

Bathroom Reader

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SLIP-OP REVISION SHENANIGANS?

Did you know that opinions from the U.S. Supreme Court are often edited after they've been released as slip opinions? A notice at the top of those opinions warns that "[t]he opinion is subject to formal revision before publication in the preliminary print of the United States Reports[,]” and “[r]eaders are requested to notify the Reporter of Decisions . . . of any typographical or other formal errors” What’s a formal error, I wonder?

“Supreme Court opinions are cited and quoted frequently, and immediately: by lower courts, by other lawmaking branches, and by legal scholars and teachers,” says Harvard Law professor Lazarus. This swift and frequent citation obviously creates problems when the “official” versions published in the U.S. Reports doesn't have that quoted language.

There is some transparency coming though. Starting this term, changes made to slip opinions will be highlighted and the original and new language will be available. Further

changes to the opinions before publication are possible, though, and whether they will be noted someplace is unknown. For more information, check out Prof. Lazarus's article: 128 Harv. L. Rev. 540 (2014).



MOVING BEYOND BATSON?

On November 2, the U.S. Supreme Court heard arguments in the case of *Foster v. Chatman*, 14-8349. In the original criminal case, the prosecutor struck all four black prospective jurors while providing around a dozen race-neutral reasons for doing so. In later habeas proceedings, the defense obtained the prosecution's notes that contained annotations indicating that the prosecution wanted to exclude black jurors.

The question presented: “Did the Georgia courts err in

failing to recognize race discrimination under *Batson* in the extraordinary circumstances of this death penalty case?” This case may have to decide how the *Batson* analysis should be done and it could have big consequences in the field of criminal procedure. Court Watchers stay tuned!

HAWAII WOMEN LAWYERS EVENT

On Friday, November 20, in Classroom 1, Hawai'i Women Lawyers will be hosting a panel discussion called “Call to Action: More Women Litigators Needed.” On the panel will be the Hon. Dyan Medeiros ('96), Hayley Cheng ('06), Sharon V. Lovejoy, Dianne Winter Brookins, and our own Dean Ronette Kawakami ('85).

The ABA's Commission on Women in the Profession recently published a report showing that a wide gender gap still exists in the courtroom, despite the rising number of female lawyers and law students.

So, stop by and join the discussion with some of Honolulu's best on the challenges women face as litigators and how they can be overcome.