

OLD-AND-IMPROVED

THERE IS ROOM for at least two authoritative treatments of almost every subject in the law. For federal procedure there are Moore and Wright & Miller. For contracts there are Corbin and Williston. For constitutional law there are Nowak & Rotunda and Tribe. And so on. On the subject of practice before the Supreme Court of the United States, however, there is only one: Stern & Gressman.

Since the first edition appeared in 1950, it has been appreciated as the best source of “everything, outside of the field of substantive law, that a lawyer would want to know in handling a case in the Supreme Court.” That first edition was 553 pages long. The law and legal institutions being the creatures they are, the new eighth edition is well over twice that length.

According to co-author Stephen Shapiro, “Every chapter in the book has been extensively revised to reflect changes in the Supreme Court’s rules and new developments in precedent. Beyond that, we have added new discussion of oral argument technique in the increasingly active argument environment in the Supreme Court, and new recommendations for drafting effective merits briefs, amicus briefs, certiorari petitions, and oppositions to certiorari. Readers will also find an expanded discussion of the Supreme Court’s screening procedures for certiorari petitions and a guided tour through the Court’s data bases on the web. We hope the book will be useful for Supreme Court practitioners, appellate lawyers generally, professional and amateur Court watchers, and law students gearing up for their first moot court.”

Notwithstanding its ongoing aspiration to comprehensiveness, out with the old and in with the new is not necessarily the order of the day when it comes to new editions of Stern & Gressman. Although footnote 6 in the preface

to the new edition reports as follows – “We produced two supplemental pamphlets to explain the 1995 and 1997 rule changes, entitled SUPREME COURT RULES: THE 1995 REVISIONS and SUPREME COURT RULES: THE 1997 REVISIONS. The contents of those pamphlets have been incorporated into this Eighth Edition.” – the book does on occasion refer the reader to those pamphlets. For example, in the discussion of amicus briefs and Supreme Court Rule 37.6, we find the following: “For a more detailed discussion of the requirements of Rule 37.6, see R. Stern, E. Gressman, S. Shapiro, & K. Geller, *Supreme Court Rules – The 1997 Revisions* (1997).”

The lesson: old-and-useless does not necessarily follow from new-and-improved.

The *Green Bag* also approves of the tasteful color selected by the Bureau of National Affairs for the binding on the eighth edition.

Robert L. Stern, Eugene Gressman, Stephen M. Shapiro & Kenneth S. Geller, *SUPREME COURT PRACTICE* (BNA 8th ed. 2002).

A TRUST COMMITTED BY ALL

THE CATO INSTITUTE takes its name from the series of letters written by John Trenchard and Thomas Gordon, and originally published under the pseudonym “Cato” in English newspapers between 1720 and 1723. In the fifteenth and most famous of those letters, Cato declared:

That men ought to speak well of their Governors, is true, while their Governors deserve to be well spoken of; but to do public Mischief, without hearing of it, is only the Prerogative and Felicity of Tyranny: A free People will be shewing that they are so, by their Freedom of Speech.

It should come as no surprise that the modern, libertarian, Institutional Cato believes that our judicial governors do not always deserve to be well spoken of. The first