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REMARK

MY HOW YOU'VE GROWN: THE *ST. MARY'S LAW JOURNAL* TURNS FORTY

MARTIN D. BEIRNE*

Once the late 1960s came around, St. Mary's University School of Law was one of the premier law schools in Texas. St. Mary's boasted the highest bar passage rates in the state as well as brand new facilities on the St. Mary's University parent campus. During this same time period, there was also a demographical change at the law school. The average age of the law students dropped, creating a group of students with fewer direct responsibilities outside of school. These younger students had both the passion and the time to explore other intellectual endeavors. The combination of high academic achievement and a younger student body resulted in a sense of restlessness, which was satiated in 1969 when the *St. Mary's Law Journal* published its first volume. I was honored to be the inaugural Editor in Chief for the publication, which has expanded over the last forty years to not only become a world-class law review, but also an important part of St. Mary's University.

To understand how the *Journal* has achieved its prestigious position today, we must discuss the process that transpired before the first volume ever even went to print. Talk of creating a law journal began long before I started at St. Mary's in 1966. When

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serious discussion arose and it looked like a law journal would become a reality, students supported the idea virtually without exception. Students expressed their support for a journal on typewritten and hand-signed petitions. Many students volunteered to work in some fashion, and nearly all students agreed that the school needed a law review. The Student Bar Association was also a great resource and deserves much credit for the formation of the *Journal*. In this humble manner, the *St. Mary's Law Journal* came into being.

The law school administration, however, initially did not welcome the idea of a journal with open arms. Like anything new, they recognized that there was a degree of risk involved. In an effort to employ a serious review, the administration charged the Faculty Committee with the task of judging the feasibility of a law journal, and the Faculty Committee took a cautious approach to the concept. While the committee found that "there is no need for another conventional law review" and expressed reservations about the organizational and financial commitments necessary to maintain a law journal, the committee ultimately concluded that a well-crafted journal would raise the reputation of the school, its faculty, and its students. In the end, the Faculty Committee determined that the benefits of a well-produced law journal would outweigh any of their misgivings. The Faculty Committee's concerns were not unfounded, and forming a law journal would prove to be an enormous undertaking. Because the committee understood that an average journal would not be useful or feasible, our journal would have to stand out.

In April of 1968, the Executive Committee of the Student Bar Association selected me to represent St. Mary's at the National Conference of Law Reviews in St. Louis. We previously decided that the conference would be of great benefit to us, and that belief turned out to be true because the conference is where I began my important friendship with Wendell Alcorn of the *Houston Law Review*. The conference also provided us with many of the contacts and much of the knowledge that we used to organize the *Journal*. After I returned from the conference, I was truly convinced that we could create an exemplary law journal. I knew, with what was learned from the conference, that we could persuade the university and law school that a law journal was essential for the continued success of St. Mary's University.

We made a final presentation to the Faculty Committee using the information gathered at the St. Louis conference. We also presented a preliminary budget, a list of our financial supporters, and the overwhelming law student response in the form of student petitions. The faculty unanimously voted in support of establishing the *St. Mary's Law Journal*. Soon after, the faculty selected me to become the inaugural Editor in Chief. Within days, we selected the editorial board and the rest of the staff. With a board and staff in place, we began a race to publish by May of 1969.

The *Journal* received invaluable assistance from the editorial boards of other law reviews during the early stages of the *Journal's* existence. We were very grateful to Wendell Alcorn and his editorial board at the *Houston Law Review* for their help. Only weeks after our editorial board was in place, Wendell and the members of his board came to St. Mary's to walk us through the editorial process where they presented a "working day in the life of a law review." Wendell and his editors were always available to answer questions and provide advice. Likewise, the board at the *Harvard Law Review* lent us their staff and editorial manuals, made themselves available by phone to answer any questions we had, and put us in contact with their printer. In recognition of all the help that the editorial boards of these two schools provided, we decided to honor them by making the cover of our publication gray. Without the participation of the students from the *Houston Law Review* and the *Harvard Law Review*, the *Journal* never would have gotten off the ground.

Implementing the *St. Mary's Law Journal* was a daunting task, and we, as students, were thankful to be in good company. Many of the individual professors were very supportive of our efforts. Professor James Lytton and Professor Jack McGinnis were instrumental in laying the groundwork for the *St. Mary's Law Journal*. Without their efforts, we would never have been able to transform the concept of the *Journal* into something viable. Professor Charles Cantú, the current Dean of St. Mary's Law, and Al Leopold, then chairman of the Faculty Committee and current Professor, were also avid supporters of the *Journal* in its early stages. Then-president of St. Mary's University, Fr. Louis J. Blume, S.M., was also thrilled about the *Journal* and provided significant assistance. As part of his efforts, Fr. Blume importantly

praised the establishment of the *Journal* to the Board of Trustees, the law school administration, and faculty on a regular basis. Finally, Dean Ernest Raba's direct support for what we were trying to accomplish made it all possible.

The early members of the *Journal* also received support from the greater legal community. Attorneys and judges in San Antonio and throughout Texas agreed to help us in a variety of ways. Every single justice of the Texas Supreme Court agreed to submit an article for the *Journal*. In the first issue, published in May of 1969, Justice Joe Greenhill, who later became Chief Justice of the Texas Supreme Court, submitted an article about habeas corpus, which was causing controversy at the time.¹ I worked with him on the research and later prepared a rough first draft. He thanked me in the footnotes for my efforts. Two days before the *Journal* was to be sent to press, Justice Greenhill submitted his final edits. On the first page, the footnote mentioning my work was circled and an arrow was drawn to indicate that he wanted me credited as a coauthor. Next to that, Justice Greenhill wrote: "Print it like this, or don't print it at all." This magnanimous action convinced me that people in the legal community truly wanted to see our young journal succeed.

As the Faculty Committee accurately predicted, financing the *Journal* proved to be a significant hurdle for the first editorial board. In its first year, the *Journal* indeed lost money. A number of other law reviews and journals were in the same financial situation, so this was not an uncommon occurrence. One humorous moment occurred when Dean Raba reviewed the preliminary budget estimates and was surprised to learn that we predicted to make a profit in our first year. When he asked me if this was accurate, I told him: "That's what the figures show." To this he replied: "Good answer."

We relied heavily on subscriptions and the generosity of local donors to keep the *Journal* a viable investment. Early donors included Mr. Sylvan Lang and Judge George P. Hardy. Mr. Lang was a wonderful, long-time benefactor of St. Mary's and an important figure in San Antonio. Judge Hardy's son was a St. Mary's law student, so he was very aware of our endeavors. The

1. Joe Greenhill & Martin D. Beirne, Jr., *Habeas Corpus Proceedings in the Supreme Court of Texas*, 1 ST. MARY'S L.J. 1 (1969).

San Antonio community was, and still is, very supportive of our efforts to see the *Journal* succeed, and we found many people willing to help us. Local businesses, especially within the banking community, provided a very important source of financial assistance when they advertised in the *Journal*.

People often ask me about the benefits of a law journal for the students and the university. Students get a unique opportunity to participate in something that requires passion and commitment. Working on the *Journal* is by no means an easy task. My editorial board got very little sleep from March until May. I vividly recall the delivery date of the *Journal*: Monday, May 12, 1969. Mother's Day was May 11th, and my son was born that morning at Santa Rosa Hospital. It was a busy weekend, but somehow we persevered.

Each year, the board takes great pride in putting so much of themselves into a legal publication that is read and cited across the country. Employers especially take notice of *St. Mary's Law Journal* members because they understand that it takes a special type of leadership to excel on the *Journal*. The law school also enjoys many benefits from the prestige that the *Journal* engenders, such as an increased reputation of St. Mary's School of Law across the state and country. Additionally, a superb journal draws in a stronger pool of applicants, which benefits the school overall.

I am deeply proud of the progress made by the *St. Mary's Law Journal* in the last forty years. It has expanded from a biannual publication to a quarterly publication. The prospect of producing four issues a year would have been mind-boggling in 1969. The staff has grown dramatically—to 62 students this year—and the circulation has grown steadily as well. Even so, the subscription numbers do not account for the large number of readers who access the *Journal* online. The *Journal* has grown from something that was barely getting by on a few thousand dollars into a well-funded, well-respected publication.

The *Journal* is a means of measuring St. Mary's in relation to other schools. The quality of a law journal, moreover, is often gauged by the frequency with which it is cited in legal texts and in courts of law. In recent years, the *St. Mary's Law Journal* has grown into one of the most prestigious legal publications in the nation due to the frequency with which it is cited. A recent study concluded that in 2007, the *Journal* was the fifteenth most cited

law review in the country by state and federal courts. This places the *St. Mary's Law Journal* in the top one-percent of all recognized law reviews in the country in terms of the frequency with which it is cited by courts. In recent years, the *St. Mary's Law Journal* has been cited by appellate judges on the Third Circuit, Fourth Circuit, Fifth Circuit, Seventh Circuit, and Ninth Circuit. It has also been cited on three occasions by the United States Supreme Court, most recently by Justice Thomas in 2006. The *Journal* has been awarded the Texas Bar Foundation's Outstanding Article Award, and has had numerous prestigious authors publish their work in the *Journal*, including the Honorable William H. Rehnquist and the Honorable Wallace Jefferson, current Chief Justice of the Texas Supreme Court.

The *Journal* is an important resource to the legal community and a source of great pride for St. Mary's University. In the forty years since I was Editor in Chief, the publication has accomplished all of the goals I had envisioned. It has made me and everyone else who put their time and effort into it better lawyers. The *Journal* has created additional prestige for the university and, more specifically, the law school. It stands out from other publications just as the Faculty Committee originally instructed. The *Journal* is part of the culture at St. Mary's and has exceeded all of the expectations I had for it.