

# The Judges' Book

---

Volume 5

Article 3

---

2021

## Foreword

Nicholas G. Garaufis The Honorable

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



Part of the [Judges Commons](#)

---

### Recommended Citation

Garaufis, Nicholas G. The Honorable (2021) "Foreword," *The Judges' Book*: Vol. 5 , Article 3.

Available at: <https://repository.uchastings.edu/judgesbook/vol5/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. For more information, please contact [wangangela@uchastings.edu](mailto:wangangela@uchastings.edu).

## Foreword

The Honorable Nicholas G. Garaufis  
U.S. District Judge, Eastern District of New York

The fifth volume of *The Judges' Book* arrives as we emerge from a year of unprecedented adversity—for the court's federal and state judiciaries and for the legal profession as a whole, to say nothing of the personal adversity faced by the individuals who comprise our judicial and legal communities. The COVID-19 pandemic upended the manner in which we practice and apply the law, both in terms of the legal problems that we must solve and the tools that we use to solve them. In the wake of such fundamental transformation of our daily work, in ways both substantive and procedural, the scholarship featured in this edition of *The Judges' Book* stands out for its timeliness.

Some of the articles featured in this year's volume grapple directly with the pandemic's consequences for legal practice. For example, Professor Scott Dodson examines the enduring legacies of the profession's rapid embrace of videoconference technology in *The Zooming of Federal Civil Litigation*, and Professor Dorit Reiss considers one of the most hot-button legal topics of 2021 in *Vaccine Mandates: A Primer*. Other selections, such as *Pharmaceutical "Pay for Delay" Reexamined* and *Naked Price & Pharmaceutical Trade Secret Overreach*, Professor Robin Feldman's articles about reverse-payment patent settlements and prescription drug costs, respectively, and *Bankruptcy Hardball*, Professor Jared Ellias's examination of the rise of scorched-earth tactics in bankruptcy proceedings, explore legal issues that predate the COVID-19 era but carry new significance in light of the economic and public health crises and the pharmaceutical innovations of the last year.

Other articles in this volume offer glimpses into challenges and opportunities that may lie ahead: take, for example, Professor Paul Belonick's analysis of how the Fourth Amendment's protections apply to blockchain technology in *Blockchain's Challenge for the Fourth Amendment*; Professor Emily Murphy's exploration of the evidentiary value of memory-detection technology in *Evidence of Memory from Brain Data*; and *Proving Racial and Gender Bias Under Title VII*, Professor Joan C.

Williams's proposal for making discrimination caused by implicit and unconscious biases cognizable under federal antidiscrimination law.

Taken together, the selected articles in this volume offer members of the judiciary provocative, insightful, and informative windows into the changes and challenges we have just endured and the ones we face today and tomorrow. In the wake of a year in which so much about our profession was reimagined, the articles in this collection serve to remind us that our doctrines and practices are always evolving to keep pace with a changing world. I applaud the faculty members of UC Hastings College of the Law for the fine scholarship they produced during a difficult year, and I believe that judges everywhere will find much of value and interest in the work collected in this year's volume.