

To the Bag

One-Hit Wonder

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In its last volume, the *Green Bag* kept a promise “to be kinder to the Harvard Law Review” by casting a favorable look back on the very first *Harvard Law Review Foreword*, written by Professor Louis Jaffe. 5 GREEN BAG 2D 138, 138 (2002). The *Bag* praised Jaffe for “not[ing] the leading cases of the day” without devoting undue space to the details. Well, be careful what you wish for.

This year’s *Foreword*, by Aharon Barak, President of the Supreme Court of Israel, is even more sparing with the details than the first *Foreword*. See President Aharon Barak, *The Supreme Court, 2001 Term, Foreword: A Judge on Judging: The Role of a Supreme Court in a Democracy*, 116 HARV. L. REV. 16

(2002). In fact, President Barak came very close this year to pitching a complete shutout – he was only one case away from failing to mention a single case decided by the Supreme Court in its most recent term. Sadly, the Court’s decision in *Republican Party of Minnesota v. White*, 122 S. Ct. 2528 (2002), does come in for a few brief footnote mentions. Still, a one-hitter is pretty impressive, especially given that Barak had 146 pages to work with compared to Jaffe’s eight.

Incidentally, if you count mentions of Supreme Court cases decided in this millennium, Barak picks up only one more – the obligatory mention of *Bush v. Gore*. And if you widen the scope to include any case decided by the United States Supreme Court in

the 1990s, the total comes up to just seven; not bad, but only a tie with his mention of seven Canadian Supreme Court cases decided in the same period.

Future *Foreword* writers, take note: the bar has been raised. One can only dream of the giant, perhaps slouching his or her way toward Cambridge even now, who may one day pitch a perfect shutout in the *Foreword*: no mention of any cases at all.

Optimistically yours,

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