

April 1, 2022

Call For Papers: *Dark Necessity? The Supreme Court's Shadow Docket*

Volume 23, Issue 3 of the NEVADA LAW JOURNAL  
University of Nevada, Las Vegas  
William S. Boyd School of Law

The NEVADA LAW JOURNAL is pleased to announce a call for papers for its symposium issue, *Dark Necessity? The Supreme Court's Shadow Docket*. This symposium will address what the “shadow docket” is and what it could become.

The Supreme Court is composed of nine justices—appointed for life or good behavior. The justices decide which cases they will review by selectively granting certiorari. They typically receive briefings from petitioners, respondents, and amici curiae, then hear oral arguments before issuing opinions. The opinions identify authors and votes. But the Supreme Court's shadow docket does not follow these procedural standards.

The shadow docket is comprised of emergency orders and summary decisions. Because these cases are decided on applications for emergency relief, the merits may be unresolved at the lower courts. And because these decisions are outside of the Supreme Court's main docket, the abbreviated proceedings are without both parties' complete written and oral advocacy. Here, any five (to nine) justices may anonymously affirm or overrule legal doctrine without saying why. That is, the shadow docket allows the Supreme Court to issue unsigned, unexplained orders with short *and* long term effects.

The shadow docket has become a hot topic among scholars, senators, and even the justices themselves. On the one hand, those that fear the shadow docket stress that it is beginning to resemble “some ghoul in a late night horror movie.” On the other hand, those that revere the shadow docket believe that the Court's legitimacy is in fact bolstered by issuing these decisions. Yet what underlies this debate remains undisputed: the shadow docket's use has considerably increased in recent years.

This NEVADA LAW JOURNAL issue seeks to explain the shadow docket's past and present use as well as its substantive effects on particular areas of law. We invite interested parties to submit abstracts of at least 375 words; we welcome longer summaries and draft papers. The abstracts should be proposals for articles between 15,000 and 30,000 words. Submissions should be sent to Alyssa Williams, Symposium Editor, at [alyssa.williams@unlv.edu](mailto:alyssa.williams@unlv.edu) with the subject line “NLJ Call for Papers.”

Abstracts are due by May 16, 2022. Selected authors will be notified by May 30, 2022. Complete drafts will be due August 15, 2022. Accepted submissions will be published in Issue 3, 23 NEV. L.J. (forthcoming May 2023).

Submissions should address some aspect of the shadow docket, broadly defined. We are soliciting work on any procedural aspect of or substantive law from the shadow docket. However, we are particularly interested in how specific areas of law have been affected by shadow docket decisions. Potential paper topics include, but are in no way limited to, the shadow docket's past, present, or predicted impact on: the religion clauses, voting rights, privacy rights, healthcare, or immigration.

The NEVADA LAW JOURNAL will review all proposals and make selections based on quality and relevance. We encourage submissions from both established and emerging scholars, as well as practitioners.

For more information, please contact Professor Leslie Griffin at [leslie.griffin@unlv.edu](mailto:leslie.griffin@unlv.edu), Alyssa Williams at [alyssa.williams@unlv.edu](mailto:alyssa.williams@unlv.edu), or Kaitlin McCormick-Huhn at [mccork5@unlv.nevada.edu](mailto:mccork5@unlv.nevada.edu).

With gratitude,

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NEVADA LAW JOURNAL Symposium Editor, Alyssa Williams  
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