

ROTUNDA: IL PROFESSORE PROLIFICO MA PICCOLO

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Not so long ago, a student purporting to be the Editor-in-Chief of this esteemed *Review* irrupted my sanctum sanctorum to inquire whether I would contribute “some short remarks” to an issue dedicated to the recently retired Professor Rotunda. Not one to make sport of the under-heightened,¹ I immediately declined, but finally relented when the editor explained why the *Review* was so anxious that I participate in this *impresa importante*. “Your last publication with us,” he enucleated, “totally destroyed the reputation of one law professor, and we are wondering whether you can top that performance.” Well, who could turn down a challenge like that, at least so long as the Italian-American Anti-Defamation League seems otherwise occupied.²

It is indeed true that I have done grievous harm to the reputations of other law professors in the past, not only in the instance referred to by the *Review*'s editor,³ but on numerous other occasions as well.⁴ But now that all the outstanding libel suits have been settled, I undertake this aflatus with particular *eccitamento ed entusiasmo*, for I have a score to settle with that fellow Rotunda. You see, he is somewhat of a prankster, and some years ago he played a diabolically clever trick on yours truly:

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1. Indeed, some of my best friends. . . . Well, let me put it this way, I have never even heard of Academy Award winning composer Randy Newman's fescennine song “Short People,” the lyrics to which can be found at <http://www.leoslyrics.com> (last visited Apr. 2, 2003).

2. As they do; see Danny Leigh, *The King of New York* (July 26, 2001), at www.chico.mweb.co.za/art/tv/0107/010723-king.html (last visited Dec. 2, 2002) (interview with actor Michael Imperioli from the TV series “The Sopranos,” who notes: “There's this one group called the Italian-American Anti-Defamation League and they were writing furious letters to editors and what have you”); Stephen Mack, *PC Infringes on Free Speech*, COLUM. CHRON. ONLINE, Jan. 14, 2002, at <http://www.cchronicle.com/back/2002-01-14/opinions6.html> (last visited Apr. 2, 2003) (noting “the recent lawsuit from the Italian-American Anti-Defamation League against the producers of ‘The Sopranos’”).

3. See Wayne R. LaFave, *Livrebleu 17: Les Conséquences Tragiques Forgeés par le Professeur Répugnant Nommé Grantmore*, 2001 U. ILL. L. REV. 857.

4. See Wayne R. LaFave, *Being Frank About the Fourth: On Allen's ‘Factualization’ in the Search and Seizure Cases*, 85 MICH. L. REV. 427 (1986); Wayne R. LaFave, *Frank Remington: The Man and His Work*, 1992 WIS. L. REV. 570 (1992); Wayne R. LaFave, *On Scoles*, 5 ELDER L.J. 223 (1997); Wayne R. LaFave, *Plain Joe Grain*, 46 WAYNE L. REV. 1271 (2000); Wayne R. LaFave, *Random Thoughts by a Distant Collaborator*, 94 MICH. L. REV. 2431 (1996).

one night, while I was home in bed, Rotunda and a band of crapulous law students gained entry to my office and then transferred the *entire* contents thereof (including all the books on the shelves, and all the contents of the desk drawers) to an unoccupied office down the hall. When I entered my totally empty office the next morning I was agape, aghast, and agog, in that order, but soon recovered sufficiently to unriddle the location of my effects as well as the identity of the miscreants who had purloined them. The *identificazione* of the vespertine vandals was confirmed when I went to teach my Criminal Law class that afternoon and, much to my surprise, found displayed on the podium a photograph of the felons *in flagrante delicto* (or, if you will, *nel calore dell'atto diabolico*). The students got their comeuppance at the end of that semester (that is, when I graded their final exams), but Rotunda has gone *senza punizione* for the intervening twenty-five years. But now his time has come.⁵

A strong believer in empirical research,⁶ I have sought the assistance of my colleagues in this bit of flummery by e-mailing all of them as follows: “Please favor me with a prompt reply indicating in one word or less how you think Ron Rotunda can best be described.” I have now tallied up the responses, and can report (omitting those words inappropriate for a publication likely to be read by impressionable law students) that most respondents settled on one of the two attributes represented by the words *piccolo* and *prolifico* in the caption of this *attacco giustificato*. Having eschewed any attention to the former in my inchoation, I shall concentrate instead on the latter, which seems to have been the leading choice—at least if I also count those who responded with the word “incontinent.”

The term “prolific” is unquestionably *una scelta eccellente di una parola*, for it captures in a single word Ron’s most remarkable characteristic. As I learned upon reading Ron’s resumé (my most ambitious undertaking since “War and Peace”), since he reported for duty here in 1974 sporting an outlandish mustache and spouting hair-raising tales from his just-completed Watergate duties, Ron’s output totals an amazing thirty five books⁷ and 204 articles! That is truly an

5. Not being a *compaesano* (as evidenced by my feeble attempts at Italian herein), I believe I am beyond the restraints of *omerta* and thus free to undertake this *denunzio*.

6. See the empirically based analysis in WAYNE R. LAFAVE, ARREST: THE DECISION TO TAKE A SUSPECT INTO CUSTODY (1965); Wayne R. LaFave & Frank J. Remington, *Controlling the Police: The Judge’s Role in Making and Reviewing Law Enforcement Decisions*, 63 MICH. L. REV. 987 (1963); Wayne R. LaFave, *Detention for Investigation by the Police: An Analysis of Current Practices*, 1962 WASH. U. L.Q. 331; Wayne R. LaFave, *Improving Police Performance Through the Exclusionary Rule—Part I: Current Police and Local Court Practices*, 30 MO. L. REV. 391 (1965); Wayne R. LaFave, *Improving Police Performance Through the Exclusionary Rule—Part II: Defining the Norms and Training the Police*, 30 MO. L. REV. 566 (1965); Wayne R. LaFave, *The Police and Nonenforcement of the Law—Part I*, 1962 WIS. L. REV. 104; Wayne R. LaFave, *The Police and Nonenforcement of the Law—Part II*, 1962 WIS. L. REV. 179.

7. None of which I have reviewed, given their subsequence to my tergiversation of that practice because of the execrations responses to Wayne R. LaFave, Book Review, 13 VILL. L. REV. 700 (1968); Wayne R. LaFave, Book Reviews, 117 U. PA. L. REV. 364 (1968); Wayne R. LaFave, Book Review, 14

extraordinary accomplishment, outdistancing the rest of us to a fare-thee-well. Ron is thus the only member of this faculty whose collected publications are taller than their author—a feat diminished not at all by the fact that the rest of us face a substantially higher hurdle to such an achievement. Apparently Ron has never had an unpublished thought!

In the course of producing a body of work that some have even gone so far as to describe as nonsterquilinous, Rotunda has become *l'esperto principale* in two fields: constitutional law⁸ and professional responsibility. He is the coauthor of a multivolume treatise⁹ on constitutional law, a *sfuerzo impressionante* made even more remarkable by the fact that his partner in this undertaking was that *scherzo polacco ben noto*, John Nowak. The two have a hornbook¹⁰ on the same subject, while Ron has casebooks¹¹ in both of his fields. Without a doubt, Rotunda has dumped more foul matter on his publisher than any other member of Thomson-West's¹² considerable stable of authors.¹³ In addition, Ron is well on the way toward having his prose¹⁴ bless every law review in the country, and thus it is no wonder that his name has become a household word—despite the fact that some still confuse him with a University of Virginia landmark.¹⁵

UCLA L. REV. 1361 (1967); Wayne R. LaFave, Book Review, 36 FORDHAM L. REV. 145 (1967); Wayne R. LaFave, Book Review, 6 VILL. L. REV. 438 (1961).

8. I stand in awe of anyone who has conquered the entire Constitution, as I have spent a lifetime trying to figure out the fifty-four words therein. In addition to works cited elsewhere herein, see Wayne R. LaFave, "Case-by-Case Adjudication" Versus "Standardized Procedures": *The Robinson Dilemma*, 1974 SUP. CT. REV. 127; Wayne R. LaFave, *The Fourth Amendment Today: A Bicentennial Appraisal*, 32 VILL. L. REV. 1061 (1987); Wayne R. LaFave, *The Present and Future Fourth Amendment*, 1995 U. ILL. L. REV. 111; Wayne R. LaFave, *Search and Seizure: "The Course of True Law . . . Has Not . . . Run Smooth"*, 1966 U. ILL. L. F. 255; Wayne R. LaFave, "Seizures" Typologies: *Classifying Detentions of the Person to Resolve Warrant, Grounds, and Search Issues*, 17 U. MICH. J. L. REF. 417 (1984).

9. A difficult task, as I know first-hand. See 1–3 WAYNE R. LAFAVE, SUBSTANTIVE CRIMINAL LAW (2d ed. 2003); 1–6 WAYNE R. LAFAVE ET AL., CRIMINAL PROCEDURE (2d ed. 1999); 1–5 WAYNE R. LAFAVE, SEARCH AND SEIZURE (3d ed. 1996).

10. Again, a substantial undertaking, as I know first-hand; see WAYNE R. LAFAVE, CRIMINAL LAW (4th ed. 2003); WAYNE R. LAFAVE ET AL., CRIMINAL PROCEDURE (3d ed. 2000). One can even work up a sweat doing a shorter tome in the new "Concise Hornbook Series," e.g., WAYNE R. LAFAVE, PRINCIPLES OF CRIMINAL LAW (2003).

11. A time-consuming job, as I know first-hand. See WAYNE R. LAFAVE, MODERN CRIMINAL LAW (3d ed. 2001); as well as CRIMINAL PROCEDURE AND THE CONSTITUTION; MODERN CRIMINAL PROCEDURE; BASIC CRIMINAL PROCEDURE; and ADVANCED CRIMINAL PROCEDURE (10th ed., and with Kamisar, Israel & King, 2002); WAYNE R. LAFAVE, PRINCIPLES OF CRIMINAL LAW (1978).

12. Better known to many as West Group, and to old timers as West Publishing Company.

13. Just so there is no misunderstanding, I should note here for the benefit of the unpublished that the term "foul matter" is longstanding printers' lingo meaning "a galley that has been corrected by the author or editor." Frederick Busch, *Dead Matter*, 72 AM. SCHOLAR 117, 120 (Summer 2003).

14. Not to be confused with poetry. See Wayne R. LaFave, *Mapp Revisited: Shakespeare, J., and Other Fourth Amendment Poets*, 47 STAN. L. REV. 261 (1995); Wayne R. LaFave [writing under his oft-used *nom de plume*, Anonymous], *Why?*, in POETIC JUSTICE 1 (undated).

15. A virtual reality tour of which is available on the Internet. See *A Virtual Tour of the Rotunda*, at <http://www.virginia.edu/academicalvillage/rotundavr/> (last visited Mar. 18, 2003). To the best of my knowledge, a virtual reality tour of Ron Rotunda is *not* available on the Internet, a subject about which I am quite knowledgeable. See Wayne R. LaFave, *Surfing as Scholarship: The Emerging Critical Cyberspace Studies Movement*, 84 GEO. L.J. 521 (1996).

A few months ago there was considerable wailing and gnashing of teeth around the law school because we had dropped a bit in the *U.S. News & World Report* rankings. Since those rankings seem to depend much upon how a school “cooks the books,” I’m not sure such *preoccupazione* was justified. As most of us know, there is another ranking of law schools that is much more meaningful because it is based upon the scholarly publication level of the faculty, and in those ratings we have always done quite well. But in light of Rotunda’s retirement *and* departure,¹⁶ it is apparent that the College of Law is at risk of dropping dramatically in the publication rankings. It is therefore *imperativo* that the law faculty pick up the slack by writing more (or, at least, by appearing to write more), which I submit can be accomplished if we use Ron Rotunda as our role model by following these seven simple rules¹⁷:

(1) Be a twin. As many of you doubtless know, Ron is one of the Rotunda *gemelli*, being accompanied at birth by Donald, who then and since looks just like Ron. Over the years, I often inquired about Donald, but Ron’s responses were always somewhat vague. That aroused my suspicions, and when I also noticed a curious work pattern, namely, that Ron would always depart at midday and then return shortly thereafter with different attire and renewed vigor, it finally dawned on me that Ronald and Donald were working in tandem and putting in two shifts. My suspicions were confirmed when, at Ron’s retirement dinner, the two were there seated side-by-side—probably the first time one of them was not *sul lavoro* at the law school. (Donald, I should add, is not a lawyer, which explains a lot about the quality of the Rotunda output.¹⁸)

16. With the end of Rotunda’s contract approaching, Dean Tom Mengler impulsively traded Rotunda to the George Mason law school for veteran Larry Ribstein, who, however, has an erratic shot, can’t go to his left, and adds at best about an inch more than Rotunda to the collective height of the faculty’s basketball team.

17. For more on rules, see Wayne R. LaFave, *Constitutional Rules for Police: A Matter of Style*, 41 SYRACUSE L. REV. 849 (1990); Wayne R. LaFave, *Controlling Discretion by Administrative Regulations: The Use, Misuse, and Nonuse of Police Rules and Policies in Fourth Amendment Adjudication*, 89 MICH. L. REV. 442 (1990).

18. But some are apparently of the view that Donald, and not Ronald, should receive major credit for the publications resulting from their joint efforts. See Bd. of Educ. of Carlsbad Mun. Sch., 118 N.M. 470, 477, 882 P.2d 511, 518 (1994) (citing 2 DONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW—SUBSTANCE AND PROCEDURE § 17.5, at 628 (2d ed.1992)); James A. Donovan, *Rock-Salting the Slippery Slope: Why Same-Sex Marriage Is Not a Commitment to Polygamous Marriage*, 29 N. KY. L. REV. 521, 568 n.312 (2002) (citing JOHN E. NOWAK & DONALD D. ROTUNDA, CONSTITUTIONAL LAW § 17.3, at 1311–18) (6th ed. 2000)); Michal R. Belknap, *The Warren Court and the Vietnam War: The Limits of Legal Liberalism*, 33 GA. L. REV. 65, 103 n. 257 (1998) (citing JOHN E. NOWAK & DONALD D. ROTUNDA, CONSTITUTIONAL LAW 110 (5th ed.1995)); Angel Cuevas Trisan & Julio de la Rosa Rive, *La Designacion de Abogados de Oficio en Puerto Rico: Condiciones Inconstitucionales Para el Ejercicio de la Abogacia...Y Falsas Promesas Para el Acusado*, 63 REV. JUR. U.P.R. 729, 742 n.69 (1993) (citing 2 JOHN E. NOWAK & DONALD D. ROTUNDA, TREATISE ON CONSTITUTIONAL LAW § 15.12(e) (1992)); Comments, 23 AM. J. TRIAL ADVOC. 681, 719 n.237 (2000) (citing 1 DONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW, SUBSTANCE AND PROCEDURE § 2.12, at 157 (3d ed. 1999)); 47 U. KAN. L. REV. 171, 173 n.15 (1998) (citing JOHN E. NOWAK & DONALD D. ROTUNDA, CONSTITUTIONAL LAW § 13.2 (5th ed. 1995)); Note, 23 HASTINGS CONST. L.Q. 557, 584 n.141 (1996) (citing JOHN E. NOWACK (sic) & DONALD D. ROTUNDA, CONSTITUTIONAL LAW § 14.25 (4th ed.1991)); *Case Study: Religious Symbols on*

(2) Buy and utilize every time-saving gadget available. Donald apparently hoarded all the toys when the twins were young, so Ron in his adult life has accumulated every kind of *apparecchio*, electronic or otherwise, known to mankind. Ron's long-time colleagues will recall his robot butler, who performed ably until, in the first recorded case of androicide in the annals of the criminal law, then colleague Rick Marcus gave it a swift kick, reducing the automaton to a pile of junk,¹⁹ after Ron dispatched it to Rick's Civil Procedure class to sing "Happy Birthday" to him. But in more recent years Ron has gone more for computer²⁰ whiz-bang, and, from the clicks and clacks I came accustomed to hearing from his office even when he wasn't there, I am convinced he had programmed his computer to write articles by itself.

(3) Avoid writing about topics so vast that the job can't be quickly completed. This has become Ron's *regola primaria*. Thus, in his contribution to the compendium published in 2000 by the Cato Institute²¹ entitled "The Rule of Law in the Wake of Clinton," Ron writes: "The Clinton years have witnessed a long series of administration scandals. To catalogue them is well beyond the scope of this essay."

(4) Take positions which are especially attractive to your intended audience. In an article appearing in the *Indiana Law Journal* in 1986, actually a speech he delivered at the law review banquet there, Ron asserted that law reviews are to be preferred over the scholarly journals of other professions because law reviews don't utilize referees, who retard the publication of *idee innovatrici*. How can you go wrong traveling to Indiana University in Bobby Knight's heyday and criticizing referees?²²

(5) Incorporate into your writings a good deal of salacious material,²³ so as to attract a larger audience. I regrettably can't use the best *illustrazione* of this point, for the fact that Ron, while serving with the of-

Public Property, at <http://www.providence.edu/polisci/cammarano/creche.htm> (last visited July 2, 2003) (citing editorial by Donald Rotunda on Public Religious Forums); *Plaintiffs' Reply to Response of All Defendants to Plaintiffs' Application for a Three-Judge District Court*, at <http://dcccitizensfordemocracy.org/resp-3j.htm> (last visited July 2, 2003) (citing 3 DONALD D. ROTUNDA & JOHN E. NOWAK, TREATISE ON CONSTITUTIONAL LAW 144 (2d ed. Supp.1998)).

19. On searches for junk, see Wayne R. LaFave, *Administrative Searches and the Fourth Amendment: The Camara and See Cases*, 1967 SUP. CT. REV. 1.

20. For more on computers, see Wayne R. LaFave, *Computers, Urinals and the Fourth Amendment: Confessions of a Patron Saint*, 94 MICH. L. REV. 2553 (1996).

21. Ron spent some time at the Cato Institute a few years back as Visiting Thinker of Big Thoughts, but absquatulated in a fit of pique when, after four months on the scene, no one had even introduced him to either the Green Hornet, the Pink Panther, or O.J. Simpson, three great American icons. Readers confuscated by these references due to their cultural shortcomings should consult <http://www.yesterdayland.com/popopedia/shows/primetime/pt1147.php>; http://members.tripod.com/runker_room/tiestalk/kato.htm; and <http://www.dancingmonica.com/kato.htm> (all last visited Mar. 18, 2003).

22. For sports references in my writing, see the "yo la tengo" story in Wayne R. LaFave, *The Forgotten Motto of Obsta Principiis in Fourth Amendment Jurisprudence*, 28 ARIZ. L. REV. 291, 308 (1986).

23. The closest I ever got was in dealing with a variety of seduction. See Wayne R. LaFave, "The Seductive Call of Expediency": *United States v. Leon, Its Rationale and Ramifications*, 1984 U. ILL. L. REV. 895.

office of Independent Counsel Kenneth Starr during the investigation of President Clinton, was solely responsible for all of the footnotes appearing in the Starr Report, is still a carefully guarded secret.

(6) Don't hide your light under a bushel. Rotunda has an uncanny ability to gain exposure in the media; I mean, he is absolutely Dershowitzian in that regard. Thus, my experience in recent years was that after seeing Rotunda at the office the better part of the day (see below), I would go home and then find him quoted not only in our local daily, the *Champaign-Urbana News-Gazette-Post-Standard-Beacon-Journal-Globe-Tribune-Dispatch*, but, *più d'importanza*, in the *New York Times* as well. Moreover, *il mezzi di televisivo*,²⁴ I regularly had the privilege of viewing his talking head not only on local newscasts but also on network and cable station interview programs. I began experiencing dizziness and a ringing in the ears, which was ultimately diagnosed by a local *medico* as a severe instance of Rotunda overdose syndrome.²⁵

(7) Live in the office. Throughout his years at Illinois, Ron put in many, many long and hard hours at the office. For one thing, while the rest of us would leave at midday for a leisurely lunch at one of the *ristoranti di qualità grande* for which Champaign-Urbana is famous, Ron almost always ate in his office, missing not a moment from work as he consumed whatever in God's name it was that he brought in every morning in that brown paper bag dripping olive oil out the bottom.²⁶ For another thing, Rotunda was always a very early riser and got to the office before dawn. My insomnia has inflicted a similar habit on me, and thus over a span of twenty-eight years Ron and I shared a 7:30 a.m. coffee break on 6,278 occasions. By that hour, Rotunda would have completed a law review article or a chapter in a book, and would also have consumed the entirety of that day's *Wall Street Journal*, all of which served as the necessary fodder (given his acute multiloquence) for that morning's *comunicazione infinito*. My muteness during these daily disgorgements perhaps deserves explanation: I always wanted to say something, but I didn't want to interrupt.

Recently, one of my colleagues who serves this year on the College's Appointments Committee remarked that one of the Committee's tasks would be to "come up with a replacement for Rotunda." Well, *mi scusi*, but I must say in all good faith²⁷ that I don't think so. Rather, I'm inclined to think that the College of Law is in about the same predica-

24. For more on television, see Wayne R. LaFave, *The Fourth Amendment as a "Big Time" TV Fad*, 53 HASTINGS L.J. 265 (2001).

25. Given the next point in the text following, at least I did not often encounter Rotunda on the street. On *incontro sulla via* generally, see Wayne R. LaFave, "Street Encounters" and the Constitution: Terry, Sibron, Peters and Beyond, 67 MICH. L. REV. 39 (1968).

26. He's no cop, so it wasn't donuts. On *le diete dei poliziotti*, see Wayne R. LaFave, *Pinguitudinous Police, Pachydermatous Prey: Whence Fourth Amendment "Seizures"?*, 1991 U. ILL. L. REV. 729.

27. For more on good faith, see Wayne R. LaFave, *The Fourth Amendment in an Imperfect World: On Drawing "Bright Lines" and "Good Faith,"* 43 U. PITT. L. REV. 307 (1982).

ment as the Ringling Brothers/Barnum & Bailey Circus²⁸ found itself just a few years ago when The Great Zacchini—The Human Cannonball announced his retirement. For forty years Zacchini had been doing his act under the Big Top, and for most of those years he had been the closing act in the center ring, during which time he had thrilled “boys and girls and children of all ages” with his daring-do. Zacchini enjoyed being a big shot with the circus, but his *traiettoria diminuyente* convinced him it was time to call it quits. (Of course, Zacchini was not the first person ever to quit a job to keep from being fired,²⁹ but he probably was the first to do so to keep from being “fired” daily.) The powers that be at RB/B & B very much wanted to continue with this very popular act as the *conclusione impressionante* for their daily shows, so they scoured the four corners of the earth seeking a replacement for Zacchini. But, alas, they failed for the same reason the College of Law certainly will: an inability to find someone of the same caliber.

The casual reader may feel that if it was *la vendetta dolce* I was seeking here, I have failed miserably by such *osservazioni non critiche* as the foregoing story. But that is not the case. For one thing, I have established beyond peradventure³⁰ that Rotunda is terminally afflicted with two of the most *disordini disgustosi* known to the civilized world: *cacoethese scribendi*³¹ and *cacoethese loquendi*³² (from which admittedly neither lawyers³³ nor law professors³⁴ have heretofore been immune). But

28. There are actually many reasons why one could draw an analogy between the College of Law and the circus, but given my detenured status it is best that I not pursue that any further.

29. I do not mean to imply that Rotunda retired to avoid being fired. After all, that's what tenure is all about. Cf. *supra* note 28.

30. And certainly beyond probable cause. See Wayne R. LaFave, *Fourth Amendment Vagaries (Of Improbable Cause, Imperceptible Plain View, Notorious Privacy, and Balancing Askew)*, 74 J. CRIM. L. & CRIMINOLOGY 1171 (1983); Wayne R. LaFave, *Probable Cause from Informants: The Effects of Murphy's Law on Fourth Amendment Adjudication*, 1977 U. ILL. L. REV. 1.

31. For the Latin impaired, “an unhealthy passion to write,” which in Rotunda's case psychiatrists have variously diagnosed as acute graphomania, scribomania, or typomania. See the Dictionary of Manias and Obsessions, at <http://phrontistery.50megs.com/mania.html> (last visited July 7, 2003).

As to the first of these, it may (or may not) be worth pondering Czech novelist Milan Kundera's observations:

Graphomania (an obsession with writing books) takes on the proportions of a mass epidemic whenever society develops to the point where it can provide three basic conditions: 1. a high enough degree of general well-being to enable people to devote their energies to useless activities; 2. an advanced state of social atomisation and the resultant general feeling of the isolation of the individual; 3. a radical absence of significant social change in the internal development of the nation. (in this connection I find it symptomatic that in France, a country where nothing really happens, the percentage of writers is twenty one times higher than in Israel). <http://www.fictive.co.uk/writing/kundera1.htm> (last visited July 7, 2003).

32. For the Latin impaired, “the irresistible urge to talk,” which in Rotunda's case psychiatrists have variously diagnosed as acute agitallalia, agitophasia, logomania, logorrhea, tachylalia, tachyphasia, or verbomania. See Dorland's Illustrated Medical Dictionary, at http://www.mercksource.com/pp/us/cns/cns_hl_dorlands.jspzQzpgzEzzSzppdocszSzuszSzcommonzSzdorlandzSzdzmd_a-b_00zPzhtm (last visited July 7, 2003).

33. In a letter to President Madison, Thomas Jefferson (architect of the *other* Rotunda, see *supra* note 15) lamented that Congress, “a body containing one hundred lawyers in it, * * * will prove to be an impracticable one from its cacoethes loquendi.” See <http://etext.lib.virginia.edu/etcbin/foleyx-browse?id=Lawyers> (last visited Dec. 2, 2002).

even more overwhelming than those two *malattie della mente* is Rotunda's monoideistic obsession with his ranking³⁵ on the list of the "most cited law professors,"³⁶ which means that when he takes a look at the footnotes in this *biografia molto onesta* he will go ballistic. The score revealed therein (which I assure one and all is not intended as a floccinaucinihilipilification of Rotunda) is simply this: citations to LaFave, fifty-one; citations to Rotunda, zilch, zippo, zero, cipher, goose egg, aught, naught, null, none, nada, nix, nothing, *niente*.³⁷ Eat your heart out, Ron!

34. When Oliver Wendell Holmes wrote a poem entitled "Cacoethese Scribendi," I'm sure he had his law professor/son in mind. The poem reads:

If all the trees in all the woods were men;
And each and every blade of grass a pen;
If every leaf on every shrub and tree
Turned to a sheet of foolscap; every sea
Were changed to ink, and all earth's living tribes
Had nothing else to do but act as scribes,
And for ten thousand ages, day and night,
The human race should write, and write, and write,
Till all the pens and paper were used up,
And the huge inkstand was an empty cup,
Still would the scribblers clustered round its brink
Call for more pens, more paper, and more ink.

Oliver Wendell Holmes, *Cacoethese Scribendi*, available at <http://www.bartleby.com/248/259.html> (last visited Dec. 2, 2002). This is admittedly a bit dated. Rotunda just calls for more RAM.

35. A *pronunziamento* by Rotunda's new law school touts him as being number eleven on the list. See http://www.gmu.edu/departments/law/currnews/faculty_rankings.html (last visited Dec. 2, 2002). I presume that, like Avis, this means he is trying even harder to move up. Certainly movement in some direction would seem a matter of some urgency, as the list cited in note 36 *infra* reveals that Rotunda is precariously positioned betwixt Scylla and Charybdis, otherwise known as Akhil Amar and Arthur Miller.

36. While I have been known to fantasize about some things, see, e.g., Wayne R. LaFave, *A Fourth Amendment Fantasy: The Last (Heretofore Unpublished) Search and Seizure Decision of the Burger Court*, 1986 U. ILL. L. REV. 669, as to this list I must interject a Dave Barry-ish denial: "I am not making this up." Indeed, anyone who knows law professors would be certain that there just has to be such a list; any *Tomas dubitante* out there should see http://www.utexas.edu/law/faulty/bleiter/rankings02/most_cited.html (last visited Apr. 11, 2003).

37. Of course, the citations herein to Donald Rotunda, see note 18 *supra*, don't count. Indeed, *la rivalità fra i fratelli* being what it is, especially in the case of twins, see <http://twinstoday.com/resources/articles/siblingrivalry.htm> (last visited July 7, 2003), I suspect that what will cause Ron to wax wroth more than my citations is the fact that brother Donald has picked up many citations that otherwise would have boosted Ron's total count.

Oh, one last thing: for more on waxing wroth, see remarks of Quincy Adams Wagstaff (played by Groucho Marx) in the classic movie "Horse Feathers," excerpted at <http://www.whyaduck.com/info/movies/scenes/wagstaff.htm> (last visited July 7, 2003).