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Foreword

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FOREWORD

Justice Don R. Willett

Growing up in the bustling, thirty-two person metropolis of Talty, Texas (so small, our town square was a triangle), I never seemed to encounter any justices from the Texas Supreme Court. All I knew of lawyers and judges came from old *Perry Mason* reruns, and from the impact on our family when my father died at age forty-intestate. Surrounded by cotton fields and cattle and raised in a doublewide by a heroic widowed mom who never graduated high school, I certainly never imagined that one day I'd serve 25 million Texans on the Supreme Court. It's an unfathomable honor, and I have bottomless gratitude for the divine happenstance that brought me to this majestic place.

All in all, I think I'm metabolically hardwired for the cloistered, contemplative, monastic and nerdy life of appellate judging. Of the diverse legal hats I've worn, this one fits best. I've found my professional sweet spot, able to serve my beloved State in a post both challenging and rewarding. It's a magic combination to love what you do and to believe that it matters.

Best of all, judging allows me to marinate in what Oliver Wendell Holmes called "the secret joy of isolated thought." That uncommon luxury of contemplation (treasured by this father of three young children) permits me—actually *compels* me—to read voraciously and stay abreast of fast-paced legal developments. To that end, I commend the *SMU Law Review* for again helping busy lawyers and judges keep their legal bearings in a time of dizzying change.

The Annual Survey of Texas Law—now covering twenty-seven topics—is essential reading for the bench and bar. Texas law in the 21st century is increasingly complex and specialized, and the warp-speed pace of changes—not just to the *substantive* law, but to the *practice* of law—makes the Annual Survey all the more important. This edition, like the sixty-three before it, boasts articles from top-tier practitioners, professors, and jurists, all immensely talented and experienced. And the articles themselves aim not only to sum up recent developments, but to place those developments in a broader context: here's what happened, and here's how those happenings might drive what happens tomorrow. From my judicial perch, I prize quality scholarship that helps me see the legal forest beyond the case-specific tree in front of me—a broader perspective that will hopefully refine my decisionmaking.

* Justice, The Supreme Court of Texas; B.B.A., Baylor University; J.D., with honors, Duke University School of Law; A.M. (Political Science), Duke University.

Legal practice, and legal education, are buffeted by myriad forces today. Should law-school curricula and instruction be more experience-based to help produce more practice-ready lawyers? Should law firms, confronted with tech-driven market pressures, jettison traditional methods of billing and find ways to deliver results more innovatively? Should our crazy-quilt judicial structure be updated to take account of modern realities? These debates are important, and probably overdue.

Amidst these big-picture discussions, the here-and-now practice of law proceeds apace, and everyday lawyers and judges require penetrating analysis of new cases and statutes. For a busy bench and bar, the Annual Survey—now more than ever—is just what the juris doctor ordered.

Articles

