Prologue: Comments on Washington Law Review's 75th Anniversary

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COMMENTS ON WASHINGTON LAW REVIEW'S 75TH ANNIVERSARY

Craig H. Allen

Few experiences in law school enrich the mind, stimulate the intellect, and develop one's research and analysis skills quite like the two years (measured in non-law-review time) of fellowship and service on a prestigious, student-edited law review. As one of the fortunate beneficiaries of that opportunity, I heartily join the past and present members of the Washington Law Review and the Law School faculty in celebrating the Review's 75th anniversary.

The life of the Review will, in the end, be recorded in terms of the people whom it touched and, equally as important on this 75th anniversary, those who gave it birth, nurtured it over the lean early years and who had the vision and energy to help it reach its modern status as a truly outstanding law review. The tribulations and triumphs of the early pioneers are captured in The Washington Law Review History (1919-1988), prepared by Ann Badgley and Richard Gans and their editorial staff in 1988. The next generation of WLR alumni will no doubt join me in extending heartfelt appreciation to four others who have inspired the Review and, as we sailors would say, kept a life ring close by for those times when our reach exceeded our grasp. Our much-revered former librarian and mentor Marian Gould Gallagher certainly deserves a prominent seat in the Washington Law Review pantheon, as does her indefatigable successor Penny Hazelton. A great law review must be backed by a great law library and, even more importantly, great librarians. Professors Gallagher and Hazelton never let up in their fight to ensure the Law School had both. Those who were honored by their Law Review colleagues with the title of “editor-in-chief” at any time during the past three-and-one-half decades doubtlessly learned early in their tenure, as I did, to navigate by virtual autopilot from the Review’s basement or “penthouse” offices to Professor Dick Kummert’s chambers. With Professor Kummert as our Faculty Advisor, we always found patience, wisdom, and a trust that we, like our predecessors, would indeed solve that seemingly intractable problem, bring credit to the

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school and, yes, get that July book out on time. Finally, to Margaret Darrow, whose “Business Manager” title dramatically understated how vital she was to the life of the *Review*, I say thanks for keeping the memories alive and for loving the *Review* as much as we did.

Congratulations, WLR. I look forward to your centennial issue.

Karen E. Boxx*

Law reviews have two main *raisons d’être*—they are a primary source of legal scholarship, giving a forum for critical analysis of the system, and they add to the educational experience of the students lucky enough to participate. Even viewing these two purposes with healthy skepticism and acknowledging the reality behind the platitudes, they bear out well. As for the first purpose, scholarship, the popular view of practicing lawyers is that law review articles are written by law professors who have no idea how the real world works. When I told my lawyer friends that, after fourteen years of practicing law, I was going back to Condon Hall to join the law school faculty, I heard groans of sympathy because, even though I was escaping crabby clients and timesheets, now I would have to write those “useless” law review articles. However, when pressed they had to admit that nothing was better than running across a law review article on point, even a poorly written one, when researching, because at a minimum the law review article will contain all the research you need in those cursed footnotes, and if you’re lucky the article’s author may give you some clever arguments. My lawyer friends also had to admit some envy at the ability to have the time to research and analyze an issue thoroughly and give your own opinion about it. Law review scholarship serves the legal profession on many different levels—from providing case-law cites to overworked lawyers to airing analysis and overview of the system and providing the reasons and paths to reform—all tasks that the people who do the day-to-day work in the system (lawyers, judges, and legislators) rarely have time to do.

As for the benefits to the students on law review, I can only speak personally. When I first started working on law review, it struck me that law review was the Tom Sawyer fence of law school—the grown-up equivalent of your grade school teacher “rewarding” the good students

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by letting them clean the blackboard. Someone had to do the work, there wasn’t enough money to pay people to do it, so they make it an honor, a résumé enhancer, and voilà, you have a floor full of volunteers working late into the night. But law review taught me important lessons that served me well. Because of law review, I learned early that the legal profession had a tendency to make some people take themselves much too seriously, separating lawyers into two groups—the big-ego people and the no-ego people, and it was more fun hanging around with the no-ego people. I got to have dinner with a well-known legal scholar or two and hear about their strange pets and hobbies. I learned the very practical skills of how to do an unreasonable amount of work in not enough time and get other people to do their part without hating me. I can still walk into a room with my eyes closed and sense whether somewhere in the room a typo is lurking. By far the most important lesson I learned, however, was how to be precise. We rarely see or even expect much precision in the bluebooks, and there are few other instances in the law school curriculum where a student is trained to be certain as to the accuracy and meaning of the words chosen. However, I think the most important mark of a good lawyer (other than returning phone calls) is taking such care with what is said, and law review set that standard for me.

As we move into a faster world with shrinking attention spans, we need the Law Review more than ever—to train our lawyers to value thoroughness and innovation over speed and to give needed perspective and contemplation to a legal system that never stops changing.

Bobbe J. Bridge*

I am honored to have been asked to pen introductory remarks for this seventy-fifth-anniversary edition of the Washington Law Review. This invitation provides me with an opportunity to thank the members of the Review staff, past and present, for their consistently excellent work. It also gives me a moment to reflect upon the impact of my own service on the Review during its fiftieth-anniversary year.

The Washington Law Review has been a reliable source of quality legal scholarship, combining keen analysis, intellectual rigor, and thoughtful proposals for procedural and substantives changes in the law. The Review is frequently cited in treatises and general textbooks in many diverse areas of legal practice. Appellate courts both in Washington and

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1 Come to think of it, the blackboards in Condon Hall are in dire need of a good cleaning.

throughout the nation depend upon the Review for timely, well-researched articles on recurrent issues as well as novel or newly emerging subjects of legal debate.

The Review has arguably its most potent impact through the experience it provides to the students who serve on its staff. In September of 1974, I was privileged to join the Washington Law Review. Volume 50, the fiftieth year of publication, was the first series I participated in developing. The topics covered that year are illustrative of the public policy debates of the time and the Review’s influence upon them: recall of public officials; privacy versus the press; equal educational opportunity and the DeFunis case; judicial independence; school finance. What a remarkable opportunity—presenting reasoned arguments to critical issues of that time and now! My Review partner and now Supreme Court colleague, Justice Phil Talmadge went on to edit a symposium on Law and the Correctional Process in Washington, which influenced his work later in the Washington State Senate as head of the Judiciary Committee. My own work was the initiation of my commitment to juvenile justice issues.

In our 50th anniversary issue, then-Dean Roddis recalled the goals of the Review as expressed by its original editors:

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.

As the Review enters the second millennium of publication, I look forward to its continuing the tradition of “shooting starward” on behalf of the profession and the students. Indeed, the stars can be truly within the reach of the talented and dedicated members of the Washington Law Review staff and the authors who appear within its covers.
On the seventy-fifth anniversary of the publication of the first issue of the *Washington Law Review*, the editors asked me for my thoughts. For that purpose, they provided me with copies of several tributes written to honor its 50th anniversary. As I reflected on the *Review* then and now, I was struck by the enormity of the changes in the past twenty-five years in the process by which editors gather, synthesize, edit, and disseminate legal information.

*Review* activities in the 1970s were epitomized by transfers of printed or typed paper products: authors gathered hard-bound texts, law journals, and cases relevant to a case or issue, abstracted relevant bits of information on three-by-five cards, collated the bits into a hand-typed draft which was then submitted to an editor. Editing was a succession (seven, eight, nine?) of exchanges of heavily annotated submissions and newly typed redrafts. Notes surviving this process were then checked against original hard-cover sources for accuracy and propriety of citation; and ultimately final copy was prepared by the author for physical transmission to the printer. The printer caused hard-type to be set for the note, and after several weeks, returned galleys of the Note. Galleys were read by the author, the editor, and two second-year candidates for typographical errors. Corrected galleys were returned to the printer who used them to prepare page-proofs of the Note, which were returned to the managing editor and the author. Corrected page proofs were returned to the printer, who caused hot type to be cast for the Note. The casting was then used to print the Note, which was bound with others into an issue of the *Review*, which was mailed to subscribers.

Developments in electronic manipulation and transmission of information over the past twenty-five years have significantly affected every aspect of the *Review's* operation.

Consider such developments as the availability of significant online sources and citation services, personal computers with powerful word-processing systems, and desktop publishing. Adjustment to these developments has not always been easy. Many of our best editors were not technologically inclined when they joined the *Review*; having to implement changes in some aspect of its information-processing system seemed to double the indignity, for not only did they have to become computer literate, but they then had to master and debug a new software system. I can attest that all survived the experience, and a few even

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thrived upon it. But both the editors and I would have fared better had we acknowledged the fact of rapid technological change and consciously planned adjustments to it.

In a major way, the *Washington Law Review* throughout its seventy-five years has been involved in the process of change in legal institutions and rules—by assessing recent legal developments, by suggesting reform of antiquated statutes or cases, and by articulating legal concerns related to recent social and economic events. From every corner we now hear that the pace of change is accelerating geometrically, particularly in broad areas of technology. Some of the potential developments involve the most fundamental aspects of Law School and *Review* operations: for example, what will the School look like if most classes are conducted in virtual classrooms?; and how will the *Review* function if paper copies disappear in favor of “html” versions and if every writer can publish on the Internet?

I am confident that the School and the *Review* will survive, though possibly in modified forms. Editors over the years have managed to produce increasingly high-quality work despite all obstacles; they are sure to rise to the top of the new forms. As I contemplate a move to the sidelines of part-time academics, I will continue to be an interested spectator to the next series of adjustments. From that vantage point, it should be fun!