

tale of what it takes to make Justice David Souter sing.

Chief Justice William Rehnquist leads the caroling at the Supreme Court's annual Christmas party. Shortly before one such party, a newly-appointed Justice Souter encountered a law clerk who asked if he would sing. Souter deadpanned: "I have to. Otherwise, I get all the tax cases."

In other news:

"This is a tax case. Deny." That was Brennan's normal reaction to a cert request in a tax case. Bob Woodward & Scott Armstrong, *THE BROTHERS* 362 (1979).

"If one's in the doghouse with the Chief, he gets the crud," Justice Harry A. Blackmun, whose relations with Chief Justice Burger were sometimes strained, said in a speech to a group of judges last summer. "He gets the tax cases, and some of the Indian cases, which I like but I've had a lot of them." Stuart Taylor, *Reading the Tea Leaves of a New Term*, N.Y. TIMES, Dec. 22, 1986, at B14.

"A dog is a case that you wish the Chief Justice had assigned to some other Justice." A deadly dull case, "a tax case, for example." Stuart Taylor, *Powell on His Approach*, N.Y. TIMES, July 12, 1987, at 1 (quoting a recently retired Justice Lewis Powell).

In one example of [Justice Thurgood] Marshall's humor, retired Supreme Court Justice Lewis F. Powell Jr. told the *Washington Post* several years ago of the time, in the middle of a lofty legal discussion about a boring tax case, Marshall leaned over to Powell and said, "You can have my vote on this for a future draft pick." Dick Lehr, *Former Justice Marshall dead at 84*, BOSTON GLOBE, Jan. 25, 1993, at 1, 6.

See Richard Carelli, *Justice Souter Sees Singing As Self-Defense*, AP, Jan. 7, 1992 (Carelli also reports that "[s]ome justices have told acquaintances they'd rather volunteer to wash windows than be assigned the opinion-writing chores in a tax case."); see also Paul L. Caron, *Tax Myopia, Or Mamas Don't Let Your Babies Grow Up To Be Tax Lawyers*, 13 VA. TAX REV.

517 (1994); Erik Jensen, *Of Crud & Dogs*, 58 TAX NOTES 1257 (1993).

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HOW MANY LAW PROFESSORS does it take to compile the judicial opinions in the flurry of election-related lawsuits that is coming to be known as "Bush v. Gore"? Three, although it is not clear why it took so many, unless it was to write the 11-page introduction to the compilation. Then again, by doing next to nothing, these scholars have produced one of the most useful, thoughtful and well-written books on the presidential election litigation.

Robert M. Jarvis, Phyllis Coleman & Johnny C. Burris, *BUSH V. GORE: THE FIGHT FOR FLORIDA'S VOTE* (Kluwer 2001).

ASIDE

ONCE EVERY FEW YEARS the editorial board of the *University of Pennsylvania Law Review* goes on a frolic and detour. The product of such an escapade is commonly labelled an "Aside," the most famous of which is *The Common Law Origins of the Infield Fly Rule*.

The board of Volume 149 (2000-2001) has delivered its contribution to this tradition in a short essay that "seeks to examine the potentially dangerous shift from paper to server" in the publication of legal scholarship. Like most law review articles, this one begins with the "roadmap" paragraph:

Part I sets out the historical relationship between student-run law reviews and the academy in order to make certain obvious and noncontroversial claims that are both abstruse and well-cited; it has been omitted for clarity's sake. Part II defends the traditional imperatives of the law review article format, its hyperprolixical verbosity and its footnote-heavy citation style; it has also been removed for lack of support. Part III argues for a vision

of bluebooking as modality encoding via citation uniformity, thus enabling a new hermeneutics of meaning through reader decoding. This part is so dense and yet flaky it has swallowed itself in a Dough-Boy vortex and is now believed to be part of a legal theory pound cake, inferentially observed only by occasional citation from authors attracted to its buttery goodness. Part iv is the only original thought in this whole Aside, but, in the tradition of legal work generally, it is both

underdeveloped and fairly insignificant. It more or less amounts to arguing that web pages that seek to replace law reviews by publishing scholarly work on the internet tend to suck.

And it gets even better, or worse.

Aside, *Challenging Law Review Dominance*, 149 U. PA. L. REV. 1601 (2001); Aside, *The Common Law Origins of the Infield Fly Rule*, 123 U. PA. L. REV. 1474 (1975). ~~GB~~