

# PREFACE

## UNATTENUATED ENTHUSIASM

Ross E. Davies<sup>†</sup>

**T**he *Green Bag* has been yearning for this moment — or one like it — for more than 20 years. Rob James introduced us to the *Journal of Attenuated Subtleties* in 1998 (see the letter with the lovely logo on the next page), and we have been pestering him ever since to give us more of the similar. He has delivered ten little treasures to us over the years, including several updates to *The Supreme Court and the Westward Movement*, his transcontinental collaboration with Ben Zuraw that first appeared in the first issue of the *Journal of Attenuated Subtleties* and is reproduced in all its formidable originality — along with the rest of the original *JAS* — below.

For a long time, the wishful thinking at *Green Bag* World Headquarters was that Rob and his colleagues would continue to dole out bits and pieces of the *JAS* to us for publication in the *Bag*. Then, a few months ago, a grand old pillar of the modern bar mentioned the *JAS* fondly on Twitter:

Moving my office, I came across one of my treasures: a ratty old photocopy of the first issue of the *Journal of Attenuated Subtleties*, kind of a proto-@GB2d. The first issue began, “The law may not care about trifles, but lawyers certainly do.”<sup>1</sup>

And we went from wishfully thinking of the *JAS* in our cubicles to cheerfully riding a groundswell of enthusiasm for the *JAS* in our email in-boxes.

The surge of good feeling for their old journal overwhelmed the natural, admirable, unfeigned reticence and modesty of the *JAS* editors. In response to the *Green Bag*'s renewed appeals, they agreed not only to permit full republication of the *JAS* here in the *Journal of Law*, but also to reflect on their great, late-20th-century work from a 21st-century perspective. As you will soon learn (if you don't know it already), they were quick in youth, and they haven't lost a step.

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<sup>†</sup> Ross Davies is a *Green Bag* editor.

<sup>1</sup> @johnpelwood (June 28, 2019).

ROSS E. DAVIES

Pillsbury



Madison &  
Sutro LLP

ATTORNEYS AT LAW  
235 MONTGOMERY STREET  
SAN FRANCISCO, CALIFORNIA 94104  
TELEPHONE: (415) 983-1000 FAX: (415) 983-1200  
MAILING ADDRESS: P.O. BOX 7880  
SAN FRANCISCO, CALIFORNIA 94120-7880  
internet: [pillsburylaw.com](http://pillsburylaw.com)

Writer's direct dial number / email:  
(415) 983-7215

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Mr. Ross E. Davies  
Editor-in-Chief  
The *Green Bag*  
Post Office Box 14222  
Cleveland, Ohio 44114

Dear Ross:

I enclose photocopies of the entire run, two issues, of *The Journal of Attenuated Subtleties*. In re-reading our adolescent rag and comparing it with your tony review, I was struck that ours is a kind of Bizarro, parallel-universe version of yours. Where you "prefer[] substance over form" ("A Short Profile"), I noted that "[a] 'case is not to be decided by attenuated subtleties,' but the fancy of the lawyer is surely to be struck by them" and raised a toast "to form over substance." But as your predecessor Horace Fuller warned that lawyers would "seek in vain" for practical information in the *Green Bag*, I opined that colleagues who do not appreciate entertainments in a legal vein "must find their recreation outside the law, in alcohol or bowling."

Please let me know which, if any, of these pieces would merit further consideration. (No hard feelings if they don't, by the way; these are so tongue-in-cheek as to be damn-near serious in parts.) I and my classmates would greatly appreciate the opportunity to polish and update our pieces before they are published.

I enclose my subscription. Since you sent me the first two issues, I'd like it to begin with the third issue of Volume 1 unless that blows an accounting fuse. Best of luck with a great publication!

Very truly yours,

Robert A. James

Encs.

SAN FRANCISCO LOS ANGELES NEW YORK ORANGE COUNTY SACRAMENTO SAN DIEGO SILICON VALLEY WASHINGTON, D.C. HONG KONG TOKYO  
12723373.