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Editor's Note

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EDITOR'S NOTE

So, you may be wondering, what do they mean by "The New Private Law"? Try as I might over the last year, I have been unable to articulate a simple explanation. Whatever the nature of this Symposium topic, it succeeds in raising curiosity and sparking lively debate—which is, I believe, its purpose.

Following the November 1994 elections, the new politically conservative majority in Congress, led by House speaker Newt Gingrich, called for the elimination of broad government policies in favor of private decisionmaking. The shift towards privatization seemingly appealed to a majority of the public. However, it cast a gray cloud on those who consider themselves "progressives," and who saw it as a step backward.

The Symposium participants posit the theory that a jurisprudential shift corresponds to the political trend. With regard to labor and employment disputes, conservation easements, and cohabitation agreements between same-sex couples, some authors see a progressive potential—the proverbial silver lining—within the move towards the private. Their intriguing insights confirm that, "Once in awhile you get shown the light, in the strangest of places if you look at it right."

Others argue that the shift will, as expected, result in fewer protections for minority interests, and that we need to be careful before we embrace what may be a wolf in sheep's clothing. Lastly, one author defiantly suggests there is nothing at all "new" about the New Private Law. Nevertheless, the thoughtful treatment given the topic by all the participants demonstrates the success of the *Denver University Law Review* Symposium format, intended to facilitate a scholarly discussion of contextual legal phenomena.

I thank the Hughes Research and Development Fund and Dean Dennis Lynch for their continuing commitment to this important intellectual enterprise. I thank all the authors for their hard work and patience throughout the editing process. I thank the University of Denver College of Law faculty who participated in the weekly reading groups, particularly those who took the time to write an article or a comment for the issue, and especially the stellar symposium committee co-chairs Federico Cheever and Martha Ertman.

Thanks to all the editors and staff of the *Denver University Law Review* who helped before and during the symposium conference. Thank you to Tanya Haynes and Lauri Mlinar for helping me coordinate all the conference details. A big thank you to Tarek Younes, who was indispensable in the production of this issue. Finally, I thank my friend and colleague, Sue Chrisman, who helped preserve my sanity and sense of humor, and with whom it has been my greatest pleasure to work.

Tracy S. Craige, Editor

1. JERRY GARCIA & PHIL HUNTER, *Scarlet Begonias*, on GRATEFUL DEAD FROM THE MARS HOTEL (Grateful Dead Records, 1974).

