

Introduction to Volume 50 Cornell Law Quarterly

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INTRODUCTION TO VOLUME 50 CORNELL LAW QUARTERLY

Ray Forrester†

The first issue of the Quarterly was published in November of 1915. It has continued without interruption for half a century. However, the establishment of a strong and permanent legal periodical at Cornell was not easy. The publication of the Quarterly followed two earlier efforts which were short-lived. The Cornell Law Journal appeared in June of 1894. Only one issue was completed. In the following January another attempt was made to inaugurate a periodical in the form of the New York Law Review. Six issues were published from January to July of 1895. In each instance the plan was to publish a monthly journal.

The single issue of the Journal consisted of 112 pages. The leading article was on eminent domain. Other articles discussed "The Law's Delay"¹ (a subject which is not out of style) and "The 'Dwight Method' of Legal Instruction."² This last article compared the virtues of the case method of law teaching with that adopted by Professor Theodore W. Dwight which gave emphasis to the teaching of "principles at the outset" followed by the study of cases to illustrate the principles.

In the Journal, the editor, Mr. Charles H. Werner, a member of the class of 1895, set forth no editorial comments concerning the purposes or policies of the publication. On the other hand, the first issue of the New York Law Review, also edited by Mr. Werner, contained an editorial which dwelt in some detail concerning these matters. The editor discussed "legal journalism."³ Earlier publications for lawyers were described, and particular attention was given to the fairly recent development of a relatively small number of law school periodicals. The concluding paragraph said:

The *New York Law Review* assumes that there is still a very broad field

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¹ Cornell L.J. 62 (1894).

² Cornell L.J. 74 (1894).

³ N.Y.L. Rev. 38 (1895).

for a solid monthly or semi-monthly law magazine addressed primarily to the business-like problems most likely to arise before the busy lawyer, furnishing the strongest possible arguments pro and con upon unsettled problems, with the best judgment of the writer as to the true solution thereof; disentangling by clear and systematic presentation, questions which have been lately settled after much conflict and confusion; raising danger signals where, by reason of late legislation or novel decisions, the busy lawyer is in danger of being misled; but preserving always the necessary breadth of view by due attention to the philosophical and historical phases of the law, and to questions of legislative and constitutional policy.⁴

It is regrettable that these early attempts, evidently initiated by students under the leadership of Mr. Werner, were not continued. However, they reflect an early awareness at Cornell of the importance of such enterprises and may be credited with laying the foundation for the Quarterly. Further, they contain material of substantial legal and historical value.

The next approach at Cornell to a legal periodical was more conservative. Though undoubtedly the school had grown stronger in finances and in talent in the intervening twenty years, the third publication was designed from the beginning as a quarterly—and was so named. Its masthead stated that it was to be "Published in November, January, March and May by the faculty and students. . . ." The inclusion of the faculty was significant.

What doubt there might have been concerning the fate of the venture was substantially dispelled by the naming of Professor George Gleason Bogert as the faculty editor. Those who know George Bogert recognize the fact that his leadership in itself constituted strong assurance of success. At the time he served as faculty editor, Professor Bogert was a young law teacher. The growth of the Quarterly, under his direction, gave indication of the personal qualities which were to enable him to become one of the outstanding legal scholars in the nation.

No student editor-in-chief was designated in the first issue, but in the second issue Mahlon B. Doing was named to this position, one which has become the highest honor, as well as the most demanding task, awarded to a Cornell law student. Other members of the first student editorial board were Messrs. Don C. Allen, Harold S. Bareford, Leon A. Plumb, Leander I. Shelley and Selby G. Smith. Mario Lazo was the business manager and George B. Van Buren was the assistant business manager. At the end of the year Frank Bostwick Ingersoll was elected the student editor-in-chief for volume two. J. Emmett O'Brien was elected business manager. Among these names Cornellians will recog-

⁴ Id. at 40.

nize those of men who have continued to contribute their talents to the University to the present day.

In the first issue of the Quarterly Dean Edwin H. Woodruff stated the reasons for the publication.⁵ He referred to a comment in the Illinois Law Review published in June 1915 in which the writer objected to "the multiplication of law reviews connected with law schools" on the ground that they led to "economic and . . . literary waste."⁶ Dean Woodruff defended the increasing number of reviews on the ground that they reflected widespread intellectual activity. He mentioned the publication of Mendel's famous paper on heredity in an obscure scientific journal where it remained unnoticed for many years. He observed that the paper might not have been published at all if this journal were not available for the purpose. He explained that the Quarterly had its origin in the requests of students and alumni for such a periodical and that it would constitute a service to "hundreds of Cornell lawyers." He said also that the law faculty was "impressed with the pedagogical value of a publication within the college itself."⁷ He concluded:

This *Quarterly*, then, will not fail of its purpose, if it substantially enhances the spirit of mutual service between the College of Law and Cornell lawyers; if it aids in some degree to foster any needed reform in the law, or to give help by intelligent discussion and investigation towards the solution of legal problems; and if it satisfies within the college itself among the students and faculty a desire to advance, beyond the point of classroom instruction, the cause of legal education in the larger sense. While attention will be given by the *Quarterly* to American law generally, especial notice will be taken of the development of New York law.⁸

In reviewing the work of the Quarterly for the past fifty years one can say without hesitation that it has richly fulfilled its purpose. The foremost value of a law review, in the opinion of this writer, is the training which it affords the students. There is no phase of law school which offers educational rewards equal to those available to members of the law review staff. This answers to a large degree those critics who renew from time to time the complaint of the writer in the Illinois Law Review. In reviewing the membership of the student boards over the years, one is impressed with the number of members who have in their careers attained high professional distinction and recognition as national and regional leaders. In addition to this value, it is generally agreed that today the most significant scholarly research and writing in law is contained in the law school periodicals which exist now in larger numbers

⁵ 1 Cornell L.Q. 27 (1915).

⁶ 10 Ill. L. Rev. 135 (1915).

⁷ 1 Cornell L.Q. 28 (1915).

⁸ Ibid.

than in the time when the Quarterly was founded. Dean Woodruff's hope that the Quarterly would constitute a service to Cornell lawyers also has been realized. Presently, the publication is distributed to all active members of the Cornell Law Association, which is the alumni body of the Law School.

In reviewing the fifty volumes of the Quarterly and in assessing the total contribution, it would be risky to single out for comment the work of particular authors. The number worthy of mention is great and the danger of unfair omission is evident. It may be safely said, however, that many of the leading figures in law and related fields throughout the world have chosen the Quarterly to record their writings. For five decades they have filled its pages with expressions of the best in thought and in research to be found in their time in legal scholarship. The most significant group among these distinguished contributors has been the members of Cornell's own law faculty. For them the Quarterly has been a persistent seeker of their writings. For the Quarterly the faculty has constituted the primary source of its most worthy publications. The relationship has been one of mutual enrichment.

The student editors have contributed, in addition to their editorial tasks, literally hundreds of notes and comments on cases and topics of current importance. Many of their studies have been cited by lawyers and judges in the solution of legal problems. The sizeable space which the Quarterly now occupies on the shelves of law libraries throughout the world is the result of many years of devoted effort by hundreds of students and scholars of the law, both in and out of law schools. Their work constitutes a monumental contribution to the quest of society for order and justice.

On the occasion of this fiftieth anniversary, congratulations are warmly extended to the members of the Quarterly, past and present. They have established a strong and viable institution in which all those associated with Cornell may take pride.

May the next half century be as rewarding as the last.