

Denver Law Review

Volume 54
Issue 1 *Tenth Circuit Surveys*

Article 3

February 2021

Foreword

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Recommended Citation

Robert H. McWilliams, Foreword, 54 Denv. L.J. 1 (1977).

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DENVER LAW JOURNAL

VOLUME 54

1977

NUMBERS 1-2

FOREWORD

BY JUDGE ROBERT H. McWILLIAMS

Two years ago the University of Denver College of Law embarked on a most ambitious program of making an annual survey of the opinions of the United States Court of Appeals for the Tenth Circuit. Since the court is headquartered in Denver, it was appropriate that, out of the eleven ABA-approved law schools in the six states included within the Tenth Circuit, the University of Denver should take the initiative. The decision to make such a survey was apparently prompted by a desire to provide a scholarly endeavor for the *Denver Law Journal* and its contributors, and to provide a useful aid to the practitioner who desires a quick insight into the work of the Tenth Circuit during the preceding year. We are certain that these desired goals have in each instance been attained.

As for the Court, we are indeed satisfied with the work product contained in the first two annual surveys. The selection of the cases to be reviewed has been excellent. And in view of the very considerable number of opinions filed by us each year, selectivity is very important. In the calendar year of 1976 we filed 479 written opinions, including 311 signed opinions and 168 per curiam opinions. It is at once obvious that no survey could include a critique of that number of opinions, nor should it. Many of our opinions announce no new law, but simply apply long-established legal principles to slightly different fact situations. Neither reporter systems nor law journals need be concerned with such cases. A law journal should be concerned with the unusual and the unique. In this regard we believe the student editors of the *Journal* have exercised good judgment in selecting which cases should come under their close scrutiny.

Of course at the heart of any successful survey of this type is the scholarship and objectivity of the reviewer. As might be well imagined, the members of the Tenth Circuit look forward to the

annual survey with great interest, and perhaps a slight degree of trepidation! As concerns the latter, any shortcomings in our opinions have been duly noted, as they should be, but in a professional manner. And in our view the overall scholarship of the two preceding annual surveys has been uniformly good, which is no mean feat, when considering the great volume of cases being considered.

So, we salute the *Denver Law Journal* on the two preceding annual surveys of our opinions, and we eagerly look forward to the third survey. Indeed, we trust that this will become a continuing thing. It is good for all concerned. To assist in achieving that goal, we pledge our continued cooperation.