

DON'T STOP THE PRESSES

Texas high court justices help revitalize a revered judicial journal.

BY DON WILLETT

When the American Judicature Society dissolved in late 2014, the nearly 100-year legacy of its venerable journal, *Judicature*, seemed likely to disappear as well. But members of the 2016 class of Duke Law School's Judicial Studies LL.M. program—including two Texas Supreme Court justices—saw an opportunity to revitalize the journal and create a legacy of our own.

Our goal is simple: to publish the premier law review for judges. In *Judicature*, we instantly saw a chance to preserve a journal with a distinguished record of service to the judiciary and to create a new forum where judges can address the challenges that are unique to our work. Thanks to the visionary leadership of Duke Law Dean David F. Levi and John Rabiej, the director of Duke's Center for Judicial Studies, Duke Law began publishing *Judicature* in May 2015.

Judges enrolled in Duke Law's Master of Judicial Studies program serve as *Judicature's* board of editors and share responsibilities for editorial review. I will serve as editor-in-chief for the November 2016 issue, and Texas Supreme Court Justice Debra Lehrmann will serve on the editorial board for August 2016.

Other Texas judges have provided content for the revived *Judicature's* early issues. The May 2015 edition contained a piece titled "Predictability in the Law: Prized, Yet Not Promoted," by Kem Thompson Frost, chief justice of the 14th Court of Appeals in Houston and a 2014 graduate of the Duke LL.M. program. The article examines why judges make decisions that diminish predictability, noting "a curious gap between what is prized in principle and what is promoted in practice." Texas Supreme Court Chief Justice Nathan Hecht participated in a roundtable discussion for an article on the grand challenges facing the judiciary. Also featured is a profile of my own social media musings—"Meet the Tweeting Judge"—published shortly before the Texas House of Representatives designated me the official "Tweeter Laureate of Texas."

The August 2015 edition contained a series of articles examining the state of mass-tort multi-district litigation; a guide to the authentication of electronic evidence by lawyer Gregory Joseph; a piece on the last antecedent rule by Joseph Kimble; and a column on constitutional interpretation by legal-writing guru Bryan Garner and U.S. Supreme Court Justice Antonin Scalia. The November 2015 edition will include articles on the new civil rule amendments, including

guidelines for implementing new discovery proportionality amendments by Judge Lee Rosenthal of the U.S. District Court for the Southern District of Texas. (Judge Rosenthal also leads a rollicking seminar for the Duke LL.M. program.)

Levi, a former chief U.S. district judge for the Eastern District of California, calls *Judicature* "a natural fit" for the law school. "The missions of the Center for Judicial Studies and *Judicature* are closely aligned," Levi said. "The center is well-positioned to combine its institutional strengths in law and political science with *Judicature's* reputation for scholarly and empirical legal writing in ways that will promote an understanding of judicial institutions and law reform."

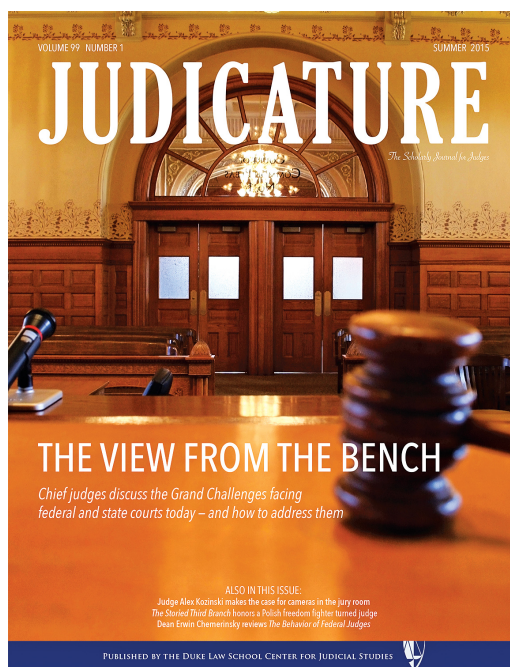
The acquisition ensures continued publication of the nation's first journal focused on the American judiciary; the August 2015 volume celebrated the journal's 100th year. "We are very pleased that *Judicature* has a new home at Duke Law School," said former AJS President Tom Leighton.

We want *Judicature* to explore topics important to judges, such as court administration, case management, emerging legal issues, and the day-to-day work of judging. There are other law reviews out there, and there are other journals for judges. But *Judicature*

is the only scholarly journal by judges, for judges. It provides a forum and perspective that traditional law reviews simply can't match.

I'm privileged to play a small role in sustaining and fortifying *Judicature* so that it can continue its stellar service to the judiciary for generations to come. **TBJ**

Judicature is published quarterly and is mailed on a complimentary basis to all Article III judges, federal magistrate judges, and state supreme court justices. State court judges and Duke Law alumni receive a 50 percent discount on annual subscriptions (\$50 for four issues). To subscribe or to learn about sponsorship opportunities, go to law.duke.edu/judicature/subscribe.



JUSTICE DON WILLETT

has served on the Texas Supreme Court since 2005. A former drummer and rodeo bull rider, he is the grateful son of a heroic single mother, the blessed husband of a sainted wife, and the exhausted co-founder of three wee Willetts. You can find the Tweeter Laureate of Texas (@JusticeWillett) on Twitter, Facebook, and Instagram.