

## Joshua Dressler: A Few Recollections (Why You Should Always Send Reprints)

George C. Thomas III\*

I first met Joshua in the early 1990s at a meeting of the American Association of Law Schools (AALS), Criminal Justice Section. We had a brief, desultory conversation after the meeting. He looked the part of a bookish law professor—wire-rim glasses, short beard, thinning hair. I knew who he was, of course, and I was flattered that he seemed to know a bit about my work. I assume it was because I had sent him reprints of my articles.<sup>1</sup> For years, any contact we had was fleeting and probably limited to the AALS annual meetings.

Imagine my surprise in 1997 when I got a call from Joshua asking me whether I had ever thought about writing a criminal procedure casebook.

“Well, yes, of course, most law teachers think about how to improve the book they use in class.”

“Would you be interested in co-authoring such a book?”

Before I could answer, he paid me a handsome compliment. He said, “I would do it only with a co-author, and you’re the only one I would consider as a co-author.” Even with that compliment ringing in my ears, I told him the truth.

“I don’t think I want to write a casebook now. It would take an enormous amount of time, and I’ve got lots of research projects I want to do.”

“I completely agree,” he said. “So, let’s not do it.”

But he continued: “If you were going to do a criminal procedure casebook, what would it look like?”

“It would have fewer cases, with fuller opinions, and it would always include important dissents or concurring opinions. It would have seminal cases rather than the most recent Supreme Court case. It would have fewer notes than many casebooks.”

We agreed on the phone that day that the point to a casebook, beyond teaching students how to read cases, should be to teach the basic doctrine. It should be a book that graduates could pick up years later and still find relevant. It should not be a continuing legal education exercise.

And with that brief exchange, we were on our way to co-authoring Dressler & Thomas, *Criminal Procedure: Principles, Policies and Perspectives*, now in its sixth edition. Every year we do a supplement, so that works out to twenty-six (more or less) co-authored ventures over what is now twenty years. I could lie and

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\* Rutgers University Board of Governors Professor of Law & Judge Alexander P. Waugh, Sr. Distinguished Scholar.

<sup>1</sup> I realize few send actual reprints today so younger readers should substitute “links to published articles” for “reprints.”

say that every hour of the thousands and thousands of hours was pure pleasure. But what I can say is that it was much more fun than I thought it would be.

In addition to being an excellent writer and thinker, Joshua is also the hardest working person I have ever known. He is up at who knows what time, is usually at his office before 6:00 AM, and appears to be focused on work the entire time he is there. He sent me about a thousand emails when we were putting together the first edition, many in the 6:00 AM to 7:00 AM time slot when most folks are eating breakfast. But I probably deserved two thousand.

Joshua and I have a standing joke that largely reflects an inner truth. We are The Odd Couple, circa early 21<sup>st</sup> century. He is Felix, the neat, highly organized, logical half of the partnership. I am Oscar, who is disorganized, messy, and loses things (but is sometimes creative). Without Felix, Oscar's part of the book would not be as good as (we hope) it is.

And through it all, through the thousands of emails and many phone calls, he is always optimistic (in a reserved sort of way). I have never seen an email from Joshua or saw his number on my phone that I wasn't glad to see. He has that effect on others, too, I know from talking to those who interact with him. Everybody loves Joshua and enjoys contact with him.

He is devoted to teaching, to his colleagues, to his students, and to law teachers everywhere. He won the best teacher award at two law schools, including his current Michael E. Moritz College of Law, Ohio State University. He is always willing to provide guidance and help to others, especially to colleagues just starting out in law teaching.

Part of his positive effect on those around him is that he never criticizes others. That is a particularly rare and valued trait in today's world. In thousands of conversations, I do not think I have ever heard him make a negative comment about someone, not even politicians. Oh, there are plenty of politicians he does not like, that I am sure of, but he does not talk about them. He is the perfect embodiment of what all our mothers said, "If you cannot say something nice about someone, then say nothing."

And he is rock solid when others fail. I once forgot to get a copyright permission (Joshua insists on a copyright permission list, but I must have lost mine). We were in print before I discovered it. I panicked. My first inclination was to hide under the covers. Surely no one would notice a few hundred words in a book that was 1,600 pages long. But Joshua gently guided me to the right approach: confess my sin, blame it on Oscar, and pay the copyright fee. We did.

There is one way in which we are very much alike. We are both huge baseball fans. His team is the Los Angeles Dodgers while mine is the St. Louis Cardinals. But even here he outdoes me. I thought I was pretty much a full-blown fanatic, but Joshua's devotion to the Dodgers outshines my love of the Cardinals. Despite the West Coast time difference, he watches far more Dodgers innings than I watch Cardinals innings.

When Joshua was five and six, the Brooklyn Dodgers lost consecutive World Series to the New York Yankees. When they lost the 1953 Series, the Brooklyn

team had been in seven World Series and lost all seven. Seven out of seven. Talk about lovable losers. But two years later, when Joshua was eight, the lovable loser Brooklyn Dodgers beat the hated New York Yankees in the World Series four games to three. Remember Duke Snider and Don Newcombe? Joshua was hooked.

Here, his natural optimism deserts him. He is the 2018 embodiment of the old Brooklyn Dodgers fan—wait until next year. No matter how many games the Dodgers are ahead in their division, until it is mathematically over, he worries that they'll lose the next six, eight, ten, whatever it takes to fall into second place. So, at one point in the summer of 2017, the Dodgers were fifty-three games above .500 with the best record at that stage in National League history since (hold on) the St. Louis Cardinals in 1944 (and those Cardinals won the World Series). I wrote him an email commenting on that and said, “but knowing you, you are probably afraid a curse is hiding just around the corner.”

“You know me well,” he responded. And predictably the Dodgers went on a long losing streak. As baseball fans know, the 2017 Dodgers fell one game short of winning the World Series. Wait until next year!

Joshua is also passionate about travel and has an adventuresome side that might not be apparent when you first meet him. Why go to Colorado to see the mountains, when you can go to New Zealand and stay a month? This past spring, he and Dottie took a two-week vacation to Alaska. About the time this essay will be in the hands of the *Ohio State Journal of Criminal Law* editors, he and Dottie will be returning from three weeks in Australia. Next trip? Antarctica! If Elon Musk gets his space program up and running in time, I expect Joshua and Dottie to go to Mars. His taste for other places and academic adventures can be seen in his visiting appointments at (by my count) twelve law schools. His visiting gigs spanned much of the continent, from the University of British Columbia to Fordham, from the University of Seattle to the University of Houston, from the University of Michigan to the University of Texas and from Texas to Boalt Hall at the University of California, Berkeley. Joshua does not look the restless type, but he must be.

Whatever else is going on in his life, his family always comes first. He met Dottie when he was working as an orderly at Cedars of Lebanon Hospital in Los Angeles (now Cedars-Sinai). Dottie was a nurse on a floor where he often wheeled patients. In his words, “Dottie stood out as the best and most compassionate nurse on the floor. She also had an inquiring, intellectually alive mind. I was attracted instantly.”

As an aside, Dottie told me I should say she and Joshua met in a brothel, which shows her sense of humor!

Joshua's work at the hospital was in lieu of military service; he was a conscientious objector during the Vietnam War. That he chose to be a conscientious objector is a testament to his deeply held ethical principles that have helped make him the kind of person whom everyone admires.

They married November 26, 1969 and have one child, David, and four grandchildren: Lucy Belle, 13; Maya Shoshana, 12; Gideon Jacob, 3; and Dahila Jane, 1. He and Dottie visit their grandchildren often and undoubtedly spoil the grandkids.

Does he have flaws? Well, he once ignored my advice, though the world is better off for his decision. He told me about fifteen years ago he was thinking about starting a peer reviewed criminal law journal at Ohio State.

“Don’t do it,” I said. “It will chew up your time, which you should spend instead on scholarship and your various publications for law students.”

For the record, his student-oriented books include our criminal procedure casebook; his criminal law casebook, now co-authored with Steve Garvey; his *Understanding Criminal Law*; *Understanding Criminal Procedure*, now co-authored with Ric Simmons and Alan Michaels; *Sum and Substance of Criminal Law*; and the *Black Letter Outline on Criminal Law*. I am probably missing some.

“Be selfish with your time,” was my essential advice. But Joshua is not a selfish person along any dimension. He felt he could make a contribution to criminal law and criminal procedure scholarship by providing a venue for serious scholars who were weary of the law review game. I think it is without question, now that the journal is in its fifteenth volume, that it is the most important criminal law/procedure journal in the country. The last few years have featured symposia on mass incarceration, juvenile sentencing, rape law, sexual assault in the military, critical race theory, *McClesky v. Kemp*, the Fourth Amendment exclusionary rule, and the failures of *Gideon v. Wainwright*.

His cutting-edge criminal law scholarship is another reason that his peers know and revere Joshua. There is a reason he is the Frank Strong Professor of Law and an Ohio State University Distinguished Professor (Emeritus), and there is a reason all those top law schools (Michigan, Boalt Hall, Texas, Fordham, and British Columbia, to name only a few) wanted him as a visitor, but I will let those who are making contributions about his scholarship tell that story.

The story I want to tell is about sending reprints and then years later picking up the phone to hear Joshua’s friendly voice asking if I had ever thought seriously about co-authoring a criminal procedure casebook. No, I said, and here we are twenty years and six editions later. And Joshua is one of my best friends.