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The Law Review - Is It Meeting the Needs of the Legal Community

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THE LAW REVIEW—IS IT MEETING THE NEEDS OF THE LEGAL COMMUNITY?*

INTRODUCTION

OVER 35 years ago, Mr. Justice Cardozo observed that leadership in legal thought had passed from the benches of the courts to the chairs of the universities, thus stimulating a willingness to cite more law review essays in briefs and opinions in order to buttress a conclusion. He noted that the advance in prestige of university life had been accompanied with a corresponding advance in the prestige of their law reviews.[1]

The law review occupies a unique position in the legal system today. Most law reviews are largely student-run institutions, publishing a variety of articles authored by professors, practitioners and students, and covering many facets of the law. Indeed, it might be said that the law review has the unique quality of allowing both "master and apprentice" to express their views. In few, if any, other professional periodicals does the student author have the opportunity to have his research and conclusions published for distribution to the profession.

If one accepts the proposition that the law review is somewhat analogous to the judicial opinion or the attorney's brief as an expression of the law, that is, the "legal opinion" of the academician, and if one accepts Mr. Justice Cardozo's observation concerning the rise in prestige of the university in legal thought, then the position of the law review is indeed an enviable one.

The law review as an institution is not new. The oldest continuously published American law journal today is the *University of Pennsylvania Law Review*.[2] To date there are approximately 102 student-run periodicals listed in the Index to Legal Periodicals.

This article represents the culmination of a one-year survey of the content of law reviews and their evaluation by the legal profession, conducted by the Denver Law Journal. The initial results were presented at the Thirteenth National Conference of Law Reviews in San Francisco, California, in March, 1967. The authors wish to express their appreciation to the staff for its participation in the collection of initial data and to the Administration of Justice Program of the University of Denver College of Law for its assistance in data compilation.

[1] Cardozo, *Introduction,* in SELECTED READINGS ON THE LAW OF CONTRACTS ix (Ass'n. Am. L. Schools ed. 1931).

[2] Douglas, *Law Reviews and Full Disclosure,* 40 WASH. L. REV. 227, 228 (1965).

Given the increasing number of law reviews, and the proposition that the legal periodical has achieved a position of authoritative value within the legal community, it follows that the editors of a law review are presented with a great responsibility for the articles that they publish. Few students have accepted editorial positions on a law review without stopping to realize that it is their responsibility to select the best topics, types of articles, and authors if they are going to contribute significantly to legal journalism. This responsibility is not to be taken lightly.

Yet, upon what bases can such determinations be made? Where can the law review editor go to find out what is of value to his readers? If he consults Harvard, Yale, Columbia, and the other "established" law reviews, intending to copy their "successful" format, how is he to be certain that their formula will be of real value in his own particular situation?

It has been said that the legal community has been oversaturated by the law reviews. Critics argue that Harvard, Yale, Columbia, and a handful of others cover all that is necessary to legal journalism. The rest of the law journals are more or less "excess baggage." If this is true, the law review editor who looks to these "established" reviews for guidance may be doing the profession more harm than good. Indeed, who can be certain that, although Harvard, Yale, Columbia, and a few others have received national recognition, they are doing all that needs to be done by a law review?

The point is simply that the law review editor has very little more than his own intuition upon which to base his important policy decisions with regard to the function of his journal. Until recently no one had taken the trouble to empirically examine the law review as an institution in order to determine its value to the legal community and its purpose for existence.

The question of crucial importance is, "How can the profession best be served by the law review?" The answer to this inquiry lies not in intuition alone, but rather in empirical analysis of what the law reviews are doing and what the legal community considers valuable in a law review in terms of its content, scope of material, types of authors, and overall approach.

In this way the law review editor can see the merits and shortcomings of the law review as an institution and his own law journal

in particular. He can find out some of the reasons for the success of the so-called "better law reviews" and even see areas where they are missing the boat in their treatment.

In 1966, the *Denver Law Journal* conducted such an empirical research project in the form of a survey concerning the value of the law review and its purpose within the legal community. The emphasis was on (1) the content of the various law reviews and (2) the expectations of the legal profession. It is hoped that the results will provide law review editors with that essential frame of reference in which to make their policy decisions — a frame of reference heretofore unavailable.

I. THE SURVEY AND ITS METHODOLOGY

The survey was designed to provide empirical data relating to four basic policy questions normally facing editors of a law review: (1) What is the proper substantive content of a law review in terms of topics to be covered and types of articles to be published? (2) What is the proper scope of treatment of a law review in terms of local vs. national emphasis? (3) Who are the most desirable authors for a law review and how can we get them to write? (4) Should a law review specialize in particular areas of the law?

In order to provide data for these questions the survey was approached in two ways: first, to determine what the law reviews listed in the Index to Legal Periodicals were actually publishing during 1965[3]; and second, to find out what the profession (judges, attorneys and professors) expected from the law review and how they utilized the legal periodical in practice. In other words, both the specific *content* of the law review and the *expectations* of the profession were examined in depth.

In order to determine the content of the various legal journals, all law reviews listed in the Index to Legal Periodicals during the calendar year 1965 were surveyed. From the student-run journals examined, over 4100 separate articles were analyzed.

In order to find out the expectations of the profession concerning the law review, the second phase of the survey was conducted by mailing questionnaires to a random sample of attorneys, judges, and

[3] At the time the survey was commenced all of the legal periodicals examined had completed publication of their reviews for 1965. This was the most recent full year of law review publications available.

professors throughout the United States. Approximately 1000 questionnaires were mailed and nearly 400 returns were received.

It might be doubted that such a small number of random responses represents a true picture of the views of the legal profession. It is well known, however, that most professional opinion polls, such as the Gallup Poll, are conducted in a similar manner, using a small random sample to represent a total population. The survey was conducted under the guidance of Dr. Gresham Sykes,[4] an experienced behavioral scientist, skilled in research methodologies of this nature. He has analyzed the data extensively and given assurance that the responses received are sufficiently random to provide a legitimate basis for the conclusions drawn.

In any attitude survey the researcher must run the risk of unreliability in the responses. The questions were designed to minimize this risk, yet we are not so naive as to assert that the responses received present a conclusively reliable picture of the opinions of the legal profession concerning the law review. Rather, we regard the similarity of the responses as illustrative and suggestive of the views of the legal community. Indeed, the answers to the questionnaire take on added significance when compared to the survey of the content of the law reviews.

II. Evaluating the Review

A. *The Profession's Opinion*

In a survey of law reviews and their value to the profession, the most logical starting point is to obtain the opinions of the members of the profession regarding the merits of the various reviews. The survey indicated not only that there is a wide range of opinion on this matter, but also that professors seem to be familiar with far more of the reviews than are the attorneys or judges. This increased familiarity is to be expected insofar as it is the professors who have the greatest access to the reviews. Few attorneys or judges have convenient access to large law libraries which carry a significant number of the many law reviews being published.

Because the average professor was able to evaluate so many of the reviews being published, while the judges and attorneys seldom

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evaluated more than seven or eight, Table No. 1[5] must be viewed as having been highly influenced by the professors. A substantial

[5] TABLE NO. 1: RANKING THE LAW REVIEWS

This table lists the 102 law reviews surveyed in the order of the ranking which they received by the attorneys, professors and judges with regard to their value as legal research tools.

100 = Very Helpful Most of the Time
80 = Very Helpful on Some Occasions
60 = Reasonably Helpful Most of the Time
40 = Reasonably Helpful on Some Occasions
20 = Better Than Nothing
0 = No Value

	Law Review	*Score*		*Law Review*	*Score*
1.	Harv. L. Rev.	85.5	52.	U. Fla. L. Rev.	60.9
2.	Colum. L. Rev.	84.4	53.	B.C. Ind. & Com. L. Rev.	60.0
3.	Mich. L. Rev.	83.9	54.	Neb. L. Rev.	60.0
4.	Yale L.J.	82.6	55.	Rutgers L. Rev.	60.0
5.	U. Chi. L. Rev.	81.0	56.	St. Louis U.L.J.	60.0
6.	U. Pa. L. Rev.	80.6	57.	Washburn L.J.	60.0
7.	Calif. L. Rev.	79.5	58.	Wyo. L.J.	60.0
8.	Stan. L. Rev.	79.2	59.	Utah. L. Rev.	58.9
9.	Wis. L. Rev.	77.7	60.	Kan. L. Rev.	58.5
10.	Wash. & Lee L. Rev.	76.9	61.	Mass. L.Q.	58.3
11.	Cornell L.Q.	76.6	62.	U. Cin. L. Rev.	57.9
12.	Minn. L. Rev.	76.3	63.	Tulsa L.J.	57.4
13.	N.Y.U.L. Rev.	76.2	64.	Vill. L. Rev.	57.3
14.	Va. L. Rev.	74.7	65.	Ore. L. Rev.	57.0
15.	Duke L. J.	73.3	66.	Den. L.J.	56.7
16.	Wash. L. Rev.	73.0	67.	Okla. L. Rev.	56.2
17.	Temp. L.Q.	71.9	68.	Idaho L. Rev.	56.0
18.	Texas L. Rev.	71.5	69.	Willamette L.J.	56.0
19.	Fordham L. Rev.	70.8	70.	U. Det. L.J.	55.6
20.	U.C.L.A.L. Rev.	70.5	71.	U. Colo. L. Rev.	54.7
21.	Hastings L.J.	70.0	72.	Wayne L. Rev.	54.6
22.	Ark. L. Rev.	69.2	73.	B.U.L. Rev.	54.4
23.	U. Ill. L.F.	69.1	74.	How. L.J.	54.0
24.	Iowa L. Rev.	67.9	75.	Inter-Am. L. Rev.	53.3
25.	Geo. L.J.	67.9	76.	Mo. L. Rev.	52.5
26.	Ky. L.J.	67.6	77.	S.D.L. Rev.	52.5
27.	Vand. L. Rev.	66.5	78.	U. Miami L. Rev.	51.8
28.	W. Va. L. Rev.	66.2	79.	Catholic U.L. Rev.	51.7
29.	N.C.L. Rev.	65.8	80.	Mont. L. Rev.	51.7
30.	Nw. U.L. Rev.	65.7	81.	Baylor L. Rev.	51.0
31.	Marq. L. Rev.	65.6	82.	Buffalo L. Rev.	49.5
32.	Wash. U.L.Q.	65.5	83.	Chi.-Kent L. Rev.	49.3
33.	Geo. Wash. L. Rev.	65.3	84.	Ariz. L. Rev.	48.6
34.	N.Y.L.F.	65.0	85.	U. Kan. City L. Rev.	48.6
35.	Tul. L. Rev.	63.8	86.	Miss. L.J.	48.0
36.	Md. L. Rev.	63.8	87.	N.D.L. Rev.	47.3
37.	St. John's L. Rev.	63.8	88.	Loyola L. Rev.	46.7
38.	U. Pitt. L. Rev.	63.5	89.	W. Res. L. Rev.	45.7
39.	Sw. L.J.	63.0	90.	Houston L.J.	45.0
40.	Notre Dame Law.	62.4	91.	S. Tex. L.J.	45.0
41.	Ohio St. L.J.	62.4	92.	Clev.-Mar. L. Rev.	44.8
42.	Drake L. Rev.	62.2	93.	Ala. L. Rev.	44.5
43.	S.C.L.Q.	62.2	94.	Catholic Law.	44.5
44.	Wm. & Mary L. Rev.	62.0	95.	De Paul L. Rev.	44.5
45.	Mercer L. Rev.	61.7	96.	San Diego L. Rev.	44.0
46.	Ind. L.J.	61.6	97.	Brooklyn L. Rev.	43.2
47.	La. L. Rev.	61.3	98.	Duquesne L. Rev.	42.5
48.	So. Cal. L. Rev.	61.3	99.	Maine L. Rev.	40.0
49.	Tenn. L. Rev.	61.3	100.	Santa Clara Law.	40.0
50.	Dick. L. Rev.	61.1	101.	Albany L. Rev.	38.3
51.	Syracuse L. Rev.	61.0	102.	Am. U.L. Rev.	30.0

number of judges and attorneys also responded to this portion of the questionnaire, but had their opinions alone been used, Table No. 1 would appear significantly different. For example, while Harvard, Columbia, Michigan and Yale are at the top of the list when the responses of all the members of the profession are combined, it is interesting to note that these particular reviews attained this position of notoriety primarily because of the tremendous numbers of professors casting ballots in their favor. The attorneys and judges do not regard them as highly. These reviews have won more respect in the academic community than with the practitioners and jurists. This is not to say, of course, that the latter find the *Harvard Law Review* or the *Yale Law Journal* to be of questionable value, but the people who work every day with the practical application of the law have a different opinion about the relative values of the various law reviews than do the people in the halls of academia.

In spite of these qualifications, Table No. 1 does reveal some interesting information. Based on a 100-point scale, it indicates the relative values of the law reviews in terms of their usefulness as tools for legal research. For the most part, it seems to reinforce what one might have predicted about such an evaluation, but there are some notable exceptions. It was surprising, for instance, that the *Northwestern Law Review* was in 30th place behind a number of reviews which one might have expected to receive less favorable comments.

Perhaps most significant here is the wide range of scores, coupled with the fact that no review was ranked at either extreme of the spectrum. Not a single review was considered "very helpful most of the time" nor was any dubbed "no value." Nearly 80% of the law reviews were said to be at least "reasonably helpful most of the time," and this would seem to be a feather in the caps of the law reviews. In spite of some stinging criticisms that have been handed down over the years, here is some glimmering hope that the law reviews have not been for naught.

B. *The LSAT Classes*

Not being satisfied to rank the law reviews solely on the basis of the evaluations by the attorneys, professors and judges, we undertook to classify the various reviews according to the Law School Admission Test scores[6] of the students at the schools where the re-

[6] Median Law School Admission Test scores for 1963-64 were used, since the scores for 1964-65 were not available at the time of the survey. Admittedly, these scores may have increased in the time that has passed since, but it is expected that this increase has been uniform among the law schools and that their relative rankings have not been substantially affected.

views were being published. This classification was initially based on the hypothesis that schools with high median LSAT scores would be producing high quality law reviews due to the caliber of students serving on the staffs. As our research progressed, the hypothesis began to prove to have been well founded. A glance at Table No. 2[7] indicates the high degree of correlation between this type of classification and the ranking in Table No. 1. We are not so naive as to contend that each law review in Class A is superior to every review in Class B or that the Class C reviews are superior in all cases to those in Class D. But, allowing for a reasonable number of exceptions in each case, it does seem proper to conclude that if each group

[7] TABLE NO. 2: CLASSIFICATION OF LAW REVIEWS BY LSAT SCORES.

This table divides the 102 law reviews surveyed into five classifications, according to the median LSAT scores of the entering students at the schools where they are published.

CLASS A (654-541)					
Harv. L. Rev.	(654)	Inter-Am. L. Rev.	(589)	Geo. L.J.	(559)
U. Chi. L. Rev.	(631)	N.Y.U.L. Rev.	(589)	U.C.L.A.L. Rev.	(553)
Yale L.J.	(631)	Mich. L. Rev.	(584)	So. Cal. L. Rev.	(549)
Colum. L. Rev.	(619)	Va. L. Rev.	(582)	B.C. Ind. & Com.	
Stan. L. Rev.	(614)	Wis. L. Rev.	(577)	L. Rev.	(547)
Calif. L. Rev.	(600)	Nw. U.L. Rev.	(575)	Fordham L. Rev.	(547)
U. Pa. L. Rev.	(599)	Wash. U.L.Q.	(565)	U. Colo. L. Rev.	(544)
		Cornell L.Q.	(563)		
CLASS B (540-506)					
U. Pitt. L. Rev.	(540)	Temp. L.Q.	(525)	Buffalo L. Rev.	(511)
Rutgers L. Rev.	(535)	Ind. L.J.	(524)	Ohio St. L.J.	(511)
U. Ill. L.F.	(535)	Utah L. Rev.	(524)	Sw. L.J.	(511)
Minn. L. Rev.	(533)	Albany L. Rev.	(517)	San Diego L. Rev.	(509)
Vand. L. Rev.	(532)	Den. L.J.	(517)	Texas L. Rev.	(509)
Notre Dame Law.	(530)	Dick. L. Rev.	(516)	U. Fla. L. Rev.	(509)
Santa Clara Law.	(525)	Geo. Wash. L. Rev.	(515)	W. Res. L. Rev.	(508)
		St. Louis U.L.J.	(512)		
CLASS C (505-481)					
B.U.L. Rev.	(505)	Vill. L. Rev.	(501)	Wm. & Mary L. Rev.	(488)
Catholic U.L. Rev.	(505)	De Paul L. Rev.	(500)	Md. L. Rev.	(487)
Maine L. Rev.	(505)	Catholic Law.	(499)	Ariz. L. Rev.	(484)
Kan. L. Rev.	(505)	St. John's L. Rev.	(499)	S.D.L. Rev.	(483)
Wayne L. Rev.	(505)	U. Miami L. Rev.	(499)	N.C.L. Rev.	(482)
Loyola L. Rev.	(503)	Idaho L. Rev.	(493)	Marq. L. Rev.	(481)
Iowa L. Rev.	(501)	Wash. & Lee L. Rev.	(493)	Ore. L. Rev.	(481)
Syracuse L. Rev.	(501)	N.D.L. Rev.	(489)	U. Kan. City L. Rev.	(481)
CLASS D (480-417)					
Brooklyn L. Rev.	(480)	U. Cin. L. Rev.	(472)	Washburn L.J.	(457)
Okla. L. Rev.	(476)	Chi.-Kent L. Rev.	(470)	S. Tex. L.J.	(445)
Ala. L. Rev.	(475)	Mercer L. Rev.	(469)	Am. U.L. Rev.	(439)
Drake L. Rev.	(475)	Tenn. L. Rev.	(463)	Ark. L. Rev.	(439)
Duquesne L. Rev.	(475)	Mont. L. Rev.	(461)	Houston L.J.	(433)
Wyo. L.J.	(475)	U. Det. L.J.	(461)	N.Y.L.F.	(433)
La. L. Rev.	(474)	Tulsa L.J.	(458)	W. Va. L. Rev.	(426)
Ky. L.J.	(472)	S.C.L.Q.	(457)	How. L.J.	(417)
CLASS E (No Score Available)					
Baylor L. Rev.		Mass. L.Q.		Tul. L. Rev.	
Clev.-Mar. L. Rev.		Miss. L.J.		Willamette L.J.	
Duke L.J.		Mo. L. Rev.		Wash. L. Rev.	
Hastings L.J.		Neb. L. Rev.			

is considered as a whole, the Class A reviews tend to outrank those in Class B, etc. It is for this reason that we felt justified in analyzing all of our collected data in terms of these LSAT groupings. Thus, in most of the tables which appear in this article, it will be noted that information has been classified to indicate the different trends, if any, among these various classes of reviews.

C. *Comparison With Other Research Materials*

While attorneys, professors and judges seemed to regard the law review quite highly as a legal research tool, it is significant that they consider a number of other sources to be of even greater value. Thus, Table No. 3[8] indicates that law reviews rank in sixth place behind such materials as Shepard's Citations, case digests, annotated statutes, etc. This is rather disconcerting at first glance, but it must be noted that all of the research tools in Table No. 3 received relatively favorable evaluations and that law reviews, in particular, were only about 13 percentage points below the highest ranking research tools. Furthermore, it is significant that it was the attorneys who pulled the law reviews down into sixth place. Both the judges and professors indicated a considerably higher regard for the reviews. This is not an unexplainable result since one would have expected that the busy attorney, caught up in the day-to-day routine of his practice with its accompanying pressure, deadlines and workload, simply does not have the time to consult law reviews when researching a problem. For him it is considerably more expedient to refer to the local digest or a good treatise. Furthermore, it is undoubtedly true that the practitioner's library is seldom of sufficient size to allow him to stock it with a number of good law reviews — a problem less likely to confront a judge, who ordinarily has ready access to a centrally located and government-financed law library, or the law professor, whose domain is the law school library which stocks nearly every review published.

[8] TABLE NO. 3: RELATIVE VALUES OF RESEARCH TOOLS

This table indicates the relative values of eight legal research tools as established by the attorneys, professors and judges who are using them.

	QUITE VALUABLE				LITTLE OR NO VALUE			
	Judges %	Attorneys %	Professors %	Total* %	Judges %	Attorneys %	Professors %	Total* %
Shepard's Citations	83.1	50.8	84.4	72.7	5.0	31.6	2.9	13.3
Digests	62.0	90.0	68.8	69.9	14.3	7.4	9.9	10.7
Annotated Statutes	64.9	78.3	62.8	68.8	11.5	10.7	15.3	12.4
Treatises	41.5	85.7	65.9	63.2	28.3	4.9	13.5	16.3
A. L. R.	80.2	63.3	37.8	62.4	5.7	19.1	33.9	18.2
Law Reviews	62.7	38.3	78.6	59.1	16.7	40.8	5.7	21.6
Encyclopedias	64.1	67.4	30.9	55.8	16.0	14.9	45.5	24.0
Loose-Leaf Services	29.1	57.4	59.1	47.2	21.1	20.0	9.6	17.4

*This column represents the cumulative response of all members of the profession surveyed.

Thus, we conclude that for most research purposes, the law review is of the most value to the professor and of least value to the attorney. However, this is quite probably due, not to the inherent quality of the review, but to the accessibility of the review to the researcher. People who can conveniently use it usually find it a valuable aid; those who are pressed for time and are not able to maintain a large private library simply are not able to put it to its best advantage.

Perhaps this says something to law review editors about ways to make their publications valuable to the greatest number of people. Since it is apparent that professors already find the law review to be of considerable value, the emphasis should be on ways in which the practitioner can reap more benefits from it. The first suggestion which comes to mind is that a good index is absolutely essential. Certainly every law review has a large contingent of subscribers who are practicing law locally and who subscribe to that particular review only (or perhaps to one or two others at most). Whether these persons are motivated by the fact that the review is published locally, and therefore treats local legal matters, or by some other factor, the fact remains that the review can be a good reference work on their library shelf *only* if they can get into it easily. A carefully organized, detailed index appearing at least once each year is the key here, and a cumulative index should be provided at least every ten years. If this service is provided, the attorney practicing in a rural community many miles from the metropolitan law library can subscribe to his local school's review and actually use it conveniently in his research. When the law reviews fail to index their volumes, or when they provide only haphazard substitutes where quality is needed, they do a great disservice to those of their subscribers who do not have access to the large law library carrying the Index to Legal Periodicals. It is probable that this is one of the primary reasons for the attorneys' indication that the law review was less valuable to them than any other research tool listed in Table No. 3. Until he can consult the law reviews on his shelf as easily as he can a digest, he will continue to rely on the latter.

D. *Conclusion*

Certainly, all of the information presented thus far points in one direction: as a research tool, the law review is currently most valuable to the professors, somewhat less valuable to the judges, and least valuable to the practicing attorneys. Measured against a number of other research aids, the review holds its own reasonably well, although once again the practitioners expressed their misgivings.

Measured against each other, the various reviews distribute themselves over a relatively broad continuum, with the best among them finding favor with the profession, while others were categorized as being only slightly better than nothing. We must now attempt to determine what distinguishes the good from the bad.

III. Content of the Review

A. *Substantive Emphasis*

It is undoubtedly true that few, if any, student editorial boards consciously plan in advance for the number of pages to be devoted to various legal subjects. It simply is not possible to determine the perfect ratio of constitutional law articles to family law articles, or the number of pages which should be devoted to wills and trusts as opposed to contracts or torts. Instead, most law review editors solicit articles from many authors, consciously making requests from persons in a wide variety of legal fields, but ultimately accepting articles in almost any area, provided they are well-written and timely. If a disproportionate number of excellent articles dealing with labor law are received for a particular issue, it would be surprising to find a law review which would decide to publish only one of these in order to leave room for a mediocre article on taxation merely to maintain a "balance" of subject matter. In other words, most editorial boards look first at the quality of the articles received, and secondly at the relative merits of the substantive areas treated.

Furthermore, although most editors would say that they attempt to avoid publishing an excessive number of articles on any given subject, they probably would have some difficulty in setting forth what they believe to be the ideal distribution of subject matter in their publication. Except for those very few law reviews which have chosen to specialize, the relative desirability of the various subject areas is probably seldom considered.

Nevertheless, it is very interesting, and somewhat surprising, to note the amazing similarity among the various classes of law reviews in the distribution of subject matter. For example, with only a few exceptions, they all seem to devote the most space to articles on constitutional law, less space to property articles, still less to criminal law, a very insignificant amount of space to wills and trusts, and little or no treatment of insurance or creditor's rights. Now, it certainly comes as no shock to learn that constitutional law is more popular than insurance, but the real phenomenon here is this almost identical distribution of emphasis in all of the reviews. This seems to reinforce the theory that all of the reviews simply publish what is

available, and there are a lot more authors doing things in the areas of constitutional law and property matters than in insurance law, for instance. Table No. 4[9] illustrates this similarity between the different classes of law reviews in the twenty areas receiving the most attention.

The general picture of consistent emphasis is dotted intermittently with some interesting variances from the main theme. For instance, it was found that the lower classes of reviews were devoting substantially more articles to tort law than were the higher classes. In fact, Table No. 4 reveals that with each increase in the classification of the reviews, there is an accompanying decline in the treatment of tort law. Definite trends also appear with regard to articles in labor law, business associations and antitrust. In these latter areas, the emphasis increases correspondingly with the classifications of the reviews. Thus, the Class A reviews are doing the greatest number of articles on these subjects, while the Class D reviews are publishing a significantly fewer number of these kinds of articles. Obviously, business and commercial law plays a much bigger role in the upper classes of law reviews than in their counterparts in Classes C and D.

Of course, the mere fact that these trends exist is of little import unless they have real meaning. If we were to conclude that the better reviews had risen to their positions in the legal community *because* of this increased emphasis on business and commercial law, we would have indeed uncovered a startling bit of information which

[9] TABLE NO. 4: SUBSTANTIVE EMPHASIS

This table lists the twenty substantive areas of the law which are appearing most often in the law reviews, and indicates the percentage of articles devoted to each area.

	LSAT CLASSIFICATIONS					
	Class A %	Class B %	Class C %	Class D %	Class E %	Average %
1. Constitutional Law	9.8	11.9	12.1	11.9	10.8	8.8
2. Property	7.3	8.6	9.3	8.3	9.9	8.2
3. Courts & Procedure	9.2	7.6	6.8	7.7	7.1	7.8
4. Torts	3.8	6.9	7.5	8.4	7.4	6.5
5. Taxation	6.9	8.6	5.8	4.4	3.4	6.3
6. Labor Law	8.5	7.3	4.6	2.9	4.3	6.0
7. Criminal Law	4.6	7.7	5.8	5.6	5.7	5.9
8. Contracts	3.8	3.1	3.6	5.5	4.3	4.0
9. International Law	3.8	4.4	3.6	4.0	3.7	3.9
10. Evidence	3.3	2.5	5.5	3.9	5.1	3.8
11. Business Associations	4.9	4.2	3.7	2.4	2.8	3.8
12. Attorneys	2.5	2.2	4.3	4.0	2.5	3.1
13. Family Law	1.9	2.7	5.1	3.6	1.7	3.1
14. Antitrust	4.9	2.2	1.3	1.3	.3	2.4
15. Conflicts	1.9	.8	1.4	5.3	1.7	2.2
16. Patents	2.9	2.3	2.3	1.1	1.4	2.2
17. Wills & Trusts	1.1	2.2	2.2	2.8	1.7	1.9
18. Administrative Law	2.8	2.2	.8	1.4	1.1	1.8
19. Insurance	.5	1.7	1.9	1.4	2.0	1.4
20. Creditor's Rights	1.2	.6	1.6	.9	.8	1.0
Totals	85.6	89.7	89.2	86.8	77.7	84.1

law review editors would seize upon immediately. However, the unfortunate truth would seem to be that success does not really hinge on the amount of space devoted to commercial and business articles. Nor would a de-emphasis on tort law be likely to have any noticeable effect on the reputation or status of a law review. The road to success is not so easily found.

On the other hand, this is not to say that the trends are of no value at all for our purposes. If law review editors are to make intelligent decisions when charting the future of their publications, it is axiomatic that they should ground their decisions on as many relevant facts as they can gather, and that is exactly what we have attempted to do here — present some relevant facts to be digested and used in helping to paint a more vivid picture of the law review and its purpose. Admittedly, editorial decisions relating to law review content should not be governed by mere attempts at mimicking the substantive content of Harvard, Yale, Columbia or any other Class A reviews. This course of action has already given us far too many law reviews whose editors are so busy imitating the ivy league that they have forgotten to give any serious thought to what would be best for them in their own particular situation. But, neither does it seem very wise to disregard some of the trends indicated in Table No. 4. Here the editor can see what his review should do to get in step with the better reviews if it desires to do so. Likewise, he can see how to be a non-conformist if he believes that nonconformity holds the key to success. Only if he knows what is being done can he make an intelligent decision about what needs to be done.

A closer look at what is being done is now in order. We have already noticed the general similarity of approach among the various classes of reviews and the trends in the areas of torts, labor law, antitrust, and business associations. In addition to these we can find some noticeable divergent emphasis in other areas. The two upper classes tend to publish more articles on administrative law than do Classes C and D, but the latter give broader coverage to conflicts, family law, and evidence.

Of all the areas where there are observable trends of one kind or another, which ones concern areas of the law that are relatively new and rapidly advancing? Obviously, it is the fields of labor law, antitrust and administrative law. Fifty years ago there was hardly any law at all in these areas. In fact, these fields, as we know them now, were virtually non-existent. Unlike some of the long-established fields, such as torts, domestic relations, conflicts, and evidence, the most significant legislation and decisions governing these areas are

of relatively recent origin. Admittedly, tort law and conflicts have undergone some degree of refinement and development since the turn of the century, but substantially less than these new fields which have virtually risen from nowhere overnight.

The really significant developments in these areas are happening right now. This is where the current law is being made, and this is precisely where the better law reviews have outshown their less illustrious brethren! In all three of these areas the Class A and Class B reviews are providing much broader coverage. It is in the old and well-established areas of torts, domestic relations, conflicts, and evidence that the Class C and Class D reviews have become slightly bogged down. The really important thing to remember is not that there is anything magic about concentrating on labor law instead of tort law, but rather that the most successful and influential reviews have recognized the need for treating the emerging areas of the law. Thus, the law review must face the fact which confronts all institutions in our civilization today — he who remains stagnant in the face of inevitable change will surely be forgotten. To be sure, the point has been dramatized somewhat, but the point is sound nevertheless.

Legal literature should reflect the current state of the law. Rehashing the basic tenets of the common law must yield, even if ever so slightly at first, to increased discussion of some of the frontier areas of the law. The sooner law review editors come to recognize this fact, the sooner they will be able to upgrade their publications.

B. *Types of Articles*

Regardless of the substantive areas which are ultimately treated in a particular law review, the editors should give some thought to the relative merits of the different types of articles which can be used as the vehicle for conveying ideas. In addition to book reviews, which will be considered later, there seem to be eight basic approaches which an author may take. It is often difficult, if not impossible, to determine which of these eight pigeonholes best characterizes a particular piece, but for purposes of this survey we nevertheless did so whenever reasonably possible. In order that the reader may better understand the meaning implicit in these eight labels, a brief discussion of each is in order.

1. Traditional Case Comment

The case comment or case note has traditionally appeared in the law review as a very brief synopsis of a recent case, considered by the editors to be of some significance. The usual format includes a statement of the facts, the court's holding, and the rule for which

the case stands. Although the author (nearly always a student) may venture a few remarks about the wisdom of the decision or the logic of the court's rationale, very little is offered in terms of creative thought. The obvious and primary purpose is to report to the reader an important case which has been decided.

2. Analytical Case Comment

Unlike the traditional case comment, the analytical comment is not a report of what happened. Instead of being limited to summary treatment of a particular case, the analytical comment often makes only passing reference to the case while the author concentrates his efforts on a thorough discussion of a particular issue implicit in the case. It might be said that the emphasis is vertical rather than horizontal. The author takes his narrow issue and, without discussion of all the related or semi-related issues, exhausts his topic.

3. Descriptive Article

The most noticeable distinguishing factor between the two types of comments just discussed and the six types of articles to follow is scope, and therefore, length. Although the analytical comments will usually be somewhat longer than the traditional comment because of the increased depth of treatment, neither of them approach the length or breadth of most articles.

The descriptive article is analogous to textual hornbook material. Heavily footnoted and carefully organized, it sets forth the basic rules of law governing a particular field or portion thereof. It contains very little in the way of commentary by the author and is seldom addressed to unsettled areas of the law where the rules have not yet been formulated. It is a very extensive compilation of what the law is, and thus its primary value is as a reference work.

4. Historical Article

While the descriptive article is best characterized by comparing it to a hornbook article, the historical article finds its counterpart in an ALR annotation. The emphasis is on tracing the history, trends and developments in a particular area of the law. If it deals with matters of policy or relative values of available alternatives, it does so only in an historical perspective. It looks at precedent and provides a background for the rule of law in a particular area.

5. Analytical Article

Included here are the articles in which the author not only sets forth the state of the law, but also includes his commentary upon the value of the rules. This is what has probably come to be thought of as the traditional law review article (if there is such a thing).

It is not so much a report as it is a well-reasoned study of unresolved issues and possible solutions. It employs the intuitive, rather than the empirical, approach. It may, of course, include some of the elements of a descriptive or historical article but its uniqueness lies in the fact that it does more — it analyzes the law instead of simply reporting it. The approach is similar to that of the analytical case comment, except that the scope of coverage is much broader.

6. Empirical Article

This type of article usually involves field research rather than library research and employs statistical data, tables, and charts in the presentation of the material. The author will often pose a problem which he then atttempts to solve by drawing conclusions from the collected data. Empirical articles are usually concerned with the application or impact of the law, rather than with what the law is or should be. Typical topics would be: the effect of *Miranda* on police conduct; jury studies; studies of penal institutions; or a law review survey.

7. How-to-Do-It Article

The name speaks for itself. The author takes what the practitioner would undoubtedly refer to as a "very practical" approach. He may explain how to prepare a will with a revocable trust provision, how to handle a probate estate, how to cross-examine an adverse witness, or how to draw a collective bargaining agreement. The author must be thoroughly familiar with his topic and should have had considerable experience in doing what he is telling others how to do.

8. Supreme Court Reviews

These are not unlike a compilation of excerpts from "Judicial Highlights" found in the advance sheets of the West Reporter System. Law reviews will typically summarize the important decisions by their local supreme court during the preceding year, and thus give the reader a very cursory synopsis of how, for example, the law of torts, evidence, or property has changed or developed in that time. Occasionally there is a review of legislative enactments as well. Perhaps best known in this area is Harvard's annual review of United States Supreme Court decisions.

C. *Article Distribution*

Each of the various types of articles and comments has its merits, but it could hardly be said that they are of equal value. We were particularly interested in determining which type is most often

selected by the review editors, and which the attorneys, judges and professors found most valuable.

As might be expected, the analytical article is appearing most often, although the traditional case comment is also quite popular. In view of the fact that the analytical article is nearly always much longer than the case comment, it is obvious that more pages are being devoted to the analytical article than to the case comment. Again there is an amazing consistency between the four classes of reviews. For example, they all devote almost exactly one-third of their published pieces to the analytical approach, 1% or less to the how-to-do-it article, and less than 2% to empirical material.

Only a couple of discernable trends exist. First, Table No. 5[10] reveals that the distribution of the two types of case comments varies among the classes of reviews. Although the traditional approach still seems to be predominant in most cases, it is apparent that in Class A the two types are very nearly equal. This might very well be one area where the better reviews have recognized the value of creative writing more quickly than have the reviews in the lower classes. The relative merits of these two types of comments will be discussed later.[11] Secondly, there was a slightly increased tendency for the better reviews to shy away from the historical article, although none of the reviews seem to be particularly interested in this approach.

These trends, although they do in fact exist, are considerably less significant than the overall picture of uniformity. Law review editors are obviously not interested in empirical research, historical essays, or how-to-do-it articles. At least, if they are interested, they have not been very successful in obtaining these kinds of pieces for their publications. Before venturing an opinion on the wisdom of this apparent non-interest, it is appropriate to consider briefly the reactions of the attorneys, professors and judges who were asked to evaluate these various types of articles.

[10] TABLE NO. 5: ARTICLES BEING PUBLISHED

This table indicates the relative frequency of appearance of the various types of articles and comments published in the law reviews surveyed.

	LSAT CLASSIFICATIONS					
	Class A %	Class B %	Class C %	Class D %	Class E %	Average %
Analytical Article	33.6	30.6	30.4	32.9	50.3	33.5
Traditional Comment	24.3	31.2	30.7	36.0	17.4	29.0
Analytical Comment	22.5	16.6	22.6	11.5	18.0	18.6
Descriptive Article	13.1	15.6	6.6	11.1	6.6	11.4
Historical Article	2.4	2.6	3.6	4.0	1.5	2.9
Supreme Court Review	1.2	.8	3.3	2.9	1.5	1.9
Empirical Article	1.6	.9	1.6	.3	3.3	1.3
How-to-Do-It Article	.4	.5	.8	1.0	.9	.7

[11] *See* discussion pp. 443-44 *infra*.

As Table No. 6[12] indicates, there is rather keen interest in the analytical and historical articles, as well as in the traditional case comment. The law review editors seem to be in agreement with the profession as to the value of the analytical article, but they apparently do not see eye-to-eye on the merits of the historical approach. While most of the reviews are devoting less than 3% of their articles to historical essays, most of the attorneys, judges and professors found these articles to be very valuable. In fact, the attorneys put it in first place. Perhaps law review editors should sit up and take notice of the fact that there are other kinds of valuable articles in addition to the analytical article. As mentioned earlier, this has undoubtedly come to be the traditional law review article, but the survey would indicate that more variety is needed. Not only did the profession express interest in the historical article, but they also let it be known that empirical research is of considerably more value than the editors have realized. The professors are particularly fond of this empirical approach.

The law reviews have been derelict in the area of empirical research. In the United States there are more than 100 law reviews whose staffs range in size from 20 to 90 persons or more. These are the people who are skilled in research, proficient in legal writing, and presumably the real "scholars" at their particular schools. They are capable of undertaking extensive studies of the law and its institutions; they are equipped to gather the information that has never been gathered before, to evaluate it, interpret it, and present it to the profession. These are the people who should be shouldering the responsibility for doing collectively what one or two authors simply do not have the time or resources to do individually. Yet, in 1965, of more than 4100 articles published by these reviews, only 54 involved empirical research of any kind; and only 10 were staff

[12] TABLE NO. 6: MOST DESIRABLE ARTICLES

This table lists the eight types of articles in the order of their value as determined by the responses of the attorneys, professors and judges in the survey.

	VALUABLE				LITTLE OR NO VALUE			
	Judges %	Attorneys %	Professors %	Total* %	Judges %	Attorneys %	Professors %	Total* %
Analytical Article	83.8	70.8	96.0	82.9	4.3	19.1	.9	8.3
Historical Article	78.7	80.0	84.4	80.7	5.8	10.0	8.7	8.0
Traditional Comment	79.5	82.4	74.6	79.1	8.0	11.6	21.3	13.0
Descriptive Article	70.0	68.3	60.1	66.6	15.3	20.8	36.8	23.3
Analytical Comment	54.0	62.5	71.7	61.9	20.4	24.1	15.5	20.2
Supreme Court Review	62.0	49.9	61.1	57.7	23.3	32.5	33.0	29.1
Empirical Article	40.8	29.9	74.6	46.8	30.6	42.5	12.6	29.4
How-to-Do-It Article	26.2	53.3	15.5	32.2	53.8	26.7	64.5	47.8

*This column represents the cumulative response of all members of the profession surveyed.

projects involving the very students who have the time, ability and resources to do this kind of work. The facts speak for themselves — it is time for law review editors to realize that their responsibility extends beyond exhaustive research and writing in their local libraries. As important as the latter may be, empirical studies have simply been bypassed for too long.

At a minimum, every law review should undertake one empirical research project each year. Once a topic for investigation has been selected, an appropriate number of staff members should be assigned to gather the necessary data. When this tedious process has been completed, it is necessary to evaluate and interpret the information compiled. Computer analysis will often prove invaluable, and when available should be employed. Finally, of course, there is the task of preparing an article which clearly and concisely informs the reader of the results of the study. The work required is extensive, but the end product is unique and valuable. It offers the reader information usually unavailable in the law library. It is only through these kinds of studies that the profession can be kept informed of the impact of the law on society. It is not sufficient that we simply report what the law is or purports to accomplish; we also have a responsibility to investigate and report on the ends being achieved by the means employed.

D. *Case Comments*

The case comment is sufficiently unique to warrant special discussion. As mentioned earlier, there are two very different approaches to preparing a comment: (1) traditional and (2) analytical. While reference has already been made to their popularity with law review editors and with the profession in general, the relative value of the two approaches should be considered.

The case comment has traditionally appeared in law reviews as a very brief report of a recent decision, its impact on the law, the author's reactions to and conclusions from it, and little else. However, in recent years, the tide has begun to turn away from this traditional approach, and a number of law reviews have begun to publish what is categorically termed the analytical case comment. As the name implies, the emphasis is no longer on merely reporting a recent decision — a task already being performed quite adequately by other publications. Law review editors are slowly beginning 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 author will not ordinarily use the particular case as the ultimate subject of his comment, but rather as a point of departure into a thorough discussion of the significance and future implications of the ruling. There may be instances where the issue addressed by the court is not the issue which the student writer believes to be most important. In such case, 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 only of real value if it does something more than this. Unless law reviews do something in addition to reporting cases, they might just as well publish the citation and have their readers consult the headnotes in the advance sheets.

E. *Book Reviews*

The book review is distinct from all other forms of legal writing appearing in law reviews, and thus also requires separate treatment here. Although the style of book reviewers varies a great deal, nearly all book reviews can be fitted into one of two broad categories which might be labeled as (1) "editorializing," and (2) "reporting."

The "editorialized" book review is the one which in its most frequently used format devotes only the first couple of paragraphs to telling the reader about the book itself. From that point on, the emphasis is on the reviewer's thoughts about, and reactions to, the subject matter covered. Occasionally it will include one of his pet theories that can somehow (whether legitimately or not) be tied to the book. This type of book review allows the writer freedom of form in legal writing. Unhampered by the requirement for footnoting, he is given a chance at imaginative writing. The editorialized book review is refreshing reading, and the less it reviews the book the more refreshing it seems to be.

The "reporting" book review can best be characterized by quoting from what one book reviewer stated he intended not to do:

> I could write in greater detail of the size of the book, what I believe to be admirable restraint in the editing of cases, the wise choice of many recent cases, the possible overbalance of 'liberal' decisions, the unlikelihood of covering all the cases in the short time given to most tort teachers these days . . . the esthetic quality of West's comparatively new format, changes which have been made [from an earlier edition], possible errata, the size and sufficiency of the index, the possible value of a teacher's manual, and so on. Other reviewers will undoubtedly comment on these and lesser matters. . . .
>
> . . . I think the problem for most people who have attempted to judge

> this book, either publicly or privately, has been that they have done little more than look at the table of contents.[13]

This is precisely the point. The reporting approach to reviewing a book is usually the result of little more than a brief look at the table of contents. This kind of book review may have a legitimate place in a law review if kept exceptionally short (perhaps only a few paragraphs). If it helps the reader to stay informed of the significant books being published, there is some value in such a service.

However if the purpose is to print something which is a piece of journalism in its own right, then only the editorial approach will suffice. The survey indicated that attorneys, judges and professors are all interested in reading book reviews, and as Table No. 7[14] indicates, this is particularly true of the professors. Various reasons are given for this interest, ranging from a simple desire to know what books have been published to a quest for pure enjoyment. Some of the respondents called it the most valuable part of the law review, and others found it usually better than the book itself since it combines the book's thesis with the reviewer's analysis thereof.

IV. Scope of the Review

A. *The Problems*

Once the editorial board of a law review has arrived at some conclusions about the substantive areas most deserving of treatment and the types of articles best suited to that treatment, there remains another basic question to be answered: what is the proper scope of the law review in general, and of each article in particular? Should the emphasis be on matters of national concern, or should local issues receive the most attention? Integrally related to this question is one still more basic: whom does the law review serve, and how does this affect the scope of the material to be published? Ultimately, it seems, this questioning leads the law review editors to ponder the justification for their existence: what is the purpose of the law review? Unfortunately the first question cannot be answered intelligently without first considering the last one.

[13] Probert, Book Review, 52 Nw. U.L. Rev. 295 (1957).

[14] Table No. 7: Reader Interest in Book Reviews

This table indicates the interest of the attorneys, professors and judges in having book reviews published. The answers given were in response to the question: "Do you read book reviews appearing in law reviews?"

	Yes %	No %	No Answer %
Judges	61.3	30.6	8.1
Attorneys	45.8	45.7	8.5
Professors	84.4	12.6	3.0
Total*	62.7	31.6	5.7

*This total represents the cumulative response of all members of the profession surveyed.

Before attempting to delve into these very fundamental questions concerning the purpose of the law review and the proper scope dictated by that purpose, it is appropriate to consider some results of the survey pertaining to these questions. We initially determined the current scope of the law reviews. Table No. 8[15] indicates what is being done in two areas: constitutional law and legislation. These particular topics were chosen to illustrate some of the very definite trends among the various classes of law reviews.

For example, in the area of constitutional law, the ratio of nationally-oriented articles to locally-oriented articles is significantly higher among the Class A and B reviews than among those in Classes C and D. While the Class A publications publish about 34 federal constitutional articles for every one dealing with state constitutional law, the Class D reviews maintain a ratio of about 10-to-1 in favor of federal issues. This only verifies what one would have suspected—the better reviews have very little time for state constitutional questions. With few exceptions, their efforts are concentrated on federal matters. However, it is noteworthy that even the Class D reviews are publishing ten times as many articles on federal constitutional questions as on state matters. It must be remembered that there are simply not as many state constitutional questions confronting the courts, and one would suspect that devoting one article out of every eleven to state issues would probably result in coverage as good as or better than publishing ten articles on the federal matters.

In the area of legislation, the trend is even more pronounced. While the Class A reviews continued their emphasis on federal issues by a ratio of more than 2-to-1, Class D has reversed its emphasis in favor of state matters by nearly the same ratio. Note, however, that all four classes are doing substantially more articles on state legislative questions than they were on state constitutional issues. This is undoubtedly attributable to the increased number of

[15] TABLE NO. 8: SCOPE OF THE REVIEWS

This table indicates the percentage of the various classes of reviews being devoted to state and federal aspects of selected issues.

		LSAT CLASSIFICATIONS					
		Class A %	Class B %	Class C %	Class D %	Class E %	Average %
Constitutional Questions	A. (Federal)	13.7	15.0	16.1	12.1	12.8	14.1
	B. (State)	.4	.8	3.6	1.2	1.4	1.4
Legislation	A. (Federal)	15.9	21.7	6.6	6.6	3.7	12.6
	B. (State)	6.7	16.8	9.6	11.5	8.3	10.8
Constitutional Questions and Legislation Combined	A. (Federal)	29.6	36.7	22.7	18.7	16.5	26.7
	B. (State)	7.1	17.6	13.2	12.7	9.7	12.2

significant questions arising under state statutes as opposed to state constitutions.

An even better picture of this dichotomy of emphasis is seen if the data on constitutional law and legislation is combined. The last two lines in Table No. 8 illustrate that emphasis on federal problems is greater in Classes A and B than in the other classes. One might ask at this point whether this varied emphasis is a function of the status of the reviews. Have the Class A reviews achieved their enviable positions because they concentrated on matters of national concern, or do they emphasize national matters because they have achieved positions of prominence? No positive answer is available, but a logical explanation is easily formulated.

In the first place, the law reviews at Harvard, Yale, Columbia, Pennsylvania, etc. have been around for a long time, and they are associated with law schools that established themselves early as excellent institutions in the field of legal education. It is primarily because they were the first in the field to do a good job (or any job at all) that they initially rose to positions of leadership. Of course, the quality of the schools and the caliber of students attending was a significant factor. Suffice it to say that it is doubtful that the ratio of nationally-oriented articles to locally-oriented articles played a significant role in the early days of their development.

Whatever the initial scope of these early reviews, as the alumni continued to scatter across the country, it must have become increasingly clear that such a growing diversity of subscribers required publication of highly diversified material. As more and more nationally-oriented articles appeared, the national reputations of the reviews grew. It cannot be said, then, that national emphasis was solely a cause or effect of prominence for these law reviews; it was obviously both. If it was a substantial cause when Harvard and Yale were on the rise, it is probably less so today. When there were only a few law reviews in existence, it is undoubtedly true that those who appealed to the most people grew the fastest; but when there are well over 100 reviews being published, merely concentrating on national issues will hardly suffice in a quest for excellence and resulting prominence.

The decision of law review editorial boards concerning the scope of their publications is certainly a fundamental and important one. It would be questionable for them to reason that, since Harvard and Columbia emphasize national issues and are extremely successful, any other law review which seeks prominence must also emphasize national issues. The solution is not so simple.

In fact, the survey revealed some surprising, but interesting,

indications that just the opposite may be true. For example, both the attorneys and judges felt quite strongly that there should be increased emphasis on state law and other matters of local concern. As Table No. 9[16] indicates, only the professors were reluctant to make this recommendation, and even they were about evenly split on the question. In all, the response was about 5 to 3 in favor of increasing the space being devoted to matters of local interest. Perhaps this says something to the law review editors who have fixed their wagons to a star and are convinced that the only route to the top is via national emphasis. It is just possible that the law reviews would better serve the needs of the legal profession if their editors would face the fact that there simply isn't room for 60 or 70 nationally-oriented professional journals, all trying to outdo each other in covering exactly the same material.

This conclusion is substantiated by the fact that the attorneys, professors and judges pointed out that, although national emphasis and reputation, renowned authors, and demonstrated excellence motivate interest in the Harvard, Yale, Columbia and Michigan law reviews, subscriptions to other reviews are much more likely to be a result of the fact that (1) the review is published by a local school, (2) the review publishes material of local interest, or (3) the subscriber is an alumnus of the school. Of these three factors, local emphasis was said to be most important. Again the finger points at those editors who have forgotten their local subscribers. It is exactly at this point that these editors should face the second question raised earlier: whom does the law review serve? Does it serve only its subscribers, a large portion of whom usually are local practitioners? Does it serve only the researchers in the big law libraries where all the reviews are carried and the Index to Legal Periodicals is readily available? Does it serve only the students who participate as members of the staff and editorial board? Obviously, the answers to each of these questions must be in the negative. No law review serves only one of these interests. Hopefully, they are all served in varying degrees. It is in an attempt to determine how and to what extent each is to be served, that the final question is raised concerning the purpose of the review. Perhaps, then, this is an appropriate place

[16] TABLE NO. 9: MOST DESIRABLE SCOPE

This table indicates the response of the attorneys, professors and judges when asked their preferences on the issue of national vs. local emphasis.

	Judges %	Attorneys %	Professors %	Total* %
Publish More National & Regional Material	36.4	20.8	34.8	30.8
Publish More Local Material	54.6	63.3	32.9	51.3

*This column represents the cumulative response of all members of the profession surveyed.

to address the questions in reverse order so as to get back to the initial question of the proper scope of the law review.

B. *The Purpose of the Review*

Certainly the primary, if not the only, reason for the existence of so many law reviews is their alleged value as educational institutions within the law school itself. It is certainly not an economic law of supply and demand which has fostered more than 100 of these associations of students which are seldom able to pay more than 50% of their total operating costs at best. The law schools are willing to pick up the tab for the deficit because the students are believed to be gaining so much from law review experience. Admittedly, intensive participation on a law review for two years is of tremendous educational value, but that is not sufficient justification for the existence of this unique and expensive institution. The law review must serve the profession directly as well. Every issue published should contribute something more than useless verbiage to the ever-growing volume of legal journalism. If no contribution is made, the entire printing and mailing cost might just as well be eliminated, and the money diverted to helping educate the less fortunate, non-review students.

The two purposes of the law review are thus inextricably bound together — both are necessary; neither is sufficient. There must be educational value for the student, and there must be a positive contribution to legal journalism.

C. *Deciding Whom to Serve*

The law review provides a very real service to three groups of people: (1) the student participant, (2) the subscriber, and (3) the library researcher. The service to the student participant has just been discussed and need not be explained further. The other two beneficiaries receive different kinds of service from the law reviews. The subscriber very probably relies upon the reviews he receives as his prime source of information about current developments in the law. Unless he has convenient access to a large law library, he must depend upon the editors of the particular reviews to which he subscribes to separate the wheat from the chaff and give him the best of what is new.

The library researcher might be a law student, a professor or a metropolitan attorney. In any event, he is someone with ready access to a major law library. The library researcher does not rely on any particular law review to present the total picture on recent developments in the law. Instead, he relies on all of the law reviews to collectively exhaust all of the topics, cases, developments, etc. By using

the Index to Legal Periodicals he is able to find everything that has been written concerning his particular problem.

Trying to serve both the subscriber and the library researcher puts law review editors on the horns of a dilemma. If every review published only articles dealing with the most significant developments in the law, there would be tremendous duplication of effort and a noticeable lack of depth in legal writing. If every review felt compelled to explain the effects of cases like *Miranda* or *Sheppard* or to analyze the Uniform Commercial Code, a lot of pages better used for other topics would be lost. The library researcher would suffer in such a situation; he would be able to find 102 articles on the U.C.C. or *Miranda,* but nothing on the slightly less significant legal problems thereby precluded from treatment. Clearly this is not a desirable result.

But neither does the other extreme present very inviting results. If the law reviews are published with only the library researcher in mind, they would tend to turn out only material which was of national interest and which had not already found its way into the Index to Legal Periodicals from some competing law review. In this situation the subscriber relying on the review to update the total picture for him finds only bits and pieces of national issues, and seldom, if ever, does he receive anything relating to the developments in the local law. Insofar as he is paying between $5 and $10 annually for this service, the result is hardly justifiable.

Finding both extremes to be undesirable, the law review editors must look to the middle ground and hope to find solution in compromise. They must bring together the best of two worlds and cater to the needs of both the local subscriber and the library researcher. It is in this context that they must determine what the scope of their review will be.

D. *Choosing the Proper Scope*

Since the proper scope of any law review is determined by the people it serves, the editors must carefully analyze their position in this regard. The number of subscribers in the local state is a factor to be considered. If the only law review published in a particular state is patronized by a substantial number of local attorneys and judges, there can be very little doubt about the review's obligation to keep these people informed on matters of local interest. Except for those subscribers in the metropolitan areas having access to large law libraries, these local attorneys and judges will undoubtedly rely upon this local review to treat significant aspects of both state and national issues.

Thus, when we talk about the obligation to publish material of local interest, we do not mean to imply that the emphasis should necessarily be on state law. Rather, the scope of the review should be sufficiently broad to include any article which has appeal for the local members of the legal profession, whether it be federal or state law. The only requirement relating to publishing articles on local state law is that the really significant developments in this area not be allowed to slip by unnoticed. Unless the local law reviews treat the important local issues, they will probably not be treated at all. While there may be very few really significant developments in local law, the fact remains that a law review should never get so caught up in imitating Harvard that it forgets whom it serves. It will usually be possible to provide adequate service to the local subscriber without devoting large portions of each issue to matters of local state law; and the remaining pages can legitimately be used for material of broader scope which will not only be of interest to the local subscriber, but will make a contribution to the composite whole of legal journalism on which the library researcher relies as he pours through the ILP, hoping that someone somewhere has published an article on the exact problem he is trying to resolve.

Each law review must establish its own magic ratio of state-oriented to nationally-oriented articles. This determination will necessarily be based on the number of local subscribers, the corresponding number of subscribers in other states, the number of other law reviews serving these same people, and the past history of these reviews in terms of emphasis. In most cases it would seem probable that at least two-thirds of each issue could be devoted to nationally-oriented material; but unless another law review has assumed some responsibility for coverage of local matters, it is questionable that substantially less than one-third of each issue should be locally oriented.

V. Authors and Solicitation

A. *The Best Authors*

Another problem which seems to plague every law review editorial board is the solicitation of articles from good authors. This is undoubtedly due to the super-abundance of law reviews in comparison with the number of capable authors. Because not every review can always obtain good articles, but is determined to publish at any cost, there is a resultant wealth of second-class material.

In the survey, we attempted to determine not only who was doing the most writing for the law reviews, but also who was doing

the best writing. As Table No. 10[17] indicates, students are doing the most, while Table No. 11[18] suggests that professors are doing the best. Let us consider each of these in turn.

In the distribution of authors, as with so much of the data already considered, the similarity between the various classes of law reviews is the most prominent feature. In each of the four classes, students are writing two-thirds of the pieces being published, with professors in second place, judges third, and attorneys fourth. However, since this ranking is based on number of articles published, and not number of pages, there is reason to believe that the usual brevity of student-written case comments would result in the page prize going to the professors.

Since there were no trends among the various classes of reviews, there is no indication that the better reviews have different preferences for particular authors. While they publish a few more articles by professors and slightly fewer articles by attorneys than do the other reviews, the difference is hardly significant. In order to get some idea of the relative merits of the various authors, then, it is necessary to consider the evaluations made of them by the profession.

Table No. 11 points out that of the four most common authors of law review articles, the professors are preferred and considered to be the most reliable. The attorneys, professors and judges all seemed to agree on this point, but the opinion was especially strong among the professors themselves. Although the attorneys were in second place, they certainly do not owe this honor to the ratings given them

[17] TABLE NO. 10: AUTHORS PUBLISHING

This table indicates the percentage of articles being written by each of the various types of authors.

	LSAT CLASSIFICATIONS					
	Class A %	Class B %	Class C %	Class D %	Class E %	Average %
Student	66.5	67.6	68.6	68.1	63.1	67.2
Professor	17.8	13.1	16.9	14.8	18.3	15.9
Attorney	9.5	11.2	8.8	11.3	13.5	10.5
Judge	2.0	1.9	1.5	2.1	.9	1.8
Other	4.2	6.2	4.2	3.7	4.2	4.6

[18] TABLE NO. 11: MOST DESIRABLE AUTHORS

This table indicates the relative merits of the various authors according to the responses of the attorneys, professors and judges in the survey.

	Judges %	Attorneys %	Professors %	Total* %
Students	5.8	6.6	1.9	5.0
Professors	38.6	36.6	73.7	48.0
Attorneys	10.9	20.8	.0	11.1
Judges	16.7	5.0	.9	8.3
No Answer	27.7	30.8	23.3	24.7

*This column represents the cumulative response of all members of the profession surveyed.

by the professors. In fact, not a single professor expressed a preference for attorneys as authors. It was primarily the attorneys themselves who were responsible for their being in the number two spot. They are not unlike the professors in having a high regard for themselves as authors, however, and the judges appear to have some tendency in this direction as well.

The message for law review editors is relatively clear: if other things are equal and if there is an opportunity to be selective, the professors should be the first choice as contributing authors. However, this is not to say that attorneys, judges and students are totally unreliable authors. The ranking in Table No. 11 is a comparative one only, and there is no indication that even the students are not highly respected as authors. While student opinion of what the law should be admittedly holds little sway with the legal community, the student can nevertheless make a significant contribution. He is perfectly capable of exhaustive research and compilation of authority which will support his propositions, and in this type of writing he is as reliable as the professor.

B. *Multiple Authors*

Very few articles appearing in law reviews are written by more than one author, but, as shown in Table No. 12[19], this is definitely being done more frequently by the better reviews, particularly those in Class A. The relative merits of the single-author article and the multiple-author article are difficult to determine. It is suspected that neither is inherently better or worse than the other. And there is very little that law review editors can do to encourage or discourage this kind of collaboration by contributing authors. The increased number of multiple-author articles in the better reviews is presumably not the result of specific requests by the editors, but is due to the fact that when authors collaborate on an article it is usually done for a reason — namely, that the article is extensive and involves extraordinary amounts of time and effort in preparation. It is only logical that

[19] TABLE NO. 12: MULTIPLE AUTHORS AND STAFF PROJECTS

This table indicates the number of articles being published which are written by more than one author or which are projects of a substantial portion of the law review staff.

	LSAT CLASSIFICATIONS			
	Class A %	Class B %	Class C %	Class D %
1. Two or Three Authors	46	31	20	20
2. Staff Projects				
A. Symposiums	2	14	1	2
B. Sup. Ct. Reviews	0	1	4	5
C. Other	4	5	5	0

these super-articles would be first submitted to the better reviews in hopes of publishing them there.

When we consider the student-written material, the number of authors per article is a bit more significant. Multiple-authored student articles are most often staff projects — the joint efforts of many persons, not just two or three. Although this kind of teamwork is employed in researching and writing many types of articles, it seems to be most popular in symposium issues and for compiling the annual reviews of supreme court decisions discussed earlier.[20] In fact, 70% of the staff projects being published are one of these two types (See Table No. 12).

The staff project has more to offer than most law review editors have recognized. First, it makes sense that a group of six or seven competent students can make a much more significant contribution if they pool their research and writing efforts and concentrate on one major project instead of each turning in their individual work products on less substantial topics. And, since an article by six or seven persons will seldom, if ever, approach the combined length of their individual articles, the editors are able to allow more students to achieve that much sought-after goal of having published. While this is hardly a legitimate end in and of itself, it is certainly one of the desirable side effects of employing the staff project. Occasionally conflicts will arise when a number of people attempt to reach agreement on how the results of their combined research should be interpreted and presented, but in most cases the benefits derived from this interchange of ideas and from the give-and-take involved in group effort will far outweigh any of the difficulties.

C. *Solicitation*

It is not enough that law review editors know who the most reliable and desirable authors are; they must then persuade these individuals to take the time and expend the energy necessary for the preparation and submission of an article. This is the solicitation problem, and a very real problem it is. There are a number of techniques employed, most of which have some merit, but none of which seem to adequately solve the problem. Many law reviews routinely mail hundreds of form letters every year asking professors (and sometimes attorneys and judges as well) to contribute material to their publication. It would seem a fair guess that 95% of these letters go immediately into the recipient's waste basket and are not even given 60 seconds of careful consideration. Of the remaining 5%, some produce a hurriedly-scribbled, "Thank you, but I'm already

[20] *See* discussion p. 440 *supra.*

committed," and a very few result in an article actually being submitted. The value of the articles received under such circumstances is open to question, since one must be suspect of anyone who responds to such a form letter. The better reviews, of course, can use this technique to better advantage since even a form solicitation letter from Harvard or Yale will probably spark some interest occasionally. But, for the most part, this attempt at soliciting articles seems to be a waste of time and money.

A much more intelligent variation on this same theme requires the cooperation of the professors at the school where the review is being published. With their help, contact can be made with other professors (or attorneys or judges) with whom they are familiar. Abolition of the form letter in favor of a personal letter which opens with "Prof. Jacobs has told me that you are engaged in some research in the area of . . ." will improve the percentage of favorable responses considerably. Occasionally this technique will put the law review editors in touch with some of the recognized experts in a particular area — people who would never have considered writing for the *Podunk Law Review* but for the fact that good old Bill Jacobs is teaching at Podunk University Law School now and has asked for a favor.

A third technique which has some merit involves establishing contact with the directors of the various graduate legal programs and asking their cooperation in uncovering material being written there by participants in the program. The reactions to such requests are varied, but the response is usually favorable.

Many other methods are also employed, but regardless of *how* solicitation is handled, the time *when* it is done is most important. There is no substitute for planning well in advance in order to give authors plenty of time to write and to allow for thorough editing and any necessary re-writing.

VI. The Topical Approach, Specialization and Symposiums

This is an age of specialization, and few industries, professions or institutions have failed to conform to this new pattern of progress. In law, we find people specializing in personal injury litigation (perhaps only as defense or plaintiff's counsel), tax, natural resources, labor law, domestic relations, etc. This tide of specialization has not, and will not, pass by the law reviews unnoticed. As special fields have developed, a number of editorial boards have responded by concentrating their efforts in one or more of these areas. A law review may specialize in one of two ways, each requiring a different degree of exclusion of all material not related to the particular

specialty. Only one of these can legitimately be termed "specialization" in the purest meaning of the word. This is the selection of one topic to the total exclusion of all non-related material from every issue of the publication. The other approach involves specializing a particular issue of the law review, but choosing a new specialty for each succeeding issue. This is the symposium approach.

A. *The Symposium*

In ancient Greece, a symposium was the discussion following a banquet or social gathering, at which there was a free interchange of ideas. Plato, in one of his dialogues, reported such a symposium on the subject of ideal love. Since that time, the symposium has developed into a literary vehicle — a collection of opinions on a selected subject having as its purpose a composite analysis of the significant aspects of that topic.

Reference to Table No. 13[21] shows that in 1965, 39 law reviews published symposium issues, but the fact remains that 90% of the issues being published were not symposiums. Although these schools are putting out one or two symposiums per year, they still concentrate their efforts on the traditional approach, which results in issues containing unrelated articles on many different subjects.

The survey raises some serious doubts about the merits of this traditional approach. If the profession had one sweeping recommendation to make to law review editors, it was for a substantial increase in the number of symposiums being published. The attorneys, judges and professors all were in agreement on this point, although the most emphatic statement came from the professors. In view of this keen interest in symposiums, law review editors should give serious thought to increasing their efforts in this area.

Publishing symposium issues of a law review has advantages and disadvantages. A symposium possesses a unity of theme not found

[21] TABLE NO. 13: LAW REVIEWS PUBLISHING SYMPOSIUMS

This table lists the various law reviews that published symposiums in 1965, by LSAT class.

CLASS A	CLASS B	CLASS C	CLASS D	CLASS E
Calif. L. Rev.	Albany L. Rev.	Iowa L. Rev.	Ark. L. Rev.	Baylor L. Rev.
Colum. L. Rev.	Ind. L.J.	N.D.L. Rev.	How. L.J.	Clev.-Mar. L. Rev.
Cornell L.Q.	Minn. L. Rev.	Okla. L. Rev.	La. L. Rev.	Mo. L. Rev.
Harv. L. Rev.	Norte Dame Law.	Syracuse L. Rev.	Mercer L. Rev.	Willamette L.J.
Mich. L. Rev.	Ohio St. L.J.	Wayne L. Rev.	N.Y.L.F.	
N.Y.U.L. Rev.	Sw. L.J.	Wm. & Mary L. Rev.	S.C.L.Q.	
So. Cal. L. Rev.	Temp. L.Q.		Tenn. L. Rev.	
U.C.L.A.L. Rev.	Texas L. Rev.		Tulsa L. J.	
U. Chi. L. Rev.	U. Ill. L.F.			
U. Colo. L. Rev.	Vand. L. Rev.			
	W. Res. L. Rev.			

in the traditional issue. As in Plato's dialogue, the opinions of the different authors may vary, but throughout the symposium the theme appears, like a musical refrain, to weave their ideas into a single strand of legal inquiry. The symposium is the one issue of a law review that can offer "scope" to legal journalism. Concentrating on a particular area within the vast sphere of legal activity, the symposium can probe the depths of interrelated problems and provide a compendium of inquiry and suggested resolution to issues involved. In the more "established" areas of the law, the symposium can serve as a valuable research tool— a synthesis of important developments in that field.

Unfortunately, there are some very real hardships involved in putting together a symposium issue. Each of the articles must be related to the others, and they must all be relevant to the chosen theme. When articles are solicited for the traditional non-symposium issues, no particular problem results if the author takes a slightly different approach than the editors had expected; if the article is timely and well-done, it is still publishable. But when an article solicited for a symposium issue turns out to be focused on a different theme than the one agreed upon, problems arise. Similarly, while publication of a traditional law review permits considerable flexibility in rescheduling an article from one issue to another if problems of space limitations, unexpected necessary re-writing, or other delays arise, no such luxury is afforded the editors of symposiums. Each article must go in the designated issue or simply not be published; there are no alternatives available. If the decision is made to publish more symposiums, these potential problems must be compensated for in advance.

B. *The Topical Approach*

One solution to the dilemma posed by the need for more symposiums on the one hand and the resultant difficulties in publishing them on the other, is to adopt a somewhat more flexible scheme — the topical approach. The topical approach is different from the symposium in degree only, not in kind. A unifying theme is still used, but greater divergence is allowed, and occasional articles totally unrelated to the theme are permissible. This might simply be called the lazy man's symposium, but it would seem to be more accurately characterized as a practical approach to the need for more specialization. It offers the advantages of the symposium (unity of theme, scope and in-depth treatment), but its form is more free and flexible. The editors select a topic well in advance of the scheduled publication date, and articles are solicited from persons in the selected

field. However, the potential contributors are allowed more latitude in their choice of a specific subject relating to the general theme of the issue. Admittedly, this looser organization will result in a slight sacrifice in unity, but in most cases there will be sufficient interrelation between the articles so that a reader who is interested in one will be interested in the others as well. There is no longer a problem if one author takes a slightly different bent in his article than the editors had expected. In most cases he will still be within the broader theme used. Furthermore, an occasional article which is totally unrelated to the theme of the particular issue is not taboo here as it was in a symposium issue.

Succinctly stated, under the topical approach the editors strive to relate each issue of their review to a particular topic, but they clearly do not preclude themselves from publishing timely, well-written articles on an unrelated, but significant, subject. It is really a matter of being realistic and leaving the back door open just in case.

C. *Specialization*

Although the publication of symposium or topical issues is specialization of a kind, a truly specialized law review is one which devotes itself entirely to one topic. In recent years, for example, Boston College has specialized in commercial and industrial law, the University of Detroit in urban law, the University of Louisville in family law, and the University of Wyoming in natural resources. The editors at these various schools are attempting to establish their reviews quickly, and there is good reason to believe that they will be successful. Furthermore, it is probable that there will be even more reviews pursuing this course in the future. Those who do so are virtually assured of immediate interest (and subscriptions) from members of the legal profession involved in the particular area of specialization.

Since the rewards from this kind of complete specialization are so obvious, perhaps this discussion should point out some of the disadvantages, most of which are not so obvious. In the first place, a law review which abandons its efforts to cover many different areas of the law will certainly lose many of its previous subscribers — the people who relied on the review to keep them apprised of legal developments in general. Of course there is nothing inherently wrong in a law review's relinquishing its local clientele in favor of a new nationwide clientele of persons specializing in a particular field. But it is not a question of inherent wrong; it is a question of achieving optimum return from the law review. Each board of editors con-

templating specialization must simply decide for itself what it considers to be optimum return — a question very much like those previously discussed concerning the purpose of the review and whom it is meant to serve. If the only law review in a particular state (and many states have only one) suddenly begins to specialize, it is doubtful that the significant developments in that state will ever receive law review treatment unless, of course, the development has repercussions in other jurisdictions as well. This is not intended as a lament for the state whose law review decides to specialize; it is only meant to point out one factor to be considered when specialization is contemplated.

Another factor relevant to a decision to specialize is the effect it will have on the student members of the law review. Will the educational value of participation on the review be enhanced, hindered or left unchanged by this kind of innovation? Law school curriculums have avoided specialization in the past, presumably because it was deemed necessary that the student receive a "total" legal education. The same theory seems equally applicable to the law review insofar as it is intended to be, partially at least, an educational institution. Even where the law schools have begun to allow students to specialize during their senior year, a choice of specialties is provided. Participation on a specialized law review would, in fact, result in a degree of specialized education; but not necessarily the specialty of the student's choice. Although specializing in a student's chosen field enhances his education, is it possible that specializing in a field not to his liking would be detrimental?

It is because of this reluctance to discontinue service to present subscribers and a feeling that students gain more in a broader educational setting that we tend to question the merits of completely specializing a review. It is because we recognize the value in providing something more than issue after issue of unrelated articles that we tend to favor it. Perhaps it is because of these countervailing impulses that we find the topical approach so desirable. Combining the advantages of specialization with those of diversification, the topical approach nevertheless does not preclude serving the local subscriber. It appears to be the most desirable alternative providing a maximum combination of benefits to all concerned.

CONCLUSION

Whatever is to be concluded concerning the value of the law reviews currently in operation, one fact is obvious — they are here to stay. There is no reason to believe that any of them will be dis-

continued, and it is indeed probable that additional legal periodicals will be established at the few law schools where they do not already exist. Instead of suggesting the abolition of a substantial number of these publications, as some critics have done, it appears more realistic to make proposals for maximizing the returns from the existing reviews.

Of course, it would be impossible for the editors of more than one hundred publications to coordinate their efforts in such a way that optimum value could be achieved from their cooperative endeavors. The most that can be expected is that each editorial board be aware of the nature of the basic problems and attempt to make intelligent decisions in order to be assured that their publication is performing the best service possible, not only to the student participants, but to the profession as well. Since service to the profession has become a stated and empirically verified goal, a second basic question is essential to editors of a law review. How can the law review best serve the members of the profession, practitioner and academician alike? Hopefully, the results of this survey will provide a frame of reference for the determination of the basic policy questions which face every editorial board from time to time.

There is good reason to believe that a law review can increase its value by concentrating on the newly emerging areas of the law. Confronted with the ever-present solicitation problem and the resultant tendency to publish any reasonably well written article that is available, editors will not find it easy to locate an adequate source of material on these most desirable subjects. Yet, if the editors of a law review are to fulfill the expectations of the legal community, this problem must be overcome.

Directly related to the need for updating substantive content is the desirability of innovation with regard to the types of articles published. The empirical research article and the analytical case comment are only two examples of approaches that have appeared too seldom in the law reviews. Law review editors, like everyone else, can easily fall into a rut, being contented to follow the path of their predecessors who consistently treated the same subject matter via the same types of articles. In an age where rapid change is the touchstone of existence, there is no room for this apparent lack of creativity on the part of people whose basic abilities are greater than their work product reveals.

No question facing law review editors requires greater understanding of fundamental goals and values than that of the proper scope of their publication. Whenever this question is answered glibly

and without careful and prolonged consideration of its implications, it will surely prove to be detrimental to the law review. Whenever a decision is made to "go national" or to "go local," without first weighing the effect such a determination will have on the ultimate service rendered to local subscribers and non-local readers or library researchers, the editors will have betrayed an important obligation. A delicate balance between national and local emphasis must be maintained in order to give the law review its proper scope. The editors must analyze their journal's position carefully in the context of the legal community which it serves. The proper scope of a law review should be broad enough to cover any national issue which might be of value to local readers, yet narrow enough so as not to let important local issues slip by.

Second in importance only to the question of proper scope is the issue of whether to specialize. Recognizing that the specialist is one who limits the breadth of his endeavors and concentrates instead on depth, editors must make a basic choice between the horizontal and the vertical approach. The horizontal, or non-specialized approach will often provide the greatest service to the practitioner who relies on the local law review to keep him abreast of recent developments in the major areas of the law. The vertical, or specialized approach is more likely to attract a nationwide following of readers associated with the area of specialization. Yet it may be of little value to the local practitioner who must turn to another local review or, if there be none, simply do without the services of a legal periodical which treats matters affecting his day-to-day practice.

Both of these approaches render a valuable service, but each poses serious policy problems for the law review. Serving the local profession offers little hope for national recognition and specialization may leave the local practitioner with no service at all in many cases. Compromise by way of devoting each issue of the law review to a particular topic offers the most desirable solution. It enables the reviews to deal with many areas of the law, thus painting a broad picture for the local practitioner. At the same time, the topical approach lends itself to specialization in each topic treated, thus attracting national interest from readers who are particularly interested in the area of concentration. The result is a law review which is of service to an optimum clientele.

In the last analysis, the value of the law review lies in the answers given to all of these basic policy questions. The answers no longer need be based on intuition alone. Empirical data is available for study and reflection. The law review editor of tomorrow will

undoubtedly face new and different policy problems than the editor of today, but the basic question of the value and purpose of the law review in service to the profession will always remind him of his responsibilities.

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