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From the Editor

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The student-run law review is common to almost every law school in the country. While the reviews, in their long tradition of servicing the legal profession, have never been all things to all lawyers, there has never been a time when most lawyers have not wished the reviews were doing more, or at least something different. The audience of law reviews is comprised of practicing lawyers, academicians, and, to an increasing extent, non-lawyers with a concern for the role of the law in various social problems. There is another and distinct class of consumers, however, who benefit from law reviews — the students who participate in the law review experience. The law review typically provides students with various opportunities, including an opportunity to develop work habits and clarity of thought that lead to self-sufficiency in the later practice of law.

In determining what a particular law review will publish, it is becoming increasingly necessary to be aware of the variety of interests which a legal publication might serve. While the various interests are not necessarily incompatible, the demands of any particular group, based on its individually perceived needs, have a tendency to exclude the interests of the other groups. The consequence is that an attempt to balance the separate desires of each audience with the various student interests often results in a product which satisfies no single group. The alternative of devoting a publication solely to the needs of one group would be inconsistent with the requirement of some minimal agreement among the diversity of students whom the law review is designed to educate.

The question remains. What should the law review publish?

In a survey of its readership, the *Journal* received a not-too-surprising response which indicated that Colorado lawyers would appreciate greater attention to Colorado law. The specific information resulting from the survey, however, was more revealing. A relatively significant percentage asked for *brief* case abstracts with *analysis*, and there was almost as great a request for analysis of legislative enactments. A desire was also expressed for symposium issues, *i.e.*, an entire issue devoted to a specific topic. With respect to specific areas of law, the three in which coverage was most requested were business (commercial and tax), estate planning, and family law.

There is little doubt that traditional analysis of Colorado

law, with students doing the bulk of the writing, would serve a traditional educational function, as well as service the Colorado practitioners who represent a significant portion of the *Journal* audience. The assumption is that in-depth analysis of the law of ***any*** jurisdiction teaches the research and logic skills that prepare a student to practice in any other jurisdiction.

Even presuming that the survey speaks the interest of Colorado lawyers, it cannot be said that coverage of Colorado alone would serve the individual law student's interest in a broad educational opportunity. Although there is no question that traditional legal education, in its emphasis on doctrinal analysis, is a valid and necessary experience, there is concern that it provides a limited perspective of the character of law. The University of Denver College of Law has, in fact, a growing reputation which reflects on equal emphasis on a complementary perspective of law which directs that law be examined in the context of practice. Examination of the law in practical situations is motivated not only by a desire to determine whether the impact of a particular law is or is not socially beneficial, but by a desire to determine whether a particular law has any impact at all. The question asked is whether the law which governs a particular social relationship is realistic, *i.e.*, does the law in fact *govern* the situation to which it addresses itself? Alternatively, are there situations presently not within the governance of law, merely because they have not come to the attention of the decisionmaking segment of the public? It is increasingly apparent that this broader view of the law is relevant outside the minds of academicians: cases are being argued contrary to the established law on the basis of facts of a sort not generally considered — *e.g.*, *Brown v. Board of Education.*

The publication policy of the *Denver Law Journal* is in a constant state of development, and that is as it should be. The present direction of policy development reflects a desire to balance the needs of practicing lawyers with the educational demands of *Journal* members — we do not view the demands as incompatible. The present direction involves a plan that will be implemented, of necessity, over a period of time, so that this issue contains articles which reflect that policy development only indirectly.

Articles in this issue include empirical views of the criminal justice system by Raymond T. Nimmer and Samuel J. Brakel, both research attorneys with American Bar Foundation. Both articles deal with the inevitability of discretionary behavior in the criminal justice system and the impact of the law

— or the lack of impact — on that behavior. James E. Bond's discussion of the applicability of Article 3 of the Geneva Conventions represents a more traditional analysis in which he nonetheless suggests applying international law in an untraditional sphere — internal conflicts. In view of the recent Bangladesh conflict, Bond's analysis is extremely timely. In his article on the UCCC, John L. C. Black has examined the failure of those states which have enacted the UCCC to remain faithful to the philosophy of the Uniform Commissioners and suggests that state legislators should exercise greater care in changing the provisions of the Uniform Code.

Professor Alan Merson's comment on *Hawkins v. Shaw,* in its combination of case analysis with the review of a related book, represents not only a unique approach but an interesting and novel suggestion for the legal solution of racial problems in the urban context. Other faculty contributions include book reviews by Professor William M. Beaney and Professor Charles A. Ehren, Jr.

Student contributions include Roger W. Arrington's anaylsis of *Briola v. Roy,* a Colorado case which changes the choice of law rule in torts occurring outside of Colorado, a change which the court's opinion failed to mention. Continuing a feature initiated in the previous issue, this issue contains brief discussions of a number of recently-published books of interest to the legal profession. The *Journal* carries a new feature in this issue which has the potential of developing into a significant research aid: *Legal and Empirical Abstracts* includes selected and brief descriptions of research papers with legal implications which may be obtained from various government agencies and research institutes for a nominal price.

In line with the *Journal's* developing publication policy, the next issue will contain a significant proportion of brief student-authored materials pertaining to Colorado case and legislative analysis in addition to articles which reflect our continuing attempt to achieve a balanced approach to the law. While we do not expect to be all things for all lawyers, we do intend to be more useful for more people.

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