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RETROSPECTIVE

THE 50TH ANNIVERSARY OF THE CATHOLIC UNIVERSITY LAW REVIEW

Ralph J. Rohner⁺

This is an essay, not a history, on the first fifty years of the *Catholic University Law Review*. When an enterprise survives that long, it is cause for acknowledgment and celebration. This seems especially appropriate for the *Law Review* when we consider that it is managed by amateurs, relies on volunteer labor, and changes leadership every year; yet, it has grown and matured into a respectable scholarly journal. There is reason to wonder from where the *Law Review* has come, what it has accomplished, and how and where it is going. There is reason, too, to reminisce over half a century about the people and events along the way.¹

I. ORIGINS

The Law School of The Catholic University of America was established in 1897, and thus, by 1950 had reached a ripe middle age. A first question, therefore, is why and how did the *Law Review* come into being exactly fifty years ago? What combination of circumstances and people coalesced to launch this journal at that particular time? Why, instead, was not the *Review* created in 1910, 1925, or 1985? Or perhaps never?

The answer lies in the character of the School and its people.² Originally established as a graduate department, consistent with the

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1. The author's perspective is as a former staff member (Vol. 11) and Editor-in-Chief (Vol. 12), Faculty Advisor to the *Law Review* from 1965 through 1987, and an interested observer ever since. To help refresh his memory, the writer called on former Editors-in-Chief [EICs] to supply details from their own memories. Some of the information received is enlightening, but is probably not publishable during lives in being. Other contributions of the "EIC input" are reported through this essay. Those former EICs who sent the author a letter or e-mail message are identified in Appendix A.

2. Dr. C. Joseph Nuesse, the former Provost of CUA, insightfully describes the history of the first sixty years of the Catholic University Law School. See C. Joseph Nuesse, *The Thrust of Legal Education at the Catholic University of America, 1895-1954*, 35 CATH. U. L. REV. 33 (1985).

founders' intention that the University should be a national center for graduate study, the Law School never sustained more than a dozen or so graduate students at a time. From the earliest years, most of the enrollment was undergraduate college-level candidates for the LL.B. degree. Enrollments were small, perhaps never as many as one hundred students in the whole school. This enrollment pattern and chronically limited fiscal resources were unlikely to spawn adventurous projects such as a law journal. The Law School maintained its respectability, however, and by 1925 had earned full accreditation from the American Bar Association and the Association of American Law Schools.³

World War II devastated enrollments in the Law School, as students, faculty, and the Dean,⁴ were called to military service. But at war's end, returning veterans, aided by G.I. Bill benefits, filled campus classrooms everywhere, including the Law School's. That group of veterans brought with them the character of what newscaster Tom Brokaw has dubbed "The Greatest Generation."⁵ They were a bit older, ambitious, and impatient to get on with their lives and careers. They filled the Law School in the late 1940s, and the School's enrollment rebounded.⁶ The challenge of publishing a law journal was right up their alley.⁷

However, the true moving force behind the *Law Review* was Dean

3. One effect of AALS accreditation was that applicants for admission had to have at least two years of college study before entering law school. By 1950, the general requirement was that applicants have completed a bachelor degree.

4. Father Robert J. White, Dean from 1937 to 1948, was a Navy chaplain.

5. TOM BROKAW, *THE GREATEST GENERATION* (1998).

6. The then-Dean claimed it was the "largest student enrollment in the history of the Law School." Dean Brendan F. Brown, Foreword, *infra* Appendix B. Still, Volume 2 EIC, Henry Cappello, recalls:

At that time, 1949-52, the Law School had only a very few students, probably no more than sixty total in the three year classes. The faculty consisted of four full-time professors and adjunct professors numbering five or six. Not a very large group of persons to draw from to put together an imposing *Law Review*.

Letter from H. Cappello, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (June 6, 2000) (on file with author).

7. The same group of students who helped create the *Law Review* were also instrumental in establishing the "Sutherland Cup" invitational moot court competition, which the Law School believes is the longest uninterrupted interschool moot court competition in the nation. Both "foundings" are described in a long letter dated September 20, 1990, from Frank J. Whalen, Jr. (Class of '49), to Reverend William Byron, S.J. (former CUA President). The Faculty Minutes of March 27, 1949 record that "Mr. Elmore, an Alumnus, had donated a silver cup, to be known as the Mr. Justice Sutherland Trophy." The Catholic University of America, Columbus School of Law, Faculty Minutes, Mar. 27, 1949.

Brendan F. Brown. Holding an LL.M. from The Catholic University of America and a Ph.D. from Oxford University, Brown joined the Law School faculty in 1932. He was the Law School's most distinguished scholar, with an international reputation in natural law jurisprudence. Brown argued even in the 1930s that the Law School should have a law review to support its scholarly mission.⁸ In the summer of 1949, after Dean White's retirement, Brendan Brown became Dean of the school. Within months, he announced to the faculty his plans for an intramural law review in the near future.⁹ With Professor Gordon Ireland appointed as faculty advisor, John Leahy of Louisville, Kentucky as the first Editor-in-Chief,¹⁰ (and some advance funding¹¹) the *Catholic University Law Review* was born in the 1950-51 school year.¹²

Appended to this essay is the full text of Dean Brendan Brown's Foreword as it appeared in the very first issue. It is a remarkable statement of vision for the *Law Review*, and a striking passage of optimism and confidence for the Law School. Dean Brown foresaw a law journal providing distinguished service to Church and State, serving as the voice of Natural Law Jurisprudence linked to the St. Thomas Moore Society and the American Catholic Philosophical Association, fostering a spirit of intellectual competition among the students, and

8. See Nuesse, *supra* note 2, at 64-65. Then-dean James Hayden could see no need for a *Law Review* when barely half of the AALS-accredited schools had one.

9. See The Catholic University of America, Columbus School of Law Faculty Minutes, Oct. 25, 1949.

10. John Leahy was not only the *Law Review's* first Editor-in-Chief, he was also the first CUA graduate to be a U.S. Supreme Court clerk. After graduation, Leahy clerked in the U.S. District Court for D.C. (for Judge Edward Tamm), next in the U.S. Court of Appeals for D.C. (for Judge Charles Fahy), and then for Justice Harold Burton of the U.S. Supreme Court. See Letter from John Leahy, Former EIC (Vol. 1), *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Oct. 26, 1990) (on file with author). Leahy is almost certainly the only CUA graduate to hold such a sequence of federal clerkships.

11. The University administration had insisted that a faculty advisor be appointed, and that the *Law Review* have "advance funding." I cannot ascertain where that first funding came from, but the Law School Alumni Association soon agreed to earmark two dollars of each member's annual dues to the *Law Review*. See Catholic University of America, Columbus School of Law, Faculty Minutes, Jan. 16, 1951. By the 1960s, a portion of each student's "activity fee" was designated to support the *Law Review*.

12. John Leahy later observed:

I was incredulous when the Dean and faculty approached me and asked me to become the first *Law Review* editor in chief We had to start from scratch—no mailing lists, no subscribers, no structure, no staff, no defined mission, no subscription price, no press or style format, and on, and on.

LEAHY, *supra*, note 10.

posing a challenge to the creative scholarship of faculty and alumni. Dr. Nuesse, in his history of the Law School, describes the *Law Review* as probably the most significant innovation of Brown's five-year deanship.¹³ Dean Brown's Foreword set the tone that made the journal the *Catholic University Law Review*.

II. QUANTITATIVE MEASURES

So what does the *Law Review* amount to after fifty years?¹⁴ Objectively, it is 37,418 pages of published text, comprising 668 lead articles, 753 student articles, 131 book reviews, and several dozen dedications, symposia introductions, and other special items. Lengthwise, the *Law Review* consists of eight and a half feet of shelf space. By annual page count, the *Law Review* began small,¹⁵ publishing only twice a year through Volume 15,¹⁶ and then beginning as a quarterly publication in Volume 16.¹⁷ The *Law Review* broke the 1,000 page pinnacle in Volume 28 and peaked at 1,352 pages in Volume 44 (1994-95).

Tallying the student members of the *Law Review* over fifty years is trickier. The masthead for Volume 1 records nine students as the staff. Volume 12, my own volume, had thirteen members, divided between staff and the board of editors. With burgeoning law school enrollments through the 1970s, and expansion of the *Law Review* to a quarterly publication in 1966, it is not surprising that the student numbers grew in the ensuing period. Even so, I was amazed to count sixty-six editors and staff for Volume 30 (1980-81). For Volume 49, the students identified on the *Law Review* masthead totaled eighty-five. Figuring an average of thirty to forty new staff members per year over fifty years, approximately 1,500 to 2,000 students have had *Law Review* experience at CUA.¹⁸

Further insights about *Law Review* growth and development could be

13. Nuesse, *supra* note 2, at 73.

14. The data that follows is through Volume 49 (Summer 2000). The author thanks current Editorial Assistant Julie M. Minder for her help in compiling these figures.

15. The very early volumes were on smaller-sized pages but did not exceed more than about 150 pages a year. After shifting to a larger page size in 1960, the annual volumes were about 120 pages. Volume 12, for which the author was Editor-in-Chief, totaled 160 pages for its two issues, and was the thickest volume to that date.

16. 280 pages.

17. 504 pages.

18. The demographics of the 50 Editors-in-Chief reveal an interesting statistic. The first 24 EICs are all men. Of the latter 26 EICS, half are women, beginning with Carole M. Mattesich in 1975-76.

gathered from its budgets if there were any consistent, reliable records of them. The current expense budget of the *Law Review* is slightly above \$75,000. But comparable figures throughout the *Law Review's* history are hard to reconstruct.¹⁹ Expenses for the first few volumes could not have exceeded a few hundred dollars each. A 1965 Report to the University Administration urging expansion to a quarterly publication reveals *Law Review* expenses of \$2,903 in 1963, \$3,322 in 1964, and \$5,075 in 1965.²⁰ In the thirty-five intervening years, the *Law Review* budget has grown fifteen fold to account not only for actual printing costs, but for an array of computer equipment, software and programming tools, office supplies (including *many* telephones), and the salary of a full-time office manager.²¹

There can be no reliable *quantitative* measure of the quality or impact of the material published in the *Law Review*. The *Law Review* puts its contents in the public domain, and hopes that readers value it and find it useful. However, it is possible to report a Letterman-like list of the top five most cited articles ever published in the *Law Review*, based on a count from Shepard's Citations. They are:

5. Professor William J. Carney (Emory), *Signaling and Causation in Insider Trading*, 36 CATH. U. L. REV. 863 (1987).

4. Professor Monroe Freedman (Hofstra), *Personal Responsibility in a Professional System*, 27 CATH. U. L. REV. 191 (1978).

3. Professor David E. Seidelson (George Washington), *Medical Malpractice Cases and the Reluctant Expert*, 16 CATH. U. L. REV. 158 (1966).

19. In the EICs' correspondence with me, not one EIC mentioned budget and financing as memorable aspects of his or her year in office.

20. Report of the Editorial Board and Faculty Advisor of *The Catholic University Law Review* Concerning the Status and Needs of the Law Review, Aug. 12, 1965.

21. For Volume 20, the Law Review was authorized to hire a staff person, first part-time, then full-time, to manage the office and type, and re-type manuscripts. The longest serving of these employees, and certainly the most beloved, was Joan Tucker Custis. For 12 years (1976-1988) she was the *Law Review's* den mother, counselor, cheerleader, peacemaker, and *de facto* boss of the office. According to Volume 27 EIC Phyllis Borzi:

[Joan] took everything in stride; she nurtured and mothered us all, without being smothering; she shared our joys and tears; she got things done even when we had been delinquent beyond human imagination in getting articles to her; and she always treated us with respect and kindness, not like we were students, but as if we were adults. She always talked about us as her bosses, but we understood and appreciated who really ran the place.

E-mail from P. Borzi, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Aug. 7, 2000) (on file with author).

2. Professor. Charles L. Black (Yale), *Due Process for Death: Jurek v. Texas and Companion Cases*, 26 CATH. U. L. REV. 1 (1976).

And the winner, by an order-of-magnitude margin, is:

1. Honorable Roger J. Traynor (Supreme Court of California), *Statutes Revolving in Common Law Orbits*, 17 CATH. U. L. REV. 401 (1968).

Three of these five articles, those by Freedman, Black, and Traynor, were first delivered as Pope John XXIII Lectures in the Law School's premier lecture series.²² Aside from these bought articles, a scan through the *Law Review's* pages reveals a long list of distinguished contributors, including professors and practitioners, judges,²³ cabinet secretaries,²⁴ members of Congress,²⁵ governors,²⁶ ambassadors, economists, historians, political scientists, theologians and canonists.

The *Law Review* has published symposia or special issues on a range of topics, including military justice (Vol. 16), urban environment (Vol. 20), mass media regulation (Vol. 38), financial institutions (Vol. 47), corporate disclosure (Vol. 48), and election law (Vol. 49 & 50). All in all, if the *Law Review* has not been quite the platform for natural law jurisprudence envisioned by Dean Brown, it has certainly been very catholic in the breadth and range of the topics and perspectives it has published.

III. MILESTONES OF PROGRESS

In a sense, every published issue of the *Law Review* is its own milestone of accomplishment, continuity, and victory over deadlines. But some special steps in the journey are notable.

In the first ten years or so, the *Law Review* was a peripatetic

22. The Pope John XXIII lecture series was established in 1965, and the lecture honorarium requires submission of a manuscript to the *Law Review*. The proposition was an overt "buying" of articles by distinguished scholars and never bothered Dean Vernon X. Miller and Prof. Arthur John Keeffe, who established and named the lecture series. Most of the Pope John XXIII lectures have been published in the *Law Review*, including a recent presentation by Bernard, Cardinal Law of Boston (Vol. 47).

23. *E.g.*, Chief Justice Rehnquist (Vol. 46); Hon. John T. Noonan, Jr. (Vol. 47); Hon. David B. Sentelle (Vol 45).

24. *E.g.*, Secretary of State Madeleine K. Albright (Vol. 47); Attorney General Janet Reno (Vol. 44); Secretary of Transportation John A. Volpe (Vol. 20).

25. *E.g.*, Senator Strom Thurmond (Vol. 40); Senator Joseph Lieberman (Vol. 49).

26. A particularly memorable piece was former Pennsylvania governor Robert Casey's address on the occasion of the dedication of the new law school building in 1994. See R. P. Casey, *The Pope John XXIII Lecture*, 44 CATH. U. L. Rev. 821 (1995).

organization—it had no location or home base, and no technology.²⁷ In the 1962-63 school year (Volume 12), the *Law Review* used an empty room in the otherwise-vacant townhouse adjacent to the Law School on 18th Street.²⁸ It was dank, even spooky, but it was at least a place to meet, to spread out manuscript, to galley proofs, and to feel a sense of identity. Upon or with the move to Leahy Hall on the CUA campus in 1966, the *Law Review* was assigned the room at the northwest corner of the basement floor. Within a year or so, however, that room was needed for classroom space and the *Law Review* took over the modest complex of offices²⁹ down the hall, with direct access to the library. Despite the claustrophobic dimensions of the space, that suite was a constant beehive of activity, and the social center for *Law Review* staff.³⁰

In the early years, the faculty advisors were more proactive than their successors. They chose the student editors, managed production and budget, and sought out lead authors of distinction.³¹ The role of the

27. Until 1954, the entire Law School was housed in the east wing of the second floor of McMahon Hall on the CUA campus. Upon merger with the Columbus University Law School in 1954, the Law School moved to the Columbus University facilities in downtown Washington, D.C. Volume 11(1961-62) EIC Henry Forgione recalls:

In the Dulles family mansion [that housed the Law School at 1323 18th Street, N.W.] space was at a premium. As best I can remember, the *Law Review* did not have an office, a budget or direct access to a telephone. I relied on the telephone at the desk of Ms. Melba McGrath who was Dean Miller's secretary. I made every effort to insure that I stayed in her good graces.

Letter from H. Forgione, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Aug. 8, 2000) (on file with author).

28. The townhouse at 1325 18th Street had been part of the Columbus University facility before it merged with the Catholic University Law School in 1954.

29. The *Law Review* "suite" in Leahy Hall consisted of a windowless work area and four tiny offices for editors. Those little rooms were originally intended as typing rooms for students and could not have been more than 4 feet by 4 feet each.

30. Volume 37 EIC Cheryl Kettler shares a typical memory: "A refrigerator and coffee station drew crowds as people checked in between classes. Most days it seemed as if our four canvas chairs in front of Joan [Custis]'s desk saw more traffic than the Cabin John Bridge during rush hour." Letter from C. Kettler, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Oct. 26, 2000) (on file with author). A hazier picture comes from Volume 24 EIC Tom Sullivan: "[O]ur cigarette smoke-filled offices in the rabbit warren we called home in the basement of Leahy created a health hazard that today would call for investigation by the EPA, OSHA and countless other agencies." E-mail message from T. Sullivan, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (July 24, 2000) (on file with author).

31. Professor Sanford Katz was faculty advisor from 1959-1963. He recalls: Getting articles was not easy and I remember Prof. [Arthur John] Keeffe being

faculty advisors evolved, however, as the *Law Review* matured; for probably thirty years they have acted more as counselors than as directors of *Law Review* operations. Their job is to provide a sense of institutional history and guidance, and to serve as a buffer between the *Review* and the faculty and administration when occasional frictions arise.³²

By the 1994 relocation to the new building,³³ the Law School had added two more law journals, the Journal of Contemporary Health Law and Policy, and CommLaw Conspectus (a product of the Communications Law Institute). A serious design question for the architects of the new building was where to place all three of the journal offices without starting a war. Could the journal staffs possibly agree to share space? Thanks to extraordinary cooperation among the journals,³⁴ the present allocation of adjacent spaces and a shared computer research center was agreed to, and Volume 44 EIC Ed McAndrew oversaw the physical move of the *Law Review* from Leahy Hall.

Cooperation on space led to another significant collaboration among the journals, as Ed McAndrew recalls:

Much more than space, paper and the occasional beer, we [the three journals] shared in each other's accomplishments and, in the end, achieved a nice one of our own. In the spring of 1995, editors from all three journals traveled to San Antonio, to attend the National Conference of Law Reviews. We were very

of great help. We decided to dedicate an issue of the review to Justice Brennan, one of Arthur John's heroes. That issue turned out to be one of the best that we had during my time as faculty editor. I also managed to get some leading law scholars, like Brainerd Currie, to write for us, even if it was just a book review.

E-mail message from S. Katz, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Jan. 19, 2000) (on file with author). Prof. Katz left CUA in 1963, joined the faculty at Boston College Law School in 1968, and was recently named to the Darald and Juliet Libby Chair there.

32. The original faculty advisor, Prof. Gordon Ireland, died just before Volume 1 was published. Prof. John Warren Giles and the aforementioned Prof. Keffe served as advisors until Prof. Katz's arrival in 1959. Prof. Steven Frankino was advisor from 1963-65. The author was then appointed and served from 1965 until 1987. Prof. Nell Newton was advisor until 1990, when the *Law Review* added Prof. Veryl Miles as co-advisor for the following year. Profs. Miles and Roger Hartley were then co-advisors until 1999, when Prof. Antonio Perez replaced Prof. Miles.

33. The Law School's home since 1994 is necessarily called the "new building" because it has no other name. It has no other name because no one has yet offered up the appropriate multi-million dollar gift to buy that naming opportunity. Perhaps this footnote will prompt a former *Law Review* member to step forward.

34. Additional thanks to the imagination and persuasiveness of Prof. Leah Wortham as Chair of the Building Committee.

proud to return home with our school having been awarded the organization's 1997 annual conference.³⁵

That 1997 conference was a great success, showcasing our building, the wonderful organization, and the hospitality of our students.

The earliest *Law Review* owned neither a phone nor a typewriter. Their current offices, by contrast, are replete with the latest information technology, including PCs, printers, fax machines, and phones, with dedicated stations for electronic research via Lexis/Nexis, Westlaw and the larger world of the Internet. Getting from there to here was a long transition. Dick Trogolo, Volume 20 EIC, remembers that, “[t]o us, automation was an electric typewriter (without memory).”³⁶ Volume 29 EIC, Alan Vollman, recalls:

As the 1980 editorial board took over the operation of the journal, the *Law Review* had leased a word processor the size of a small car with probably enough memory to power a hand-held calculator by today's standards. We could even send copy to the printing company by modem [I]t never worked right anyway since the phone lines to Kansas City (. . . where the printer was) just couldn't handle the volume of footnotes.³⁷

Current *Law Review* members cannot easily imagine a production process that was so paper intensive. In 1970, drafts, galleys, and final proofs were mailed between the printer and the *Law Review*, where we proofread, marked and returned them to the printer.³⁸ Tom Sullivan, Volume 24 EIC, remembers:

One of my harrowing memories is of receiving delivery after delivery of heavy boxes from Fred Christiansen, the publisher based in Nebraska . . . containing rolls and rolls of cheap, brown paper proofs that we were required to mark up by hand with blue and black pens and return to Nebraska. We actually paid by the number of changes made after the initial galley stage.³⁹

A few years later, Volume 34 EIC, Roberto Corrada, remembers the

35. Letter from E. McAndrew, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (circa July 2000) (on file with author).

36. Letter from R. Trogolo, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (June 19, 2000) (on file with author).

37. Letter from A. Vollman, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Aug. 30, 2000) (on file with author).

38. See Trogolo letter, *supra* note 36.

39. See Sullivan e-mail message, *supra* note 30.

lighter side of high technology: “The two Wang word processors were used quite a bit by the *Law Review* in my third year. They allowed us to become much more efficient, which allowed us to spend an extraordinary amount of time on . . . the computer games that came with the Wang.”⁴⁰

As recently as 1987, the *Review* was still combining new and old technology. Volume 37 EIC, Cheryl Kettler, describes it so:

In 1987 we used a word processing system to prepare and edit initial drafts of materials selected for publication [This was] before the successful introduction of the personal computer, voice mail, e-mail, and similar technological developments. Students did not commonly own their own computers and there was no procedure for downloading a draft document to the *Law Review*'s system. Indeed, I prepared my own comment . . . on a typewriter, with the assistance of a photocopy machine, scissors and glue, reproducing the material three times before it was accepted for publication.⁴¹

The technology milestones continue, and each new board pushes the envelope. Volume 47 EIC, Molly Bryson, notes that in 1997-98, “the *Law Review* brought desktop publishing in-house to the *Law Review* . . . so we could create a more efficient, flexible, and cost-efficient method to publish our volume.”⁴² From borrowed manual typewriters to electronic desktop publishing in only fifty years!

Not all progress is linear, however. It may be circular, as is evidenced by the *Law Review*'s cover design. The original cover was a simple gray, with the *Law Review*'s name and the CUA seal or logo embossed in red. When Professor Sanford Katz became advisor in 1959, he thought:

[W]e ought to change things Dean Miller was, of course, against any change and at first wouldn't hear of either changing the size, cover, or even printer. It took the intervention of [the dean's secretary] Mrs. McGrath to get Dean Miller to agree to a total new look for the *Law Review*. Somehow a Vermont printing company heard of our idea to change and contacted me He presented us with a variety of different covers and

40. E-mail message from R. Corrada, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Oct. 13, 2000) (on file with author). In that same year (1984-85), the *Review* signed an agreement with Mead Data Central for full-text inclusion of the *Catholic University Law Review* in the Lexis database. *See id.*

41. *See* Kettler letter, *supra* note 30.

42. E-mail message from M. Bryson, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Sept. 18, 2000) (on file with author).

a totally new look It was a beautiful job.⁴³

But that ivory or off-white color did not last for long. That khaki-colored cover became white in 1970, brown and orange in 1972, and cream for most of the 1980s and 90s—until Volume 45. The Editorial Board for Volume 45 explained its reversion to an earlier design:

The cover design of Volume 1 of the *Law Review* inspired the new cover, in which the seal and motto of the University are displayed prominently and are crested by the *Law Review*'s original motto This new cover is a testament to the ideals that underlie legal education at The Catholic University of America's Columbus School of Law. Most important, it is a tribute to the founders of *The Catholic University of America Law Review*.⁴⁴

This year, Volume 50 pays tribute to all of the *Review*'s past members with yet another cover change, a cardinal red accompanied by a commemorative "50th Anniversary" gold seal. Volume 50's Editorial Board promises a return to the Volume 45 design after this year's celebration ends.

Another notable step along the way was the faculty's approval in 1972 of academic credit for *Law Review* work.⁴⁵ Students could earn up to four academic credits over the course of two years for *Law Review* participation. This arrangement became the model for credit allocations to the other journals, and continues largely intact to this day.⁴⁶

At various times, the *Law Review* has recognized the accomplishments of its own student members with plaques and mementos. But the Board of Volume 44 set a new benchmark when it established the Otis M. Smith award for the graduating staff member whose contributions to the *Law Review* most exceeded his or her title. Otis had been a 1950 graduate of

43. Katz e-mail message, *supra* note 31.

44. *Presentation*, 45 CATH. U. L. REV. unnumbered page before 1 (1995). Volume 45 EIC Shawn Regan acknowledges that the new cover "was also an attempt at what is now referred to among law firms as 'branding,' creating a memorable visual of what this group is and ensuring that it remains largely unchanged." E-mail message from S. Regan, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Aug. 6, 2000) (on file with author).

45. See The Catholic University of America, Columbus School of Law, Faculty Minutes, Apr. 19, 1972, at 3.

46. In 1999, with the concurrence of the journals, the credits for journal work were restructured to require students to take professionally-supervised courses in Journal Writing and Journal Editing as part of their journal responsibilities. See The Catholic University of America, Columbus School of Law Announcements 2000-2001, at 82 (referring to Academic Rule 10.3.c.).

the Law School, a very uncommon accomplishment for a man of color in that era. He subsequently served on the Supreme Court of Michigan and as General Counsel to General Motors Corporation for many years. He was simply one of the finest human beings I have ever met; it honors the *Review* to associate his name with recognition of distinguished service.⁴⁷

The most significant milestone, I believe, occurred in the transition from Volume 15 to Volume 16. For several years the *Law Review* felt the restraints of a two-issue annual volume totaling no more than approximately 150 pages. Volume 14 EIC, Tom Patton, and faculty advisor, Prof. Steven Frankino,⁴⁸ initiated dialogue with the Dean and the University administration to enlarge the *Law Review* to a quarterly publication and increase its budget accordingly, but without immediate success. During the following year, Volume 15 EIC James Hunter began preparing a major brief, arguing the need for expansion and a budget subsidy to support it. This culminated in a forty page Proposal and Request⁴⁹ from the *Law Review* to the University administration, submitted to the University Rector at the beginning of the 1965-66 school year. Declining to act on the proposal for the school year just beginning, the administration took it under advisement for the following year.⁵⁰ With renewed effort, and some inside help,⁵¹ the *Law Review* won approval to expand to a quarterly publication schedule beginning with Volume 16.⁵²

47. Volume 45 EIC Shawn Regan wrote of the poignant visit to the *Law Review* offices by Otis' brother Hamilton Smith shortly after Otis had died and just after the first Otis M. Smith Award was put on permanent display. By the end of an extended conversation with the *Law Review* staff regarding Otis' qualities and accomplishments, "there was not a dry eye in the room." S. Regan e-mail message, *supra* note 44.

48. Prof. Frankino left CUA in 1965, served as Dean of the Creighton University Law School, returned to CUA as dean of the Law School (1979-86), and then served for a decade as Dean of the Villanova Law School.

49. See Report of the Editorial Board and the Faculty Advisor of *The Catholic University Law Review* Concerning the Status and Needs of the *Law Review*, Proposal and Request, Aug. 12, 1965.

50. This author became the *Law Review's* Faculty Advisor in the summer of 1965. With Dean Miller I had the chore of arguing for the Report and its recommendations to the Rector and Treasurer. I recall vividly the feeling of deflation when it seemed apparent they had not read the Report and showed no appreciation for our case.

51. The *Law Review* sought, and received, the help of a personable young priest who was then serving as Special Assistant to the Vice-Rector for University Development. Fr. Ted McCarrick is now His Eminence, the newly-named Cardinal Archbishop of Washington, D.C., and by virtue of that office Chancellor of The Catholic University of America.

52. Along with Jim Hunter (EIC of Vol. 15) who drafted the brief for expansion, Volume 16 EIC, Kevin Booth, and his board, especially Lead Articles Editor Mary

This brought the *Law Review* far from its origins as an intramural journal. It would be thereafter a mainstream participant in the world of student-run law reviews.

IV. LIFE STYLE

Former staff members and editors probably need little reminder of the cyclical patterns of *Law Review* life. It begins with selection to membership. During the 50s and 60s the selection of new staff members was based on first year grades, but by the early 1970s the *Review* began using a writing competition as the primary route to membership.⁵³ Once aboard, the new members learn the intricacies of the Bluebook⁵⁴ on footnoting style and practice those skills through pulling exercises—citation verification—on manuscripts in progress. At the same time, they scramble for topics for their first required scholarly writing.

Then it is research and write, research and write, and re-write and re-write, and proofread and re-write. There are the ominous and often humbling meetings with senior editors, and consultations with readers from the faculty or practicing bar. There is the sense of desolation,

Folliard, are heroes in this expansion. They were selected, and they accepted their appointments, without any forewarning that they would have to double the size and pace of publication. But they did it. Kevin recalls:

I have no recollection of having any part in the decision to go from two to four issues By the time I was appointed in the spring of 1966 the decision had been made. What does surprise me as I look back on it is that I have no recollection of any trepidation in facing the daunting task of essentially doubling the publication Frankly, faced with a similar task today I would probably be scared to death at the prospect.

Letter from K. Booth, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (July 13, 2000) (on file with author).

53. The intense competition for *Law Review* membership creates its own opportunities for crisis. Volume 30 EIC Kevin Barry recalls that one student, unselected in the anonymous competition, sued the *Review* claiming discrimination on the basis of national origin, when all Kevin could discern was that he was a fellow New Yorker. The case was dismissed. E-mail message from K. Barry, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (July 24, 2000) (on file with author). Volume 45 EIC Shawn Regan recalls that the Blizzard of '93 prompted adoption of a "postmark deadline" for submission of writing competition pieces; however, in 1995 it took an extended investigation to verify that eight students had in fact mailed their submissions by the midnight deadline even though the postal service did not process and postmark them timely. See Regan e-mail message, *supra* note 44.

54. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, compiled by the editors of the law reviews of Columbia, Harvard, Penn, and Yale.

incompetence, and fear as the topic and the draft just will not come together; and then a sense of salvation and satisfaction when an editor blesses it as a pretty good piece of work and says it is in the running for publication. And of course there are classes to attend, and even perhaps a part-time job, to test one's discipline and perseverance. By the spring of that first year on the *Review*, publication decisions are made; some student contributions will be published, many will not. In that same season the outgoing editorial board makes its choices for the leadership of the next volume. Some who have sweated and toiled are rewarded with editorships;⁵⁵ others will continue as senior staff. Half of the two-year tenure on *Law Review* is over.

With the one-year apprenticeship, the rising EIC, editorial board, and senior staff are now the managers of the journal, with all the responsibilities that entails.⁵⁶ Conducting the writing competition for a new class of initiates, finishing production of the last issue or two of their predecessors volume, generating lead article submissions or leads to

55. The process over recent years calls for the outgoing Board to gather and select the new Editor-in-Chief. That person is then summoned and joins the group for deliberation and selection of the remaining new Board members. For the newly-chosen EIC the experience can be profound. Volume 49 EIC Donna Sheinbach describes it:

I can still remember the morning that Matt McLaughlin [Vol. 48 EIC] called to tell me that I had won the election and that I had to get to the offices of Sullivan & Cromwell as soon as I could. Even after having lived through the experience of being Editor-in-Chief, I don't think that I've ever felt as overwhelmed as I did that morning. I'll never forget walking into that huge conference room with the outgoing twenty-one board members clapping and congratulating me on my new position. I had no idea what to expect in the year ahead, nor did I anticipate how much I would learn from the experience.

56. Volume 43 EIC, Alexandra Dapolito Dunn, recalls the evolution of her newly appointed editorial board:

I remember well the first meetings of our editorial board. Graduating third year students selected us for our positions. They knew us well and knew we could do the job. But we did not know each other well and questioned our abilities. And yet, we would work together closely for a year and by the end be good friends and colleagues. We would disagree and respect our differences. We would challenge ourselves with impossible deadlines. We would share the workload. We would become a team in the truest sense of the word.

Letter from A. Dapolito Dunn, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (June 30, 2000) (on file with author). Volume 5 EIC, G. Joseph Bertain, probably speaks for all fifty EICs when he says: "I did not realize the total effort that I had to render personally . . . until challenges arose to assume responsibilities which only the Editor-in-Chief could exercise." Letter from G.J. Bertain, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Sept. 9, 2000) (on file with author).

them, setting editorial policies and objectives for their own volume, considering to undertake a symposium or special issue are just some of the many challenges. By the time they get organized and underway during the summer, the new school year has begun and they are within eight months of graduation. The editors must deal with the staff writers, and with lead authors from around the world who at any moment may seem arrogant, elusive, non-committal, or even presumptuous or inept. Student editors vs. established professionals! No other discipline pits its student Davids against professional Goliaths this way. And the editors must deal as well with budget, space, supplies, and with themselves as teammates and colleagues.⁵⁷

And then it is spring, and the Editorial Board members, who less than twenty-four months earlier were competing for *Review* membership, are turning over their offices and files to their successors. Along the way that group of classmates and teammates gave their blood, sweat, toil, and tears to produce eight issues, or two annual volumes of the *Catholic University Law Review*. The cycle is complete, and the graduating *Review* members leave that chapter of their lives for other challenges and opportunities.

What impressions have those days, weeks, and months of toil left, as recalled by the EICs and refracted through hindsight. “Challenge and satisfaction,” says Alexandra Dunn (Vol. 43). “Challenge and eventual gratification,” echoes Molly Bryson (Vol. 47). “The highlight of every lawyer’s legal training,” adds Richard Trogolo (Vol. 20). Cait Clarke (Vol. 35) recalls that, “[a]midst the very hard work and balancing acts, there was lots of laughter, support and fond memories of *Law Review*. I became a better lawyer, co-worker and academic because of my years [with the *Review*].”⁵⁸ Volume 27 EIC Phyllis Borzi says that, “I smile

57. Volume 42 EIC, Scott Gilley’s, thoughts parallel those of his successor, Alexandra Dapolito Dunn:

To this day, I am still amazed at how this group of students (many of whom I had hardly spoken with in two years of being in the same law school class) came together and worked so well together in the respective roles that we assumed as editors of the *Law Review*. The teamwork and dedication that developed, I used to think it was attributable to some incredible insight of the editorial board that selected us. Looking back on it . . . I now believe that it results from the experience of a group of students together confronting a unique and important challenge on their own.

E-mail message from S. Gilley, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Aug. 6, 2000) (on file with author).

58. E-mail message from C. Clarke, Former EIC, *Catholic University Law Review*, to

when I remember the simple daily joys of working as a team with my colleagues: always bright and talented, but at times alternatively thoughtful, thoughtless, aggressive, apprehensive, frustrating, exhilarating, hilarious, serious, goofy, single-minded, procrastinating, and spontaneous. And yes, sometimes, intensely political.”⁵⁹ No doubt every year brought excitements, successes, and frustrations in varying degrees.

But there was probably a certain sameness in the life style of the *Review* over the years, and Volume 9 EIC Joe Notarianni claims that his year was the best of these. Replying to my letter, Joe writes:

You requested that I tell you something momentous or mundane, serious or funny, successful or dreadful, satisfying or frustrating. I scanned each of those adjectives and ran it through my mind in hope of recalling an event concerning the *Law Review* which would be accurately characterized by the use of one of these adjectives. I gave consideration to each of the adjectives and one by one I eliminated them. I concluded that there was nothing momentous or serious and certainly nothing funny which occurred during my tenure. I struck gold however when I considered your adjective mundane. That’s it, I thought, mundane is perfect, it says it all, and I concluded that Volume 9 may likely have achieved a level of mundanity which is unsurpassed by any of the succeeding forty-one volumes.⁶⁰

With the pressure to make decisions and to meet deadlines,⁶¹ it is understandable that *Review* members would occasionally seek ways to take the edge off. This often involves alcohol. Recognition of this creeps into several of the EIC communications,⁶² and can be confirmed by

R. Rohner, Professor, The Catholic University of America, Columbus School of Law (June 21, 2000) (on file with author).

59. E-mail from P. Borzi, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Aug. 7, 2000) (on file with author).

60. Letter from J. Notarianni, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (July 28, 2000) (on file with author). Joe’s perceptiveness extends to his editorial judgment, as when describing a particularly boring lead article submission he notes that “what it lacked in interest was made up for by its seemingly interminable length.” *Id.*

61. Volume 18 EIC, Don Farley, calls it “the constant pressure . . . to turn unintelligible rubbish into publishable articles . . .” E-mail message from D. Farley, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor, The Catholic University of America, Columbus School of Law (Sept. 21, 2000) (on file with author).

62. For example, Volume 14 EIC, Tom Patton, reports that he and the then-faculty advisor (Steve Frankino) were rewriting “a lead article from scratch over three nights at his apartment over about four thousand bottles of galliano [sic] . . .” E-mail message from T. Patton, Former EIC, *Catholic University Law Review*, to R. Rohner, Professor,

looking in the *Law Review* refrigerator. This author has seen the unique curative powers of alcohol work on the *Law Review* staff. In about 1969, the *Law Review* and Moot Court were playing their annual softball game, and by the fifth inning the Moot Court was far ahead, maybe 8 to 1, and the *Law Review* looked pathetic. But then the EIC belatedly showed up with the *Review's* supply of beer. Quickly quaffed, this elixir restored *Law Review* reflexes, hand-eye coordination, speed, and power; within an inning or two the *Law Review* team surged back ahead and won the game going away.

For many years, the faculty advisor, this author, hosted an end of the year party at his home, where the old and new Boards would relax and celebrate the change-over of editorial control. A tradition developed, dating I believe to the Board of Volume 18, that incoming and outgoing editors should exchange shots of tequila, and this ritual exchange became the highlight of the annual party. The trouble is that, over time, what started as a celebratory tradition turned into a celebratory *competition* between the Boards. Several of the EIC letters recall that tradition, the results of which became less pretty each year.⁶³

It is probably best that the tequila tradition is no more, for there are safer, less unsettling, ways to relax. On the other hand, is it possible the tequila shooters had some deeper psychological, therapeutic significance? Cheryl Kettler (Vol. 37 EIC) offers one hypothesis: "The incoming editors drink in the hope that if the tequila doesn't kill ya then surely the job won't either. The outgoing editors drink perhaps even more heavily because if the job hasn't killed ya then it'll take a hell of a lot more than tequila to do it."⁶⁴

V. CONCLUSION: ASSESSMENT AND OUTLOOK

The American pattern of entrusting editorial control of the major forum for legal scholarship to students of the profession is, if you think about it, a remarkable, even startling approach. It is unique among the learned professions. Can one imagine the content of medical journals being selected and edited by students simultaneously struggling with basic anatomy? So what are the justifications for the student-run law reviews?

The Catholic University of America, Columbus School of Law (June 7, 2000) (on file with author).

63. The author's own children, then in grade school, claim they saw their first sunrises in the company of spent law review editors on our front lawn.

64. Kettler letter, *supra* note 30.

Part of the rationale is that the Law Review extends and enhances the reputation of the school. To the extent the school's journal is respected and admired, the school is too. On library shelves or accessed through Lexis, the journal becomes a roving ambassador for the school, a tangible representation of its intellectual life and quality. In this regard, the *Catholic University Law Review* must be judged a success.

A second purpose of the law reviews is to contribute to legal scholarship. This focuses on the range and quality of the writing that appears in the journals. How is that to be gauged, for our journal or any other? It cannot be scientific, for who knows exactly how the content of our *Review* may have influenced readers. Citations in Shepards or elsewhere can be a rough barometer, but it is clearly inadequate as a real measure of quality and relevance of scholarship. Perhaps Justice Roger Traynor of the California Supreme Court said it best nearly forty years ago:

Thus, even on the assumption that law reviews are more written than read, the evidence is overwhelming that their surpassing standards of work redound to the benefit of the profession. In view of this evidence I would not advocate liquidating a single law review, no matter how slender its resources or its subscription list. With one determined, dedicated editor it can still be a significant influence. The massive lethargy that holds a community or a profession to mediocre standards begins to dissolve when someone sets an example that makes them suffer by comparison. There is always a reader somewhere to take heed and give the alert to others.⁶⁵

The third and by far the best justification for law reviews is to teach students, to make them competent as writers and evaluators of legal scholarship. Journal experience adds to and enriches classroom and clinic learning. In our case, for the price of a modest subsidy, 80 or more students each year participate in the intense research, writing, editing, and production activities of the *Review*. What do they learn? They learn technical and substantive skills of research and writing. They learn professional skills of teamwork and cooperation and time management. They learn at least rudiments of organizational planning and budgeting. They necessarily learn skills of interpersonal relations.

But most of all, I believe, the Law Review students learn *judgment*. They learn to evaluate and critique the quality and thoroughness of their

65. R. Traynor, *To the Right Honorable Law Reviews*, 10 U.C.L.A. L. REV. 3, 5 (1962).

own work and that of others. They learn to deal with crises and frustrations, of their own and of the Review as an organization to which they belong. They learn the art of intellectual discrimination and the value, always, of intellectual and personal honesty. They learn to advocate, to read and listen discerningly, and to judge fairly. Lessons abound for Law Review members on when to speak and when to be silent, and how to obtain objectives without treading on the feelings or prerogatives of others. They learn how to cooperate. In short, they learn to develop the most important but most elusive of talents in order to be a good lawyer and a good person.

On all of these counts, our *Law Review* has added luster and substance to our academic program. If the *Review* can survive and prosper through the enormous changes of its first fifty years, it can adapt and survive in the probably equally momentous changes of the next fifty years, and beyond.⁶⁶ To the *Review* I say happy anniversary, and many happy returns.

Appendix A

The following are past Editors-in-Chief who contributed to this essay:

John M. Leahy (Louisville, KY)—Vol. 1

Henry J. Cappello (Arlington, VA)—Vol. 2

G. Joseph Bertain (San Francisco, CA)—Vol. 5

Joseph J. Notarianni (Scranton, PA)—Vol. 9

Henry E. Forgione II (Southington, CT)—Vol. 11

Thomas E. Patton (Washington, D.C.)—Vol. 14

Kevin E. Booth (Hartford, CT)—Vol. 16

Donald W. Farley (Florham Park, NJ)—Vol. 18

Richard E. Trogolo (Cincinnati, OH)—Vol. 20

Thomas C. Sullivan (Hartford, CT)—Vol. 24

Phyllis C. Borzi (Washington, D.C.)—Vol. 27

Alan P. Vollman (Washington, D.C.)—Vol. 29

Kevin R. Barry (Washington, D.C.)—Vol. 30

Roberto L. Corrada (Denver, CO)—Vol. 34

66. One over-arching challenge for scholarly publications is the notion of “publication” itself. Increasingly, scholarly works—even works in progress—are accessible through the Internet, on web pages, list-serves, and similar electronic postings and data bases. Whatever the future of paper versus electronic publication formats, there ought always be a role for university-based law school journals to serve as forums for intellectual exchange, to provide quality control for the content of those exchanges, and to involve students in that editorial and exchange process.

- Catherine T. Clarke (Boston, MA)—Vol. 35
Cheryl A. Kettler (Chicago, IL)—Vol. 37
Scott B. Gilley (Washington, D.C.)—Vol. 42
Alexandra Dapolito Dunn (Arlington, VA)—Vol. 43
Edward J. McAndrew (Washington, D.C.)—Vol. 44
Shawn Regan (New York, NY)—Vol. 45
Molly R. Bryson (Washington, D.C.)—Vol. 47
Donna M. Sheinbach (Washington, D.C.)—Vol. 49

APPENDIX B

The following *Forward*, authored by Dean Brendan F. Brown, originally appeared in the first issue of the *Catholic University Law Review* (1 CATH. U. L. REV. ix (1950)).

FOREWARD

Dean Brendan F. Brown

As Dean of the Law School, it gives me great pleasure to write this foreword, hailing the appearance of this, the first issue of the *Law Review* of The Catholic University of America. The Review is the result of a combination of favorable factors, objective as well as psychological, occurring at a time when the growth and traditions of the Law School had reached the requisite maturity. These factors included the appointment of a Dean of the Law School in July, 1949, after a period of administrative uncertainty which had hitherto rendered tentative all possible policy decisions; the largest student enrollment in the history of the Law School; an extensive experience in legal composition on the part of students, as a result of a highly successful program of appellate court competitions; and the cooperative policy of the Faculty of the Law School and the Officials of the University. These factors provided the elements which spontaneously generated the intellectual power and creative force, giving life and existence to the first issue of the Review.

Though newly born into the society of the law review world, our sturdy infant gives unmistakable evidence of potential distinguished service to Church and State. But this future service will be possible only after a

prior period of healthy infancy and adolescence. During this time, the chief expectation of achievement must be limited to the hope that the more elementary ideals of legal research and analysis, of a clear, precise and grammatical use of the English language, of discernment in the choice of cases and statutes for the purpose of student comment, and of organizational and administrative skill, adequate to insure the financial solvency of the undertaking, will be reached. These ideals have been fully realized by the first issue of the Review. It conclusively demonstrates that the students of the Law School of The Catholic University of America have the scholarship, the sense of responsibility and the abiding interest necessary to produce an excellent technical legal periodical. They have acted wisely in accentuating public law and federal legislation since the habitat of the Review is the Nation's capital. This issue contains normative and juridical content, which shows that they are conscious of the ultimate, outstandingly unique mission of the *Law Review* when it takes its rightful place in the domain of legal literature, as a full-fledged, printed, nationally and even internationally distributed, extramural periodical.

Indeed plans are already under way to make this *Law Review* the official medium of publication of the St. Thomas More Society of America and of the Section on Legal Philosophy and Government of the American Catholic Philosophical Association, which has sponsored an annual Round Table on that subject. When these plans for coordination have materialized a definite and continuing emphasis upon scholastic jurisprudence and the which includes such immortals as St. Thomas Aquinas, St. Thomas More, Gratian, Bracton, Suarez, Bellarmine, Vitoria, and Geny, to mention only a few, will be assured for the *Law Review*. In this way, the work of the students and the student editors stressing the logical, formal and analytical aspects of legal thought and expression, and feature articles submitted by recognized authorities on subjects of primary interest to the practitioner, will be consistently balanced by cultural material, which will clearly prove the utility of the rich, intellectual and moral heritage of America's Pontifical University in the successful solution of pressing problems of contemporary society. Thus the Review will not be just another periodical, but rather the voice of The School of Natural Law Jurisprudence in America, scientifically and systematically appraising and evaluating current trends in the legal ordering of the United States.

The St. Thomas More Society of America was founded in Boston, in 1936, by a group of lawyers in attendance at an annual convention of the

American Bar Association. Its purpose is to provide an opportunity at the annual meetings of the Association of American Law Schools in Chicago at the end of December, and of the American Law Institute in Washington, D.C., during the middle of May, for American lawyers publicly to pay tribute to the life and ideals of the famous English Chancellor. At each meeting a paper on some phase of the inspiring career of St. Thomas More is read and discussed. Two annual papers will be available, therefore, from this source for the Review.

The first Round Table on Legal Philosophy and Government of the American Catholic Philosophical Association was held in 1936, as a result of a recommendation made to that Association the preceding year by the teacher of Jurisprudence at the Law School of The Catholic University of America upon the suggestion of the then Dean. Since 1936 two papers have been presented each year on this subject, under the auspices of the American Catholic Philosophical Association. In view of the leading part played by the Law School in the inauguration of the project of an annual Round Table on Legal Philosophy and Government, it is exceedingly fitting and appropriate that the *Law Review* should become the vehicle for making these two annual papers available to the legal profession.

The Law Review of the School of Civil Law will not overlap in any way the work of *The Jurist*, the review published quarterly by the School of Canon Law of the University, or of *Seminar*, the annual extraordinary number of *The Jurist*. It will aim rather to perform a service in the domain of the law of the State comparable to that of *The Jurist* in the sphere of the legal order of the Church. It will cooperate with the Riccobono Seminar of Roman Law in America, which has been under the auspices of the University since 1935, by occasionally publishing a paper presented before the Seminar of special significance and importance to common law lawyers, interested in a comparative critique of their legal system from the stance of Roman law. This policy will supplement that of *The Jurist* and *Seminar*, which now publish a few of the Riccobono papers of particular value to their readers.

While a major aim of the Review will be to combat secularism in the law, nevertheless student case-notes and statute-notes will strive to exemplify, in the fullest sense, the exercise of those logical and entirely government and in private practice. Interstitial jurisprudential elements however will not be absent from these notes. Imperative policy will go no further than to compel the express recognition of the relation between social consequence and judicial or legislative adoption of moral

norms in the law making process. Reasonable academic freedom of thought and expression will thus be encouraged.

The decision was finally made to name this periodical *The Catholic University of America Law Review*, since only the first few issues are expected to be intra-mural and circulated only among the alumni, faculty, and students of the Law School, and because this name immediately identifies the source of publication. Such proposed names as would have associated it with some celebrated figure in English legal history, as Glanvil or Bracton or St. Thomas More, were not regarded as sufficiently descriptive of the nature of the Review; names which would have sought to relate the Review to scholastic philosophy or natural law were considered somewhat ambiguous.

It is manifest that the tangible benefits of this Review to the students, faculty and alumni of the Law School, now united in a common intellectual fellowship, are enormous. The student editors and the students who have contributed to this issue now enjoy the coveted title of "law review men." They have gained a distinction which is an acknowledged passport to the most desirable legal positions, since it is a guarantee for the future employer that they have the capacity to do the work ordinarily assigned to a law clerk or young lawyer. There has been set an example which our students will endeavor to emulate since the rewards of participating in the work of the Review are measurable in terms not only of educational development while in law school, but of professional success and monetary return ultimately. Considered from the students' point of view, the Review has supplied an additional method of extracurricular education. But far more important, it has extended the spirit of intellectual competition, so essential for success at the Bar, far beyond the limits hitherto established by the appellate court competition.

The launching of this Review is a direct challenge to the creative scholarship of the Faculty of the Law School, both full-time and part-time, and of the Alumni as well. The nature and quality of their contributions to the Review will inevitably determine the literary standards, the professional ideals, the subtle nuances of juridical culture and function, and the dominant characteristics by which this Review will be known and recognized throughout the world of law and lawyers. But in meeting this challenge by the contribution of articles of unusual merit and distinction, Alumni and Faculty will derive considerable professional benefit and personal satisfaction.

Personally and on behalf of the Law School, I thank cordially the

Administration of the University, especially Rev. Dr. James A. Magner and Mr. James F. Dunleavy, as well as the Faculty and Alumni. I congratulate the Faculty Adviser, Dr. Gordon Ireland; the Student-editor-in-chief, Mr. John M. Leahy; the Business Manager, Mr. James A. Maloney; the Student Editorial Board, Messrs. Robert K. Boland, Michael F. X. Dolan, James J. Pie, Burton T. Ryan, Joseph J. Urciolo, and Robert M. Weldon, and all others whose cooperation, assistance, and good will contributed to the success of the Review which has been eulogized by Hon. Clarence E. Martin, a former President of the American Bar Association, an alumnus of the Law School, and a Trustee of the University, in these words: Frankly, this is the outstanding step that has been made by the Law School in the many years with which I have been more or less intimately connected with it. You deserve the sincere commendation of every friend of the institution.