

## Lecture Features Ronald Dworkin

TEMPE

“Jurisprudence and the 2000 Election” will be Ronald Dworkin’s topic when the influential writer and law professor delivers this year’s Pedrick Lecture at the ASU College of Law on Nov. 19 at 7:30 p.m.

Dworkin worked at Sullivan &

Cromwell in New York before joining the law faculty at Yale University from 1962 to 1969. He has been a professor at Oxford and has a joint appointment at Oxford and NYU Law School. He once clerked for Judge Learned Hand of the Second Circuit Court of Appeals.

His books include *Freedom’s Law: The Moral Reading of the American Constitution* (1996) and *Taking Rights*

*Seriously* (1977). His book *Law’s Empire* received the Coif Award from the American Bar Association as the best book written on law over a three-year period and the Ames Prize of Harvard Law School for the best book on law over a five-year period.

The Pedrick Lecture was established in memory of Willard Pedrick, the founding dean of the ASU College of Law, who passed away in 1996. The lecture will take place in the law school’s Great Hall. For information, call (480) 965-6405.

## Still No Citing Unpublished Opinions

SAN FRANCISCO

The Ninth U.S. Circuit Court of Appeals has upheld its rule barring the citation of unpublished opinions. A three-judge panel unanimously held that they cannot be cited in briefs, even as persuasive authorities.

“The common law has long recognized that certain types of cases do not deserve to be authorities, and that one important aspect of the judicial function is separating the cases that should be precedent from those that should not,” Judge Alex Kozinski wrote.

The debate grew heated last year after the Eighth Circuit held that that court’s similar rule was unconstitutional in *Anastasoff v. United States*, 223 F.3d 898 (Before the en banc hearing, *Anastasoff* was vacated after the parties settled).

According to statistics from the Administrative Office of the U.S. Courts, the Ninth Circuit decides 84 percent of its cases without publishing the decisions—the third highest of any federal appellate court.

Some criticized the ruling. Professor Rory Little of Hastings College of the Law called unpublished decisions a judicial cop-out. “Very often it is a Faustian bargain among the panel members. ... It’s because they actually disagree about the law and won’t admit it.” ▀