

# THE JOURNAL OF APPELLATE PRACTICE AND PROCESS

## FOREWORD

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### THE SPECIAL SECTION

I learned while readying this issue for publication that Linda Greenhouse was leaving her post as the Supreme Court correspondent at the New York Times. Had I been putting first things first, my initial reaction would have been to consider her departure's likely effect on the appellate world. And those thoughts would have prompted a moment's regret: Perhaps I should have asked her to write for *Covering the Appellate Courts* when I had the chance.

But that's not what happened. My first reaction was to tell myself that it couldn't be true. Greenhouse had been covering the Court since before I started law school, and despite having attended the thirtieth reunion of my college class in the spring, I was unwilling to credit a story that provided still more evidence of my advancing age. And as for regret, I didn't suffer any, even after realizing that I wouldn't have the opportunity to solicit a contribution from Greenhouse before she started at Yale.

I would of course have been happy to have Greenhouse as a contributor to *Covering the Appellate Courts*, but it already includes essays by two other members of that small but influential group of elite Supreme Court correspondents. Lyle Denniston of Scotusblog has been covering the Court for fifty years, and his incisive essay demonstrates that even in the Internet age, the best of the reporters covering the appellate courts feel driven not just to get the story, but also to understand the case behind it so well that they get the story right. Tony Mauro of American Lawyer Media has devoted years of his own to reporting on the Court and, with that experience as background, reflecting more generally on the role of the

appellate courts. His suggestions for ways in which appellate judges might improve their relationships with representatives of the media reflect both those years of experience and that thoughtful approach. With these two on board, I can say with confidence that the distinguished-Supreme-Court-reporter spots in this issue's special section are ably filled.

An issue that included only Denniston's and Mauro's perspectives on media coverage of the appellate courts would provide lawyers and judges with important insights. But if you pair their essays with contributions from an academic who focuses on the First Amendment and media rights, an appellate judge whose courtroom has long been wired for video, and the most famous public information officer ever to work for a state appellate court, this becomes an issue that provides an almost complete picture of the delicate—and sometimes difficult—relationship between the courts and what we used to call the press.

The rest of the issue, addressing as it does the usual broad range of topics and including an especially charming article in which excerpts from Roger Traynor's writing are set as prose poems, is certainly worth your attention as well. I trust that you will enjoy it.

#### ERRATA

Our last issue contained two errors. I must in consequence apologize to our readers for failing to notice before publication that moving text to our new computer had caused a line from the Foreword to vanish. And I must also apologize to Robert Katzmann and Russell Wheeler, because in material added to a footnote in their article, I referred to Representatives Richard A. Gephardt and Robert H. Michel as Senators. Of course Judge Katzmann and Mr. Wheeler know that Representative Gephardt was among the Democratic leaders in the House for many years, and that Representative Michel was before his retirement from public life a Republican leader in the House. Indeed, even I know that, and I regret introducing this careless error into their fine piece.

NBM  
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