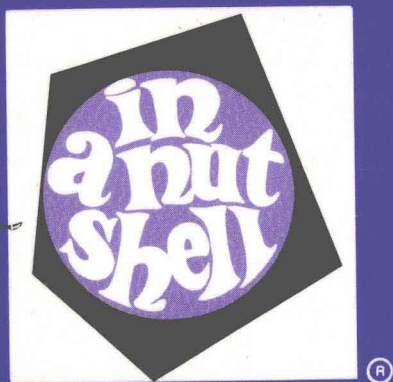


# Judicial Process



WILLIAM L. REYNOLDS

# **JUDICIAL PROCESS IN A NUTSHELL**

**SECOND EDITION**

**By**

**William L. Reynolds**

**Professor of Law**

**University of Maryland School of Law**



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## FOREWORD TO THE SECOND EDITION

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The revisions in the second edition of this *Nutshell* include a new chapter on constitutional interpretation, a topic of great current interest. The unexpected revival of the plain meaning rule in statutory construction, the retreat concerning implied causes of action as well as a number of other changes in the law are also reflected in this edition.

I wish to thank my colleague Dave Bogen, for his helpful comments, my secretary, Kathy Montroy, and my research assistant, Linda M. Thomas, for their indispensable assistance. My wife, Teddy, and my children, Bill, Catherine, and Sarah, all provided immeasurable support. The University of Maryland School of Law has generously supported my work in both editions.

WILLIAM L. REYNOLDS  
Baltimore, Maryland

July, 1991

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V

## FOREWORD TO THE FIRST EDITION

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This *Nutshell* explores the process by which American judges decide cases. Questions involving both common law adjudication and statutory interpretation are analyzed. Constitutional decision-making and problems concerning the trial of issues are touched upon but lightly; each of those areas requires a book of its own. Although the book has been written with the law student primarily in mind, I hope and believe that it will be of interest and use to others who are interested in the process we use in passing judgment on claims of right.

The author of a book such as this has many persons to thank. My own interest in the subject of this *Nutshell* began in law school in the course in Legal Process. Then Professor (and now Dean) Albert Sacks stimulated us in the classroom and the wonderful materials of that name, prepared by him and the late Professor Henry Hart (discussed further in § 4.2), forced the students to open the windows of their minds. It was altogether a rare intellectual experience, one whose imprint can be found throughout this *Nutshell*. Later, at Maryland, I had the opportunity to teach a course in

## *FOREWORD TO THE FIRST EDITION*

Legal Process, where my students and I studied the subject together.

Judge Frank A. Kaufman of the United States District Court for the District of Maryland, for whom I clerked, helped show me how a wise jurist, interested in both justice and law, practices his craft. I have been fortunate in having worked on articles in collaboration with two authors who have provided me with much guidance in the quest for understanding of these issues: John F. Davis, now a Visiting Professor at Maryland, formerly Assistant Solicitor General and Clerk of the Supreme Court; and Professor William Richman of the University of Toledo School of Law, former student and present friend.

The support provided by the administration and my colleagues at Maryland has been outstanding. Kenneth Abraham, Dave Bogen, John Ester, Everett Goldberg, Bill Hall, Alan Hornstein, Bill Richman, Ted Tomlinson, Joel Woodey, and Greg Young read drafts of portions of the book. Their comments were invaluable; the standard disclaimer is in order. Kathleen Morris and Deborah Robinson, both students at Maryland, have provided splendid research and editorial assistance.

Indispensable to the completion of this book was the patient and intelligent assistance provided by the faculty secretaries at Maryland. All have contributed to the finished product, but Gail Batts deserves special mention for her help in making a

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complex and difficult task, manageable. My thanks to all.

Finally, the support given me in this project by my wife, Teddy, and our children, Bill, Catherine, and Sarah, provided comfort and encouragement beyond measure.

WLR

Baltimore, Maryland  
April, 1980

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