

# Scribes After More Than 50 Years — A History

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Scribes is by far the oldest organization dedicated to improving legal writing. For more than 50 years, Scribes has pursued that goal through its programs, publications, and awards. This is a brief history of how Scribes came to be and what it has accomplished.

In 1951, Chief Justice Arthur T. Vanderbilt of the New Jersey Supreme Court wrote a letter to Sidney Teiser of Portland, Oregon, suggesting that Teiser “get a group of men interested in legal history and biography together at the next annual meeting of the American Bar Association.” Teiser, at the time a prominent Portland lawyer who had done considerable writing in legal biography, followed up on his friend’s suggestion. He conferred with Edgar C. Knight, his editor at Lawyers Cooperative Publishing Company. Later, at the 1952 American Bar Association meeting in San Francisco, Teiser met with Knight and three prominent Southern lawyers who had published articles in legal journals — Walter P. Armstrong of Memphis, John C. Satterfield of Yazoo City, Mississippi, and Gibson B. Witherspoon of Meridian, Mississippi. Those five pioneers then sent a letter to a select list of lawyer–authors,

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\* Professor Steele died unexpectedly on March 27, 2007, before finishing this article. Professor Stockmeyer completed and updated it. The article draws on James J. Brown’s manuscript “A Quarter Century of Concern over Legal Writing: A History of Scribes, The American Society of Writers on Legal Subjects” (1979) (on file at the Scribes executive office) and the memories of Kenneth A. Zick and Glen-Peter Ahlers.

inviting them to dinner at the Harvard Club in Boston during the ABA's 1953 annual meeting. The invitees also received Teiser's draft of a constitution. So from Vanderbilt's proposed "informal, friendly group" dedicated to legal history and biography sprang an organization with an unusual name: Scribes — The American Society of Writers on Legal Subjects.

Although the first founders were all men, they represented a diverse perspective on legal writing in the United States. Scribes is not the offspring of any particular group; instead, it has brought together lawyers, judges, legal educators, publishers, and editors, all with their own perspectives and areas of expertise, and all drawn together with the simple but daunting goal of improving a critical skill — effective written communication. The means to that goal are set out in Article 1 of the Scribes constitution. Scribes seeks:

1. to foster a feeling of fraternity among those who write about the law — and especially among its members;
2. to create an interest in writing about the history, philosophy, and language of the law and about those who make, interpret, and enforce it;
3. to help and encourage people who write about the law; and
4. above all, to promote a clear, succinct, and forceful style in legal writing.

If Scribes were merely an honor society, it could have easily accomplished the first three purposes by meeting annually for a festive meal followed by a celebratory program devoted to recognizing its officers and members. But from the start, those who founded and led Scribes chose a different path. The path was filled with a mixture of successes, missteps, and even failures. Often, though, even the missteps and failures led to changes that advanced Scribes' main goal.

Taking seriously the charge to improve legal writing, Scribes has developed publications such as *The Scrivener*, begun in 1974, and *The Scribes Journal of Legal Writing*, begun in 1990, the first scholarly journal devoted exclusively to that subject. In addition, Scribes recently awarded its 47th annual Book Award, its 23rd annual Law-Review Award, and its 15th annual Brief-Writing Award. And even those accomplishments do not adequately convey the effort put into developing, staffing, and carrying out this work year after year.

In his 1979 history of Scribes, James J. Brown, a former president who is now at Stetson University College of Law, stated that “Scribes has exhibited amazing vitality and potential. The organization has grown in its functional activities and visibility during turbulent periods that tested our profession’s credibility and capacity for effective communication. The principles and goals of its founding have been proven and found to be fundamental and timeless.” Professor Brown put it more succinctly in his 1974–1975 annual report to the board of directors: “Scribes is what it does!”

This history will focus on two major aspects of the Scribes story: (1) its organization, management, leadership, and membership; and (2) its awards, programs, speakers, and publications — and their effect on the never-ending problem of poor legal writing.

## **The Organization**

During its first 20 years, Scribes was an unincorporated organization with no permanent home. As with a circuit-riding judge, Scribes’ home was wherever the president resided. Its staff was whatever staff the president could afford to devote to the organization. Although Scribes had a constitution, a formal structure of officers, and a relatively extensive committee system, it had no repository for documents, no permanent management, and no staff

dedicated to its interests. Records were shipped across the country, and people had to be constantly reminded where to send communications, dues, and membership applications.

Finally, in the early 1970s, a small group of members and officers set out to cure these problems and establish Scribes on a firmer footing. In 1973, the organization established a headquarters at the Wake Forest University School of Law and updated its original constitution. On March 19, 1973, Scribes was incorporated in North Carolina. In 1976, it received 501(c)(3) status from the Internal Revenue Service as a nonprofit corporation. That effort was led by President Howard Oleck, another Scribes stalwart for many years, who had recently moved to Wake Forest from Cleveland State University College of Law and who was a nationally recognized expert on nonprofit organizations.

## **Management**

The organizational changes supported a new sense of permanence and consistent management. In 1975, the board approved hiring an assistant secretary to be responsible for membership solicitations and dues, mailings, graphic design and printing, promotional activity and advertising, membership files, and general recordkeeping. Kenneth Zick, then a new librarian at Wake Forest, accepted the position, which was later retitled executive secretary and finally executive director. Two administrators, Zick and Thomas Steele (also at Wake Forest), performed managerial and clerical duties for the next 24 years. Records were stored in an organized fashion, and support services were provided within Wake Forest. This stability allowed Scribes to develop new programs and publications.

As a small organization that depended on member dues for more than 90% of its annual budget, Scribes was financially sound, even

though dues were quite modest: \$5 a year for many years, not rising above \$10 until the 1970s, and later increasing to \$25 a year in the 1980s. Annual budgets rarely exceeded \$2,000, and Scribes spent very little on operations. For clerical and bookkeeping support, sums of \$50 to \$150 were appropriated as honorariums. Twenty-four years later, at the end of the Wake Forest era, budgets still never exceeded \$25,000. Given the dramatic inflation during a good deal of this period, it's remarkable that Scribes was able not only to survive on rather small budgets but also to make dramatic improvements in its programs.

Under Roy Mersky's leadership in the early 1990s, Scribes began to seek and receive donations from publishers, who underwrote everything from the *Scribes Journal* to annual awards programs like the Law-Review Award (but not the Book Award).

In 1997, Thomas Steele resigned as executive director and Glen-Peter Ahlers of the University of Arkansas, Fayetteville, took over. The headquarters were moved to Fayetteville. They were moved again in 2002 to Barry University School of Law in Orlando, Florida, when Professor Ahlers was appointed an associate dean there.

Besides moving the headquarters to Florida, the board approved hiring a certified public accountant to deal with audits and to help Scribes comply with tax requirements. Annual dues were increased from \$50 to \$65 for individual members and from \$500 to \$650 for institutional members.

In 2005, Joseph Kimble of Thomas Cooley Law School succeeded Glen-Peter Ahlers as executive director. Since that time, the executive office has been located at Thomas Cooley's Lansing, Michigan, campus. For almost four years, Professor Kimble served both as executive director and as editor in chief of the *Scribes Journal*. In 2009, another Cooley professor, Norman Plate, began serving as executive director.

A list of the five executive directors and their years of service appears in Appendix A.

Organizationally, then, the history of Scribes can be conveniently divided into three periods: the early years of wandering (1953–1972); the Wake Forest years (1973–1997); and New Places, New Faces, and New Horizons (1998–present). Continuity, rather than radical change, characterized each of the transition periods.

### **Leadership**

Scribes has been blessed with many dedicated leaders over its 50-plus years. A complete list of presidents appears in Appendix B.

Sidney Teiser, Scribes' founder, served as president for the first four years. He was followed by a series of charter members. For 20 years, this same group more or less dominated the officer and board positions. Eugene Gerhart of Binghamton, New York, for example, succeeded President Teiser in 1957–1958 and served as president again in 1970–1972. Charter members Edgar Knight of Rochester, New York, and Milton Bachmann of Lansing, Michigan, served long terms — Knight as secretary for 10 years and Bachmann as treasurer for 11 years. Several members served even longer. Both Roy Mersky and Edward Re served not only as president but also on the board for more than 25 years each. Harry Gershenson of St. Louis, Missouri, served as president in 1959–1960 and as secretary or a board member for more than 30 years.

In the mid-1980s, during the tenure of President Rudolph Hasl, Dean of Saint Louis University School of Law, the board proposed that the presidential term of one year be doubled to allow presidents more time to develop their programs. The membership approved the change at the 1986 annual meeting. Beginning with Roger Billings's term in 1987, presidents have served for two years.

President Billings was a faculty member at Northern Kentucky University College of Law.

Margaret Bearn, Associate Dean of New York Law School, was the first woman president, in 1983–1984, followed in the mid-1990s by Lynne Iannelli, a Southampton, Pennsylvania, practitioner–author, and attorney Marianna Smith of Bethesda, Maryland.

Presidents who have completed two-year terms since the move from Wake Forest include Bryan Garner, 1997–1999 (while editor in chief of the *Scribes Journal*); Gary Spivey, 1999–2001, the New York State Reporter; Donald Dunn, 2001–2003, nationally recognized as a legal-research expert; Beverly Ray Burlingame, inaugurated as Scribes' 40th president in 2003; Norman Otto Stockmeyer, 2005–2007, an emeritus professor at Thomas Cooley Law School; and Stuart Shiffman, 2007–2009, a retired Illinois state judge. Each of these persons followed what has become a pattern for all recent Scribes presidents: effective work as a member and committee chair, followed by years of active service on the board before being elected president.

This pattern has been possible because Scribes has developed a strong core of accomplished committee members to carry out its programs. The work of many committees is time-consuming. The members of the award committees, in particular, commit themselves to hours of work reading a number of books, law-review notes and comments, or briefs under time constraints that even the busiest lawyer or law professor rarely sees.

## **Membership**

At the first meeting of Scribes in 1953, the membership consisted of 41 charter members, including Chief Justice Vanderbilt, who served as historian for the first four years. Member-

ship grew steadily, although not dramatically: 92 in 1955, about 250 by 1961, more than 500 by 1969, and as many as 700 by 1971.

The membership settled at about 500 in the mid-1970s and stayed there into the late 1980s. In 1988, when Thomas Steele became executive director, Scribes still carried over 500 names on its membership rolls. But only 186 members had paid the \$25 annual dues during the previous 12 months, and well over 100 had not paid in more than five years.

So new members became a priority for the board. And during the last 20 years, through active recruitment and the addition of several new membership categories, membership has increased to almost 2,700. Once Scribes reached 1,000 members, half of whom were also ABA members, it qualified to become an ABA-affiliated organization — a longtime goal.

Initially, to be eligible for membership in Scribes, an applicant had to have published one book or three or more articles on legal subjects and be nominated by an existing member. Later, the requirement was reduced to a book or two articles. And during the term of Missouri Supreme Court Justice Charles Blackmar as president in 1986–1987, the board eliminated the nomination requirement.

In 1990, Roy Mersky, the Librarian and Director of Research at The University of Texas School of Law, championed institutional memberships for law schools. Through the tireless efforts of Scribes' officers Steven R. Smith, President and Dean at California Western School of Law, and Darby Dickerson, University Vice President and Dean at Stetson University College of Law, 37 law schools have since become institutional members. Professors at those schools are automatically members of Scribes if they meet the eligibility requirements. More recently, the institutional-membership category has been expanded to include appellate courts, whose judges again become members automatically once a court joins.

In addition, under the leadership of Marianna Smith, the board approved a life-member category. Bryan Garner became the first life member in 1999. Since then, 34 people have paid the \$1,000 lifetime dues and become life members.

## Awards

One of Scribes' first activities was to present awards to those who wrote well. By 1957, Scribes was presenting an award for the best article to appear in the *ABA Journal*. This award disappeared in 1961 with the creation of the annual Book Award, which has been given every year since then except for 1966 and 1971. The Scribes Book Award is presented at the Scribes annual membership luncheon, held during the ABA annual meeting. The recipient is invited to offer some brief remarks and to autograph copies of the winning book, donated by the publisher. A complete list of winners appears in Appendix C. On the list, you will see some of the most highly regarded works of the last 50 years.

A note-and-comment award had been proposed several times over the years, and in 1987 Presidents Roger Billings and Kenneth Zick helped bring it to life. Each year, the editors of every law journal are asked for a copy of their best student-written note or comment. The entries are first reviewed by volunteer legal-writing professors at the executive office's school and are then submitted to the Scribes selection committee. This Law-Review Award has been given annually since 1987 and has attracted as many as 104 entries. The award is presented each spring, during the annual meeting of the National Conference of Law Reviews, at the "Scribes dinner" underwritten by Thomson West. The winners are listed in Appendix D.

In 1993, under Presidents Roy Mersky and Lynne Iannelli, the board created a Brief-Writing Award. At first, judges were asked to

submit the best brief from their previous term. Only six entries were submitted in 1993, so the selection committee recommended re-directing the program toward law students by inviting anyone who won best brief in a regional or national moot-court competition to submit the brief so that Scribes could honor the best of the best. Because almost every moot-court competition selects a best brief, Scribes has a ready-made source of potential entries, and the program has been a success every year since it was reconstituted in 1996. Another cadre of volunteer legal-writing professors reviews the entries and again submits the finalists to the Scribes selection committee. As with the Book Award, the Brief-Writing Award is presented at the Scribes annual membership luncheon during the ABA annual meeting. The winners are listed in Appendix E.

Each of the Scribes competitions is different in its target, its rules, and its management, but all have been successful long enough that the awards have become highly prized.

Periodically, Scribes has given other awards. In 1990, Albert P. Blaustein was presented with the Scribes Distinguished Service Award for his work as a constitutional draftsman and his authorship of 20 books and hundreds of articles on the law. Scribes Lifetime-Achievement Awards have been given to Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit (2002), Judge Richard Sheppard Arnold of the U.S. Court of Appeals for the Eighth Circuit (2004), and U.S. Supreme Court Justices Antonin Scalia (2008) and Ruth Bader Ginsburg (2009).

## **Programs**

At one time in the 1960s and early 1970s, Scribes provided a pool of speakers to give talks to law students about legal writing. From 1972 to 1976, those speakers gave presentations at the Spring

Circuit Conference of the Law Student Division of the ABA, as well as at workshops in seven different cities.

In 1975, under the leadership of future President Edward Re, Scribes developed its speakers' programs into a series of legal-writing institutes. At the time, Judge Re was a judge of the United States Customs Court and author of *Brief Writing and Oral Argument*. The first institute was held at St. John's University School of Law and attracted a top-flight group of speakers and over 200 participants. From 1975 through 1996, Scribes held eight institutes, many of which were directed at new lawyers and law students and most of which were held in New York. Margaret Bearn at New York Law School was another driving force behind the institutes.

In more recent years, through the efforts of Judge Michael Hyman of Chicago, a board member, Scribes has cosponsored legal-writing programs at ABA annual meetings. In 2003, Scribes cosponsored with the ABA Litigation Section a program called "Motion Potion: How to Write Better Pleadings"; Judge Hyman was the planner and moderator. He also planned and moderated "How Business Lawyers SHOULD Write," cosponsored with the ABA Business Law Section in 2004, and "How to Write Like Hemingway, Esquire: Legal Writing for Litigators Made Easy," again with the Business Law Section in 2005.

In 2007, Scribes presented a panel discussion on "Jury Instructions in Plain English" at the annual meeting of the Association of American Law Schools in Washington, D.C. Speakers included legal-writing experts Peter Tiersma, Wayne Schiess, and Joseph Kimble. And in 2008, Scribes and the New York City Bar Association's Legal History Committee cosponsored a symposium on Abraham Lincoln's legal writing. Past president Roger Billings put together the symposium and was a speaker.

Recently, Scribes has returned to the goal of speaking directly to law students about legal writing. Under a practice initiated in

2006 by board member Darby Dickerson, law-school institutional members have hosted the annual Scribes board meetings. In exchange, Scribes has conducted legal-writing programs for the schools' students. These programs have now been successfully presented at Stetson University College of Law in St. Petersburg, Florida (2006); in Houston, Texas, for students at South Texas College of Law and the University of Houston Law Center (2007); at the University of Nevada, Las Vegas, William S. Boyd School of Law (2008); and at Saint Louis University School of Law (2009).

### **Annual-Meeting Speakers**

From its inception, Scribes has hosted prominent speakers at its annual membership meetings, held in conjunction with ABA annual meetings. In the early years, the meetings took the form of a Sunday-morning breakfast, followed by a business meeting and speaker. Beginning in 1988, they have been luncheon meetings, usually held on a Saturday.

During the first decade, speakers included Arthur L. Goodhart (editor of *Law Quarterly Review*, a leader in the English bar, and Oxford professor); David Mellinkoff (a Book Award recipient for *The Language of the Law*); Robert A. Leflar (former dean of the University of Arkansas School of Law, Justice of the Arkansas Supreme Court, and a Book Award recipient for *Appellate Judicial Opinions*); Robert S. Pasley (Columbia law professor and chair of the AALS Committee on Legal Education); Oregon Supreme Court Justice George Rossman; famed New York City lawyer James T. Donovan (a Book Award recipient for *Strangers on a Bridge: The Case of Colonel Abel*); and author Martin Mayer (a Book Award recipient for *The Lawyers*).

In the last decade, most luncheon speakers have come from the federal judiciary. They have included U.S. Supreme Court Justice

Antonin Scalia and Circuit Court of Appeals Judges Guido Calabresi, John C. Godbold, John T. Noonan, Richard A. Posner (a Book Award recipient for *The Federal Courts: Crisis and Reform*), and Diane P. Wood. Other speakers were New York Court of Appeals Judge Joseph W. Bellacosa, author N.E.H. Hull (a two-time Book Award recipient), and Scribes luminaries and past presidents Roy Mersky and Bryan Garner (a Book Award recipient for *Black's Law Dictionary*, 7th ed.).

Many of the speakers' remarks are later printed in *The Scrivener*. Judge Wood's talk, "Original Intent versus Evolution: The Legal-Writing Edition," published in the Summer 2005 issue, was honored by being selected for inclusion in the 2006 *Green Bag Almanac and Reader of Exemplary Legal Writing*.

### Early Publications (and Publicity)

For an organization of writers, Scribes' early history was remarkable for its dearth of published materials. Publications were often discussed, but few were actually undertaken. One success was *Advocacy and the King's English*, edited by Justice George Rossman of the Oregon Supreme Court and published by Bobbs-Merrill in 1960. *Advocacy and the King's English* was an anthology of essays on advocacy gleaned from the *ABA Journal*. It sold well and provided Scribes with a modest royalty income. A charter member of Scribes, Justice Rossman served on the board from 1956 to 1959 and was the annual-meeting speaker in 1962.

Scribes also published a "Style Manual" developed by its first secretary, Edgar Knight, in 1957 and a "Primer on Legal Writing" by Howard Oleck in 1974. Professor Oleck, a prolific author, was president in 1972–1973. His primer, which was distributed at Scribes programs, contained detailed instructions on researching and writing law-review articles and law-office memorandums.

In the early years, as Scribes was growing, the officers and board members were effective at promoting the organization in other publications. Articles about Scribes appeared in *Case and Comment*, the *Student Lawyer*, the *ABA Journal*, the *Cleveland State Law Review*, the *Wake Forest Law Review*, and the *New York State Bar Journal*. Some examples: Edgar G. Knight, *Introducing Scribes . . . An Organization of Writers on Legal Subjects*, *Student Lawyer*, June 1963; Eugene C. Gerhart, *The History of Scribes*, *Case and Comment*, July–August 1970; and H. Sol Clark, *The History of Scribes*, *New York State Bar Journal*, June 1980. Both Gerhart, editor in chief of the *New York State Bar Journal*, and Clark, a distinguished Savannah, Georgia, attorney and former judge of the Georgia Court of Appeals, were past presidents.

### *The Scrivener*

Regular publications devoted to the activities of Scribes and its members were rarely published. One early attempt at a newsletter, called *The News*, was published irregularly by Ralph Churchill of Dallas, Texas, beginning in 1968. In the early 1970s, it was prepared in Cambridge, Massachusetts, by Richard Jacobsen, an editor for the Association of Trial Lawyers of America. The publication was redesigned and expanded during the presidential term of James J. Brown, 1974–1975, and was renamed *The Scrivener*.

The Wake Forest executive office produced *The Scrivener* from 1975 to 1993, generally four times a year. It was put together by Executive Director Kenneth Zick and Joseph Marticelli of Rochester, New York, its editor, who also served as president in 1982–1983. At times, the publication was only 4 pages long but sometimes ran to 16 pages. Glen-Peter Ahlers became the editor in 1988 and was succeeded in 2004 by Jane Siegel at Thomas Cooley Law School. Under their editorships, *The Scrivener* has evolved

from being largely a vehicle for membership and organizational news to including short, useful pieces on legal writing. Publishers such as LexisNexis and Carolina Academic Press have helped underwrite the cost. And California Western School of Law and Stetson University College of Law generously supported its publication in 2008–2009.

### *The Scribes Journal of Legal Writing*

President Sidney Bernstein, managing editor at Matthew Bender Co., proposed a “Scribes Review” at the 1972 annual meeting. Fifteen years later, in 1987, the board began to seriously discuss plans for establishing a scholarly journal. Board members obtained a commitment from West Publishing Company to donate printing and distribution costs. This contribution was critical because Scribes had total annual revenues of less than \$10,000. For editor in chief, the board selected Bryan Garner, then a young University of Texas law-school instructor who had just published a new dictionary of legal usage; today he is recognized as the preeminent authority on legal writing and language. The first issue of *The Scribes Journal of Legal Writing* was published in 1990 with an initial circulation of 3,000 copies. In 2001, Joseph Kimble of Thomas Cooley Law School became its editor in chief.

The *Scribes Journal* has been a singular success. There is no journal like it in the world. It has published articles by many of the best-known figures in legal writing — Garner himself, Charles Alan Wright, Richard Posner, Lawrence Friedman, Richard Wydick, Reed Dickerson, Irving Younger, Steven Stark, Darby Dickerson, and Wayne Schiess. It is carefully edited and formatted by a team of experienced editors. Each issue includes reviews or notices of the recent books on legal writing. (The reviewer for volumes 2–10 was the executive editor, Beverly Ray Burlingame.) In volume 8,

we began a “Best of” series to collect some of the gems written by regular contributors, past and present, to various bar publications.

The *Journal* is widely distributed, read, and cited. Volume 11, for instance, was distributed to 10,000 judges, lawyers, and law professors. West Publishing Company underwrote volumes 1–5, and Matthew Bender underwrote volumes 6–8. Since volume 9, printing and distribution has been underwritten by Thomas Cooley Law School.

With the *Scribes Journal*, Scribes has taken the largest stride yet toward its central goal: “to foster a clear, succinct, and forceful style in legal writing.”

### **Stability and Change**

Although its goal remains unchanged after more than 50 years, Scribes has evolved with the times. For example, in 1960 the board voted to cap membership at 300 to maintain exclusivity; but in 2007, the category of associate member was created so that any member of the legal profession may join. We no longer conduct legal-writing institutes but have instead initiated a “webinar” through our website, [www.scribes.org](http://www.scribes.org). In 2004, we approved a new constitution and bylaws, redrafted in a clearer modern style. In 2006, we shortened our name to The American Society of Legal Writers. And the Scribes traditional quill-pen logo is now superimposed on a computer keyboard.

The next 50 years will doubtless bring more changes — some substantial, some symbolic — as Scribes continues to explore ways to promote and pay tribute to excellence in legal writing.

At the 1962 annual meeting, President William Schnader reported that he had “received several complaints from Scribes [members] that the organization had no real objective.” No one reading this history can hold that opinion today.

### Appendix A: Executive Directors

1975–1987	Kenneth A. Zick
1988–1997	Thomas M. Steele
1997–2005	Glen-Peter Ahlers
2005–2009	Joseph Kimble
2009–	Norman Plate

### Appendix B: Presidents

1953–1957	Sidney Teiser*	Portland, Oregon
1957–1958	Eugene C. Gerhart**	Binghamton, New York
1958–1959	Gibson Witherspoon*	Meridian, Mississippi
1959–1960	Harry Gershenson	St. Louis, Missouri
1960–1961	Walter P. Armstrong*	Memphis, Tennessee
1961–1962	William A. Schnader**	Philadelphia, Pennsylvania
1962–1963	Justice E. J. Dimock	Cambridge, Massachusetts
1963–1964	Judge Charles W. Joiner**	Detroit, Michigan
1964–1965	Willoughby A. Colby	Concord, New Hampshire
1965–1966	Herman Finkelstein	New York, New York
1966–1967	Justice Laurence Hyde	Columbia, Missouri
1967–1968	Warren V. Ludlam Jr.	Jackson, Mississippi
1968–1969	Paul Wolkin	Philadelphia, Pennsylvania
1969–1970	Rufus King	Washington, D.C.
1970–1971	Eugene C. Gerhart**	Binghamton, New York
1971–1972	Sidney Bernstein	New York, New York
1972–1973	Howard L. Oleck	Cleveland, Ohio
1973–1974	Jack Kleiner	Atlanta, Georgia
1974–1975	James J. Brown	Kansas City, Missouri
1975–1976	Bobby D. Dyess	Dallas, Texas
1976–1977	Frederick D. Lewis	Miami, Florida
1977–1978	Justice William H. Erickson	Denver, Colorado
1978–1979	Judge Edward Re	New York, New York
1979–1980	H. Sol Clark	Savannah, Georgia
1980–1981	Francis L. Kenney Jr.	St. Louis, Missouri
1981–1982	E. Donald Shapiro	New York, New York

1982–1983	Joseph J. Marticelli	Rochester, New York
1983–1984	Margaret S. Bearn	New York, New York
1984–1985	Michael Cardozo	Washington, D.C.
1985–1986	Rudolph Hasl	St. Louis, Missouri
1986–1987	Justice Charles Blackmar	St. Louis, Missouri
1987–1989	Roger Billings	Highland Heights, Kentucky
1989–1991	Kenneth A. Zick	Winston-Salem, North Carolina
1991–1993	Roy M. Mersky	Austin, Texas
1993–1995	Lynne P. Iannelli	Southampton, Pennsylvania
1995–1997	Marianna Smith	Bethesda, Maryland
1997–1999	Bryan A. Garner	Dallas, Texas
1999–2001	Gary Spivey	Albany, New York
2001–2003	Donald J. Dunn	Springfield, Massachusetts
2003–2005	Beverly Ray Burlingame	Dallas, Texas
2005–2007	Norman Otto Stockmeyer	Lansing, Michigan
2007–2009	Stuart Shiffman	Springfield, Illinois

\* Founder

\*\* Charter Member

### Appendix C: Book-Award Winners

1961	(Two awards given)	
	Helen Shirley Thomas	<i>Felix Frankfurter: Scholar on the Bench</i>
	Charles L. Black Jr.	<i>The People and the Court: Judicial Review in a Democracy</i>
1962	E. Barrett Prettyman Jr.	<i>Death and the Supreme Court</i>
1963	Daniel M. Berman	<i>A Bill Becomes a Law: The Civil Rights Act of 1960</i>
1964	David Mellinkoff	<i>The Language of the Law</i>
1965	James T. Donovan	<i>Strangers on a Bridge: The Case of Colonel Abel</i>
1966	(No award given)	
1967	Louis Nizer	<i>The Jury Returns</i>
1968	Martin Mayer	<i>The Lawyers</i>

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| 1969 | Paul Freund   | <i>On Law and Justice</i>   |
| 1970 | Leon Friedman &<br>Fred L. Israel                           | <i>The Justices of the United States<br/>Supreme Court, 1789–1969</i>   |
| 1971 | (No award given)  |   |
| 1972 | F. Lee Bailey   | <i>The Defense Never Rests</i>  |
| 1973 | Robert Shogan   | <i>A Question of Judgment: The Fortas Case and<br/>the Struggle for the Supreme Court</i>                             |
| 1974 | Laurence M. Friedman  | <i>A History of American Law</i>  |
| 1975 | Robert A. Lefflar   | <i>Appellate Judicial Opinions</i>  |
| 1976 | Richard Kluger  | <i>Simple Justice</i>   |
| 1977 | Arthur T. Vanderbilt II                                     | <i>Changing Law: A Biography of<br/>Arthur T. Vanderbilt</i>  |
| 1978 | Laurence H. Tribe   | <i>American Constitutional Law</i>  |
| 1979 | Gerald T. Dunne   | <i>Hugo Black and the Judicial Revolution</i>   |
| 1980 | Morton S. Freeman   | <i>The Grammatical Lawyer</i>   |
| 1981 | James F. Simon  | <i>Independent Journey:<br/>The Life of W.O. Douglas</i>  |
| 1982 | Cynthia Fuchs Epstein                                       | <i>Women in Law</i>   |
| 1983 | Mark C. Yudof   | <i>When Government Speaks: Politics, Law,<br/>and Government Expression in America</i>                                |
| 1984 | Harold J. Berman  | <i>Law and Revolution: The Formation of<br/>the Western Legal Tradition</i>   |
| 1985 | James Boyd White  | <i>When Words Lose Their Meaning:<br/>Constitutions and Reconstitutions of<br/>Language, Character, and Community</i> |
| 1986 | Richard A. Posner   | <i>The Federal Courts: Crisis and Reform</i>  |
| 1987 | Franklin Feldman,<br>Stephen Weil &<br>Susan Duke Biederman | <i>Art Law: Rights and Liabilities<br/>of Creators and Collectors</i>   |
| 1988 | Mary Ann Glendon  | <i>Abortion and Divorce in Western Law</i>  |
| 1989 | Sanford Levinson  | <i>Constitutional Faith</i>   |

- 1990 Sheldon M. Novick *Honorable Justice: The Life of Oliver Wendell Holmes*
- 1991 Douglas Laycock *The Death of the Irreparable Injury Rule*
- 1992 Lucas A. Scot Powe Jr. *The Fourth Estate and the Constitution*
- 1993 Carl T. Rowan *Dream Makers, Dream Breakers: The World of Justice Thurgood Marshall*
- 1994 G. Edward White *Justice Oliver Wendell Holmes: Law and the Inner Self*
- 1995 Roger Newman *Hugo Black: A Biography*
- 1996 Jonathan Harr *A Civil Action*
- 1997 David M. Oshinsky *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*
- 1998 N.E.H. Hull *Roscoe Pound and Karl Llewellyn: Searching for an American Jurisprudence*
- 1999 Andrew L. Kaufman *Cardozo*
- 2000 (Two awards given)  
Bryan A. Garner *Black's Law Dictionary, 7th ed.*  
Norma Basch *Framing American Divorce*
- 2001 Shawn Francis Peters *Judging Jehovah's Witnesses: Religious Persecution and the Dawn of the Rights Revolution*
- 2002 Paul D. Nelson *Frederick L. McGhee: A Life on the Color Line, 1861–1912*
- 2003 Lawrence M. Friedman *American Law in the 20th Century*
- 2004 Ronald M. Labbe & Jonathan Lurie *The Slaughterhouse Cases: Regulation, Reconstruction, and the Fourteenth Amendment*
- 2005 Geoffrey R. Stone *Perilous Times: Free Speech in Wartime*
- 2006 Ian Ayres & Gregory Klass *Insincere Promises: The Law of Misrepresented Intent*
- 2007 Joseph Margulies *Guantánamo and the Abuse of Presidential Power*

- 2008 Peter Charles Hoffer & N.E.H. Hull, editors *Landmark Law Cases and American Society* series
- 2009 Jonathan Mahler *The Challenge: Hamdan v. Rumsfeld and the Fight over Presidential Power*

### Appendix D: Law-Review-Award Winners

- 1987 Paul R.Q. Wolfson *Is a Presidential Item Veto Constitutional?* 96 Yale L.J. 838 (1987)
- 1988 Donald M. Levy Jr. & Debra Jean Duncan *Judicial Review of Administrative Rulemaking and Enforcement Discretion: The Effect of a Presumption of Unreviewability*, 55 Geo. Wash. L. Rev. 596 (1987)
- 1989 David J. Gerber *Rethinking the Monopolist's Duty to Deal: A Legal and Economic Critique of the Doctrine of "Essential Facilities,"* 74 Va. L. Rev. 1069 (1988)
- 1990 Beverly Ray Burlingame *Commercialization in Fetal-Tissue Transplantation: Steering Medical Progress to Ethical Cures*, 68 Tex. L. Rev. 213 (1989)
- 1991 Allison Hartwell Eid *Private Party Immunities to Section 1983 Suits*, 57 U. Chi. L. Rev. 1323 (1990)
- 1992 Brendan Linehan Shannon *The Federal Magistrates Act: A New Article III Analysis for a New Breed of Judicial Officer*, 33 Wm. & Mary L. Rev. 253 (1991)
- 1993 Matt Pawa *When the Supreme Court Restricts Constitutional Rights, Can Congress Save Us? An Examination of Section 5 of the Fourteenth Amendment*, 141 U. Pa. L. Rev. 1029 (1993)
- 1994 Deirdre M. Smith *Confronting Silence: The Constitution, Deaf Criminal Defendants, and the Right to Interpretation During Trial*, 46 Me. L. Rev. 87 (1994)

- 1995 Edith L. Pacillo *Getting a Feminist Foot in the Courtroom Door: Media Liability for Personal Injury Caused by Pornography*, 28 Suffolk U. L. Rev. 123 (1994)
- 1996 Igor Kirman *Standing Apart to Be a Part: The Precedential Value of Supreme Court Concurring Opinions*, 95 Colum. L. Rev. 2083 (1995)
- 1997 Peter D. Blumberg *From “Publish or Perish” to “Profit or Perish”: Revenues from University Technology Transfer and the § 501(c)(3) Tax Exemption*, 145 U. Pa. L. Rev. 89 (1996)
- 1998 Mary M. Sheridan *In re Fauziya Kasinga: The United States Has Opened Its Doors to Victims of Female Genital Mutilation*, 71 St. John’s L. Rev. 433 (1997)
- 1999 Michael J. Mazza *Should Clergy Hold the Priest–Penitent Privilege?* 82 Marq. L. Rev. 171 (1998)
- 2000 Stephan J. Schlegelmilch *Ghosts of the Holocaust: Holocaust Victim Fine Arts Litigation and a Statutory Application of the Discovery Rule*, 50 Case W. Res. L. Rev. 87 (1999)
- 2001 John Cocchi Day *Retelling the Story of Affirmative Action: Reflections on a Decade of Federal Jurisprudence in the Public Workplace*, 89 Cal. L. Rev. 59 (2001)
- 2002 Michael E. Horwin *“War on Cancer”: Why Does the FDA Deny Access to Alternative Cancer Treatments?* 38 Cal. W. L. Rev. 189 (2001)
- 2003 Janet Dean Gertz *The Purloined Personality: Consumer Profiling in Financial Services*, 39 San Diego L. Rev. 943 (2002)
- 2004 Catherine Carroll *Section Five Overbreadth: The Facial Approach to Adjudicating Challenges Under Section Five of the Fourteenth Amendment*, 101 Mich. L. Rev. 1026 (2003)

- 2005 Jeremiah Kelman *E-Nuisance: Unsolicited Bulk E-Mail at the Boundaries of Common Law Property Rights*, 78 S. Cal. L. Rev. 363 (2004)
- 2006 Amanda L. Morgan *U.S. Officials' Vulnerability to "Global Justice": Will Universal Jurisdiction over War Crimes Make Traveling for Pleasure Less Pleasurable?* 57 Hastings L.J. 423 (2005)
- 2007 Kevin Trowel *Divided by Design: Kitzmiller v. Dover Area School District, Intelligent Design, and Civic Education*, 95 Geo. L.J. 855 (2007)
- 2008 Katherine A. Ritts *The Constitutionality of "Let Them Rest in Peace" Bills: Can Governments Say "Not Today, Fred" to Demonstrations at Funeral Ceremonies?* 58 Syracuse L. Rev. 137 (2007)
- 2009 Michelle R. Shamblin *Silencing Chicken Little: Options for School Districts After Parents Involved*, 69 La. L. Rev. 219 (2008)

### Appendix E: Brief-Writing-Award Winners

- 1993 Howard Pincus & E. Joshua Rosenkranz  
Office of the Public Defender, New York
- 1996 Christopher Blum, Joy Goldberg & James Moschella  
Brooklyn Law School
- 1997 Allyson Gipson, Michael Gray & Rene Kahn  
Southwestern Law School
- 1998 Alicia Brumback, Darrel Oman & Brandy Sargent  
Chicago-Kent College of Law
- 1999 Juan Alcala, Erika Laremont & Emily Stephens  
University of Texas School of Law
- 2000 Karlene Dunn, D. Matthew Freeman & Vivica N. Simmons  
South Texas College of Law
- 2001 Robert W. Cowan, Ann E. Johnson & Mark A. Junell  
South Texas College of Law

- 2002 Karl S. Myers & Michael E. Schechterly  
Dickinson School of Law, Pennsylvania State University
- 2003 Stephanie Rahlfe & David Uyar  
University of San Diego School of Law
- 2004 Dace Caldwell, Scott Henderson & Jennifer Miller  
University of Oklahoma College of Law
- 2005 Juliet Bikbova, Sara Boyd, Linda Burns & Shama Patari  
John Marshall Law School
- 2006 Heather Harris & Erica Thonsgard  
University of Houston Law Center
- 2007 David Pratt  
Texas Wesleyan University School of Law
- 2008 Erin Culbertson & Jesse Okiror  
George Washington University Law School
- 2009 Bridget Burke, Stephanie Holcombe & Justin Jenson  
South Texas College of Law