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WASHINGTON LAW REVIEW

Volume 50, Number 1, 1974

PROLOGUE: ON BEGINNING THE SECOND HALF CENTURY

Richard S. L. Roddis*

This is the 50th year of continuous publication of the *Washington Law Review*.

Publication of the *Law Review* serves the educational, research and public service purposes of the University of Washington Law School. Service on the editorial staff of the *Review* is a valuable learning experience for those students who participate. The utility of the research efforts of faculty, students and other contributors are promoted by the availability of the *Review* as a medium for the publication of the results of their research. And we believe that it is a substantial benefit to the legal community and to the public generally to disseminate *Review* articles, comments and notes which illuminate the development and current state of the law in diverse areas, provoke thought through critical analysis of the legal system and its processes, and advance proposals for legal reform.

The *Law Review* is published by the Washington Law Review Association, a nonprofit corporation. The editorial functions of the *Review* are located in Condon Hall and the Law School provides substantial financial and other assistance to the publication. However, it has long been the policy of the trustees and of the faculty and administration of the Law School to accord the student editors of the *Review* full editorial freedom in the selection and editing of its contents. The quality and usefulness of those contents are a tribute to the

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conscientious and capable efforts of generations of students who have served on it.

In the first volume of the *Law Review*, the editors stated the goals and aspirations which motivated its inauguration as follows:**

The Washington Law Review does not seek to add further congestion to an already crowded field. There are many excellent Reviews, general in scope.

But we feel that there is room, and need, for a legal publication which will serve as a medium of expression for the jurists of the Northwest, and will be devoted particularly to the interpretation and advancement of Northwest law.

Since there is no statutory or common law restriction on shooting starward, we frankly confess our hope of making the Review so useful that the attorneys of the Northwest will consider it indispensable.

Through 50 years of publication, the “starward” aspirations of the original editors have been pursued steadily. Indeed, although the *Review* continues to devote particular attention “to the interpretation and advancement of Northwest law,” we believe that by its many contributions to the legal literature of general interest, the *Washington Law Review* has acquired a firm and respected position in the “crowded field” of scholarly legal periodicals of national scope.

The *Washington Law Review* will continue to surpass the goals of its founders as it enters the second half of its first century.

Paul P. Ashley†

A law school without a law review is like a town without a newspaper. It is essential to communication, both within and carrying the community image afar. A law review has two principal functions:

The first is to be of service to the profession and citizens of its state, particularly when a scholar on the faculty analyzes legislation, or a

** 1 WASH. L. REV. 47 (1925).

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series of decisions rendered by the supreme court. Looking outward from the Pacific Northwest, our *Law Review* also carries articles of nationwide interest.

The second objective is to be an adjunct to the educational process. It gives the students an opportunity to write and edit. A place on the Editorial Board is an incentive to excellence in scholarship. It affords a proving ground for draftsmanship.

This bears upon a principal failure of our schools, from the primary grades through college. Students may be taught to read, but few learn to write. For many, participation in law review activities is a help and inspiration toward superior use of the English language.

The *Washington Law Review* has more than fulfilled the hopes of those of us who were present at its birth. May its second half century build well upon the foundations already laid.

Robert C. Finley‡

I recall a rather spirited discussion years ago during a conference after oral argument regarding the disposition of certain cases which had just been presented to the court. The issue was whether law review articles or comments should be cited or quoted in appellate opinions. The point was made that law review material did not have the same status and authority as published opinions of appellate and other courts. In response, I conceded there was some truth to the statement but strenuously urged that it overlooked the more fundamental proposition that the appellate process was an intellectual one of the highest order and that good, sound legal thinking, analysis, and writing should be considered regardless of the source and used whenever useful in the resolution of difficult cases. If a vote had been taken, it might have been a close one.

While I have not changed my mind on this particular issue, times have changed and it does seem a bit odd today that such a topic once would have been accorded serious attention by members of the court. Curiously enough, a computer survey of the decisions of the Wash-

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ington Supreme Court in volumes 67–76, 2d series, shows that the *Washington Law Review* has been cited or quoted by the court on 53 occasions. There are at least three practical reasons for this reliance on the *Review*. First, in contrast to the appellate court opinions and legal texts which suffer in varying degrees from delay in treating legal problems, law review material is generally quite timely. Second, law review material, generally speaking, is not subject to the usual format and other restrictions, e.g., errors preserved on appeal, common to appellate court opinions. While law review material is certainly not always neutral, and writers frequently advocate a particular resolution for a legal problem, there is, I think, greater freedom for objectivity and for the discussion and evaluation of all facets of any given legal problem. Finally, a good, standard law review article usually accords in-depth research, analysis and treatment to a given legal problem, which, incidentally, is a luxury in both time and space not afforded to most legal practitioners or appellate court judges. In addition, the leading articles are usually written by law professors, specialists in their respective fields, who have devoted not hours and weeks but their lives and careers in an assiduous pursuit of legal expertise regarding the resolution of classic, recurring problems as well as new and novel ones. In this sense, law reviews, particularly the *Washington Law Review*, may serve as an intellectual bridge between legal experts and members of the appellate and other courts of our state.

Obviously, an appellate court judge is not bound by any law review author's resolution of a particular problem. But in many cases where this court has been required to formulate "tentative solutions to insoluble problems," I have found it rewarding to discover a well-researched, thoughtful and provocative treatment of a given problem in a *Washington Law Review* article, comment or note.

Thus, I offer my congratulations to those associated with the *Washington Law Review* on commemoration of its first 50 years of service to the legal community and the people of Washington. Undoubtedly, the next 50 years will be equally stimulating, challenging and productive.