

# The Judges' Book

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## Introduction

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### ***Introduction***

Chancellor & Dean David Faigman

*The Judges' Book* has been extremely well received. I get numerous emails from judges thanking me for sending it, and more than a few from judges who did not receive it requesting a copy. We at UC Hastings Law are very pleased to bring you this fourth volume of *The Judges' Book*.

The success of the book is attributable to its relevance to the job of being a judge. Judges are very busy people, and possibly more so today with judicial processes turned upside down by COVID-19. Accessible and pertinent scholarship is thus priceless. Like previous volumes, the first priority of the selections included in this volume is their usefulness to your job as a judge. Of course, judges are the last great generalists, so, to turn a phrase, these articles will be useful to some judges all of the time, and to all judges some of the time, but, admittedly, not to all judges all of the time.

The articles included in this volume run the gamut, from civil procedure to criminal law. Professor Dodson provides two entries on the civil side, with one reconsidering the bias rationale justifying diversity jurisdiction and the other exploring the personal-jurisdiction implications for plaintiffs in venue-transfer cases. On the criminal side of the docket, Professor Aviram provides a critique of the inequities apparent in what criminal legislation is passed and what crimes are policed and charged. Two additional articles explore equitable considerations in other contexts. Professors Williams and Short examine the notion of a “reasonable person” in sexual harassment cases in light of changing norms in our contemporary society, and Professor Levine uses basic notions of equity and fairness to consider the president’s pardon power under the U.S. Constitution. Another entry on the constitutional front comes from Professor Price, who argues for what he calls “symmetric constitutionalism,” which promotes a jurisprudence borne of neutral principles and which results in decisions with cross-partisan appeal.

Three of the articles report original data: Professor Ellias analyzes the effects of the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act; Professor Depoorter explores the role of statutory damages in the copyright arena; and Professor Feldman surveys the impact of “patent trolls” or “patent assertion entities” on the important issue of whether they enable or interfere with innovation. Professor Feldman’s second contribution to this volume considers the extraordinary escalation

of drug prices, which appear to have no limit when, as she points out, some limits must exist.

Professors Reiss and Diamond turn the antivaxxer issue on its head and ask whether the law can provide a remedy to people harmed by disease outbreaks when the outbreak generally or the specific harm can be fairly traced to misinformation. Finally, Professor Keitner moves the analysis into the international realm, and investigates the immunities of foreign officials from civil jurisdiction.

These articles range widely but revolve around the core principle of engaged scholarship. For a judge, these articles offer wide learning on subjects of immediate relevance. To that end, I hope you find them enlightening and practical.