

To The Bag

review by courts as one safeguard against oppressive government and stirred-up majorities. National, multinational and international human rights charters and courts today play a prominent part in our world. The U. S. judicial system will be the poorer, I believe, if we do not both share our experience with, and learn from, legal systems with values and a commitment to democracy similar to our own.

(Justice Ginsburg's complete speech is available at www.asil.org/events/AM05/ginsburg050401.html and will be published in the Fall 2005 *Proceedings of the 99th Annual Meeting of the American Society of International Law*).

I tend to agree with Justice Ginsburg (full disclosure: I served as one of her law clerks in 1999–2000) that foreign judicial opinions, prudently used, can serve as a valuable resource for American judges deciding constitutional cases, as can (shudder!) articles by law professors. Kontorovich's opposing view is a respectable one; he might have advanced it without "lifting ... from their context" the words of Justice Ginsburg's speech.

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GB Meets BB

To the Bag:

Much has been written about the role of *The Bluebook: A Uniform System of Citation* in the field of legal citation. It has even been claimed that "one legal publication actually may have failed because The Bluebook provided no abbreviation" for its name. For this reason, it has been worrisome that *The Bluebook* has heretofore omitted the *Green Bag, 2d Series* from its table of periodical abbreviations, skipping arbitrarily in the Seventeenth Edition (2000) from *Great Plains National Resources Journal* to *Guild Practitioner* without even an ellipsis to mark the glaring omission.

The Eighteenth Edition (2005) of *The Bluebook* is

hot off the presses, longer than ever, and among such other changes as glossier covers and expanded international coverage from Argentina to Zambia, it is welcome news that “*Green Bag*” has now taken its rightful place in the listing of periodicals. Moreover, after what I’m sure was a lengthy deliberation, the *Bluebook* editors have determined that the authorized abbreviation for “*Green Bag*” is “GREEN BAG” – which seems sensible enough, but puts *The Bluebook* (and the *Green Bag*’s editors themselves) in conflict with such alternate citation authorities as the style sheet of The Monash University Library in Melbourne, Australia, which lists “GB” for “*Green Bag*.”

Although *The Bluebook*’s recognition of the *Green Bag* (abbreviation: GREEN BAG) is worthy of celebration, at the same time one can quibble that express mention is not made of the *Green Bag*, 2d Series. Arguably, the journal belatedly recognized by the new *Bluebook* is not the *Green Bag*’s current incarnation (fl. 1997 –), but rather the original series of the *Green Bag*, published from 1889 to 1914. (Alas, the decision to cease publishing the *Green Bag* in December 1914 cannot be blamed on *A Uniform System of Citation*, whose first edition appeared in 1926.)

Nor does *The Bluebook* provide definitive instructions for citing the Second Series of a periodical like this one. Although *The Bluebook* does explain how to abbreviate the Second Series of a reporter (e.g., “F.2D”), the *Green Bag*, 2d Series, is not a reporter. The closest analogy for citing the Second Series of a periodical would be to the rule either for citing a New Series (“(n.s.)”) or for abbreviating the unadorned word “series” (“ser.”). Indecision on the part of *Bluebook*-form fanatics (a/k/a law review editors) as to whether this publication is henceforth to be cited as “GREEN BAG (2D S.)” or “GREEN BAG (2D SER.)” will no doubt be disregarded by the *Green Bag* editorial staff, who will surely continue to use “GREEN BAG 2D” – relying on the *Bluebook*’s backhanded acknowl-

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edgement that “preferred abbreviation conventions for individual journals may differ from those listed” in the abbreviation table – until clarification can be obtained from *The Bluebook’s* Nineteenth Edition, forthcoming in 2010.

Ira Brad Matetsky
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Advice Authored

To the Bag:

With regard to the effort to identify the author of the flyer [*Advice to Lawyers*, 8 GREEN BAG 2D 223], it obviously was Judge Alex Kozinski, perhaps back when he was sitting on the Court of Claims in DC. See Alex Kozinski, *The Wrong Stuff*, 1992 B.Y.U. LAW REVIEW 325. As you know, he is a prolific fellow.

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Length Matters

To the Bag:

In the Spring 2005 issue of the *Green Bag*, Professor Berring speculates that its “endeavor to be a journal which is actually read” is “catching on.” I can provide some anecdotal evidence confirming his suspicions. Last year a group of NYU Law students, including myself, founded the *NYU Journal of Law ☉ Liberty*. When we first met with the administration to discuss the new journal, we specified that we intended to publish a journal people would actually read. I brought a copy of the *Green Bag*, which we cited as a model. The administration agreed, and commended our commitment to print shorter, pithier, more entertaining articles, like those in the *Green Bag*.

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