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Ave Atque Vale

Nancy Bellhouse May

University of Arkansas at Little Rock William H. Bowen School of Law, nbmay@ualr.edu

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THE JOURNAL OF APPELLATE PRACTICE AND PROCESS

FOREWORD

AVE ATQUE VALE

I have always been a planner. That means, of course, that I have been thinking about this foreword for years. It is my last.

I notice as I pack up my things and begin to take stock that I have used this space to catalogue my professional life (and on more than a few occasions, my personal life as well). I have confessed to you how easily distracted I am whenever my work takes me to the library,¹ how much time I spend reading for pleasure,² and how readily I give in to the summons of a why-is-that if one happens to catch my eye.³ I have let you see how closely I follow the legal news,⁴ and you have perhaps deduced that I would follow it closely even if doing so were not an essential part of this job.

1. Nancy Bellhouse May, *Now and Then at the Supreme Court*, 7 J. APP. PRAC. & PROCESS v, v (2005) (referring to books about the Supreme Court that I “couldn’t resist perusing when I was supposed to be at work on something else”).

2. Nancy Bellhouse May, *Book Smart*, 19 J. APP. PRAC. & PROCESS v, vi (2019) (describing the joys of reading); Nancy Bellhouse May, *Two Books, Ten Days*, 13 J. APP. PRAC. & PROCESS v, v (2012) (reporting that I “lunched with a book every day” while my husband and son were on a wilderness trip); Nancy Bellhouse May, *Three Giants*, 13 J. APP. PRAC. & PROCESS v, v (2012) (confessing to a “bookish past”); Nancy Bellhouse May, *Justice Frankfurter, Books, and the Law*, 10 J. APP. PRAC. & PROCESS v, vi (2009) (referring to “a new read and a re-read” then recently added to “the stack on my bedside table”).

3. Nancy Bellhouse May, *The First and the Last*, 14 J. APP. PRAC. & PROCESS v, v–vi (2013) (discussing the state supreme courts that are among the oldest in the country).

4. Nancy Bellhouse May, *Where We Are*, 19 J. APP. PRAC. & PROCESS v, vi–vii (2018) (comparing Supreme Court nomination hearings of the late 1960s and early 1970s to those of today); Nancy Bellhouse May, *Who We Are*, 9 J. APP. PRAC. & PROCESS v, v (2007) (referring to then-unfolding demonstrations by lawyers in Pakistan demanding reinstatement of their country’s chief justice and restoration of its constitution); *Now and Then*, *supra* note 1, at v (referring to a “few months” in which Supreme Court watchers saw “a resignation, a death, three nominations, and two confirmation hearings”).

I have made it clear that, among the Justices, I admire Robert Jackson most of all,⁵ and you have probably figured out that I was born so long ago that I can hardly believe in the existence of Justices O'Connor, Ginsburg, Sotomayor, and Kagan.⁶ I have also let you know how much I admire the writing of Thomas Jefferson,⁷ the work of the Founders,⁸ and the courage of Margaret Chase Smith.⁹ I have told you a little about my parents,¹⁰ and you cannot have failed to notice that my outlook has been shaped in part by my lifelong connection to Maine.¹¹

You may not have realized, however, that I always pictured you—a curious, intelligent, and well-informed reader—as I began to write. I hoped each time I started that you might already share, or would come to share, at least some of my interests and enthusiasms. And I hoped by the end of every foreword to have left you thinking about something new.

My plan for this final foreword reminded me to note toward its end that I hoped someday to meet you, to shake your hand, to thank you for reading, and to suggest that we go get a cup of coffee—doubtless in some little place where there was always a line and never more than a couple of open seats. But those ways are behind us. That world is gone. And of course I knew even in the best of times that we were unlikely to meet in real life. So

5. Nancy Bellhouse May, *Justice, Jackson and Otherwise*, 17 J. APP. PRAC. & PROCESS v, v–vi (2016).

6. Nancy Bellhouse May, *The Picture*, 20 J. App. Prac. & Process v, v–vi (2019); Nancy Bellhouse May, *The Past as Prologue*, 16 J. APP. PRAC. & PROCESS v, v–vii (2015). I am reminded as I type that the line marked “Ambition” next to my senior photo in the 1974 edition of *The Valley Echo* says “Supreme Court Justice.” But of course that wasn’t my aim in life. I was smarting off. I knew it was impossible. And yet, impossibly, there they are.

7. Nancy Bellhouse May, *What Little I Know*, 18 J. APP. PRAC. & PROCESS v, vi (2017).

8. *Two Books, Ten Days*, *supra* note 2, at v (referring to “the gentlemen in knee breeches whose discussions were about to change the world”); *Who We Are*, *supra* note 4, at v (acknowledging that this country “owes much to the lawyers among its founders” who understood that “a call to the law is also a call to lead”).

9. *Where We Are*, *supra* note 4, at v–vi.

10. *What Little I Know*, *supra* note 7, at v; Nancy Bellhouse May, *Astaire. Baryshnikov. Brandeis*, 17 J. APP. PRAC. & PROCESS v, v (2016).

11. *Where We Are*, *supra* note 4, at v–vi (pointing out that Margaret Chase Smith represented Maine in Washington for more than thirty years and describing her presence on the national stage); Nancy Bellhouse May, *From Away*, 18 J. APP. PRAC. & PROCESS v, v (2017) (noting that “childhood on the coast of Maine offers both a sense of place and a sense of one’s place in the world”); Nancy Bellhouse May, *The Maine Idea*, 15 J. APP. PRAC. & PROCESS v, v–vi (2014) (describing the national influence of Judge Frank M. Coffin, Judge Edward T. Gignoux, and Chief Justice Vincent L. McKusick).

please understand from this foreword that I appreciate your sticking with *The Journal*—and with me—for all these years.

Trusting that you will indulge me one last time, I close by telling you that my plan called for me to address just one of my readers here at the end. To tell him that he will understand years from now that whatever story I set out to share each time I used this space, I was writing to him, always to him. And the plan was also for me to say straight out that no matter how distinguished the rest of *The Journal's* readers, it was his take on every foreword that mattered most to me.

THE ISSUE

The weight of this issue is concentrated in a rhetorical-computational analysis of Justice Scalia's majority opinions, but it also includes a report on judges' assessment of the ways in which lawyers approach oral argument, a guide for judges interested in best practices for the use of social media, an update on the end of abstracting the record in one of the few states that carried an abstracting requirement into the twenty-first century, and a review of Justice Stevens's autobiography. As has always been the case, I think that this issue's contents will speak in some way to every appellate reader.

A NEW HOME FOR *THE JOURNAL*

Some of you know already that *The Journal* will by the time you read this foreword have wrapped up its twenty-year run at the University of Arkansas at Little Rock's William H. Bowen School of Law. It will continue under the auspices of the James E. Rogers College of Law at the University of Arizona. We on *The Journal's* team here at Bowen wish the best for the new team at University of Arizona Law and hope that its members find that they can count on the same loyalty and encouragement that we have known throughout our many years with you.

NBM

Little Rock

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