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Foreword

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FOREWORD

In the spring of 1993, the University of Denver College of Law graduated its one hundredth class. As part of the centennial celebrations we have included in this Issue articles and essays presented and discussed at the Martin P. Miller Centennial Lecture, given at the University of Denver College of Law on October 2, 1992. Also included are biographical sketches of the federal and Colorado appellate judges who have graduated from the University of Denver College of Law (formerly Westminster Law School).

The Martin P. Miller Centennial Lecture dealt with a common theme—are there too many lawyers? Professor David W. Barnes begins the discussion by asking the reader to accept that the United States does have seventy percent of the world's lawyers and then asks—"So what? Is this too much or too little?" *In News from Nowhere: The Debased Debate on Civil Justice*, Professor Marc Galanter provides a detailed refutation of the statistical "facts" politicians, scholars, and commentators have used to argue too many lawyers exist. Professor George L. Priest then reviews and criticizes the empirical studies that indicate overlawyering harms economic growth. He also reviews the effects of modern tort law and environmental regulation on the competitiveness of the United States and foreign countries, and provides suggestions for reform to increase the wealth of all nations.

Essays by Professors Burton F. Brody and Penelope Bryan offer additional insight on the question of overlawyering. Professor Brody notes that one of the reasons lawyers exist is due to the American people's "national antipathy toward authority." This necessitates an increase in the number of laws to restrict the acquisition and abuse of power and, thus, more lawyers. Professor Bryan argues that what is left out of the discussion of "overlawyering" is the many positive benefits the legal system provides—e.g., validation of the rights of the poor and the facilitation of moral discourse on important legal issues. Professor Bryan concludes by noting that, to the extent the powerful seek to retain their positions, an attack on the legal system and lawyers would serve as an efficient means to further restrict the evolution of substantive doctrines that would aid those "who have yet to achieve equality." If these articles and essays share a common theme, it is this—answering the question: "Are there too many lawyers?" requires an analysis of many factors. A statement that the United States has seventy percent of the world's lawyers, by itself, does nothing to answer this question.

In addition to the discussion on overlawyering, the *Review* has included four additional works. Author Thane Josef Messinger provides a definitive discussion and analysis on the arguments for and against euthanasia. After discussing the historical underpinnings of euthanasia, the author argues the current conflict can be reconciled through judicial

expansion of the constitutional right of privacy. Professor Carl Tobias, in a brief essay, discusses the decline in the appointment of minority judges to the federal bench during the Bush and Reagan administrations, and President Clinton's opportunity to correct this unfortunate trend. The first of two student written pieces discusses the landmark Tenth Circuit decision which recognized Colorado may enforce its EPA-delegated state RCRA authority where a CERCLA cleanup is underway at a federal facility. The second surveys and analyzes the current anti-stalking laws enacted by various states.

In selecting articles and essays for publication, the *Review* attempts to present articles that promote discussion of legal issues at the forefront of discourse. We hope you will agree that we have met our goal.

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