

5-1-1975

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Brigham Young University Law Review

VOL. 1975

No. 1



EDITORIAL OFFICES: The *Brigham Young University Law Review* is published at the J. Reuben Clark Law School, Provo, Utah 84602 by the Brigham Young University Law Review. Second-class postage paid at Provo, Utah. All communications should be sent to the editorial offices.

Views expressed herein are to be attributed to their authors and not to the Law Review, its editors, or Brigham Young University, unless otherwise indicated.

SUBSCRIPTIONS: The *Brigham Young University Law Review* is published three times a year. The subscription rate is \$15 for one year. Single issues may be obtained for \$5 per issue and reprints of articles and comments for \$2 per copy. If the subscriber wishes his subscription discontinued at its expiration, notice should be sent; otherwise, it is assumed that continuation is desired.

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Printed in the United States of America
by the Brigham Young University Printing Service

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The Dean's Foreword

Volume 1975, Issue 1. The publication of the first issue of the *Brigham Young University Law Review* ranks as a major milestone in the Law School's short history since the formal opening of the instructional program in August 1973.

From the early planning stages, it was anticipated that there would be a student-edited scholarly journal and that opportunity for participation would be available to students at the beginning of their second year. While we felt that our student editors should have the benefit of law review experience during the full period of their second and third years, there was never any faculty-imposed deadline or even suggested guideline date for first publication. Indeed, the only publication guideline was a preference for quality over speed. The quality of this first issue, especially in light of the fact that publication occurs prior to the end of the school year in which formal law review work began, is a credit to the dedication and competence of the original managing board (consisting of three faculty members), the practicing attorneys with law review backgrounds who served as senior editors, and the students.

The *Brigham Young University Law Review* is traditional in that its underlying policies have proceeded from the premise that the primary objective served by a scholarly legal journal is the development of the lawyer's most important skills, legal analysis and writing. Yet this journal breaks from tradition (and, we hope, will make concomitant contributions to legal scholarship) in several respects. First, it is an integral part of a broader cocurricular program at the Law School, designed to provide unusual opportunity for the development of legal skills during the law school years to a larger number of students, approximately one-half of the members of each class. Second, its format will be distinctive. The journal will consist of three issues per year: a symposium issue devoted to constitutional law subjects, a symposium issue on a topic to be selected annually by each editorial board, and an issue with unrestricted subject matter. Thus, while the primary objective of the *Brigham Young University Law Review* is educational, it is our hope that this format, in addition to providing greater student incentive and interest (with accompanying learning benefits), will also prove more interesting and informative to the profession.

This issue is the nonsymposium number for the year 1975. The lead articles, two by outstanding legal scholars, one by a presidential candidate who has also distinguished himself in the world of legal scholarship, another by a member of the practicing bar, and a fifth by a scholar in a related but nonlegal discipline, reflect both the quality and the breadth that we anticipate for this journal.

For the current year, a symposium issue will be published in the sum-

mer. It will present some of the empirical and other research, principally interdisciplinary, that this and other law schools are conducting on the use of videotape in the litigation process. The research results to be presented respond in particular to the question of how the presentation of evidence through videotape and other media influences juror perceptions and trial results.

The symposium issue on constitutional law, to be published in December, will feature four papers presented at a special colloquium to be held November 7 at the Law School. The topic is substantive due process, and the distinguished participating authors are Professors Edward L. Barrett, Jr., University of California Law School at Davis; Robert G. Dixon, Jr., George Washington University National Law Center; Gerald Gunther, Stanford University School of Law; and Laurence H. Tribe, Harvard University Law School.

On behalf of the faculty and the school, I extend appreciation and commendation to our colleagues, Professors Backman, Hansen, and Thomas; to the attorney editors; and to the students for this first issue. I challenge all future editors to realize the potential of the *Brigham Young University Law Review* so brightly presaged in this first issue.

REX E. LEE

From the Editor

It was inevitable that Brigham Young University's new J. Reuben Clark Law School should establish a law review during the second year of the school's operation. Every member of the fledgling faculty had been on the board of editors of his respective law review, and the temptation to raise students up in our own image was irresistible. Moreover, it was none too early to start, lest the charter class be denied full exposure to the magic of a law review experience.

Implementation of the unanimous faculty decision to establish a law review began at the end of the first year of classes, when three new professors who were willing to serve as the first editors joined the faculty. The law review has been one component of a broad cocurricular program. Students participating in the cocurricular activities were drawn from the top half of the charter class, but each was given the option, on the basis of his grades, of selecting a specific segment — moot court, legal writing, or law review — within the larger cocurricular program. The faculty, hoping that the students with the best grades would be spread through all the cocurricular programs, were disappointed but not surprised that the tradition and prestige of law reviews attracted virtually the same students to the law review that would have been accepted for law review participation if class rank had been a faculty-imposed prerequisite. Unfortunately, it appears that the law review institution has become so highly touted that students are overly attracted to the review, too often for the wrong reasons.

For a solution to the supervision problems inherent in training a first group of law review candidates, the editors relied on a group of sixteen attorneys, primarily from Salt Lake City, each of whom had previously participated on a law review. The attorney editors served as first-line editors in assisting the students with their initial drafts. Time, distance, and competing interests created a number of problems, but the solution appears to have been a good one generally. Despite numerous mistakes, disappointments, and frustrations in preparing this initial issue of the *Brigham Young University Law Review*, the first student editors have prepared themselves to pass on the law review experience to the classes that follow.

Many voices have questioned the value of law reviews for the profession and for participants in the process. Yet law schools are virtually forced to provide law review opportunities for students if they are to be ranked among the reputable law schools of the nation. In reflective moments, however, I am persuaded that the law review institution is intrinsically worthwhile. My own law school dean once told me that the law review experience can excel the educational value of three years in the law school classroom. I believe him; and the other eighteen editors

who have worked with me must subscribe to that view, at least to a degree.
Why else would anyone agree to go through a law review experience a
second time?