

UNIVERSITY OF VIRGINIA SCHOOL OF LAW



Daniel J. Meador
James Monroe Professor of Law Emeritus

December 13, 2005

Dear Ron,



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Thanks for your very newsy letter. It is always a pleasure to hear of your many activities and interests.

You are quite right about the op-ed style of writing. Over the years I have undertaken a bit of it here and there. The tight word limitation means that every word and sentence must count. I find the *National Law Journal* and the *Legal Times* to be the most appropriate publications for my writing in this style. I enclose two of my most recent writings. These were published shortly after Sandra O'Connor announced her retirement and before any nomination had been made. I feel very strongly about the composition of the Court now; for the first time in American history it consists of only former appellate judges. It has no former member of Congress, no former governor, no former Cabinet officer, and no one with an extensive, varied law practice. I agree fully with your article on the qualifications for a Supreme Court justice. I was tempted to do something of the same sort during the pendency of the Roberts nomination, but I never got around to it. I may still do something along that line. Your article on the French situation today strikes me as right on the money, but it is a difficult subject to address from this distance.

The article you published in the law school magazine last spring prompts me to suggest that you should do an article – or perhaps a small book – comparing the American and French legal systems. You have a whole array of perceptive thoughts about this subject and a rich experience in both systems. I can think of no one better qualified to write about it. Incidentally, I have had no connection with the organization that sponsored your Cambodia trip since the time of your trip. I will keep you in mind, however, if I hear of similar opportunities.

The year 2005 has been my busiest since I retired 11 years ago. I, along with my two co-authors, have submitted to the publisher the manuscript for the second edition of the appellate courts casebook, and I have just submitted the manuscript for the second edition of the little text on appellate courts that you mentioned. Both books will be published early in 2006. The National Conference on Appellate Justice in November went off in good style. Serving on the planning committee for the conference turned out to be a more involved enterprise than I had imagined.

Your son Daniel is chalking up an amazing career. He is obviously extremely bright, and I look to hear great things about him. Indeed, all of your sons seem to be doing extremely well. That must bring great satisfaction to you. Jan continues without major change and seems content. That is the best I think we can hope for. For myself, I acquired a case of shingles in September, and it is still with me. I am told by the doctors that this pain can go on for months. No medication seems to help. But I keep going, doing everything I've always done, so I can be grateful for that.



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Among other things I have done this fall was a visit to the European Court of Justice in Luxembourg and the European Court of Human Rights in Strasbourg. I went because I've always believed that I should not undertake to write about a court without having visited it. This was a quick trip – one full day at each court – but it served my purpose. It reinforced my view that one should get on the ground to pick up all the nuances and details about a court that cannot be gained by reading the literature.

The argument you described from your proceeding in the court in Paris strikes me as resembling more than anything else an argument in the German appellate courts – the Oberlandesgerichte. There, the judges and counsel all sit on the same level, although at different tables. The proceeding is very conversational, with interchanges among judges and counsel in no particular order and with no time limit. It is more like an informal office conference than an argument in an appellate court. There is much to be said for this style in working out the issues and understanding the competing arguments.

Having now wrapped up my major legal writing projects I hope to return to a novel that I had begun a couple of years ago. I have a draft of the entire book, but it needs lots of work. Novel writing presents a special challenge, one quite different from, for example, a law review article. However, I find it to be a fine intellectual diversionary activity.

I send best Christmas wishes to you and your family, with the hope that I may have a visit from you during 2006.

Sincerely,

A handwritten signature in dark ink, appearing to be 'D. Meador'.