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Foreword

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Foreword

The Honorable Edward J. Davila
U.S. District Judge, Northern District of California

Perhaps now more than ever the judiciary is grappling with difficult questions about its role and its limits. The fourth volume of *The Judges' Book* aptly notes the ongoing strife present in our current society. A theme throughout the selected articles is the extent to which regress comes with progress. For instance, in *Progressive Punitivism*, Professor Hadar Aviram grapples with the flaws of swift condemnation. On the one hand, accountability is a vital component of our judicial structure. Yet, on the other hand, what damage does immediate blame do to our fundamental structures of due process? These are questions we must ask ourselves with each decision; what are the potential implications of each ruling? As *Symmetric Constitutionalism* asks, what impact do these questions have on the judiciary's legitimacy? This volume prompts the bench to ask these questions and emphasizes that these issues are always in the background. As with every previous edition, the articles in this volume of *The Judges' Book* push us to think, to question, and to prioritize more conscientious decisionmaking.

In a time when the world's problems feel so grave, this volume reminds us that with a step back and a bit of introspection, no problem is ever too great. Taking a case (or problem) and separating it into concrete and discrete issues is imperative. This volume highlights this basic principle. We must remind ourselves to take a moment and contemplate the broader ramifications of a decision. Despite the ever-increasing workload, it is our obligation, like these authors, to create solutions and identify the commonality in our cases.

This volume encourages us to challenge our current thinking, which is something judges should routinely do. Of course, we often need a reminder. Some articles focus on constitutional and criminal law issues, while others analyze more novel issues of patent law. But, regardless of the subject matter, each article reminds us to approach our work more thoughtfully and provides us with strategies to do so. I assure you, this collection will be a welcome addition to your bookshelf.
