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Introduction

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Introduction

Chancellor & Dean David L. Faigman

In a now famous comment at the 2011 Fourth Circuit Judicial Conference, Chief Justice Roberts stated, “Pick up a copy of any law review that you see, and the first article is likely to be, you know, the influence of Immanuel Kant on evidentiary approaches in eighteenth-century Bulgaria.” He thought that such a subject might be “of great interest to the academic that wrote it,” but would not be “much help to the bar.” My experience is actually quite to the contrary. Although I am not a judge, I do read a lot of law reviews. Even a casual leafing through most of them reveals an extraordinary amount of content of practical use to judges and practitioners alike.

The problem is not that there is too little law review content having practical value, but that there is just so much content. There are over 200 ABA-accredited law schools, and most of those schools have multiple journals. This means that there are upwards of a thousand law journals, and this number does not include professional journals in political science, psychology, sociology and other disciplines that have a law focus.

As Chief Judge O’Neill notes in the *Foreword* to this volume, judges do not have the time to wade through this thicket and reflect on what ideas are worth considering, especially when those insights are embedded in a study of Bulgarian evidence law.¹ Accordingly, we have done the work for you. *The Judges’ Book* is intended to cut through the law review thicket. At UC Hastings, our faculty’s scholarship is as wide ranging as that of any group of scholars at any major American law school. But we

1. In fact, and with all due respect to the Chief Justice, it’s worth noting that Kant very likely had no impact on Bulgarian evidence law. Orin S. Kerr, *The Influence of Immanuel Kant on Evidentiary Approaches in Eighteenth Century Bulgaria*, available at http://online.wsj.com/public/resources/documents/kantbulgaria_kerr.pdf (Following Chief Justice Roberts’ comment, Professor Kerr offered this brief essay in order to “[fill] the gap in the literature by exploring Kant’s influence on evidentiary approaches in 18th century Bulgaria. It concludes that Kant’s influence, in all likelihood, was none.”).

also have a proud tradition of producing scholarship of immediate and practical use to the bar.

Our first volume of this book was extremely well received by the bench, enough so that the feedback we received inspired us to continue the series. Although there are no insights derived from Kant or Bulgarian evidence law, you'll find much of value in the pages ahead. If nothing else, this slim volume demonstrates just how much practical value judges might find in the law review literature, if only it were provided in a readily accessible format. It is indeed our honor and pleasure to bring it to you.