

## THE IOWA LAW REVIEW: MATURITY OF FIFTY YEARS

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In a wide range of areas—intellectual, scientific, and cultural—the University of Iowa has made significant contributions to the advancement of society. Many important services have been performed through the work within the various colleges. In the law school, although there are many avenues of scholarly attainment and means of performing service to the school and the University, the *Iowa Law Review* provides one of the foremost means of accomplishing these objectives. It is the outstanding scholarly production of the College of Law and is one of the accomplishments which has given strength and leadership to the University as an institution of higher learning. We take much pride in the *Iowa Law Review* on its fiftieth anniversary year.

The *Review* has been of real value to the legal profession in Iowa and has had a nationwide acceptance. Its use in foreign countries is increasing. Judges and lawyers rely upon it regularly as a source of critical consideration of difficult and unsettled problems. Rush orders are received for the *Review* regularly from many parts of the country when lawyers have some special problem which has been considered in the *Review*. The citation of the *Review* in opinions of many state and federal courts evidences the high regard in which it is held. Reference to law review articles, notes, and comments for student study assignments is common practice in legal education today. The *Iowa Law Review* and reprints from it are widely used in law schools, and it is doubtful if there are any modern casebooks which do not include numerous references to the *Review*. Through the use of the *Review* by lawyers, courts, legislators, and teachers, it has materially influenced the development of the law and has helped to provide understanding in its application.

The *Iowa Law Review* had its beginning in the fall of 1914, which was the same year in which Emlin McClain became Dean of the law school following his period of service as a member of the Supreme Court of Iowa. Dean McClain had been a professor, vice chancellor, and chancellor of the law school prior to becoming a member of the court. During the period of 1891-1901, while he was a member of the faculty, there was published a periodical known as the *Bulletin*, in

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which leading articles were published by members of the law faculty.

The *Bulletin* was widely recognized in its day and represented an early urge on the part of the Iowa Law School to contribute to the literature of the law. This early publication was quite different from law reviews of today. It contained listings of leading cases classified under the different phases of a subject, and much of the writing consisted of hypothetical cases and analytical studies in the various subjects of the law. The *Bulletin* reflected a period of transition in legal education from a reliance upon treatises and textbooks to an emphasis upon situational studies and cases. Eugene Wambaugh, who came from the Harvard Law School, was a member of the Iowa faculty at that time, and the Iowa Law School was one of the first schools to undertake the teaching of law through the case method.

The *Bulletin* was discontinued in 1901, when Emlin McClain became a member of the Supreme Court of Iowa, and in the first issue of the *Iowa Law Bulletin*, which appeared in January, 1915, it was stated, "It is especially appropriate that the new series should commence so promptly after Judge McClain's return to the University as Dean of the College of Law." It was Professor Percy Bordwell who suggested the idea of renewing the *Bulletin*. He visited with Herbert Goodrich, a new member of the faculty just graduated from the Harvard Law School, and Professor Goodrich agreed to serve as Editor-in-Chief if the project was approved. They presented the matter to an enthusiastic Dean McClain, who obtained funds for the publication from President Thomas Macbride. Faculty and students supported the project—thus the beginning of the *Iowa Law Bulletin*.

The *Law Bulletin* emphasized the fact that whereas its predecessor had been edited by the faculty alone, the new series included as an important part the work of law students. A student board was made up of men of high academic rank chosen from the upper two classes, and while the members of the faculty were to assist with criticisms and suggestions, the work was to be that of the board. The first article published in the *Iowa Law Bulletin* was by Dean McClain—a most scholarly article upon the Iowa codes, including a comparison of the common law with the civil law. It contained extensive comment upon the movement toward legislation, the place of codes in the Roman Empire, and the influence of the Napoleonic Code of France. He predicted the movement toward codification, referring to Jeremy Bentham as the exponent of this view and to David Dudley Field as being the first apostle of the cause of codification in the drafting of the Field Code of New York.

The *Iowa Law Bulletin* declared as its object the scientific presentation of the law of Iowa. The notes and case comments were intended to deal with the current decisions found in the *Northwestern Reporter*.

It was asserted that "all of these states exhibit great similarity to our own, both in decisions and statutes. . . . If cases from other states are discussed, it will be in the light of Iowa precedents wherever possible. The contributed articles, the notes, the recent cases, will all be directed toward this end. . . ." It is interesting to note that in spite of the avowed limitation, the footnotes to articles and the citations to cases were nationwide in their reference. However, the *Iowa Law Bulletin* did place stress on cases issuing from midwestern courts.

In Volume 11 the name of the periodical was changed from the *Iowa Law Bulletin* to the *Iowa Law Review*. It was again emphasized that the articles would deal primarily with local problems but that occasionally articles more general in scope would be published as well. In examining Volume 11, it is apparent that the writings immediately exceeded the avowed limits of the *Review*. The leading article of the first number was a most scholarly article by Professor Bordwell on "Property Reform in England." Other articles, such as "Civil Liability and Wrongful Death in Iowa," "Specific Performance and Dower Rights," "Zoning Ordinances," "Jurisdiction Over Partnerships, Non-partnership Associations, and Joint Debtors," "Rate-making and the Ownership and Financing of Railways," and "Absurdities in Criminal Procedure," are representative of the wide range of areas undertaken that year. The *Iowa Law Review* and even its predecessor, the first *Bulletin*, have never been purely local reviews; and this has been indeed fortunate, because the problems of the law are universal, and breadth of vision in applying even the most local law requires an understanding of law wherever it is and at whatever period of time it may have existed. The *Law Review* continues to search for problems which may be of particular interest to the members of the legal profession in Iowa, but no limitations are placed upon the areas of law considered. Indeed, with the current interest in comparative law and the activities of this country in world affairs, the *Review* is interested, as are the members of the bar, in international developments as well as in the state and federal law of this country.

It was in the January number of Volume 18, in 1933, under the leadership of Professor Paul Lombard Sayre, that the *Iowa Law Review* published what is believed to have been the first symposium ever to appear in a law review in this country. It dealt with administrative law, based upon the legal writings of 1931-33. The distinguished Felix Frankfurter wrote the introduction. Among the titles to the articles in the symposium were "French Administrative Law," "Tendencies in Recent German Administrative Law Writing," "Administrative Law in England," "The Contributions of Mr. Justice Brandeis to Administrative Law," and many other articles on the different phases of administrative law. The contributors to this symposium were an impos-

ing array of legal scholars: Edwin M. Borchard (Yale), A. H. Feller and Louis Jaffe (Harvard), John Willis and Arthur Suzman (London), D. O. McGovney (formerly Dean of the Iowa Law School, then at the University of California), Edwin W. Patterson (formerly of the Iowa law faculty, now at the Columbia Law School), John H. Wigmore (Northwestern), Daniel James (New York City), Maurice H. Merrill (University of Nebraska, now at the University of Oklahoma), Oliver P. Field (Minnesota). The concluding article was authored by Professor Sayre. This first symposium was a publication of national significance. Every year since that time one number of the *Law Review* has been published as a symposium with writings by outstanding scholars from this country and elsewhere dealing with the symposium subject. Since its commencement at Iowa, law review symposiums have become common, and they contain some of the very best in legal writing. Thus, the *Iowa Law Review* is not, as initially contemplated, a review of Iowa law, but is, instead, a true "law review" which, without forsaking matters of special interest to the Bar of Iowa, has become a journal national and international in scope.

The *Iowa Law Review* has grown steadily. The early volumes were approximately 300 pages in length; the present annual volumes comprise between 1200 and 1400 pages. In 1915, when the *Review* was founded, student work was emphasized as the new feature distinguishing it from the former *Bulletin*. Today a student editorial staff is in complete charge of the *Law Review*. The staff has the benefit of a faculty advisor, and it utilizes the assistance of members of the faculty for consultation and criticism, but the students carry the complete responsibility for the publication. The Notes and Comments sections written by law students constitute by far the larger part of the *Review*. If, because of the amount of material available, it is necessary to restrict the size of a particular number, leading articles, rather than student works, are omitted.

The *Review* is ordinarily thought of in terms of its value to the profession and to the public. It is believed that its greatest value is as an educational tool, providing law students an opportunity to engage in research and writing. *Law Review* work is considered to provide the very best of training in a student's legal education. At Iowa a very large number of students compete for *Law Review* staff positions. In fact, every student in the first-year class, as a part of the program in Legal Research, is required to write a case comment. These are not for publication in the *Review*, but they provide preliminary experience in the careful analysis and study that goes into *Law Review* writing. Some of the comments are so well done that they are reworked for the *Review* after the student has qualified academically for *Law Review* writing. The *Review* itself is the work of second- and third-year

students who have otherwise attained a high scholastic standing, and the editors of the *Review* are selected from second-year students to serve in their senior year. A very high morale has grown up among the students at Iowa engaged in *Law Review* work. Their enthusiasm and timeless effort are responsible for its success. It is sometimes said that a student is not initiated in *Law Review* writing until he has worked all night to meet a deadline. The production of the *Review*, quite apart from whatever contribution it makes, could be justified alone because of its educational value to the students who write it. We are pleased that as we enter upon our fiftieth year, the student production in the *Iowa Law Review* is among the highest of all law school reviews, both in quantity and, we believe, in quality.

The names of many distinguished legal scholars have been associated with the publication of the *Iowa Law Review*. These are the faculty advisors who worked with the students, encouraged them in their efforts, and developed their initiative to continue the *Review* as a student-directed periodical. The influence of the faculty advisors upon the *Review* has been most significant. The names of these men are well known, and only brief mention will be made in respect to them individually.

Herbert F. Goodrich (1915-1922)—first faculty advisor to the *Law Review* when beginning his career as a teacher at Iowa. He later became Dean of the Iowa Law School, professor at the University of Michigan, and Dean of the law school at the University of Pennsylvania. He served as a judge of the United States Court of Appeals for the Third Circuit, a position he held until the time of his death.

Edwin Patterson (1922)—professor of law at Iowa, later a professor in the Columbia Law School and director of its graduate law school.

Millard Breckenridge (1922-1924)—professor of law at Iowa and at the University of North Carolina, now at Hastings.

O. K. Patton (1924-1926)—professor of law at Iowa.

Clarence M. Updegraff (1926-1930)—professor of law at Iowa.

Paul L. Sayre (1930-1934)—professor of law at Iowa, now deceased.

Frank R. Strong (1934-1937)—professor of law at Iowa, now Dean of the law school at Ohio State University.

Willard Wirtz (1937-1939)—professor of law at Iowa, later at Northwestern University, now United States Secretary of Labor.

Clark Byse (1939-1941)—professor of law at Iowa, later at the University of Pennsylvania, now at Harvard University.

Jerre S. Williams (1941-1943)—professor of law at Iowa, now at the University of Texas.

Paul L. Sayre (1943-1946)—see above.

Frank Kennedy (1946-1950)—professor of law at Iowa, now at the University of Michigan.

Charles Davidson (1950-1954)—professor of law at Iowa.

Willard L. Boyd (1954-present)—professor of law and Associate Dean at Iowa, now acting Vice-President and Dean of Faculties at Iowa.

All members of the law faculty, as well as the advisors, have worked with students from time to time in respect to their *Law Review* writing. The law faculty has also been liberal in its contribution of leading articles to the *Iowa Law Review*. Traditionally, the faculty has been composed of men who, in addition to their interest in teaching, are deeply interested in research and writing. Although contributing extensively to other law reviews, they have done their full share for the *Iowa Law Review*.

As we pass into this fiftieth year, we are also most grateful to the many legal scholars in this country and in foreign lands who have written leading articles for the *Iowa Law Review*. When it is considered that it requires several months of intensified study and writing to produce an article for publication and that there is no financial compensation for *Law Review* writing, we are most thankful to those who have favored us with their writings. The *Iowa Law Review* is filled with great names in the law, and the fact that the *Law Review* has had so many able contributors is itself one of the highest recognitions which may be given to our *Review*.

We look forward to witnessing the future development of the *Iowa Law Review*. Will it have the depth, the foresight, the imagination, the thoroughness, the high quality, and the devotion of able men earnestly working in this scholarly endeavor, such as it has had in the last half century? It is hoped and expected that with the background of these fifty years the future will be brighter and the vision broader and that the *Review* will have a still greater influence upon the development of law in the interest of the public good.

New problems will continue to arise. Older determinations will require re-examination. Changes in the affairs of men and society necessitate new insights and different solutions. Law unfolds through experience and wisdom to meet the ever-changing wants, demands, and needs of people in the regulation of their affairs in dealing with each other. The more complex life and society become, the greater is the need for law to solve differences and to provide the instrumentalities through which the gains of progress may be translated into action for the benefit of the public. Many forces in society will contribute to the forward movement. Whatever the advancements may be, the way ahead will require the guidance and the sanctions of the law to maintain an ordered society and to preserve the rights and the freedom of the people within it.

Where does the *Iowa Law Review* fit into all of this? It obviously

will not be solving all the problems of the future. Lawyers in various capacities, however, will in a large measure be doing so in cooperation with people having other skills and trained in other disciplines. The *Law Review* provides an opportunity for thinking and research upon these problems and for the presentation of ideas for consideration by those who do make the decisions. The *Law Review* will also serve as a training device for students who later, as lawyers and judges, will be making the determinations. Both because of its educational value and its importance as a publication for the presentation of ideas, the *Iowa Law Review*, with the other law reviews of this country, is sure to make a greater imprint in the years ahead than in any period of the past. On this fiftieth anniversary, we give praise to the past and express great hope for the future.