

Letter from the Editor

David Edward Dahlquist

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

Recommended Citation

David E. Dahlquist, *Letter from the Editor*, 50 DePaul L. Rev. 1061 (2001)
Available at: <https://via.library.depaul.edu/law-review/vol50/iss4/3>

This Front Matter is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact digitalservices@depaul.edu.

LETTER FROM THE EDITOR

*David Edward Dahlquist**

INTRODUCTION

One year ago, I was granted a great opportunity to serve as the Editor-in-Chief of the DePaul Law Review on its 50th Anniversary. At the first meeting of the Board of Editors, we made a collective decision not to allow this occasion to pass without the proper recognition and celebration it deserved. To this end, the editorial board took on two overwhelming projects. First, to locate each and every one of our law review alumni in an effort to invite them to submit contributions to be included within this issue, as well as to extend an invitation to attend an anniversary reception. Second, to compile a complete index of every work published within the DePaul Law Review over the past fifty years. If you are holding this issue within your hands, then we have succeeded in our goal to produce a product which both commemorates and celebrates this historic anniversary.

The combination of our goals required the investment of time and energy above and beyond the already intense schedule of law review membership. The DePaul Law Review Editorial Board and staff scoured the Internet, yellow pages, and legal directories to locate over 2,000 alumni. As the tedious process of locating our long lost members progressed, we encouraged our alumni to submit articles, commentaries, and memoirs relating to the practice of law, law reviews in general, or the past, present, and future of the DePaul College of Law. I am pleased to announce that our request was well received by our distinguished alumni. The contents of this issue reflect the continuing enthusiasm and desire of our alumni to participate in the very law review that they helped to construct. In addition, the Board of Editors organized an anniversary reception, held within the newly constructed DePaul Center, for each of our alumni. Once again, we received a wonderful response. Despite the success in locating our alumni, there are numerous members who have yet to be located. If you fit this profile, then please let us know where to find you.

* Author served as the Editor-in-Chief of the 50th Anniversary Volume of the DePaul Law Review, 2000-2001.

On this, the 50th Anniversary of the DePaul Law Review, we are provided with an opportunity to reflect upon our proud history, as well as a chance to look forward at the bright future that lies ahead. In celebration of our anniversary, each article, essay, note, and comment within this issue has been authored by a current member or alumni of the DePaul Law Review. The combined efforts of these authors provide the DePaul Law Review with some intuitive reflection into the past, as well as some suggestions and guidance in anticipation of the next fifty years. In order to look at where we are going, however, we must first look at where we have been.

II. A GLIMPSE INTO THE PAST

The DePaul College of Law was founded in 1912 when it affiliated with the Illinois College of Law, a well-respected and independent Chicago law school that had been in existence since 1897.¹ Howard N. Ogden, the founder of the Illinois College of Law, served as the first dean of the DePaul College of Law.² During the first three years, the college of law conducted day classes at 2201 Osgood Street, the present day corner of Webster and Kenmore.³ Evening classes for the college of law were held at the Chicago Business College, located at 207 South Wabash.⁴ In 1915, the day and evening programs were united on the seventh floor of the Tower Building at 6 North Michigan Avenue.⁵ In 1916, the DePaul College of Law moved to 84 East Randolph, and nine years later it moved to 64 East Lake.⁶ In 1957, the College of Law finally relocated to its current home at 25 East Jackson.⁷ In contrast to the 150 students enrolled at the DePaul College of Law when it began, there are currently over 1,100 students matriculated in DePaul's Juris Doctor program.⁸

Consistent with its Vincentian tradition, the DePaul College of Law has continually sought to improve the standards of legal education in Chicago and beyond. In accordance with this ideal, in the Fall of 1951, the DePaul College of Law launched a law review under its name in order to provide another voice in the realm of scholarly legal dis-

1. DEPAUL UNIVERSITY COLLEGE OF LAW ALUMNI DIRECTORY, vii (1990).

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. DEPAUL UNIVERSITY COLLEGE OF LAW ALUMNI DIRECTORY, vii (1990).

8. *Id.* See also DePaul College of Law Home Page, located at <http://www.law.depaul.edu> (visited February 20, 2001).

course.⁹ With an editorial staff of twenty-three,¹⁰ the first issue of the DePaul Law Review consisted of 166 pages and included four lead articles authored by professors, six comments and four case notes authored by students, as well as six book reviews authored by professors.¹¹ The President of DePaul University, Comerford J. O'Malley, C.M., authored a short foreword introducing the DePaul Law Review to the legal community.¹² The original foreword is reproduced below:

The appearance of another law review may provoke the comment: Why multiply periodicals in an area already surfeited with the outpourings of legal experts? The justification for the *DePaul Law Review* is the sustained interest of the thousands of our alumni in a publication which would feature articles by authoritative contributors on topics of enduring interest to the legal profession, and especially to those who were educated in the DePaul College of Law. This *Review* is a response to a need expressed by our graduates, and stems from a desire to supplement the excellent contributions made to jurisprudence by other reviews.

Two years of planning and discussion by faculty and Law alumni and twelve months of training for the staff persuaded the administration of the University that the time was opportune for publication of the *Review*. Adding to our conviction of the timeliness of publication was the fact that events at home and abroad pointed to the need of still another voice to express sound views on legal matters which would be helpful not only to the professional lawyer, but also to the clients they serve.

It is my sincere hope that the *DePaul Law Review* may be an instrument of genuine service to the legal profession, a source of information and stimulation to our Law graduates, and a means of perpetuating the best traditions of American jurisprudence. May Almighty God, the Eternal Lawmaker, bless this work begun in His name.¹³

This foreword marked the beginning of DePaul's contribution to the world of law reviews. The first volume of the DePaul Law Review consisted of two issues and totaled 319 pages.¹⁴ The DePaul Law Review continued to publish two issues per year, Autumn-Winter and Spring-Summer, until 1969, when it adopted the current four-issue publication schedule.¹⁵ Since 1969, the law review has operated on a quarterly publication schedule and has filled its pages with exceptional

9. 1 DEPAUL L. REV. 1-166 (1951)

10. See *Masthead*, *supra* note 9, at 107.

11. See *Table of Contents*, *supra* note 9, at vi.

12. *Supra* note 9, at iv.

13. *Id.*

14. See *supra* note 9, at 167-319.

15. See 19 DEPAUL L. REVIEW 1-831 (1969-70).

articles, notes, comments, and symposiums selected by the Board of Editors.

In 1990, the DePaul Law Review began the tradition of sponsoring and publishing an annual law review symposium.¹⁶ Each year, the Board of Editors, in coordination with faculty sponsors, selects a topic and invites distinguished guests to participate in a comprehensive symposium. This year the DePaul Law Review sponsored its eleventh annual symposium entitled "End of Adolescence," a discussion which attempted to answer the question if the law should treat children as adolescents, adults, or a distinct and unique class of its own.¹⁷ Today, the law review dedicates the third issue of each volume to the publication of the speeches, discussions, and papers presented at the previous year's symposium.

In 1996, the DePaul Law Review, through the generous support of Mr. Robert Clifford, an alumnus of the DePaul College of Law and the DePaul Law Review, began a second symposium entitled the Clifford Symposium on Tort Law and Social Policy. In 1998, the law review elected to dedicate the second issue of each volume to the publication of the papers presented at the Clifford Symposium. The combination of these symposiums illustrate the DePaul Law Review's dedication to the publication of scholarly papers discussing issues that are not only timely, but extremely relevant to the communities of legal practitioners and scholars.

Aside from the publication of exceptional articles and symposiums, a measure of success for any journal or review is its citation and utilization by state and federal courts. After its inception in 1951, it did not take long for the DePaul Law Review to be cited by an Illinois court. In 1957, the Illinois Supreme Court cited the DePaul Law Review for the first time.¹⁸ Since that time, the DePaul Law Review has been cited by the Illinois Supreme Court on over sixty-eight occasions.¹⁹ In addition, the DePaul Law Review has been cited on 129 occasions by Illinois appellate courts,²⁰ 480 times by other state supreme and appellate courts throughout the country,²¹ 487 times by

16. See 39 DEPAUL L. REVIEW 989-1191 (1990).

17. 11th Annual DePaul Law Review Symposium, The End of Adolescence (2001) (forthcoming).

18. See *Cooper v. Hinrichs*, 10 Ill. 2d 269, 273 (1957).

19. Statistics were obtained via an electronic database search on LEXIS and Westlaw databases. The complete results are too numerous to reproduce here.

20. See *supra* note 19.

21. See *supra* note 19.

federal courts at the circuit and appellate levels,²² and fourteen times by the United States Supreme Court.²³

In addition to the publication of scholarly articles authored by professors, the DePaul Law Review has continued in its tradition of publishing exemplary comments and case notes authored by student members of the law review. Consistent with other law reviews at the time, for the first twelve years student contributions within the law review were published without a notation of the author. At the time, student articles were presented by the law review as a whole or as a compilation of authors on the review. This practice was permanently altered in 1963, when the DePaul Law Review, following other law reviews across the nation, published the name of the student authors after the conclusion of the case notes or comments.²⁴ After 1963, student authors began to receive individual recognition for their contributions to the legal community. However, it was not until 1995 that the DePaul Law Review began to publish the names of student authors on the table of contents and cover of the law review.²⁵ Prior to 1995, the table of contents indicated the title of a case note or comment but omitted the student author.²⁶ Despite objections by academics, law reviews across the country have begun to publish the names of student authors below the title of their articles on the first page, rather than at the end of the article.²⁷ The DePaul Law Review has yet to adopt this practice and continues to note student authors at the conclusion of their contributions.

Since its inception, the DePaul Law Review has maintained a writing program which selects exceptional student articles from within its membership for publication. Although a student article from the DePaul Law Review has yet to be cited by the United States Supreme Court, numerous student articles have received recognition from the Illinois Supreme Court.²⁸ These acknowledgements are a testament

22. See *supra* note 19.

23. See *Heck v. Humphrey*, 512 U.S. 477, 483 (1994); *Church of Lukumi Babalu Aye v. Hialeah*, 580 U.S. 520, 562 (1993); *Lee v. Weisman*, 505 U.S. 577, 627 (1992); *Begier v. IRS*, 496 U.S. 53, 64 (1990); *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 548 U.S. 592, 600 (1982); *Norfolk & W.R.Y. Co. v. Liepelt*, 444 U.S. 490, 497 (1980); *Parker v. Randolph*, 442 U.S. 62, 86 (1979); *Trainor v. Hernandez*, 431 U.S. 434, 460 (1977); *NLRB v. Burns Intl Sec Services*, 406 U.S. 272, 290 (1972); *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 426 (1971); *McGautha v. California*, 402 U.S. 183, 235 (1971); *Hackin v. Arizona*, 389 U.S. 143, 146 (1967); *Denver Area Education Consortium v. FCC*, 518 U.S. 721, 788 (1966).

24. See 13 DEPAUL L. REVIEW 98 (1963).

25. See 45 DEPAUL L. REVIEW 1 (1995).

26. See DEPAUL L. REVIEW, Volumes 1-44.

27. See Andrew Ramzel, *Preface to Volume Seventy-Seven*, 77 IOWA L. REV. v (1991).

28. See *supra* note 19.

to the level of scholarly writing practiced by members of the DePaul Law Review.

Although students began to gain official recognition of their articles in 1964, the masthead of the DePaul Law Review was inserted in the middle of each issue after the publication of articles authored by professors. This practice finally changed in 1970, when the masthead of the DePaul Law review appeared on the first page of each issue.²⁹

In addition to the publication of professor and student authored articles, the DePaul Law Review has also published other scholarly contributions such as book reviews and legislative notes. With limited exceptions,³⁰ the DePaul Law Review has consistently published book reviews since its inception.³¹ The last book review to be published appeared within volume forty-four in 1994.³² As a result of the seven year absence, perhaps it is time to once again revive the publication of book reviews. In 1963, the DePaul Law Review also began to publish legislative notes within its pages.³³ With the exception of one note published within volume forty,³⁴ the practice has not been continued since 1985.³⁵ In my current position as Editor-in-Chief I can easily see how these areas were lost due to the numerous other pressures on the publication of articles, notes, and comments. However, perhaps it is time for the incoming Board of Editors to breathe new life and enthusiasm into each of these endeavors and continue to provide a needed service to the legal community.

III. A LOOK INTO THE FUTURE

Today, the DePaul Law Review continues the tradition of excellence by publishing four issues per year with the assistance of over eighty-one editors and researchers.³⁶ The fourteen members of the editorial board oversee the publication of the issues while also managing an intense training and writing program for its researchers. Since the DePaul Law Review is only as successful as the sum of its parts, it relies upon the hard work and dedication of its members. Due to the diligence of these second and third year law students, who have

29. See 20 DEPAUL L. REVIEW 1 (1970).

30. Due to reasons which are unknown to the current editorial board, the DePaul Law Review did not publish book reviews in volumes 22, 29, 33, 34, 37-39, 43, or 45-50.

31. The first issue of the DePaul Law Review contained ten different book reviews. See *supra* note 9, at 156-319.

32. 44 DEPAUL L. REVIEW 513 (1995).

33. 13 DEPAUL L. REVIEW 111-304 (1963).

34. 40 DEPAUL L. REVIEW 207 (1990).

35. 35 DEPAUL L. REVIEW 709 (1986).

36. See *Masthead*, 50 DEPAUL L. REVIEW iii (2000).

elected to assume duties above and beyond the normal class work, the DePaul Law Review has continued a tradition of excellence. The quality and number of submissions received by the law review each day reflects its continued reputation of respect within the Chicago and national legal communities.

Despite the success of the DePaul Law Review, the current dialogue within the legal community questions if law reviews serve an important and necessary role, or whether they are antiquated institutions with little or no purpose.³⁷ Current commentary on the value of law reviews has elicited comments such as “[o]ur scholarly journals are in the hands of incompetents,”³⁸ or “students without law degrees set the standards for publication in the scholarly journals of American law – one of the few reported cases of the inmates truly running the asylum.”³⁹ While there will always be critics, future editorial boards of the DePaul Law Review have the burden to show the legal community that the services they provide are valuable to students, law professors, and practicing attorneys.

The 50th anniversary of the DePaul Law Review provides us with a unique opportunity to take an introspective look at ourselves. What does the DePaul Law Review do well, and what can it improve upon? In my humble estimation, I believe the DePaul Law Review’s greatest successes can be found not only within the pages of the review, but also in the actors behind the curtain. The DePaul Law Review publishes a wide array of scholarly material distributed among its symposium issues involving timely topics, and issues covering a broad range of submissions. However, the successes of the DePaul Law Review run deeper than what is seen in print. The students that dedicate their law school careers to the law review receive training and experience creating success later in life.

What does the DePaul Law Review do well? It provides law students with intense training on the process of scholarly legal writing. It

37. See Nathan Saunders, *Student-Edited Law Reviews: Reflections and Responses of an In-mate*, 49 DUKE L. J. 1663 (2000); Richard Posner, *The Future of the Student-Edited Law Review*, 47 STAN. L. REV. 1131 (1995); *Law Review Conference, Editor’s Forum*, 47 STAN. L. REV. 1157 (1995); James Lindgren, *An Author’s Manifesto*, 61 U. CHI. L. REV. 527 (1994); Wendy Gordon, *Counter Manifesto: Student-Edited Reviews and the Intellectual Properties of Scholarship*, 61 U. CHI. L. REV. 541 (1994); *A Response, The Article Editors*, 61 U. CHI. L. REV. 553 (1994); Ann Althouse, *Symposium on Law Review Editing: The Struggle Between Author and Editor over Control of the Text: Who’s To Blame For Law Reviews*, 70 CHI. KENT L. REV. 81 (1994); Aurthur Austin, *The “Custom of Vetting” as a Substitute for Peer Review*, 32 ARIZ. L. REV. 1 (1989); Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38 (1936).

38. James Lindgren, *An Author’s Manifesto*, 61 U. CHI. L. REV. 527 (1994).

39. John G. Kester, *Faculty Participation in the Student Edited Law Review*, 36 J. LEGAL EDUC. 14 (1986).

enables students to explore their own writing skills more than ever before and realize their weakness in an effort to strengthen their overall writing ability. The law review trains its editors to look at written works and, through thoughtful and careful editing, discover ways to improve the message and idea. The law review teaches highly motivated and competitive law students how to work as one cohesive unit in order to produce a meaningful product.

The DePaul Law Review also serves professors and practitioners through the publication of scholarly articles and sponsoring comprehensive symposiums. The law review has provided professors from around the world with a forum for publication, while providing practitioners with articles and symposiums that assist in the overall understanding and research of legal issues.

Despite these positive offerings of the DePaul Law Review, there is room for improvement. First, the law review can better serve its alumni through continued contact and communication. I hope that the renewed contact with alumni during this anniversary can serve as a beginning for increased alumni participation. The DePaul Law Review can also develop a better relationship with the faculty within its own institution. The DePaul College of Law is home to some renowned faculty members, and yet, this valuable resource which lies at our fingertips often goes untapped. While the law review certainly benefits from its independence, the review would be better served by further developing the lines of communication with its own faculty. Finally, the DePaul Law Review can improve upon the continuity that occurs throughout the years. The implementation of a substantive transition process can enable one editorial board to continue where the previous board left off. This letter from the editor is one element of such an idea. I challenge subsequent editorial boards to author their own letters during the beginning of the year that will outline the goals for the year. Such letters will provide a road map for subsequent boards to look on and see where they have been in order to better develop where they are going.

Throughout my tenure as Editor-in-Chief I have been driven to leave the DePaul Law Review better than I found it. I challenge subsequent boards to adopt the same ideal and strive toward improving the review so they can truly state that they left the law review in better condition than when it was handed to them. If this perspective is maintained, then the DePaul Law Review will continually improve. I challenge the DePaul Law Review to perpetually reinvent itself to show the legal community why it is deserving of recognition.