2d at 308 n.3. This strongly suggests that at one time this volume of GB2d was a few pages longer and that those missing six pages have vanished, leaving only this solitary footnote to mark their passing. What treasures may once have been found in those pages! Legal. Loquacious. Laconic. Lacunal! One can imagine Sartre or David Lynch or Larry David grappling with what happened in the pages that once were and are no more. Once again, thanks for nothing.

We appreciate your comments Paul, but there is nothing to see here.

Ben Baring and Jeff Nye caught another cross-referencing problem in the Spring issue (which Nye called “the ‘Jack Metzler is smarter than you’ edition”). As Baring puts it, “On page 277, you refer to the first half-or-so of *The Dog Andrew* having been published in the Spring issue, when it should be the Winter issue.” They are correct, and we are grateful.

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Readers also caught a few little slip-ups in Jack Metzler’s “suppletive” paper. Joshua Cumby, for example, tactfully and correctly notes:

On page 248, the first sentence reads: “This is the same contrast drawn by Harlan’s dissent: mandatory versus suppletive.” I’m sure you (including both author and editors) meant to say “Harlan’s concurrence,” as that justice’s concurring opinion in *Labine v. Vincent* is the subject of Mr. Metzler’s marvelous monograph.

Finally, in a place of honor (*see, e.g.*, Jimi Hendrix at Woodstock), we have this from leading Supreme Court scholar (and longtime contributor of excellent little articles to the *Green Bag*) G. Edward White:

Finally, you are bound to get a number of communications about one feature of Jack Metzler’s good piece on Harlan’s use of “suppletive” in *Labine v. Vincent*. It turns out that after correctly reproducing Harlan’s cite to Hart & Sacks’ “Legal Process” materials on page 244 of the article, Metzler then goes on to misspell Sacks’ name for the remainder of the article, calling him “Sachs” starting on page 246 and continuing that spelling through 251, the last page. The error is understandable in the sense that “Sachs” is probably a more common spelling of the name. But it is less understandable given the discrepancy between Harlan’s original citation, and especially so because there are several references to “Sachs” in the pages I noted. Of all the “mistakes” readers call to your attention, I predict this will get perhaps the highest number of communications. The mistake is also ironic in at least two respects. First, the thrust of Metzler’s argument is to defend Harlan’s accurate use of the term “suppletive” against Putzel and staff’s effort to ridicule it, and he does that in an analysis notable for its attention to detail (and yet misses the detail of Sacks’ name). Second, the use of “suppletive” in Hart & Sacks, coupled with Harlan’s citation to their treatise, is the clinching argument in support of Harlan, and so Metzler ends up misspelling his most powerful source. All quite amusing, to me at least.

And to us (and Jack Metzler), too. Thank you Professor White.

On rare occasions we catch our own errors. Here is an example: In our Spring issue we published a micro-symposium on Eric Goldman’s *Writing Tenure Review Letters: My Top Ten Suggestions*. *See* 19 *Green Bag* 2d 357 (2016); 20 *Green Bag* 2d 289 (2017). Unfortunately, in our “Introduction” we repeatedly referred to him as “Goodman” rather than “Goldman.” 20 *Green Bag* 2d at 290. We are mortified and apologetic.