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Essay

The Kentucky Law Journal—75 Years

BY PAUL OBERST*

With the completion of volume 76 of the *Kentucky Law Journal (Journal)*, the University of Kentucky College of Law celebrated seventy-five years of continuous publication.¹ The editors have concluded that a diamond anniversary justifies some consideration of the origin and development of the *Journal* and what the next quarter century might hold for student-edited law reviews.

The Harvard Law Review, which celebrated its one hundredth anniversary in 1987, is commonly said to be the oldest academic law review in continuous publication.² It is startling that the *Journal*, which began twenty-six years later, accurately claims to be “the tenth oldest.” Obviously, the almost universal urge of present day law schools to publish at least one law review did not exist in the late nineteenth and early twentieth centuries.

A half century ago, Douglas Maggs reported that thirty-five law reviews were published by the sixty-seven law schools that were members of the American Association of Law Schools (AALS). In addition, eight law reviews were published by nonmember schools.³ Thus, Maggs was prompted to pose two questions: “Should, then,

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¹ The JOURNAL's founders published vol. 1, no. 1 in January 1913 and vol. 2, no. 1 in October 1913, establishing a discrepancy now 75 years old.

² Cf. Swygert and Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 HASTINGS L.J. 739, 763 (1984-85). The authors contend that student-edited law reviews began at Albany Law School in 1875 and at Columbia University in 1885. They were short-lived, however. The Harvard Law Review has been published continuously since 1887. With McKelvey, Wigmore, Beale, Mack and Williston on the editorial staff in the first year of publication, the Harvard Law Review was off to a great start. The Harvard format has dominated student law reviews ever since. Fidler, *Law Review Operations and Management*, 33 J. LEGAL EDUC. 48 (1983), claims that the University of Pennsylvania Law Review is the oldest.

³ Maggs, *Concerning the Extent to Which the Law Review Contributes to the Development of the Law*, 3 S. CAL. L. REV. 181 (1929-30).

every law school publish a review? Or is there danger that the present multiplication of law reviews will tend to lessen the aggregate contribution of all law reviews to the law?"⁴ After surveying the functions of law reviews that are advantageous to law teachers, contributing law students, noncontributing law students, law school publications, practicing lawyers, judges, nonlawyers (in other social sciences), and to the improvement of the law, Maggs reached a verdict: "The conclusion is offered that each law school not now publishing a law review should be encouraged to institute one."⁵ And institute they did. In 1976, Olai Maru reported that "[i]n 1972, all but 11 of the 149 schools approved by the American Bar Association published law reviews."⁶ Ten years later, Roger Cramton noted that, in 1984, there were 174 nationally approved law schools and they were publishing approximately 250 student-edited law reviews, which probably totalled over 150,000 pages per year.⁷

This development has not been without its critics. In 1936, Fred Rodell wrote a comment entitled *Goodbye to Law Reviews*.⁸ The choice of title suggests that Rodell was working with a somewhat clouded crystal ball. He asserted: "There are two things wrong with almost all legal writing. One is its style. The other is its content. That, I think, about covers the ground."⁹ His attack was leveled mostly at the stilted writing and identical layouts of the reviews, rather than their content. Twenty-two years later, in a reprise, Rodell insisted that writing style was still his principal concern, but in a single sentence he also anticipated some of the present-day critics when he characterized law reviews as "a ludicrous merry-go-round on which everyone gets a brass-ring—fat jobs for editors, promotions for professors, free dirty-work done for lazy lawyers—while the merry-go-round never gets anywhere."¹⁰

Why has the publication of a law review become mandatory for the American law school? It is not a requirement for accreditation by the American Bar Association (ABA) or the American

⁴ *Id.* at 181.

⁵ *Id.* at 190.

⁶ Maru, *Measuring the Impact of Legal Periodicals*, 1976 AM. B. FOUND. J. 227 (1976).

⁷ Cramton, "The Most Remarkable Institution": *The American Law Review*, 36 J. LEGAL EDUC. 1, 2 (1986). Cramton's article is a devastating attack on the current operation of student-edited law reviews. He concludes that "their future is in doubt." *Id.* at 10.

⁸ Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38 (1936-37).

⁹ *Id.* at 38.

¹⁰ Rodell, *Goodbye to Law Reviews—Revisited*, 48 VA. L. REV. 279, 287 (1962).

Association of Law Schools (AALS). Perhaps there is now an expectation that every well-ordered law school should publish a law review, as it has become an important and vital sign, if not a requirement, for accreditation.

Critics complain that law reviews are mostly unread. Studies have been made of law review citations in judicial opinions for the purpose of ranking the utility of the various law reviews.¹¹ If the number of pages published by even the most frequently cited reviews is compared with the number of judicial citations, one might conclude that the voluminous law review is a fairly ineffective method of serving the judiciary.

Harold Havighurst once observed, "[w]hereas most periodicals are published primarily in order that they may be read, the law reviews are published primarily in order that they may be written."¹² He did not intend to denigrate the usefulness of law reviews. Rather, he meant to emphasize the importance of law reviews as a method of educating students. When the Socratic dialogue, the Socratic monologue, or the straight lecture followed by the comprehensive examination were the sole fare of law school curricula, the law review was prized as a research and writing experience. It was even suggested that, because law review experience is so valuable, it should be extended to all students.¹³ Whatever may be said about students editing leading articles written by scholars, professors, judges, and practitioners of greater maturity and experience, there can be no doubt that researching and writing a student note or comment for law review publication is still a useful educational experience. The focus is individual and the prospect of publication is challenging, which is a welcome change from the classroom.

Advantages to institutional prestige and individual student education aside, the usefulness of law reviews to the judiciary and to practicing lawyers also has been the subject of frequent favorable

¹¹ Maru, *supra* note 6. See also Mann, *The Use of Legal Periodicals by Courts and Journals*, 26 JURIMETRICS J. 400 (1986). On Table VI, ranking usefulness of the 161 reviews surveyed on the basis of "combined rankings of journal and judicial citations per 1000 pages," the JOURNAL ranked 39th. *Id.* at 403. Cf. Johnson, *Legal Periodicals Usage Survey: Method and Application*, 71 LAW LIB. J. 177 (1978), ranking the JOURNAL 39th of 195 periodicals surveyed in "usage." *Id.* at 179. It is also the tenth oldest academic law review by Johnson's dating. *Id.* at 179-82.

¹² Havighurst, *Law Reviews and Legal Education*, 51 NW. U.L.REV. 22, 24 (1957).

¹³ Westwood, *The Law Review Should Become the Law School*, 31 VA. L. REV. 913 (1944-45).

comment. Although in earlier days judges may have hesitated to cite law review materials in writing opinions, the frequency of citation has steadily increased. One suspects that, even today, law review materials are more frequently used than cited by judges and their law clerks. Lawyers rely on them in practice, and their effectiveness is so valued that charges have been made that law reviews are sometimes compromised by the surreptitious planting of supposedly impartial articles by lawyers who fail to disclose their interests. In the long run, the bar assuredly finds some value in law reviews other than the ranking of law students for placement purposes.

So much for law review publication in general. On the seventy-fifth anniversary of the *Journal*, our purpose is to investigate the origin, purpose, persistence, and usefulness of the *Journal* through the past seventy-five years and to take stock of both its problems today and its plans for the future as it seeks to survive and prosper in this crowded arena.

GROWING UP HARD IN THE A. & M.¹⁴

Academic legal education has quite a history in Lexington, Kentucky, beginning with the appointment of George Nicholas as professor of law and politics at Transylvania University in 1799. Charles Warren describes this as "the first collegiate law professorship intended for other than undergraduates that had any permanency,"¹⁵ although it was antedated by George Wythe's appointment at the College of William and Mary. Subsequently, the University of Louisville and Centre College opened law schools in 1846 and 1894 respectively. All three were private institutions and were operating law schools in 1908, when the Kentucky Legislature decided that a fourth law school should be established and supported by the Commonwealth of Kentucky.

The University of Kentucky has its origin in an 1865 act of the state legislature accepting the provisions of the Morrill Act, which provided federal support for state agricultural and engineering colleges. University operations began in 1873 on a campus in Lexington that had been the city park, and in four new buildings

¹⁴ With acknowledgment to G.C. Jones, *Growing Up Hard in Harlan County*, Univ. Press of Ky. (1985).

¹⁵ Charles Warren, *History of the Harvard Law School and of Early Legal Conditions in America*, New York (1908). Reprinted by DaCapo Press New York p. 177 (1970).

largely paid for by local citizens. They included an administration building, an agricultural experiment station, "Mechanical Hall" for engineers, and a barracks building to house student cadets. An "academic department," housed in the administration building, supplied necessary courses in arts and sciences. The institution was named "The State Agricultural and Mechanical College of Kentucky."

In March 1908, the legislature enacted a law changing the name of the institution to "The State University, Lexington, Kentucky" to reflect a broadened scope of instruction.¹⁶ It also directed that "a department of law" and a "Department of Medicine and Surgery" shall be established.¹⁷ The law school was authorized by the board of trustees in April 1908, and opened four months later. It was not until 1960 that the medical school was opened for classes, after four years of planning and construction at a cost of \$30,000,000.

The moving figure in this explosive law school beginning was Judge William T. Lafferty, who was then a practicing lawyer in Cynthiana, Kentucky, and a member of the newly renamed university's board of trustees. He had received an A.B. degree from the Agricultural and Mechanical College, but was admitted to practice in 1879 at Cynthiana without having had any academic instruction in law. He then served as county attorney, county judge, and representative in the state legislature and had practiced law for twenty-nine years when he offered to serve as founding dean of the new law school.

Judge Lafferty obtained the use of two rooms in the Education Building,¹⁸ and instituted a two-year course leading to the LL.B. degree, which he taught with the part-time assistance of Judge Charles Kerr of Lexington and T.E. Moore of Paris, Kentucky. No prelaw education was required. Twenty-eight students were admitted and all were graduated in 1910. The following year, Dean Lafferty extended the law course to three years and required a high school diploma and one year of college courses for admission, which made the school eligible for admission to the Association of American Law Schools in 1912.

During the first year of operation, no law books were on hand other than the texts used, but, in the following year, a library of

¹⁶ Acts of the General Assembly of the Commonwealth of Kentucky, ch. 3, p. 4.

¹⁷ *Id.* at § 5 and § 6.

¹⁸ This building is now called Frazee Hall.

three hundred books was available, including a full set of the Kentucky Reports. Construction of a new building for mining engineering in 1910 opened up the third floor of the Science Building,¹⁹ and the law school took it over in April 1911 and began its fourth year (1911-12) with ninety students and a two thousand volume library. Judge Lyman Chalkley, a University of Virginia School of Law graduate, who had been dean at Transylvania University and the University of the South, joined Dean Lafferty as the only other full-time faculty member. Four members of the Lexington bar served as adjunct faculty: J.R. Bush, J. Embry Allen, G.W. Vaughn, and Judge Charles Kerr.

In the following academic year (1912-13), amid this new prosperity, the *Journal* was born. Volume 1, no. 1, dated January 1913, was issued by a staff of four students without any mention of a faculty editor or advisor. The founders were James Sory, Henry Spencer, and brothers Harry and Ike Miller. An editorial declared the purposes were to produce a journal "useful and entertaining both to the practitioner and the student of law" and "to come into closer touch with members of the bar and with their assistance to help advance the science of jurisprudence."²⁰ In addition, the *Journal* proposed to advance legal education in Kentucky by urging that three years of pre-law college education be required and that a permanent state board of bar examiners be created. This was a daring suggestion at a time when the State Bar was a voluntary association, there were no pre-law requirements, and law office study could be substituted for law school study.

The *Journal* was to be published monthly and apparently was intended to combine the roles of law review, bar journal, and alumni bulletin. The first volume consisted of five monthly issues totalling eighty-two pages. They contained news notes about the law school and alumni, "case and comment,"²¹ editorials, as well as short articles by faculty, judges, and practicing lawyers (including a few reprints). Occasionally, the *Journal* also included legal jokes, no doubt intended as entertainment. Volume 5 even contained an alumni directory proudly listing 102 names.

Financing the new *Journal* must have been a real problem. It was priced at fifteen cents per copy or one dollar per year, and subscriptions by members of the bar were sought constantly. The

¹⁹ This building is now called Miller Hall.

²⁰ 1 Ky. L.J. 17 (1913).

²¹ *Editorial Notes*, 9 Ky. L.J. 40 (1921).

number of "monthly" issues in succeeding volumes varied from a high of eight down to a low of one in 1918, when the impact of World War I took its toll. In volume 6 (December 1917), the *Journal* proclaimed that it was now the official publication of the Kentucky State Bar Association, and published five issues totalling 392 pages. It carried full page ads by legal publishing companies, banks, and local merchants. The student editor-in-chief hailed the passage of Senate Bill 43, which vested in the Kentucky Court of Appeals the power to fix moral, academic, and legal requirements for admission to the bar, and created a Board of Bar Examiners. The court, however, would be slow to act.

The next four years (1918-22) were quite precarious. Volume 7, no. 1 did not appear until March 1919. An editorial note reported there were only thirty-five students and they were heavily involved in the Students' Army Training Corps. Faculty members were also busy offering courses in military and international law to the cadets. Professor Reuben Hutchcraft was killed in action on November 7, 1918, four days before the armistice. Members of the bar who were called upon for contributions were too busy with war activities. Professor W. L. Summers was editor-in-chief and Dean Lafferty was business manager for this issue only.

Difficulties continued with volume 8 which was limited to a single issue consisting solely of three articles by the faculty; but volume 9 was back on track. Four issues were published by a student staff of five and Faculty Advisor G. W. Goble. An editorial note announced that although "scarcity of paper and of editors" during the war had made it necessary to suspend publication, "with this number the Kentucky Law Journal re-assumes its pre-war place as a regular legal periodical and as the official organ of the State Bar Association."²² Members of the Kentucky Bar Association would receive the *Journal* free of charge.

The law school also was prospering. The pre-law requirement was now four years of high school plus one year of college. The library boasted 11,000 volumes, plus a fine collection of law per-

²² "Case and Comment" consisted of one page notes on cases decided by the Kentucky Court of Appeals which at that time was Kentucky's highest court. The first "Case and Comment" appeared in Volume 1, issue 3 of the KENTUCKY LAW JOURNAL. It was succeeded in subsequent issues by a synopsis of some of the leading cases decided by the Court of Appeals or abstracts of cases decided by the Court of Appeals. These abstracts were merely points about the cases and were not in substance comments.

iodicals.²³ The faculty now numbered five full-time professors, with four part-time instructors who offered courses on special phases of law and procedure.²⁴

In 1922, Professor W. Lewis Roberts became the *Journal's* faculty advisor and continued in this post for seven years. He was a diminutive, strict, no-nonsense New Englander. The students were certain that his model was the famous Professor Edward W. "Bull" Warren of Harvard. In Roberts' property classes, students expected to be forced out onto a limb only to have it cut off. Under his reign as faculty advisor, the *Journal* quickly adopted the standard Harvard format of articles, notes, case comments and book reviews, and regularly published four issues per academic year. Professor Roberts became "Faculty Editor" instead of advisor. The articles were largely written by the law school faculty, lawyers, and judges. The staff of ten to twelve students wrote "Notes" and "Case Comments" mostly on Kentucky law and cases. The *Journal's* policy was explained by an editorial entitled *The Law Review and the Bar*. After pointing out the usefulness of law reviews to practicing lawyers, the editorial comments:

There are today two well recognized types of law reviews, the national and the local It is to this latter class of reviews that the Kentucky Law Journal belongs, though it does not confine itself to local law It has received the commendation of members of the Court of Appeals, and it has been cited by that court. It is the desire of its editors to put the *Journal* into the hands of every lawyer of the state, and thus increase its usefulness. It solicits the cooperation and support of the members of the State Bar Association, both as to contributions and subscriptions.²⁵

With this summary, Professor Roberts went to Harvard on a sabbatical and, during a two year interregnum, the *Journal's* faculty editors were Professor George Ragland (volume 18) and Professor Frank Randall (volume 19).

²³ Much of the above account of the founding of the law school is derived from newspaper accounts clipped by Judge Lafferty's wife, Maude, and assembled by her in a large album that she presented to the law school in 1950. Judge Lafferty wrote an account in 1915 entitled *The Founding of the College of Law of the University of Kentucky*, which was published after his death in 1922 in 11 Ky. L.J. 51 (1922-23), along with tributes by J. Nathan Elliott, Sr. and Thomas E. King of the Kentucky bar and pictures of Judge Lafferty, faculty, and the class of 1910.

²⁴ *Editorial Notes*, 9 Ky. L.J. 72-73 (1921).

²⁵ Roberts, *The Law Review and the Bar*, 17 Ky. L.J. 40, 41 (1928-29).

Meanwhile, in 1925, the law school moved into the fifty-two-year-old Agriculture Experiment Station Building. The building was a hand-me-down from the chemistry department, which had been provided with a new building. The secondhand building was remodeled into a law building with two classrooms, an ample library, and faculty offices. The basement provided a student recreation area and an office for the *Journal*. This building served the law school from 1925 to 1937, when, for the first time, a new building was constructed specifically for the law school. The new structure was named Lafferty Hall for the "founding dean" of the law school.

Dean Lafferty died in November 1922, and was succeeded in 1924 by Charles Turck, a Vanderbilt University professor who resigned three years later to become president of Centre College. His successor, Dean Alvin Evans, served as dean from 1927 until his retirement in 1947. Dean Evans was a graduate of the University of Michigan Law School, but, during the twenties and thirties, Harvard Law School seemed to be his principal source of inspiration. Law was taught from Harvard case books by faculty members with Harvard S.J.D.'s. The *Journal* adhered faithfully to the Harvard Law Review formula of leading articles, notes, case comments, and book reviews. In class and out, however, there was always an effort to be cognizant of the local diversities of Kentucky law, which is appropriate for a state-supported law school.

ROY MORELAND'S JOURNAL

In 1931, Professor Roy Moreland was named faculty editor of the *Journal*, and he continued in that position until 1950. Moreland was a native of Kentucky, a graduate of Transylvania University and the University of Kentucky College of Law, and he ultimately acquired a Harvard S.J.D. After four years of practice in Lexington, he was appointed to the faculty in 1927 and continued teaching until his retirement in 1966. The *Journal* was one of his main concerns, and he had no doubt that he was not merely responsible, but that he was in charge.

The law school during the thirties was quite small. There were usually about one hundred students and a faculty of six or seven, including the dean. The entering class averaged around fifty, was typically cut to thirty-five for the second year by dropouts and those who failed to meet academic standards, and some twenty-five students graduated. Since, at that time, only two years of pre-law and two years of law were required to sit for the Kentucky

bar exam, some members of each class went into practice without receiving either the A.B. or the LL.B. degree.

Membership on the *Journal* staff was highly prized and depended entirely on first year grades. The six or seven top ranking students were notified by Moreland of their appointment to the staff, and to decline was virtually unthinkable. With a typical staff of twelve or fourteen students, editor Moreland put out the *Journal* for nineteen years. Staff members did not receive any academic credit, much less any cash, for their work. Since there was no effort made by the law school toward placement of its graduates, the staff member had no recruitment advantages. One possible bonus was a recommendation by the dean for a fellowship at one of the few graduate law school programs.

One senior, usually the student editor-in-chief, was responsible for editing the leading articles. The job was mostly one of cite-checking; Moreland held the author responsible for the substance. Every volume contained a dozen or more articles dealing with both local and national matters. There were no planned issues, symposiums, or annual surveys of Kentucky law. Articles were not solicited, but the *Journal* always had a vast pool of articles from which to choose.

Faculties of other law schools were a chief source of articles. At this time, half the law schools were not publishing law reviews. The *Journal* had been publishing for decades and was receptive to outside authors. Articles came from nearby law schools, but also from the east coast and California. Some faculty authors were sufficiently pleased with the *Journal* to end up as regular contributors.²⁶ Other articles bore the indicia of graduate school research: a footnote that the author had received the S.J.D. degree from Harvard, Yale, Columbia, or Michigan a year or two earlier. Some of these articles were produced by foreign scholars visiting for a year in the United States. The Kentucky faculty, small as it was, also produced a number of articles each year for the *Journal*, though seldom on Kentucky law.

Moreland was always eager to have the *Journal* better serve the Kentucky bar, perhaps to increase its circulation and local

²⁶ In 1929, the JOURNAL published the first article written by Professor Lester B. Orfield of Indiana University Law School. In 1957, he forwarded an article to the JOURNAL with the comment: "The present article is my 101st. I thought it fitting that I start my second hundred in the same excellent journal which published my first!" 46 Ky. L.J. 7 (1957-58).

influence. He regularly urged members of the bar to write for the *Journal*, but with little success. Occasionally, a "Legislation" section would appear in the *Journal*, always to comment on Kentucky legislation. One year Moreland published a number of opinions authored by state circuit and federal district judges "on questions of law not passed on by the Kentucky Court of Appeals." This included an opinion by Judge King Swope of the Fayette Circuit: "Has the fiscal authority of the County the authority to purchase a fire-truck?"²⁷ Also, when the law school accepted a grant to do the Kentucky annotations to the *Restatement of Contracts* in the late thirties, they were published serially in the *Journal* for several years.

Despite the *Journal's* local mission, its business managers were reminded that one of their most important functions was to build up "exchanges." In a time of national depression and inadequate state support, the *Journal* contributed to building the law library collection by exchanging issues with as many other publications as possible.

The notes and comments section of the *Journal* was produced almost entirely by the student staff. There was an occasional note by a faculty member or practitioner, too brief to make the articles section, which was printed apart from and in advance of the student work. Student material printed as a note generally dealt with some disputed legal issue, sometimes directed at clarifying the Kentucky law, but often on a general question of common law or statutory development. Case comments were briefer pieces of two or three pages, written to criticize a recent Kentucky Court of Appeals decision or merely to inform the bar of new authority. Choice of the subject matter of student notes or cases to be commented upon was left to the individual student with the advice of the student note editor and the case comment editor, who were charged with scanning the Kentucky and federal advance sheets. The student staff depended heavily on the suggestions and advice of the faculty, especially the faculty editor.

That Professor Moreland was a most willing source of subjects for notes is obvious. He had a life-long interest in criminal law, and sometimes half the notes were in an area in which Moreland was then working. Sometimes student writers were assigned different phases of a particular issue in criminal law, but Moreland was

²⁷ 21 Ky. L.J. 451 (1933).

even more delighted when two students agreed to write on the same subject and took conflicting positions.

When World War II emptied the law schools, the *Journal* continued to publish four issues per year. In 1943-44, the faculty fell to four and the student body to twenty-five, but Moreland's volume 32 came out with 373 pages, of which 147 consisted of a republication of his *Rationale of Criminal Negligence*. The student staff consisted of only four members, and the notes and case comments sections totalled only seventy-nine pages.

With the end of the war, the faculty doubled and the student body jumped from twenty-five to 275. By 1948, Dean Evans and Professors Roberts and Randall had retired and were replaced by Professors Oberst, McEwen, Stahr and Matthews, who were fresh out of military service. The average age of the faculty dropped from the low sixties to somewhere in the thirties. Strangely enough, none of the new faculty members had any connection with Harvard. The students also were mostly veterans who were in a hurry to finish law school. Under the quarter system then in force, this required only two years and three months. The *Journal* staff soon increased to fourteen or fifteen students, the *Journal* itself increased to about five hundred pages, and student notes and comments accounted for as much as one-third of the *Journal*.

ONWARD AND UPWARD IN LAFFERTY HALL

In 1950, in the midst of volume 38, Moreland retired as faculty editor and was succeeded by Professor Fred Whiteside. Professor Whiteside's greatest impact was on the articles section. The miscellaneous collection of unrelated articles in previous issues was frequently replaced with planned and solicited symposium issues and commentaries. The symposium on civil procedure included not only leading articles, but also student notes and comments. A symposium on wills, in memory of Dean Evans, featured ten articles from leading scholars in that field and seven related student notes. Other symposia on self-incrimination, Kentucky government and politics, mental responsibility and the law, and recent Kentucky developments were published. After each biennial session of the Kentucky Legislature, there was an issue featuring commentaries on selected statutes.

The student-written section of the *Journal* was entitled "Notes and Comments," and ran more to notes on points of law than to comments on recent Kentucky cases. With volume 43 a section on recent cases was established that continued for many years, and

eventually was superseded or supplemented by an annual survey of Kentucky Court of Appeals decisions.

After serving as faculty editor from 1949-56 (volumes 38 to 44), Professor Whiteside resigned to go to Yale for a research year. He was succeeded for one year by Professor Oberst, who changed the masthead by listing the faculty editor last instead of first. When Professor Fortune took over in 1969, he changed the title of his position to faculty advisor; subsequent volumes have retained this change. The effect of these changes in perspective is another story.

With volume 45 in 1957 came a division of the notes and comments section into two sections: notes and recent comments. Additional emphasis was placed on comments analyzing recent Kentucky decisions. The purpose was not only to serve Kentucky lawyers with critical commentary on the current output of Kentucky courts, but also to advise the national bar of significant developments in Kentucky law that other law reviews might overlook.

Professor Thomas Lewis was faculty editor of the *Journal* from 1957-62, except for a graduate year at Harvard when Professor Bill Lewers substituted for him. The appointment of Professor Lewis marked a significant change in faculty editorial policy. It was decided that a young professor joining the faculty after serving as editor on a law review was ideally equipped to deal with *Journal* problems and would relate better to the student staff. Besides, it was a handy way to reduce the teaching load of a beginning teacher.

The emphasis on symposia continued with such topics as the first Justice Harlan, Kentucky procedure, city planning and zoning (five student notes), and atomic energy. The *Journal* anticipated the coming of continuing legal education when Kentucky shifted from its one hundred year-old Field Code of Civil Procedure to the Federal Rules of Civil Procedure and also became the third state to adopt the Uniform Commercial Code. State bar conferences on both areas of the law resulted in the publication of numerous *Journal* articles in volumes 47 and 48 (1958-1960).

When John Batt joined the faculty in 1962, he too was promptly assigned the faculty editor job, which he held for three years—the *Journal's* last three years in Lafferty Hall. It was the beginning of the "Great Influx," when total enrollment climbed in four years from 116 in 1960-61 to 311 in 1964-65. The size of the *Journal* staff jumped from fifteen in 1962 to thirty-eight in 1965. The faculty increased from ten to thirteen, including the dean and the

librarian. Unfortunately, the only constant was the amount of space. There was sometimes standing room only in the library at Lafferty Hall.

Professor Batt continued the *Journal* in its existing form, but the content changed considerably. Almost every issue was a symposium: federal taxation, anti-trust, law enforcement, estate planning, or family law. Other issues broke new ground for the *Journal*: obscenity, jurisprudence, foreign policy, and the "First Annual" Kentucky Court of Appeals review (written wholly by students). In addition, the *Journal*, in cooperation with Attorney General John Breckinridge, printed two reports of the Committee on the Administration of Justice in the Commonwealth of Kentucky: a special issue number 5 on *The Office of the Attorney General in Kentucky* in volume 51 and a report on *Law Enforcement in Kentucky* in volume 52.

And so, as the College of Law abandoned Lafferty Hall in the summer of 1965 for larger quarters in a new building, the *Journal* had reached out in new directions with a larger staff and increased size—a remarkable feat considering the crowded conditions of the classrooms and library and the low faculty-student ratio. The new building, which was designed to house an expected increase in enrollment to as many as four hundred students over the next two decades, would have almost that many to start up—but that too is another story.

In the new law school building, there was ample space for growth. The student population reached five hundred at one point, and the faculty increased to twenty-five members. The library now boasts 300,000 volumes. Women students, who totalled less than four percent of the student body in 1965 (18 women of the 434 law students), have increased to nearly forty percent. Where one dean reigned alone in 1965, today there are three associate deans dealing with student affairs, recruitment, placement, and continuing legal education.

The *Journal* also has changed in many ways, both in goals and management. Today, we expect it to survive as a useful adjunct to the University of Kentucky College of Law well into the twenty-first century and to celebrate its one-hundredth anniversary in 2013 with increased confidence in its role as a student edited law review.