

April 2021

Vol. 44, no. 2: Editor's Note

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Recommended Citation

Lowell J. Noteboom, Editor's Note, 44 Denv. L.J. [iv] (1967).

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EDITOR'S NOTE:

THE CASE COMMENT—WHAT VALUE?

This is the third in a series of remarks on the value and purpose of various segments of a law review.

For many years the purposes of the Case Comment were admittedly very limited: 1) to call the reader's attention to a recent significant decision and 2) to allow law review students to achieve that much sought-after goal of having "published." Quite obviously, the latter reason could not stand by itself, and it is very doubtful that devoting several pages of a law review to a mere report of a recent case added anything of real value — particularly when this task was already being handled quite adequately by other publications, such as the American Bar Association Journal and "Judicial Highlights." While this would seem to lead to the conclusion that there is no value in publishing Case Comments, this evaluation of the traditional Comment should not carry over to the new type of Comment that has emerged in recent years.

The tide has begun to turn away from the traditional approach, and many law reviews are now publishing what might categorically be termed the "analytical" Comment. As the name implies, the emphasis is no longer on merely reporting a recent decision; law review editors have come to realize that if they are going to justify publication of pieces dealing with current decisions, mere regurgitation of the facts and rule of law will no longer suffice. If there is to be any attempt at making a positive contribution to legal journalism, there must be analytical and creative thought. There must be in-depth treatment of an issue which confronted the court. The student writer will in most instances, use the particular case, not as the ultimate subject of his Comment, but rather as a jumping-off point into a thorough discussion of the significance and future implications of the ruling. There may be instances where the issue considered by the court is not the issue which the writer believes most important. In such cases, he should not feel constrained by the case itself, but should concentrate his efforts on the issue he deems most relevant.

This is not to say that the facts of a particular case are never worthy of discussion or that a newly pronounced rule of law should be overlooked entirely. The point is simply that a Comment is of real value only if it does *more* than this. Unless a law review does something in addition to reporting the case, it might just as well be publishing the citation and having its readers consult the headnotes in the advance sheets. The real value of the Case Comment, then, is to be measured in terms of the extent to which it goes beyond mere reporting. Its presence in a law review is justifiable only when it truly contributes something of real value to the ever-growing body of legal journalism.

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