

# JURISTS-IN-RESIDENCE



(l to r): Fritzie Bright, Judge Myron Bright, Marion White, and Justice Byron White watching students perform Hawaiian dances to music at the William S. Richardson School of Law in 1992.

Supreme Court justices and other judges provide a new and invaluable dimension to legal education by participating as “jurists-in-residence” at various law schools. They share their experiences and wisdom as warm and wonderful teachers, offering students a glimpse of their humanity, as well as an informed and special insight into the decision-making process.

*By Hon. Myron H. Bright*

*“[B]arrels of fun ... and still an amazing amount of legal learning.”<sup>1</sup>*

*William H. Rehnquist*

Justice William H. Rehnquist was the first Supreme Court justice to join me in a Jurists-in-Residence program, and, from 1983 to 2005, that Rehnquist-Bright combination served as a model and forerunner for 25 Jurists-in-Residence programs at law schools throughout the coun-

try. Beginning as a “solo Bright” effort by my wife Frances and me in 1981, the Jurists-in-Residence program extended my occasional teaching at St. Louis University School of Law into spending a week at the law school, where I taught, lectured, counseled, and visited with students. Soon, however, distinguished colleagues from the federal and state bench—and, notably, justices of the U.S. Supreme Court—began to join me in these programs.

The goals of our program are simple: A U.S. Supreme

Court justice, federal circuit judge, district judge, or state Supreme Court justice, and this writer serve as faculty members at a law school for a few days. The law students learn firsthand about the work of the federal courts, including the Supreme Court, and about the principles that guide judges. In the process, the students come to understand that judges are human and that there is a human element to the judicial decision-making process.

Over these years, I have had the extreme pleasure to serve as a jurist-in-residence along with Supreme Court Justices Harry Blackmun, William H. Rehnquist, John Paul Stevens, Byron White, Anthony Kennedy, Antonin Scalia, and Ruth Bader Ginsburg. In these programs, law students and judges learned firsthand from justices about judicial decision-making, advocacy, constitutional adjudication, legal writing, ethics, clerkships, and a myriad of other subjects important for law students. I quote, in part, a summary of my initial effort:<sup>2</sup>

Perhaps a good compromise between experience and theory would be programs similar to the “Jurist-in-Residence” [—] learn[ing] practical aspects of litigation from a judge actively engaged in deciding cases, ... evaluating the quality of advocates [and] ... introduc[ing] students to the realities of the courts and the law. ... [S]uch programs could help many more students prepare for their careers in law than lengthy programs which focus more narrowly upon training for courtroom advocacy.

### The Rehnquist Connection

Justice Rehnquist, or Bill, as I called him, signed on as the first Supreme Court justice to serve as a jurist-in-residence at St. Louis University School of Law commencing April 5, 1983. There he talked to law students about the work and operations of the Supreme Court. Bill spoke of the need to review more (not fewer) federal court decisions, which at that time were averaging about 150 cases per year.<sup>3</sup> In the sessions, we gave a joint lecture on appellate advocacy and participated in an open question-and-answer session with students. Justice Rehnquist took the time to visit with and speak to members of the faculty as well, and St. Louis University presented the justice with an honorary degree.

After the program, Justice Rehnquist wrote the following to me: “[t]he chance to meet with the students, with the faculty, and with some of the St. Louis bar was an occasion which I will long remember,” adding “[m]aybe we can do it again sometime!”<sup>4</sup> Indeed, we joined again for programs at California Western School of Law in San Diego in March

1984 and at my law school alma mater, the University of Minnesota School of Law, in October 1984.

At the University of Minnesota, some students engaged in an anti-Rehnquist protest, holding a few signs critical of his opinions relating to minorities’ rights under the Constitution. But Bill won the protestors over with his warm manner. When he met with a student, he would stick out his right hand for a handshake and say, “I’m Bill Rehnquist,” not “I’m Justice Rehnquist.” He was most unassuming in his approach to students and faculty.

In his address to all faculty and students, his remarks focused on presidential appointments of justices. He said that Presidents have the right to try to pack the high court with jurists who are sympathetic to the views of the White House. Little did we know then that Bill Rehnquist would be appointed chief justice of the United States two years later.

His heavy schedule as chief justice prevented Justice Rehnquist from participating in additional Jurists-in-Residence programs with this writer, but the Rehnquist-Bright format became the guide to subsequent Jurists-in-Residence programs with Supreme Court justices and other judges. Daily sessions typically went as follows:

#### Morning sessions:

- Breakfast social with the jurists, students, and faculty
- Discussion led by the justice about the work of the Supreme Court and constitutional law
- Question-and-answer session with jurists and students
- Appellate advocacy from the perspective of both decision-makers and informal sessions outside of class with students, the justice, and Judge Bright

#### Afternoon sessions:

- Faculty luncheon at which both jurists comment on present problems in the law and discuss legal matters
- Judge Bright’s participation in classroom teaching of various law courses on such topics as administrative law, professional responsibility, and others, with the class sessions often including demonstration projects

As the reader can see, law schools may teach the law, but programs that include jurists educate students about judicial decision-making.

Bill Rehnquist was a regular guy and a dedicated and able jurist. History may record that he ranks among the best of the Chief Justices of the United States. And, on a personal note, I must say that he served as a wonderful teacher in our Jurists-in-Residence programs and as a warm and close friend.

## Making the Hawaiian Connection

Sometimes good things happen by coincidence. In spring 1986, while I was visiting with him at the University of Minnesota School of Law, Professor Irving Younger took a telephone call. The caller, Jeremy Harrison, dean of the William S. Richardson School of Law in Hawaii, invited Irving to come to the law school in Honolulu and present a program for both the law students and members of the Hawaii bar. Irving declined because of other commitments, but he recommended that Dean Harrison visit with me about presenting a Jurists-in-Residence program in Hawaii, and, on Jan. 26–28, 1987, Jurists-in-Residence programs began at the William S. Richardson School of Law in Hawaii.

At this first program in Hawaii I was joined by Justice John Paul Stevens. With the assistance of Dean Harrison and the law school faculty, Justice Stevens and I endeavored to present a program that would enhance classroom assignments, enable us to demonstrate judicial decision-making from our own background and experiences, and teach students the practical aspects of the law from the standpoint of judges.

The program that we presented contained all the above elements. Justice Stevens spoke about the work of the Supreme Court to students in the constitutional law class. With his background and sense of humor, Justice Stevens became an immediate favorite with the student body. In a second session, Justice Stevens and I both discussed effective appellate advocacy.

I also participated in classroom discussions about ethics and, in a special program, explained trial and appellate procedures and issues using as a backdrop a case that I had authored, *Newman v. Schiff*, 778 F.2d 460 (8th Cir. 1985), a case dealing with unilateral contracts. The defendant in that case, Schiff, was a tax protestor, who stated in a CBS television program that was later rebroadcast as a television news story: “If anybody calls this station and can show that the federal income tax is anything but voluntary, I’ll pay the caller \$100,000.”

Newman, a young lawyer, sent a letter to CBS and Schiff in which he wrote that the income tax is involuntary (quoting the tax code), as we all know. Newman then said, in effect, “Send me the money.” When Schiff declined to do so, Newman brought his lawsuit.

In the discussion of that case, I divided the class into lawyers for each party. I explained the procedures in the case, the court’s rulings from the inception of the claim through the trial, and then the background of the case. Each side of student lawyers argued for its respective client. In an hour, the exercise was able to demonstrate to first-year students all phases of trial and appeals taken from an actual case file. Students seemed to have fun learning the law in this engaging exercise that was led by one of the judges (me) who had actually heard the case!

As a part of the sessions, we also invited the Hawaii bar to attend a special program outside the law school in which Justice Stevens and I discussed a subject of current interest to the bar: Are federal judges guilty of judicial activism? Our answer was “No.” We maintained that judges

decide cases on the issues presented by the lawyers. As we observed, the term “activism” comes from the eyes of the beholder, not from the eyes of the decision-makers. Following the discussion, Hawaii’s judges and local lawyers joined us at an informal reception.

Dean Harrison wrote to me about the presentations: “The benefits to our young law school are incalculable from the visit and effort that you and the Stevenses put into this [jurist program].”<sup>5</sup>

The dean insisted that we begin planning for a second program. Justice Stevens agreed to a repeat performance and joined the Jurists-in-Residence program that took place on Jan. 23–25, 1990.

In the meantime, in September 1988, Justice Harry Blackmun and I traveled to Little Rock, Ark., and participated in the University of Arkansas at Little Rock School of Law’s initial Jurists-in-Residence program. This program followed the format of other Jurists-in-Residence programs but there was an unexpected occurrence during the program.

In an informal presentation to students at a box lunch on Sept. 14, Justice Blackmun dropped a bombshell. Among other matters discussed with the students, Justice Blackmun opined that there is a “very distinct possibility that *Roe v. Wade* (the landmark decision legalizing abortion that Blackmun had authored) will be down the drain.” His view was that new Supreme Court justices appointed by a Republican President (Ronald Reagan) could vote to invalidate a woman’s right to choose to have an abortion.

With 1988 being an election year, a Supreme Court justice’s prediction of decisions to come made national news. Unfortunately, the “possibility” that he mentioned turned into a “prediction” in some news reports, in which the authors suggested that Justice Blackmun should not have made the statement.<sup>6</sup> However, in the context of jurists’ comments to students, Justice Blackmun’s remarks explained in part how the high court can change earlier case law.

## The Return to Hawaii

In the second program with Justice Stevens and me in 1990, both our wives (Maryan Stevens and Frances “Fritzie” Bright) joined in the sessions as they had done three years earlier. The sessions for students in 1990 were similar to those held in 1987, but a new session involved the Hawaii bar at a reception at the Governor’s Auditorium in Honolulu. On this occasion, Justice Stevens’ topic of discussion was the Supreme Court in the 21st century. In his presentation, Justice Stevens opined that burning issues, such as capital punishment and abortion, would recede from the Court’s agenda.

In addition, as a part of the program, the chief justice of the Hawaii Supreme Court, Herman Lum, his wife, and friends of the law school, hosted us, members of the bar, Hawaiian judges, officials of the state of Hawaii, and faculty and administration of the law school at a black tie dinner. Justice Stevens and I made brief remarks in which we both commented on the great progress made by the

law school since our previous visit three years earlier. By bringing members of the bar and Hawaiian judges into a closer association with the jurists-in-residence, this event added a new dimension to the program.

### **Justice Byron White, 1992**

No question existed about the value of the Jurists-in-Residence program to the Richardson School of Law. The dean requested a return visit in 1992—just two years after the last was held. Justice Harry Blackmun encouraged Justice White to participate in this program, and Justice White and his wife Marion joined the Brights at the Jurists-in-Residence program.

That year, in my presentation to students, I spoke about my first meeting with Justice White in his chambers on May 8, 1968, when I appeared before the Judiciary Committee of the U.S. Senate as part of my judicial confirmation process. At first I could not see Justice White; all I could see was a large pile of law books on his desk. He rose from behind the books, put out his right hand for a handshake, and announced, “I’m Byron White.” I responded, “That’s strange. I’m Myron Bright,” and we both laughed at the similarity of our names. We became close friends and remained close thereafter.

At the time of this Jurists-in-Residence program, I was also teaching a short course in appellate advocacy. Justice White joined me in a session with students and gave them an earful of wisdom about appellate brief writing and oral argument and also focused many of his comments on the ethical obligations of a lawyer. He stressed that in the Supreme Court the quality of advocacy can have an impact on the decision-making. Later, at the bar association program-reception, a judge from Hawaii (Hon. Harold Fong), a professor (Jon Van Dyke), and a member of the Hawaii bar (Jeff Portnoy) joined Justice White for a discussion of the Supreme Court.

All the schools we have visited have afforded the justices, their wives, my wife, and me the opportunity to travel to new places and to enjoy the marvelous sights and culture of each city we have visited. Notably, on this 1992 trip to Hawaii, Justice White, his wife Marion, my wife, and I visited the World War II *USS Arizona* Memorial at Pearl Harbor. Justice White had served in the U.S. Navy in the Pacific during World War II and I had served in the Asia-Pacific theater during that war; therefore, this visit was an emotional one for both of us.

### **The Return of Justice John Paul Stevens, 1994**

Justice Stevens joined me again in Hawaii in 1994. Justice Blackmun had hoped to attend the Jurists-in-Residence program but had to withdraw because of an illness, and John Paul Stevens agreed to fill in. Just as Justice White had assisted in my appellate advocacy class, Justice Stevens gave his views of good advocacy on appeal in the federal courts. His views echoed those that Justice White had made earlier: that good advocacy helps greatly in deciding important cases. In addition, at the Hawaii bar reception, Justice Stevens discussed and reviewed recent Supreme Court cases, briefly explaining the Court’s hold-



Justice Kennedy visiting with students in 1996.

ing and the reasoning behind each of the important cases.

Again, Justice Stevens provided a great learning experience for the students. He is extremely courteous, always wears a bow tie, and is careful to answer all questions. In his three visits to the Richardson School of Law, he made scores of friends among students and lawyers in Hawaii.

### **Justice Anthony Kennedy, 1996, 2002, and 2006**

Justice Kennedy served as a jurist-in-residence at the Richardson School of Law on three occasions over a 10-year span. In the 1996 program, prominent lawyer and appellate specialist E. Barrett Prettyman Jr., of Hogan & Hartson in Washington, D.C., joined Justice Kennedy and me in the Jurists-in-Residence program. The three of us taught a class in advanced appellate advocacy and gave a presentation to members of the Hawaii bar.

In the lively and informative program for the bar, Justice Kennedy, Prettyman, and I discussed the status of the legal profession and looked ahead. We were each generally optimistic, but concerned about ethical lapses and discourtesy in relations between antagonistic trial lawyers.

Justice Kennedy and I returned in February 2002, presenting this program only a few months after the terrorist attacks on Sept. 11, 2001. Those attacks served as the subject of Justice Kennedy’s comments in three presentations, in which he spoke of the privilege of liberty as against hatred toward the United States. Justice Kennedy presented these remarks at the law school, to the Rotary Club, and at a “Dialogue on Freedom” educational session at Punahou High School in Honolulu.

The “Dialogue on Freedom” program, which Justice Kennedy initiated in a few mainland public high schools, presented a hypothetical case of an American high school student whose airplane flight inadvertently lands in the imaginary poor country of Quest because of engine trouble. The student is called upon to discuss the American idea of freedom with citizens of Quest who are critical of the United States and to reply to their questions and comments. The dialogue with students, which was initiated by a moderator, in this case, Justice Kennedy, serves as a good learning exercise in civics and helped high school

students attempt to better understand the privilege of freedom in living in a democracy in these United States. Justice Kennedy's remarks were widely reported in the press; for example, the headline for an article by Walter Wright in the Feb. 6, 2002, edition of the *Honolulu Advertiser* read "Justice says hatred won't stop freedom."

#### Justice Ruth Bader Ginsburg, 1998 and 2004

The Richardson School of Law has hosted several Supreme Court justices, but Justice Ginsburg served as the first woman justice of the U.S. Supreme Court ever to visit the law school. This event marked an important milestone for the Richardson School of Law as well as for the Hawaii bar. At that time, enrollment in the law school included a high percentage of female students, and increasing numbers of women in Hawaii, as in the mainland, were serving as lawyers. During her appearance in Hawaii, Justice Ginsburg served as a great role model for these women.

Justice Ginsburg is not an "off-the-cuff" speaker. Her prepared remarks to students on issues of constitutional law, legal ethics, and the status of the legal profession were concise, clear, and informative.

During this visit, Justice Ginsburg and I included time in the program to visit with the federal judges, magistrate judges, and judicial law clerks at the federal courthouse in Hawaii. Justice Ginsburg spoke about the work of the Court and the role law clerks serve in her chambers. We also had the opportunity to share breakfast with community business leaders, and at this event Justice Ginsburg spoke informally about her work and also answered questions. Her remarks focused on the way the Supreme Court works.

In addition, we met and greeted members of the Hawaii state judiciary at the Hawaii Supreme Court. Chief Justice Ronald T.Y. Moon served as our host and moderator, with Justice Ginsburg and I presenting prepared papers on the subject of judicial independence. In our remarks, we observed that the concept of judicial independence is an important attribute of justice, but even in the United States that principle is often under attack.<sup>7</sup>

After our presentation, Chief Justice Moon guided us on a tour in which we learned much about the early history of Hawaii. Justice Ginsburg wrote of her 1998 experience at this Jurists-in-Residence program in remarks prepared and later printed:

Justice John Paul Stevens and Justice Anthony M. Kennedy, my predecessors as a Jurist-in-Residence, told me that the program was among the most rewarding teaching ventures they had experienced. Any exaggeration I suspected proved undue. After spending February 2–5, 1998, with the faculty and students of the William S. Richardson School of Law, I found that, if anything, my colleagues' good reports were understated. Now over, my stay is something to remember when it is time to dream.



Justice Ruth Bader Ginsburg speaking at the closing dinner with faculty and the Hawaii bar in 1998.

In the classes in which I participated, the students were engaging. At formal lectures, the audience was altogether *sympatiqu*e. And in conversations throughout the week, many people asked thoughtful, sometimes hard, but unfailingly polite, questions. The diversity of cultures and ages was extraordinary, and at most sessions I counted at least as many women as men.

On the social side, there were delectable receptions and dinners, an unforgettable ride on Pacific waves in an outrigger canoe paddled by an expert crew, and a captivating halau hula. Most of all, I will recall the caring and civility, even gentleness, that marked my exchanges.

To all involved in the planning and realization of my visit, may I say Mahalo, and to all concerned with the School of Law, cheers and best wishes for the next 25 years.<sup>8</sup>

Justice Ginsburg participated in the jurists program in Hawaii again in 2004. Although that year's program generally followed the format of previous programs, in 2004, Justice Ginsburg offered a special outreach to the general community when she addressed the Rotary Club of Hawaii on the topic of women and the law, stressing that the changes that have occurred in recent years have improved the status of women in the legal profession. The justice's husband, Professor Martin Ginsburg, one of the great tax professors in this country, also participated by presenting his views on the taxation of income to students in an early morning tax law class.

Justice Ginsburg, her husband, and I—together with students and faculty—also enjoyed a special program of dance, culture, and history at the new Kamakakuokalani Center for Hawaiian Studies at the University of Hawaii.

In addition, Justice Ginsburg attracted the attention of the Hawaiian news media with her activities with students and the new dean of the law school, Aviam Soifer, in

Waikiki. The headlines on page B1 in the Feb. 14, 2004 issue of the daily newspaper, the *Honolulu Advertiser*, read, “High court justice wraps up Island visit.” The article, which was written by Beverly Creamer and included photographs, read, in part: “U.S. Supreme Court Justice Ruth Bader Ginsburg paddled a canoe, jumped into gentle seas off Waikiki in a blue bathing suit and swam with sea turtles yesterday—all as part of the annual Jurists-In-Residence program at the University of Hawaii William S. Richardson School of Law.”

### Justice Antonin Scalia, 2000

Justice Antonin Scalia (or “Nino” to his friends), with his wife, Maureen, joined me for the year 2000 Jurists-in-Residence program, held February 1–4 at the William S. Richardson School of Law in Hawaii.

Justice Scalia’s philosophical approach to constitutional and statutory interpretation differs from that of other justices. In constitutional law classes, he urged students that the Constitution should be interpreted as it was written by the Founders. Yet, in other classes, he explained that statutes should be interpreted by their text, disregarding history. Those views made for lively discussions both in the classroom, the community Rotary Club, and with members of the state bar and judges from Hawaii.

At this program, the law school under its then dean, Larry Foster, organized a law review symposium to critique and discuss Justice Scalia’s jurisprudence. Leaders in the academic community of American law schools participated, including the moderator, Professor Jon Van Dyke of the Richardson School of Law, and the panelists, Dean Kathleen Sullivan of Stanford Law School, Professor Erwin Chemerinsky of the University of Southern California Law School, and Professor William Kelley of Notre Dame Law School. The William S. Richardson School of Law invited the public to attend and the symposium was well received. However, Justice Scalia said he would not attend, because he felt his attendance might inhibit criticism of his judicial opinions.

In summary, in early February 2000 students at the William S. Richardson School of Law listened intently to a former tenured and gifted law teacher. Justice Scalia’s experience as a law professor from 1976 until his appointment to the Supreme Court in 1986 made him a shining light to the students at the law school.

### 2006 Program

At the 2006 Jurists-in-Residence program, held Feb. 6–9, in addition to similar subjects as those covered in earlier programs, Justice Kennedy and I expanded our outreach to the many international students enrolled in graduate programs at the University of Hawaii and to the international students participating in the LL.M. program at the law school. We talked about and explained the relationship between American judges and lawyers and judges and lawyers from other countries and described some of their visits to one another’s countries.

In addition, Justice Kennedy and I brought the “Dia-



In 2006, Justice Kennedy, Judge Bright (front row) and Retired Chief Justice William S. Richardson (third row, grey hair) with students in class.

logue on Freedom” program to Farrington High School, a public high school in Honolulu. This program received much favorable press and high praise from school officials—a response that was attributable in no small part to Justice Kennedy’s ability to encourage young people to speak out frankly about their views of government and to intelligently discuss this country’s relationships with other countries and people.

Justice Kennedy is a former law professor, and that experience was evident in his superb ability to teach and lecture to law students at the University of Hawaii Richardson School of Law.

### Conclusion

The Jurists-in-Residence programs with justices of the U.S. Supreme Court are only part of the story. The appendix attached to this article lists 15 similar programs at various law schools; federal and state judges have participated along with me in 13 of those programs.

In my view, the Jurists-in-Residence programs have been a real benefit to law schools, to law students, and to faculty. In many instances, these programs have served to enhance the status of the bar in the community and have also brought the local bar into closer relations with the law schools in the area.

The programs have been very successful and, in many cases, the law schools have called for repeat visits. This sort of program involving jurists serves the law schools and the judiciary well. As a participant, I highly recommend the format to other judges—both federal and state—and to other law schools.<sup>9</sup> TFL

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*Hon. Myron H. Bright was appointed to the U.S. Court of Appeals for the Eighth Circuit in 1968 and this year recognizes 38 years of service on the federal appellate bench. While serving with the Eighth Circuit, he also has heard cases as a visiting judge in the Second, Third, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh Circuits and has presided over federal district court trials in Minnesota, North Dakota, Arkansas, Massachusetts, and Missouri. The author gratefully acknowledges the editorial assistance of L. Caroline Hubbell, J.D., Boston College Law School, 2004,*

and Lana J. Schultz, his executive assistant (1983–present). © 2007 Hon. Myron H. Bright. All rights reserved.

## Appendix Similar Jurist-in-Residence Programs

Even though this article focuses on the Jurists-in-Residence programs in which U.S. Supreme Court justices are involved, I must emphasize that there have been many very successful programs in which state and federal judges joined me in presenting similar programs to law students at various law schools throughout the nation. Law schools may educate about the law, but jurist programs educate students about judicial decision-making. The following list names the location of Jurist(s)-in-Residence programs that did not include Supreme Court justices:

- 1981—Initial program at St. Louis University School of Law
- 1983—(Fall) Creighton University School of Law, with Judge Donald R. Ross of the Eighth Circuit Court of Appeals
- 1984—(February) Chicago-Kent College of Law
- 1984—(Fall) Hamline University School of Law, with former Justice Walter Rogosheske of the Minnesota Supreme Court
- 1985—(Spring) St. Louis University School of Law, with (now) Chief Judge Mary M. Schroeder of the Ninth Circuit Court of Appeals
- 1985—University of Arkansas at Little Rock School of Law, with Judge Richard S. Arnold of the Eighth Circuit Court of Appeals
- 1986—University of Akron School of Law, with Judge Henry Woods of the U.S. District Court, Little Rock, Arkansas
- 1986—University of Minnesota Law School, with Judge Henry Woods of the U.S. District Court, Little Rock, Arkansas
- 1988—(March) Villanova University School of Law, with Judge Edward R. Becker of the Third Circuit Court of Appeals
- 1989—(October) John Marshall Law School, with Judge Harlington Wood Jr. of the Seventh Circuit Court of Appeals
- 1990—(November) South Texas College of Law, with Judge Gerald Bard Tjoflat of the Eleventh Circuit Court of Appeals
- 1992—(October) John Marshall Law School, with (now) Chief Judge Mary M. Schroeder of the Ninth Circuit Court of Appeals
- 1993—(October) South Texas College of Law, with Judge Gerald Bard Tjoflat of the Eleventh Circuit Court of Appeals
- 1997—(October) University of North Dakota School of Law, with Judge Rosemary Barkett of the Eleventh Circuit Court of Appeals
- 1998—(April) University of Akron School of Law, with Judge Karen Nelson Moore of the Sixth Circuit Court of Appeals

## Endnotes

<sup>1</sup>William H. Rehnquist, letter to Judge Myron H. Bright, May 9, 1984, written following the Jurists-in-Residence program at California Western School of Law, San Diego, Calif.

<sup>2</sup>*Query: Is a Balance Between Experience and Theory in Legal Education Possible?* 65 JUDICATURE 338–339 (Feb. 1982).

<sup>3</sup>It should be noted that Justice Rehnquist underwent a change of mind during his years as Chief Justice, when the Supreme Court reviewed fewer appellate court cases, not more.

<sup>4</sup>William H. Rehnquist, letter to Judge Myron H. Bright, April 15, 1983.

<sup>5</sup>Jeremy Harrison, letter Myron H. and Frances Bright, Feb. 23, 1987.

<sup>6</sup>See David O'Brien and Ronald Collins, *The Wisdom of Judicial Lockjaw*, N.Y. TIMES (Sept. 29, 1988).

<sup>7</sup>The articles, tributes, and speeches from this event are collected in 420 U. HAW. L. REV. 581 ff (Winter 1998).

<sup>8</sup>421 U. HAW. L. REV. 13 (Summer 1999).

<sup>9</sup>For 2007, the Richardson School of Law is expanding its Jurists-in-Residence program by including a distinguished jurist from a foreign country. During the week of Feb. 19, former Chief Justice of the Israeli Supreme Court Aharon Barak and I will serve as jurists-in-residence.