

# THE JOURNAL OF APPELLATE PRACTICE AND PROCESS

## FOREWORD

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### THE EXPERT

Twenty years ago, a young colleague urged me to read *Winning on Appeal*.<sup>1</sup> I had never heard of it. But he was so enthusiastic about it that I found and read the book. And then a funny thing happened: I started to see the author's name all the time. Judge Aldisert was everywhere, which made me wonder whether I had been living under a rock.

How could I have missed him? I still don't know. But editing *The Journal* has given me the chance to make up for that embarrassing lapse. Judge Aldisert's work has appeared in our pages twice in the last ten years,<sup>2</sup> and the essay that he calls his "swan song as an active senior judge" opens this issue.<sup>3</sup>

I am of course happy to have another of Judge Aldisert's engaging essays. But like every lawyer and, I suppose, every judge who has studied his words over the years, I was at first startled to learn that Judge Aldisert was ready to take in sail. I had half-believed that he would be forever calling back to us from the lead boat—hand on the tiller and heart to the future, always teaching, always encouraging, always helping us to chart the right course.

### THE REST OF THE ISSUE

This issue's special section is focused on the preparation of

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1. Ruggero J. Aldisert, *Winning on Appeal: Better Briefs and Oral Argument* (Clark Boardman Callaghan 1992).

2. Ruggero J. Aldisert, *Judicial Declaration of Public Policy*, 10 J. App. Prac. & Process 229 (2009); Ruggero J. Aldisert, *All Right, Retired Judges, Write!* 8 J. App. Prac. & Process 227 (2006).

3. Ruggero J. Aldisert, *A Nonagenarian Discusses Life as a Senior Circuit Judge*, 14 J. App. Prac. & Process 183, 194 (2013).

appellate briefs. Two seasoned advocates, each working in a setting that requires him to teach the fundamentals of appellate briefing, share here the systems that they have developed for training inexperienced appellate attorneys. And in an unusual twist, two junior lawyers (both former law clerks) have collaborated on an article featuring their insiders' advice to other young lawyers, providing their contemporaries with hints for winning the approval of a supervising partner and tips for writing a winning brief. A practical discussion of possible methods for supplementing the record on appeal and a documentary history of the background behind the Supreme Court's decision in *Strickland v. Washington*<sup>4</sup> round out the issue. As always, I hope that at least one of the articles and essays in this issue will be of interest to every reader.

NBM

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4. 466 U.S. 668 (1984).