



# THE GREEN BAG

AN ENTERTAINING JOURNAL OF LAW

---

SECOND SERIES • VOLUME 21, NUMBER 4 • SUMMER 2018

---

ESTABLISHED 1889 • RE-ESTABLISHED 1997

---

[W]hy will people confess more readily to almost any other fault than a lack of it? Perhaps they do so because, as I have observed before, it is, after courage, the most valuable possession we can have. And yet, though many will admit, and sometimes, wrongly, that they lack courage, I have still to meet a man or woman who will confess to a lack of humor.

J. Donald Adams

*The New York Times Book Review, Oct. 28, 1962*

# 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, Anna Ivey, Rakesh Kilaru, Thomas B. Nachbar, and Sarah Nash

*Editorial Alumni*

Daniel G. Currell, Thomas H. Dupree, Jr., Steve Engel, David L. Franklin,  
Curtis E. Gannon, 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 © 2018 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](http://www.greenbag.org) or use the form in this issue. Call (800) 828-7571 for back issues. Claims must be filed at [subscriptions@greenbag.org](mailto:subscriptions@greenbag.org) by 1/1/19. 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 “extravagant” subscribers, four surprises per 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 by-line. Recognize those who help in small ways with something printed by Hallmark, not the *Bag*.

**SUBMISSIONS.** Please send them to [editors@greenbag.org](mailto: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](http://www.greenbag.org), or email [editors@greenbag.org](mailto:editors@greenbag.org).

# CONTENTS

---

SECOND SERIES • VOLUME 21, NUMBER 4 • SUMMER 2018

---

## EX ANTE

<i>Our Mistakes</i> .....	271
<i>Belva and Teddy, Celebrity Endorsers</i> .....	272
<i>Is This “Law review“ Article Too Much?</i> .....	274
<i>An Ambulant Invitation</i> .....	275
<i>The Annotated Justice Trimble</i> .....	276
<i>How to Cite a Terminal Title Comma,</i> .....	277
<i>Ex Postponement</i> .....	277
<i>Photographic Appeal</i> .....	277

## ARTICLES

Rachel I. Gurvich.....	281
<i>Letters Tweets to a Young 1L</i>	
Joseph Kimble.....	297
<i>Deep in the Weeds of Textualism</i>	
Laura N. Coordes.....	307
<i>U.S. Bank v. Village at Lakeridge: A Small Step for Bankruptcy, and A Slightly Bigger Step for Civil Procedure</i>	

Contents

Heather Elliott .....315  
*Justice Gorsuch’s Would-Be War on Chevron*

Sarah Nash .....325  
*The Supreme Court Splits Over Fair Share Fees*

FROM THE BAG

Tiffany Li .....335  
*A ;- ) at the Past and Future of English*

Robert Lincoln O’Brien.....349  
*Machinery and English Style*

REVIEW

Robert E. Rains .....361  
*Musings from Another Time*

Credits.....369

