

NINO SCALIA REINVENTS THE WHEEL

From the man conservatives and Federalist Society adherents routinely praise as an eloquent and transformational legal genius, the gold standard for their idea of a Supreme Court Justice, comes this precious nugget courtesy of Ashby Jones at the WSJ Law Blog:

In response to a question from host Susan Swain about the “quality of counsel” who appear before the court, Scalia responds with this gem:

Well, you know, two chiefs ago, Chief Justice Burger, used to complain about the low quality of counsel. I used to have just the opposite reaction. I used to be disappointed that so many of the best minds in the country were being devoted to this enterprise.

I mean there'd be a, you know, a defense or public defender from Podunk, you know, and this woman is really brilliant, you know. Why isn't she out inventing the automobile or, you know, doing something productive for this society?

I mean lawyers, after all, don't produce anything. They enable other people to produce and to go on with their lives efficiently and in an atmosphere of freedom. That's important, but it doesn't put food on the table and there have to be other people who are doing that. And I worry that we are devoting too many of our very best minds to this enterprise.

And they appear here in the Court, I mean, even the ones who will only argue here once and will never come again. I'm usually impressed with how good they are. Sometimes you get one who's not so good. But, no, by and large I don't have any complaint about the quality of counsel, except maybe we're wasting some of our best minds.

Holy jeebus. Jones might want to double check to make sure he didn't take this quote from Clarence Thomas' interview by mistake. Seriously, how many bottles of Chianti was Nino operating on when they hit him up for this interview?

First off, horrible attorneys and rubes don't get to argument at the Supremes Nino, their cases are weeded out of the process on the way by bad lawyering and/or bad facts before reaching you, or the lawyers realize they are out of their league and take on co-counsel more experienced and better equipped to argue to the Big Bench. So, yeah, the talent you see, even the ones "from podunk" are probably very good relatively speaking. But it is most certainly not like that out here in the real world. Come on down to the state and local trial courts on my rounds Nino; you'll be singing a far different tune. The legal profession is literally overflowing with crappy lawyers and functional morons. I wouldn't trust a lot of them to drive a car, much less invent it.

I have always wondered why people think Scalia is such a brilliant transformational legal genius. Even most Democratic leaders treat him as such in spite of vehemently disagreeing with his beliefs and opinions. He really isn't all that as far as I can discern; instead he strikes me as a rather pedestrian voice and legal mind in the history of Justices on the Supreme Court.

And if there is one thing in the world we have
more of than lawyers, it is cars.