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## Introduction

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## Introduction

The 1989-1990 Editorial Board desired to offer the legal community a package of insightful commentary from its most prominent source of scholarly legal writers—the judiciary. In this issue, the *Pep-perdine Law Review* proudly presents a compilation of articles authored by a select group of accomplished sitting judges.

The Review invited each judge to submit an article delving into interests or concerns each has experienced during his years on the bench. Thus, a unifying theme permeates their selections: along parallel lines, yet to differing degrees, each article advocates for the proper maintenance of our system of jurisprudence with the tools, policies, and rules currently available.

The Honorable Ruggero J. Aldisert, Senior Judge, United States Court of Appeals for the Third Circuit, presents *Precedent: What It Is and What It Isn't; When Do We Kiss It and When Do We Kill It?* The article takes a critical, logic-based look at how judge-made law should and must develop. Beginning with careful distinction and definition of the parameters of precedent and stare decisis, and by way of example and scientific model, Judge Aldisert explains the need to fashion case holdings narrowly so that precedent may be properly utilized. Although not a panacea, the suggestions in the work, if suitably employed, would result in a logically sound, predictable, and uniform development of the law.

The Honorable Thomas M. Reavley, Judge, United States Court of Appeals for the Fifth Circuit, offers the second article, *Rambo Litigators: Pitting Aggressive Tactics Against Legal Ethics*. Judge Reavley boldly speaks out against attorneys' use of abusive, nasty tactics designed primarily to harass and to annoy the opposition. After detailing his own personal experiences with Rambo litigators, Judge Reavley explains why "hardball tactics" are entirely unnecessary and often counterproductive. He also points out that an attorney need not stoop to such tactics to represent a client both effectively and zealously.

News of the pending publication of Judge Reavley's article has evoked considerable interest from both proponents and opponents of Rambo-style litigation. The Review will publish a response to the article, entitled *One Year After Dondi: Time to Get Back to Litigat-*

*ing?*, by William A. Brewer III and Francis B. Majorie, in the next issue of the *Pepperdine Law Review* (Volume 17:4). Messrs. Brewer and Majorie are partners in the Dallas office of the national litigation firm of Bickel & Brewer, a firm known for its zealous and aggressive representation of its clients' interests.

The final judicial commentary comes from The Honorable Fred Woods of the California Court of Appeal, Second Appellate District. The Review takes great pride in publishing Judge Woods' first law review article: *Sanctions—Stepchild or Natural Heir to Trial and Appellate Court Delay Reduction?* This article examines the development of sanctions and discusses their current and future viability as a means of reducing delays in the trial and appellate courts. Judge Woods illustrates the degree to which the legislative and judicial branches of the California government have adopted sanctions as a means of managing crowded court dockets. While recognizing that an already overworked judicial officer must spend extra time determining the propriety of a sanction request or award, Judge Woods suggests that such effort is a sound investment in the future of the California court system.

The *Pepperdine Law Review* and the School of Law recognize the outstanding contributions made by these judges, both in their legal writing and on the bench, and would like to thank them for sharing their views in this special issue.

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