

OBITER DICTUM

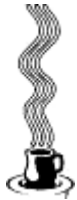
VOLUME 20, NUMBER 4
NOVEMBER 1, 2005

LIBRARY HOURS



The library will be closed on Thursday, November 24, in observance of Thanksgiving. The library will reopen on Friday, November 25. We wish all of our patrons a happy and tasty Thanksgiving.

For details, check the Legal Research Center web site at <http://www.sandiego.edu/lrc/about/hours.php>.



EXPRESSO TO THE RESCUE

Instead of taking the time to mail your latest *magnum opus* to numerous publications, submit it to ExpressO electronically, and go have a cup of coffee while the work is done for you. Check out the submission process at <http://law.bepress.com/expresso/>. *Note* : San Diego Law Review is among the top 100 law reviews to receive manuscripts via ExpressO.

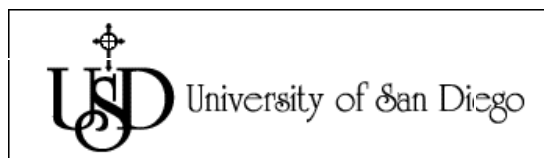
LAW PROF SPEAKS OUT ON JUDICIAL SELECTION



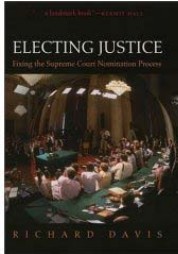
More than FORTY YEARS AGO, in the February 1965 edition of "The Woolsack," the predecessor to the law school's "Motions" newspaper, then new USD law professor Richard S. Kelley wrote the following in the "Open to Discussion" column:

In addition to necessary reform in methods of acquiring judges, innovation is necessary in thoughts about the reservoir of talent from which judges should be drawn. This reservoir should be such that progression in the judiciary would result in the highest degree of competency at the level of our supreme courts. ... Existing judges and teachers of law plus a small proportion of the practicing bar constitute the qualified, law-trained group whose day to day life is involved with law as a flexible body of rules, needing constant surveillance for defects and reappraisal for improvement. ... Conscientious judges appointed from a successful period of advocacy are expected to assume an attitude of impartiality and objectivity because they are no longer being paid by only one side. ... It would seem better to select where possible from talent whose prior experience was devoted to the improvement and understanding of legal principles in a context of intellectual objectivity. ... An admittedly small but properly prepared reservoir of such talent is found in our teachers of law.

The newsletter section of OBITER DICTUM may be found at <http://www.sandiego.edu/lrc/catalogs/news.php>



**LRC
COLLECTION
"SPEAKS OUT"
ON JUDICIAL
SELECTION**



With the Supreme Court nomination process in the national and international spotlights, library patrons may be interested in recent reading material on the topic. In *PURSUIT OF JUSTICES: PRESIDENTIAL POLITICS AND THE SELECTION OF SUPREME COURT NOMINEES*/KF8742 .Y35 1999, David A. Yalof points out that "During the past half-century, Supreme Court appointments have become high-stakes political events." The book focuses on the Presidents' decision making processes rather than on the Congressional hearing circus, discussing the roles of cronyism and ideology in influencing the selection of nominees.

SOBER AS A JUDGE: THE SUPREME COURT AND REPUBLICAN LIBERTY/KF8742 .S58 1999 is a collection of essays by political scientists about five "sober" justices who honored the philosophy of judicial restraint: Nathan Clifford, Stanley Matthews, Edward White, Fred Vinson, and Antonin Scalia.

In *SHAPING AMERICA: THE POLITICS OF SUPREME COURT APPOINTMENTS*/KF8742 .W385 1995, authors George Watson and John Stookey investigate "when, how, and why controversy emerges [in the appointment process] and what implications that emergence or lack thereof has for the political dynamics of the nomination process."

The historical treatise *JUSTICES, PRESIDENTS, AND SENATORS: A HISTORY OF THE U.S. SUPREME COURT APPOINTMENTS FROM WASHINGTON TO CLINTON*/KF8742 .A72 1999 includes author Henry Abrahams' assessments of ultimate judicial performance, both from his own point of view and in terms of the expectations of the appointing Presidents.

The most recent LRC acquisition on the topic is *ELECTING JUSTICE: FIXING THE SUPREME COURT NOMINATION PROCESS*/KF8742 .D383 2005, in which Brigham Young University Professor Richard Davis advocates public election of Supreme Court justices, a proposal he acknowledges "may be unsettling to many in the legal community, scholars, and observers of the Court."

**DO NOT
ATTEMPT THIS**



Last year, NYU sophomore Steve Stanzak took the concept of living in the library to an extreme. For eight months, he slept six hours every night in the sub-basement of NYU's Bobst Library. Stanzak, a creative writing major who made the dean's list, could not cover his living expenses, despite scholarships, financial aid, and multiple jobs. In addition, he said that as a writer, he is "an idealistic dreamer, and this seemed like something I could do that would benefit me financially and creatively." Upon learning of his plight, NYU officials provided him with free housing for the remainder of the semester. Karen W. Arenson, *Yes, Some Students Live in the Library (But Not Like This)*, N. Y. TIMES, April 27, 2004.

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