

The Judges' Book

Volume 1

Article 3

9-2017

Foreword

Marsha S. Berzon

Follow this and additional works at: <http://repository.uchastings.edu/judgesbook>



Part of the [Judges Commons](#)

Recommended Citation

Berzon, Marsha S. (2017) "Foreword," *The Judges' Book*: Vol. 1 , Article 3.

Available at: <http://repository.uchastings.edu/judgesbook/vol1/iss1/3>

This Foreword is brought to you for free and open access by UC Hastings Scholarship Repository. It has been accepted for inclusion in *The Judges' Book* by an authorized editor of UC Hastings Scholarship Repository.

Foreword

The Honorable Marsha S. Berzon

The Judges' Book is the first compendium of legal scholarship I have seen specifically selected for its usefulness by the judiciary. The project is an important and welcome one.

Increasingly in recent years, it has become commonplace for judges to complain that the articles published in law reviews are abstract, abstruse, and self-absorbed. They often consist of dialogues among academics, not conversations meant to include the rest of the legal community—lawyers, judges, and policy makers, for example.

I have encountered the problem most directly when I have a novel legal issue about which there is little judicial precedent. I sometimes ask my law clerks to gather what I call secondary literature on the question, meaning articles and books by legal scholars. The quest is rarely successful. The available material is off-pitch, one might say—it is either too theoretical and does not directly do business with the case law and statutory or constitutional language, or it consists of law student notes, which usually just tell me and my clerks what we have already figured out.

The articles in *The Judges' Book* do not have this pitch problem—they are pitched just right. I expect the *Book* will therefore be useful to my colleagues on the bench, and I look forward to future editions.