



# THE Scrivener

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Scribes—The American Society of Legal Writers

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## In This Issue

Sixty Years of Scribes Book Awards .....	1
Ryan Deal Wins 2021 Law-Review Award.....	5
Law Student Chapter News .....	6
Best of the Best: The 2021 Brief-Writing Awards .....	7
National Order of Scribes Class of 2021 .....	8

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**Submissions**—Please send items for upcoming issues of *The Scrivener* to Phillip Johnson at [scribeslegalwriters@gmail.com](mailto:scribeslegalwriters@gmail.com).

## Sixty Years of Scribes Book Awards

Since 1961, Scribes has presented an annual award for the best work of legal scholarship published during the previous year. The Scribes Book Award Committee generally receives between 40 and 50 nominees each year. Before the Covid pandemic, the Book Award was usually presented at Scribes' annual meeting.

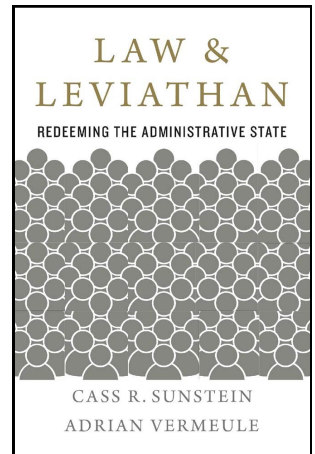
The first book awards presented in 1961 went to co-winners: Helen Shirley Thomas, *Felix Frankfurter: Scholar on the Bench*; and Charles Lund Black, *The People and the Court: Judicial Review in a Democracy*. That first year marked the only time that Scribes chose co-winners, until 55 years later when it again chose co-winners. In 1986 Scribes began to recognize additional books with "Honorable Mentions." In 2012, Scribes began to recognize and honor winning books in some years with first-place, second-place, and third-place awards.

The book selected for the 2021 Scribes Book Award was *Law and Leviathan: Redeeming the Administrative State* by Cass R. Sunstein and Adrian Vermeule, published by the Belknap Press of Harvard University Press.

The Scribes Book Award Committee is chaired by Justice Michael Hyman of the Illinois Appellate Court (a former President of Scribes, he is also a Past President of the Chicago Bar Association). Other committee members include: Bryan Garner (editor of Black's Law Dictionary and author of dozens of books on legal communication); Yoshinori H.T. Himel (President of the Asian/Pacific Bar Association of Sacramento Law Foundation); and Brian Melendez (a partner at Barnes & Thornburg LLP and a former President of the Minnesota State Bar Association).

Here is the full list of authors and books that have won the Scribes Book Award from 1961 to 2021:

**2021 Winner:** *Law and Leviathan: Redeeming the Administrative State* by Cass R. Sunstein and Adrian Vermeule



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**2020 Winner:** *Intimate Lies and the Law* by Jill Elaine Hasday

- **Honorable Mention:** *The Guarded Gate: Bigotry, Eugenics and the Law That Kept Two Generations of Jews, Italians, and Other European Immigrants Out of America* by Daniel Okrent

**2019 Winner:** *We the Corporations: How American Businesses Won Their Civil Rights* by Adam Winkler

- **Honorable Mentions:** *The Schoolhouse Gate: Public Education, the Supreme Court, and the Battle for the American Mind* by Justin Driver; and *We Face the Dawn: Oliver Hill, Spottswood Robinson, and the Legal Team That Dismantled Jim Crow* by Margaret Edds

**2018 Winner:** *The Internationalists: How a Radical Plan to Outlaw War Remade the World* by Oona A. Hathaway and Scott J. Shapiro

- **Honorable Mentions:** *The Color of Law: A Forgotten History of How Our Government Segregated America* by Richard Rothstein; and *Miles Lord: The Maverick Judge Who Brought Corporate America to Justice* by Roberta Walburn

**2017 Winner:** *Impact: How Law Affects Behavior* by Lawrence M. Friedman

- **Honorable Mentions:** *John Henry Wigmore and the Rules of Evidence: The Hidden Origins of Modern Law* by Andrew Porwancher; and *Plutocrats United: Campaign Money, the Supreme Court, and the Distortion of American Elections* by Richard L. Hasen

**2016 Co-Winners:** *Showdown: Thurgood Marshall and the Supreme Court Nomination That Changed America* by Wil Haygood; and *The Big Trial: Law as Public Spectacle* by Lawrence M. Friedman

- **Honorable Mentions:** *Enduring Conviction: Fred Korematsu & His Quest for Justice* by Lorraine K. Bannai; and

*Imperial from the Beginning: The Constitution of the Original Executive* by Saikrishna Bangalore Prakash

**2015 Winner:** *The Birth of American Law: An Italian Philosopher and the American Revolution* by John D. Bessler

- **Honorable Mentions:** *Burning Down the House: The End of Juvenile Prison* by Nell Bernstein; *Just Mercy: A Story of Justice and Redemption* by Bryan Stevenson; and *The Opening of American Law: Neoclassical Legal Thought 1870 - 1970* by Herbert Hovenkamp

**2014 Winner:** *Boilerplate: The Fine Print, Vanishing Rights, and the Rule of Law* by Margaret Jane Radin

- **Second Place:** *A Wild Justice: The Death and Resurrection of Capital Punishment in America* by Evan J. Mandery

**2013 Winner:** *Lincoln's Code: The Laws of War in American History* by John Fabian Witt

- **Second Place:** *amashita's Ghost: War Crimes, MacArthur's Justice, and Command Accountability* by Allan A. Ryan

**2012 Winner:** *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* by Judith Resnik and Dennis Curtis

- **Second Place:** *Habeas Corpus After 9/11: Confronting America's New Global Detention System* by Jonathan Hafetz
- **Third Place:** *We Must Not Be Afraid To Be Free: Stories of Free Expression in America* by Ronald K.L. Collins and Sam Chaltain

**2011 Winner:** *Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices* by Noah Feldman

- **Honorable Mentions:** *In Brown's Wake: Legacies of America's Educational Landmark* by Martha

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Minow; *From Disgust to Humanity: Sexual Orientation & Constitutional Law* by Martha C. Nussbaum; and *Five Miles Away, A World Apart: One City, Two Schools, and the Story of Educational Opportunity in Modern America* by James E. Ryan

**2010 Winner:** *The Last Lawyer: The Fight to Save Death Row Inmates* by John Temple

- **Honorable Mentions:** *John Brown's Trial* by Brian McGinty; *Judgment Calls: Principle and Politics in Constitutional Law* by Daniel A. Farber and Suzanna Sherry; and *The Will of The People: How Public Opinion Has Influenced the Supreme Court and Shaped the Meaning of the Constitution* by Barry Friedman

**2009 Winner:** *The Challenge: Hamdan v. Rumsfeld and the Fight over Presidential Power* by Jonathan Mahler

- **Honorable Mentions:** *Democracy's Prisoner: Eugene V. Debs, the Great War and the Right to Dissent* by Ernest Freeberg; and *The Common Law in Colonial America, Volume I: The Chesapeake and New England, 1607-1660* by William E. Nelson

**2008 Winner:** *Landmark Law Cases and American Society* series by Peter Charles Hoffer and N.E.H. Hull, Editors

- **Honorable Mention:** *Law and Order in Buffalo Bill's Country: Legal Culture and Community on the Great Plains, 1867-1910* by Mark R. Ellis

**2007 Winner:** *Guantánamo and the Abuse of Presidential Power* by Joseph Margulies

- **Honorable Mentions:** *Before the Next Attack: Preserving Civil Liberties in an Age of Terrorism* by Bruce Ackerman; and *Who Controls the Internet?: Illusions of a Borderless World* by Jack Goldsmith and Tim Wu

**2006 Winner:** *Insincere Promises: The Law of Misrepresented Intent* by Ian Ayres and Gregory Klass

**2005 Winner:** *Perilous Times: Free Speech in Wartime* by Geoffrey R. Stone

**2004 Winner:** *The Slaughterhouse Cases: Regulation, Reconstruction, and the Fourteenth Amendment* by Ronald M. Labbé and Jonathan Lurie

**2003 Winner:** *American Law in the 20th Century* by Lawrence M. Friedman

- **Honorable Mentions:** *Women in the Barracks: The VMI Case and Equal Rights* by Philippa Strum; and *In the Devil's Snare: The Salem Witchcraft Crisis of 1692* by Mary Beth Norton

**2002 Winner:** *Fredrick L. McGhee: A Life on the Color Line 1861-1912* by Paul D. Nelson

**2001 Winner:** *Judging Jehovah's Witnesses: Religious Persecution and the Dawn of the Rights Revolution* by Shawn Francis Peters

**2000 Co-Winners:** *Framing American Divorce* by Norma Basch; and *Black's Law Dictionary (7th ed.)* by Bryan Garner, Editor in Chief

**1999 Winner:** *Cardozo* by Andrew L. Kaufman

- **Honorable Mentions:** *The Bill of Rights* by Akhil Reed Amar; and *Changing Your Mind: The Law of Regretted Decisions* by E. Allan Farnsworth

**1998 Winner:** *Roscoe Pound and Karl Llewellyn: Searching for an American Jurisprudence* by N.E.H. Hull

- **Honorable Mentions:** *Free Speech in its Forgotten Years 1870-1920* by David M. Rabban; and *Most Humble Servants* by Stewart Jay

**1997 Winner:** *Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* by David M. Oshinsky

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**1996 Winner:** *A Civil Action* by Jonathon Harr

**1995 Winner:** *Hugo Black: A Biography* by Roger Newman

- **Honorable Mention:** *Child Witnesses: Fragile Voices in the American Legal System* by Lucy S. McGough

**1994 Winner:** *Justice Oliver Wendell Holmes: Law and the Inner Self* by G. Edward White

- **Honorable Mention:** *Oxford Dictionary of American Legal Quotations* by Fred R. Shapiro

**1993 Winner:** *Dream Makers, Dream Breakers: The World of Justice Thurgood Marshall* by Carl T. Rowan

- **Honorable Mention:** *The Constitution in Conflict* by Robert A. Burt

**1992 Winner:** *The Fourth Estate and the Constitution* by Lucas A. Scot Powe, Jr.

- **Honorable Mention:** *William Wayne Justice: A Judicial Biography* by Frank R. Kemerer

**1991 Winner:** *The Death of the Irreparable Injury Rule* by Douglas Laycock

- **Honorable Mention:** *Cardozo: A Study in Reputation and the Problems of Jurisprudence* by Richard A. Posner

**1990 Winner:** *Honorable Justice: The Life of Oliver Wendell Holmes* by Sheldon M. Novick

- **Honorable Mentions:** *The Electronic Media and the Transformation of Law* by M. Ethan Katsh; and *Battle for Justice: How the Bork Nomination Shook America* by Ethan Bronner

**1989 Winner:** *Constitutional Faith* by Sanford Levinson

**1988 Winner:** *Abortion and Divorce in Western Law* by Mary Ann Glendon

- **Honorable Mentions:** *A Dictionary of Modern Legal Usage* by Bryan A. Garner; and *Natural Law and Justice* by Lloyd L. Weinreb

**1987 Winner:** *Art Law: Rights and Liabilities of Creators and Collectors* by Franklin Feldman, Stephen Weil, and Susan Duke Biederman

- **Honorable Mentions:** *The Fundamentals of Legal Drafting* by F. Reed Dickerson; and *The Supreme Court and the American Family: Ideology and Issues* by Eva R. Rubin

**1986 Winner:** *The Federal Courts: Crisis and Reform* by Richard A. Posner

- **Honorable Mentions:** *Takings: Private Property and the Power of Eminent Domain* by Richard Epstein; and *Citizenship Without Consent: Illegal Aliens in the American Polity* by Peter H. Schuck and Rogers M. Smith

**1985 Winner:** *When Words Lose Their Meaning: Constitution and Reconstitutions of Language, Character, and Community* by James Boyd White

**1984 Winner:** *Law and Revolution: The Formation of the Western Legal Tradition* by Harold J. Berman

**1983 Winner:** *When Government Speaks: Law, Politics, and Government Expression in America* by Mark G. Yudof

**1982 Winner:** *Women in Law* by Cynthia Fuchs Epstein

**1981 Winner:** *Independent Journey: The Life of W. O. Douglas* by James F. Simon

**1980 Winner:** *The Grammatical Lawyer* by Morton S. Freeman

**1979 Winner:** *Hugo Black and the Judicial Revolution* by Gerald T. Dunne

**1978 Winner:** *American Constitutional Law* by Laurence H. Tribe

**1977 Winner:** *Changing Law: A Biography of Arthur T. Vanderbilt* by Arthur T. Vanderbilt

**1976 Winner:** *Simple Justice* by Richard Kluger



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**1975 Winner:** *Appellate Judicial Opinions* by Robert A. Leflar

**1974 Winner:** *A History of American Law* by Lawrence M. Friedman

**1973 Winner:** *A Question of Judgment: The Fortas Case and the Struggle for the Supreme Court* by Robert Shogan

**1972 Winner:** *The Defense Never Rests* by F. Lee Bailey

**1971** [No Award Given]

**1970 Winner:** *The Justices of the United States Supreme Court, 1789–1969, Their Lives and Major Opinions (4 vols.)* by Leon Friedman and Fred L. Israel

**1969 Winner:** *On Law and Justice* by Paul Freund

**1968 Winner:** *The Lawyers* by Martin Mayer

**1967 Winner:** *The Jury Returns* by Louis Nizer

**1966** [No Award Given]

**1965 Winner:** *Strangers on a Bridge: The Case of Colonel Abel* by James B. Donovan

**1964 Winner:** *The Language of the Law* by David Mellinkoff

**1963 Winner:** *A Bill Becomes a Law: Congress Enacts Civil Rights Legislation* by Daniel M. Berman

**1962 Winner:** *Death and the Supreme Court* by E. Barrett Prettyman, Jr.

**1961 Co-Winners:** *Felix Frankfurter: Scholar on the Bench* by Helen Shirley Thomas; and *The People and the Court: Judicial Review in a Democracy* by Charles Lund Black

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## Ryan Deal of Washington University School of Law Wins 2021 Law-Review Award

Since 1987, Scribes has presented an annual award for the best student-written article in a law review or journal. The award has the distinction of being the only national award for student authors that places no limitation on subject matter.

In 2021, Ryan Deal of the Washington University School of Law was the winner of the Scribes Law-Review Award for his article, *It's Five O'Clock Everywhere: A Framework for the Modernization of Time*, 98 Wash. U. L. Rev. 911 (2021).

Articles by student authors from nine other law schools received an "Honorable Mention" from Scribes. These articles were the finalists selected by the team of law professors and other screeners who reviewed all of the articles submitted. The Law-Review Award Committee then chose final winners of the Law-Review Award.

In alphabetical order by law school, these Honorable Mention articles are:

- **Columbia Law School:** John S. Clayton, *Policing the Press: Retaliatory Arrests of Newsgatherers After Nieves v. Hartlett*, 120 Colum. L. Rev. 2275 (2020).
- **Georgia State University College of Law:** Nicholas C. Daly, *Amateur Hour is Over: Time for College Athletes to Clock in Under the FLSA*, 37 Ga. St. U. L. Rev. 1 (2020).
- **Loyola Law School, Los Angeles:** Matthew Tang, *Alternatives to California's SB27: Incentivizing the Release of Tax Returns Without Restricting Ballot Access*, 54 Loyola L.A. L. Rev. 1 (2020).
- **Pepperdine Caruso School of Law:** Zachary R. Carstens, *The Right to Conscience vs. the Right to Die: Physician-Assisted Suicide*,

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*Catholic Hospitals, and the Rising Threat to Institutional Free Exercise in Healthcare*, 48 Pepperdine L. Rev. 101 (2020).

- **University of California, Davis:** Alexandra M. Taylor, *Fertile Ground: Rethinking Regulatory Standards for Femtech*, 54 U. Cal. Davis L. Rev. 2267 (2021).
- **University of Colorado School of Law:** Scott A. Goodstein, *When the Cat's Away: Techlash, Loot Boxes, and Regulating "Dark Patterns" in the Video Game Industry's Monetization Strategies*, 92 U. Colo. L. Rev. 286 (2021).
- **Washburn University School of Law:** Emily K. Arida, *Biometrics in Employment Guidance "BEG": Best Practices for Employers Begging to Use Biometrics in the Workplace*, 60 Washburn L.J. 311 (2021).

#### **2020-2021 Law-Review Award Screening Committee**

- Teresa Anderson (New England Law / Boston)
- Kamela Bridges (University of Texas School of Law)
- Jennifer Brinkley (University of West Florida College of Law)
- Ronald L. Burdge (Private attorney and author)
- Anna M. Chan (St. Thomas University School of Law)
- David Cleveland (Valparaiso University/ University of Denver)
- Raul Fernández-Calienes (St. Thomas University School of Law)
- Emily Grant (Washburn University School of Law)

- Amanda Harmon Cooley (South Texas College of Law)
- Margaret Hahn-DuPont (Northeastern University School of Law)
- Amanda Haverstick (Retired)
- Patrick Long (University at Buffalo School of Law)
- Denise Mallory (Northeastern University School of Law)
- Mary Lynch Matthews (Washburn University School of Law)
- Martin McKown (Duquesne University School of Law)
- Karin Mika (Cleveland-Marshall College of Law)
- Kristen Murray (Temple University Beasley School of Law)
- Joshua Sheffer (Grand Valley State University)
- Erica Strohl (Mitchell Hamline School of Law)
- Jessica Wherry (Georgetown University Law Center)
- Beth Wilensky (University of Michigan Law School)

#### **2021 Law-Review Award Selection Committee**

- Brooke Bowman, Chair (Stetson University College of Law)
- Mary Bowman (Arizona State University Sandra Day O'Connor College of Law)
- Steven Feldman
- Richard Leiter (University of Nebraska Lincoln School of Law)
- Mark E. Wojcik (University of Illinois Chicago School of Law)

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## **Law Student Chapter News**

The Scribes Student Chapter at the University of Illinois Chicago School of Law elected Co-Presidents for the 2021-2022 academic year. They are Denise Luna and Garrett Lee Walker, who take over from Immediate Past President Anthony Gasper.

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## Best of the Best: The 2021 Brief-Writing Awards

Since 1996, Scribes has presented an annual award for the best student-written brief that won a brief award at a regional or national moot court competition. We review these award-winning briefs to pick “the best of the best.” Scribes believes that legal writing is of paramount importance to law students and their careers, and we hope to encourage good legal writing by recognizing its finest examples.

Scribes opens the competition in midsummer, and it receives submissions until September 15. Once Scribes receives all submissions, they are judged by a screening committee comprised of professors, judges, and practicing attorneys. The top 15 to 20 briefs then go to the Brief-Writing-Award Committee. That committee reads the finalist briefs, deliberates, and chooses the top three briefs.

In 2021, the first-place winner of the Scribes Brief-Writing Award was Brooke Bohlen of Texas Tech University School of Law.

The second-place winners were Zahra Alamire, Tina Nguyen, and Katherine Sundberg of the University of California Hastings College of Law.

The third-place winners were Eric Donica, Marisa Garcia, and Joseph North of the Belmont University College of Law in Nashville, Tennessee.

### Members of the 2020-2021 Screening Committee for the Brief-Writing Award:

- Kathryn Campbell (Southwestern Law School)

- Anna M. Chan (St. Thomas University School of Law)
- Amanda Harmon Cooley (South Texas College of Law)
- Elizabeth De Armond (IIT Chicago-Kent College of Law)
- Lara Freed (Cornell School of Law)
- Ardath Hamann (University of Illinois Chicago School of Law) (Ret.)
- Kimberly Holst (Arizona State University College of Law)
- Jim Sowerby (U.S. District Court for the Northern District of Illinois)
- Mary Rose Strubbe (IIT Chicago-Kent College of Law) (Ret.)
- Bobbie Thyfault (California Western School of Law)

### Members of the 2020-2021 Selection Committee for the Brief-Writing Award:

- Hon. Kenneth Gartner (Chair)
- Andrew Bender
- Beth Cohen
- Charles Dewey Cole
- Stephen Fink
- Susan Joffe
- Robert Markle
- Gail Mullins
- Mary Rose Strubbe

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## National Order of Scribes Class of 2021

Scribes congratulates and welcomes the following individuals who were nominated by Scribes Member Law Schools to the National Order of Scribes Class of 2021. Scribes created the National Order of Scribes in 2007 as an honorary organization to recognize graduating law students who excel in legal writing. Each year, any law school that is a current institutional member of Scribes may nominate five students, or up to a number that represents three percent of its graduating class for an academic year, whichever is larger, to be inducted into the National Order of Scribes. The students below were nominated by their schools, and Scribes congratulates them for their achievements.

### **Barry University Andreas School of Law**

- Michael Hristakopoulos
- Astrid Perez
- Crisol Lopez Palafox
- Nicole Loguidice

### **California Western School of Law**

- Lillian K. Glenister
- Danica Jean Hernandez
- Monet Valdez
- Ariel F. Valerio-Meek
- Phillip Zunshine

### **Mercer University School of Law**

- Emory Larkin
- Sarah Maley
- Rachel Ness-Maddox
- Carey Sartain
- Breanna Vega

### **Oklahoma University College of Law**

- Jennie Mook
- Allyson Shumaker
- Jordan Stroh
- Morgan Vastag

### **South Texas College of Law**

- Tyler Allen
- Elliott Deese
- Steven Higginbotham
- Zach Monty
- Maggie Morrow

### **Stetson University College of Law**

- Joseph O. Bobo
- Nicholas W. Lewis
- Megan Powell
- Cianan M. Roden-Corrent
- Olivia K. Seibert

### **Syracuse University College of Law**

- Katherine E. Brisson
- Collin M. Carr
- Julia L. Gorski
- Shannon A. Knapp
- Kali Schreiner
- Kristian E. Stefanides

### **Texas A&M University School of Law**

- Madeline M. Byers
- Madison P. Kuczynski
- Lora K. Naismith
- Brenna C. Miller
- Hannah N. Myslik

### **Texas Tech University School of Law**

- Sarah Bailey Baumgardner
- Quincy Hope Ferrill

### **University of Houston Law Center**

- Harneet Kaur
- Chelsea C. Klumpp
- Reagan M. Lutter
- Brian K. Pounds
- Jessie N. Totten

### **University of Illinois Chicago School of Law**

- Destinee Burrell
- Kelsey Crawley
- Sayra Contreras
- Philip May
- Matt Spahr
- Allison Trendle

### **Western Michigan University Cooley Law School**

- Sarah Doggett

### **UNLV William S. Boyd School of Law**

- Skylar Arakawa-Pamphilon
- Robert Holley
- Elizabeth Scheinman
- Paige Silva
- Jose Tafoya

### **Western New England Law School**

- Igor Bykov
- Caroline Foley
- Caitrin Kiley
- Frederickie Rizos
- Carli Ross