What’s in a Name? Would a Rose by Any Other Name Really Smell as Sweet?

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INTRODUCTION

Would you dance with a gorilla? I don’t know that anyone would but surely you would read an article entitled “Dancing with the Gorilla.” I discovered this article when I was a research assistant after my first year in law school. As I now recall, my law professor was working on an article about jury nullification. Of course, “Dancing with the Gorilla” had nothing to do with juries or their nullification but the title was so intriguing that I read the first paragraph of it.

This was apparently a transforming experience as the titles of my own articles reflect, although I have avoided reference to gorillas or other wild beasts. It was while I was pondering the title to my most recent article that I decided to do some research into article titles. I did not find very much. There are the

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2. Eugene I. Lambert, Dancing with the Gorilla, 30 Food Drug Cosm. L.J. 410 (1975). His is not the only article title to reference dancing with a, or the, gorilla. See also Oscar Roos, Dancing with a gorilla?, 82 Law Inst. J. 46 (2008).

“Dunn-In Awards,” an eclectic collection of bad law review articles, familiar to law librarians. There is also “A Compendium of Clever and Amusing Law Review Writings: An Idiosyncratic Bibliography of Miscellany with In Kind Annotations Intended as a Humorous Diversion for the Gentle Reader.”

As the two articles about dancing with gorillas demonstrate, the relationship between an article title and its content may be purely coincidental. The first article discusses doing business with the Food and Drug Administration while the second article suggests ways that lawyers in Victoria, British Columbia, might use the Charter of Human Rights and Responsibilities in criminal litigation. Both do, however, make the same point: it is the gorilla that controls the dance. The articles referenced below under each heading have even less in common. A catchy title might not ensure that an article is read but most authors appear to believe that it might. After all, who wouldn’t want to read “Dancing with the Gorilla”?

The following bibliography is an eclectic collection of titles. It is not an empirical study. I have not been collecting titles for the past thirty-five years or even the past five years. I have not sought out the longest title or the shortest. I have not focused on the good, the bad or the ugly. I have not made any attempt to be comprehensive. I have not even read the articles. I hope you will enjoy this diversion from whatever else you were doing when you stumbled upon this.


6. See Eugene I. Lambert, Dancing with the Gorilla, 30 Food Drug Cosm. L.J. 410 (1975); Roos, supra note 2.

7. See Lambert, supra note 2.

8. See Roos, supra note 2.

I. William Shakespeare

A. Hamlet

1. To Be or Not To Be

David Pratt, “To (B) Or Not to (B): Is That the Question? Twenty-First Century Schizoid Plans Under Section 403(b) of the Internal Revenue Code,” 73 Alb. L. Rev. 139 (2009).


2. Variations on To Be or Not To Be


Major Coe, “To Write or Not to Write?: That Should Not Be a Question,” 1998-SEP Army L. Rev. 48 (Sept. 1998).
3. Something Is Rotten in the State of Denmark


4. Neither a Borrower nor a Lender Be


5. The Play’s the Thing


6. Miscellaneous References to Hamlet

Donna M. Wright, “Though this be madness, yet there is method in it’: A Practitioner’s Guide to Mental Responsibility and Competency to Stand Trial,” 1997-SEP Army Law. 18 (Sept. 1997).


B. Romeo and Juliet

1. What’s In a Name?

Andrea Monroe, “What’s In a Name: Can the Partnership Anti-Abuse Rule Really Stop Partnership Tax Abuse?” 60 Case W. Res. L. Rev. 401 (2010).


2. A Rose by Any Other Name Would Smell as Sweet


Marci Caton Campbell & Jayne Seminare Docherty, “What’s in a Frame? (That Which We Call a Rose by Any Other Name Would Smell as Sweet),” 87 Marq. L. Rev. 769 (2004).


3. Miscellaneous References to Romeo and Juliet


C. Macbeth

1. Full of Sound and Fury, Signifying Nothing


2. Miscellaneous Titles


Thomas Plotkin & Tarae Howell, “‘Fair is Foul and Foul is Fair:’ Have Insurers Loosened the Chokepoint of Copyright and Permitted Fair Use’s Breathing Space in Documentary Films?” 15 *Conn. Ins. L.J.* 407 (2009).


*D. Merchant of Venice*

1. A Pound of Flesh


2. The Quality of Mercy


E. Much Ado About Nothing


What's in a Name?

F. Henry VI: Let’s Kill All the Lawyers

Joanna K. Weinberg, “Institutional Ethics Committees: Should We Kill All the Lawyers? The Role of Lawyers on Hospital Ethics Committees,” 21 Annals Health L. 181 (2012).


G. Other Shakespeare References


II. Charles Dickens

A. A Tale of Two Cities

1. Two Cities


2. A Tale of Two Things Not Cities


3. It Was the Best of Times It Was the Worst of Times
Sherri Lee Keene, “It was the Best of Practice, It was the Worst of Practice: Moving Successfully from the Courtroom to the Classroom,” 48 Duq. L. Rev. 533 (2010).


B. Great Expectations


C. Other Dickens References


III. Lewis Carroll

A. Alice in Wonderland and Other Places


B. Through the Looking Glass and Down the Rabbit Hole


C. The Cheshire Cat, The Jabberwock, and Other Miscellany


IV. Robert Frost

A. The Road Not Taken


B. Stopping by Woods on a Snowy Evening


Maryann Jones, “And Miles to Go Before I Sleep: The Road to Gender Equity in the California Legal Profession,” 34 U.S.F.L. Rev. 1 (1999).


C. Mending Wall


V. Miscellaneous Literary References

A. Jane Austen

1. Pride and Prejudice


2. Sense and Sensibility


B. Dr. Seuss

Elizabeth Chamblee Burch, “There’s a Pennoyer in My Foyer: Civil Procedure According to Dr. Seuss,” 13 Green Bag 2d 105 (2009).


C. Harry Potter


Gary Pulsinelli, “Harry Potter and the (Re)Order of Artists: Are We Muggles or Goblins?” 87 Or. L. Rev. 1101 (2008).


D. Ian Fleming


Clayton R. Portell, “Note, Live or Let Die: Will the Courts Recognize in Terminally Ill Patients a Fundamental Right to Choose Non-FDA Approved Drugs or Does the FDA’s Stringent Approval Process Carry Sufficient Merit?” 5 Ind. Health L. Rev. 123 (2008).


VI. Fairy Tales

A. The Emperor’s New Clothes


Marcy A. Burke, “The Emperor’s New Clothes: Exposing the Failures of Regulating Land Use Through the Balot Box,” 84 Notre Dame L. Rev. 1453 (2009).


B. Snow White: Mirror, Mirror on the Wall


C. Cinderella


D. Sleeping Beauty


E. The Big Bad Wolf: Little Red Riding Hood or The Three Little Pigs


F. Beauty and the Beast


G. Jack and the Beanstalk


H. Happily Ever After


VII. Observations

Because there was no rhyme nor reason to the selections, it is not possible to draw any conclusions. At the beginning of this project there were far more titles and categories. Most had to be rejected in the interest of time and space. As Justice Andrews said in his dissent in Palsgraf, “We may regret that the line was drawn just where it was, but drawn somewhere it had to be.”\textsuperscript{10}