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## AMERICAN LAW REVIEWS MEET CHANGING SOCIETAL NEEDS: A TRIBUTE TO THE DENVER LAW JOURNAL UPON ITS 50TH ANNIVERSARY

BY VED P. NANDA\*

### L

TWO decades ago, Earl Warren, then Chief Justice of the United States, greeted the inaugural issue of the *U.C.L.A. Law Review*, in these words: "The American law review properly has been called the most remarkable institution of the law school world."<sup>1</sup> A decade later, in 1962, he said in the tribute "Upon the Tenth Anniversary of the *U.C.L.A. Law Review*": "So far as law reviews are concerned, my views are strengthened. If it were not for their critical examination, we would have a great void in the legal world. Courts would have few guidelines for appraising the thinking of scholars and students or of the bar itself. It is largely through them that we are able to see ourselves as others see us."<sup>2</sup> Coincidentally, in 1962 Professor Fred Rodell wrote a reappraisal of law reviews, "Goodbye to Law Reviews — Revisited,"<sup>3</sup> in which he tempered his criticism of law reviews so forcefully and eloquently expressed in his 1936 goodbye piece.<sup>4</sup> Although he still ridiculed the language used by law reviews and their style — "the nonsensical, noxious notion that a piece of work is more scholarly if polysyllabically enunciated than if put in short words"<sup>5</sup> — he no longer berated them for being occupied with technical, legalistic, and superficial subjects "that are not worth the bother of writing about them."<sup>6</sup> He acknowledged that "it calls for a

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<sup>1</sup> 1 *U.C.L.A.L. REV.* 1 (1953).

<sup>2</sup> 10 *U.C.L.A.L. REV.* 1 (1962).

<sup>3</sup> 48 *VA. L. REV.* 279 (1962).

<sup>4</sup> Rodell, *Goodbye to Law Reviews*, 23 *VA. L. REV.* 38 (1936).

<sup>5</sup> Rodell, *Goodbye to Law Reviews — Revisited*, 48 *VA. L. REV.* 279, 287 (1962).

<sup>6</sup> Rodell, *supra* note 4, at 45.

spot of word-eating on my part . . . when I put the finger on style, not substance, as the greater evil."<sup>7</sup>

Even a cursory glance at the selection and treatment of the subject areas covered within the traditional framework of law reviews — symposia, lead articles, student notes and comments, and book reviews — should convince a critic that in the last 10-15 years law reviews have assumed a mature posture. Not only do they reflect societal concerns by noting, investigating, and analyzing major political, social, and economic developments (of course, primarily within a legal setting), but also by anticipating likely legislative and judicial developments, they offer a unique forum for the healthy debate which is essential for weighing various alternatives. To illustrate, the Columbia symposium on nonfault insurance,<sup>8</sup> the Harvard review of equal protection,<sup>9</sup> the Michigan symposium on civil procedure,<sup>10</sup> the New York University symposium on consumer credit reform,<sup>11</sup> the Virginia symposium dealing with federal regulatory agencies,<sup>12</sup> and the Yale discussions of negative income tax<sup>13</sup> and the proposed equal rights amendment<sup>14</sup> are among many recent probing and incisive commentaries.

Some law reviews have experimented with nontraditional approaches,<sup>15</sup> such as the increased use of investigative reporting and analysis, and social science methodology, especially empirical research, in studying practical problems encountered by government, business, the judiciary, or legislatures. Of course, the quality of research and writing will vary with the nature of the project undertaken and the kind of resources, competence, and time a law review can afford to commit to the project. However, initial results are gratifying; and the need seems apparent to continue seeking the assistance of other disciplines including anthropology, business administra-

<sup>7</sup> Rodell, *supra* note 5, at 287.

<sup>8</sup> *Symposium on Nonfault Automobile Insurance*, 71 COLUM. L. REV. 139 (1971).

<sup>9</sup> *Developments in the Law — Equal Protection*, 82 HARV. L. REV. 1065 (1969).

<sup>10</sup> *Empiric and Comparative Perspectives of Civil Procedures*, 69 MICH. L. REV. 797 (1971).

<sup>11</sup> *Symposium: Consumer Credit Reform — Part I*, 44 N.Y.U.L. REV. 1 (1969); *Part II*, *id.* at 272.

<sup>12</sup> *Symposium — Federal Regulatory Agencies: A Response to the Ash Report*, 57 VA. L. REV. 923 (1971).

<sup>13</sup> Tobin, Pechman & Mieszkowski, *Is a Negative Income Tax Practical?*, 77 YALE L.J. 1 (1967); *Comment, A Model Negative Income Tax*, 78 YALE L.J. 269 (1968).

<sup>14</sup> 80 YALE L.J. 81 (1971).

<sup>15</sup> On a related subject, see Cavers, *“Non-Traditional Research by Law Teachers: Returns from the Questionnaire of the Council on Law-Related Studies*, 24 J. LEGAL ED. 534 (1972).

tion, economics, engineering, medicine, political science, and sociology in understanding both national and international problems in the contemporary world so as to use law as an effective tool for providing structure and authority in regulating human interaction.

A number of law reviews are now devoted to a single field of law: for instance, computers and the law at Rutgers; ecology law at the University of California, Berkeley, Boston College, and Northwestern School of Law at Lewis and Clark College; family law at Louisville; human rights at Columbia and Harvard; international law at California Western, Case Western Reserve, Columbia, Denver, Georgia, Georgetown, George Washington, Harvard, Miami, Mississippi, New York University, Stanford, Syracuse, Texas, Vanderbilt, and Virginia; land and water law at Wyoming; law and social action, social problems, and social order at Yale, Columbia, and Arizona State respectively; law and society at Wisconsin;<sup>16</sup> law reform and legislation at Harvard and Michigan; natural resources at New Mexico; space law at Mississippi, and urban law at Detroit. *Lawyer of the Americas* at the University of Miami focuses on legal developments in the Western hemisphere, and there might be others in the future to specialize in other geographical areas.

Even in the broad category of international law, emphasis varies: for example, international law and policy at Denver; international and comparative law at Georgia; law and politics at New York University; law and policy in international business at Georgetown; international law and economics at George Washington; international studies at Stanford; space law at Mississippi; international law and commerce at Syracuse; and law of the Americas at Miami.

A recent addition in 1971 at U.C.L.A. is the *Black Law Journal*, established to provide "the theoretical framework for practical daily application of black legal ideas and concepts."<sup>17</sup> Its objective—to further skills and competence in the "defense of black clients in the courtrooms of white America and the creation of new black laws and systems wherever possible"<sup>18</sup>—presents still another dimension in the evolution of American law reviews.

Professional law reviews, which are not student enter-

<sup>16</sup> *Wisconsin Law Journal* began a new section on law and society in 1965.

<sup>17</sup> McKissick, *Foreword*, 1 BLACK L.J. 1 (1971).

<sup>18</sup> *Id.*

prises, are not included in this brief account, although a perusal of their content and methodology would show an equally keen awareness of the expanding demands made upon legal systems and the need to explore innovative substantive and methodological approaches to meet these demands.

## II.

The *Denver Law Journal* had its genesis in *Dicta*, the monthly record of the Denver Bar Association, in 1923. In October 1949 it was expanded to include lead articles and student notes under the joint auspices of the Denver and Colorado Bar Associations and the University of Denver College of Law.<sup>19</sup> Professor Arnold M. Chutkow succeeded Professor Allen P. Mitcham as the College of Law representative in July 1954, as students assumed an increasing share of editorial and business responsibility.<sup>20</sup>

With the March 1955 issue, *Dicta* became a bimonthly publication.<sup>21</sup> Following Professor Chutkow's untimely death in December 1956, Professor James R. Carrigan represented the College of Law on the editorial board from January 1957, to October 1959, when Professor John Phillip Linn succeeded him. The publication changed its name to the *Denver Law Center Journal* in 1963 and under Professor Linn's leadership, published in 1964 the first student written "One Year Review of Colorado Law."<sup>22</sup> In 1965, volume 43 marked the institution of a new format, a quarterly law review, the *Denver Law Journal*, published solely by the students of the University of Denver College of Law. Professor William B. Stoebuck had succeeded as the College of Law representative on the editorial board the previous year, and one year later I became the faculty advisor to the *Denver Law Journal*.

By now, students were ready to accept the challenge and responsibility of producing their own publication, and, since then, my role as the faculty advisor has been the most rewarding and enjoyable task at the College of Law.

A short account of trends in the *Denver Law Journal* will show that it has attained increasing influence with the bar, the bench, the legislature, and the teaching profession in not

<sup>19</sup> Announced in a joint statement by the presidents of the Denver and Colorado Bar Associations. 26 *Dicta* 231 (1949).

<sup>20</sup> Student editors were listed on the masthead of *Dicta* beginning with Volume 23. Professor Mitcham was the first faculty representative on the board of editors.

<sup>21</sup> *Notes from the Secretary*, 32 *Dicta* 165 (1955).

<sup>22</sup> *One Year Review of Colorado Law*, 41 *DENVER L. CENTER J.* 61 (1964).

only providing a forum for intellectually stimulating and challenging ideas, but also by exploring practical problems.

Volumes 1 through 42 were primarily concerned with Colorado law, although there were occasional discussions of national problems. Volume 43 foreshadowed developments with noteworthy studies such as: a symposium on oil shale; developments under the Uniform Commercial Code; developments in trusts and estates; the Civil Rights Act of 1964; damages; field interrogation; and the impact of the United States intervention in the 1965 Dominican Crisis. Five student notes marked the beginning of a new phase of emphasis on student writing which, with each succeeding issue, has assumed an increasingly important place in the overall function and objectives of the *Journal*.

Volume 44 contained a symposium on "Selected Problems on Law and the Individual," a special issue on law school curricula, and a comment on a wide variety of subjects, including the law of demonstrations, the Colorado Children's Code, legal aspects of the Torrey Canyon disaster, and the "Right to Treatment." A survey, "The Law Review—Is it Meeting the Needs of the Legal Community?,"<sup>23</sup> involved data compilation and analysis, using social science methodology.

Volume 45 included three symposia, dealing with the transfer of technology in transnational business, environmental control, and legal aspects of student-institutional relationships. Volume 46 contained a symposium on "Riots and the Law," lead articles on paralegals, automobile liability claims, the Highway Beautification Act of 1965, civil commitment, and eugenic sterilization, and a number of student comments and notes. In Volume 47, several noteworthy symposia and studies appeared, including an empirical student piece "Rural Poverty and the Law in Southern Colorado," a piece on the implementation of *Miranda* in Colorado, symposia on water law in Colorado and the implications of science and technology for the legal process, and probing analyses of the Federal Highway Safety Act of 1966 and scenic easements.

In 1970, the editorial board of the *Denver Law Journal* experimented with a special magazine issue. Unencumbered by traditional law review format, the issue provided interesting and informal material on a variety of issues. The *Journal* readership enthusiastically recommended continuation of a regular

<sup>23</sup> 44 DENVER L.J. 426 (1967).

magazine issue, but lack of resources has thus far precluded our undertaking such a project.

Volumes 48 and 49 show the *Journal's* efforts to strike a balance among various demands — the interests of a majority of our audience in Colorado law, issues of national and international significance, and the Law School's policy favoring interdisciplinary and empirical research. The consistently high quality of the various lead articles and student writings in these volumes has enriched legal literature. Future issues of the current volume will include symposia dealing with problems in Colorado property law, and new concepts in law and legal education.

### III.

The last few years have evidenced a great deal of hard work on the part of *Journal* members. There have been false starts, frustrations, irate authors, and dissatisfied subscribers. Happily, however, these problems have been accompanied by steady progress as reflected in the quality and quantity of student writing, the continuing availability of excellent articles both solicited and unsolicited, the use of interdisciplinary and empirical research, and experimentation with innovative ideas.

Steps currently taken to improve the quality of the publication comprise a more effective student training program and an organized effort to promote student writing. Close contacts, both formal and informal, with the faculty, bench, and bar provide a generous source of expertise upon which the *Journal* beneficially draws.

The *Journal* is attracting outstanding students and it continues to offer a unique learning experience at the College of Law. It provides the single most valuable tool to learn and practice effective legal research and writing techniques, and it has shared its experiences with the newly launched *Denver Journal of International Law and Policy*. In view of the competence, imagination, and diligence of the current staff and editors of the *Journal*, and given the past trends, it should sustain the excellence it has attained and should have a national impact. Increasingly, judges will turn to the *Journal* for authority, legislatures will examine *Journal* studies for new possibilities, and, most importantly, the legal community will look to the *Journal* for new concepts and ideas in the law. On this 50th anniversary of the *Journal*, I salute the editorial boards I have worked with as the faculty advisor and acknowledge my deep sense of satisfaction and gratitude.