

Reflections on the *Iowa Law Review* Past and Future

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It has been said, though I confess to exercising editorial liberty here, that former faculty members simply fade away—or become deans. Having at the least done the latter, I was particularly touched when asked to write a brief introductory essay for this, the seventy-fifth anniversary of the *Iowa Law Review*. I still consider myself to be a part of the Iowa Law School community. Moreover, my deepest roots lie with the *Review*. Just as I am a former student, faculty member, and alumnus of the Law School, I am a former writer, editor, faculty advisor, and contributing author to the *Iowa Law Review*.

A seventy-fifth anniversary is a somewhat awkward occasion. At fifty we can celebrate survival, if not permanence. At one hundred we can claim either oracle-like status or antiquity. By contrast, seventy-five is something of a way-station, a notable point only because it is equidistant between survival and independent stature—an occasion best used, perhaps, to look both backward and forward.

My backward glance will span only the period of my involvement with the *Review*. While brief, the period is sufficient to afford perspective. In 1970, when I was a writer, the *Review* had recently inaugurated the “Contemporary Studies Project,” an annual, often externally funded, and usually empirical exploration of a contemporary issue of note in the legal system. The concept of broad empirical work was then a singular innovation in the law review world; today at Iowa, the concept retains vitality, although with somewhat greater irregularity.

The staff in 1970 numbered nine persons, which pales in comparison to the notable, if less laudable, innovations of large staffs today. Of course, in 1970 there were other differences that account for the staff changes—there were then more pages, more issues, and more articles. We were too busy, in short, to worry about the now-common American habit of foraging for justifications to increase personnel (a Dean speaking!).

Other changes have occurred as well. The *Review* now is open to anyone who wishes to write and submit themselves to the ordeal of disciplined research and thought. When I first wrote, grades were the principal, although imperfect criterion. Greater openness is vastly preferable. Students who today make it through to the Board of Editors or staff are selected by the more finely honed criteria of ability, dedication, and perseverance.

Perhaps the most notable, and widely lamented, change is the inclusion of the student author’s name on the article. This reform has no doubt

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added a sense of luster to the enterprise, although I confess to wondering about it, as a student's article, particularly the first one, may often reflect the effort of others as much as that of the student. More importantly, having one's name on the article makes impossible the often attractive prospect of forgetting the article one wrote, a loss of memory resulting not from senility but from a more mature sense of taste.

I could say more of prior inventiveness, but I won't dwell on it further. The point of these examples is to provide a framework for looking forward. The *Iowa Law Review* is a decidedly student-run enterprise; it therefore has control of its own destiny, and possesses the capacity for change. By and large, it has proved itself adaptive and inventive—even creative; more readily so, perhaps, than the institution of which it is a part.

The final march to the *Review's* centennial surely will, and just as surely it should, involve continued change and vitality. What points of change lie ahead? Only the minds of future, now unselected, staffs know for sure. I have some thoughts, however, and I am bold enough to venture them.

First, the *Review* should begin to build closer connections with the faculty. In the old days the *Review* was student-run, but the intimacy of the College permitted direct and substantial involvement of faculty in the selection, editing, and reviewing process. As the Law School grew, the informal intimacy of the *Review's* relationship to the faculty diminished, but it was not replaced by another form better adapted to the different environment of modern legal education. The time is ripe now to do so on the *Review's* terms, maintaining autonomy while moving deliberately toward greater faculty involvement in the legal academy's principle mode of scholarly and professional publication.

We are seeing today the emergence of the peer-review journal in the legal academy. There are many reasons for this development, both good and bad, but the trend is clear, and it results, as least in part, from the increasing estrangement of student-run law reviews from the academic enterprise of which they are a critical part. If law reviews do not make an effort to establish closer relationships with the faculty, I believe that we will see an accelerated pace with which peer-reviewing journals emerge.

Second, the *Review* should continue the example begun with the Contemporary Studies Projects, of finding ways to introduce new methodologies and the contributions of other disciplines to the developing legal system. We now are experiencing an explosion of change at the very heart of the legal academy, and that change is spreading through curricula and the larger professional world. One only has to observe the problems occurring at the intersection of law and the sciences, the increasing reliance on statistical methodologies, the law and economics revolution, interest in the study of language and interpretive methodologies, and various forms of alternative dispute resolution. The *Review* should be at the leading edge of communicating these and other developing areas of thought to its varied constituencies.

Third, in a period of increased competition from all quarters, law reviews must begin to take a hard look at their constituencies and define their objectives and markets. Law reviews have long existed amidst the uneasy tension between the academy and the practicing profession. Per-

haps that is where they should remain, but increasing stress will be placed on the reviews' ability to serve their varied constituencies by the current proliferation of publications and the emerging technologies for transmitting specialized information. The role of a law review in this developing information marketplace must be addressed, and markets that can be served, whether academic or professional, must be identified. If law reviews do not adjust to change, their historic markets will dissipate and other institutions will take their place.

Do not misunderstand my point. I am not suggesting that law reviews become market-driven businesses, or that they sacrifice editorial and qualitative control to the demands of the market, or that they sever their essentially academic and educational identity. But it is the case that law reviews have always, whether consciously or not, shaped their mission to their constituencies. My only point is that the constituencies are themselves changing, as are competing sources of information that are being directed toward those constituencies. If this is so, then law reviews must consider the implications for them of this changing environment.

Fourth, the *Review* must begin thinking about the direct impact of technological change on the publication process. Already computer data bases are becoming a sizable source of readership for the *Review*, and a significant source of financial support as well. This trend will continue, and other technologies, such as desktop publishing and direct computer transmission, will likely develop in the near future. The *Review* should not stand idly by and allow technology to sweep it along. Instead the *Review* should give thought to new content and new forms of publication that can take advantage of our technological future. What forms of publication are adapted to future technology? What uses will need to be met? What impact will technology have on the audiences served by the *Review*? What new kinds of scholarly and professional undertakings will be necessitated by, or encouraged by, emerging forms of communication and the changes they will cause in the content and the mode of legal practice and social change? The answers to these questions are far from clear, but it is clear that law reviews must find answers.

Finally, on a related note, change likely will occur in the form of law review publication. Perhaps law reviews should consider publication of more or fewer issues, or combining related articles into book or monographic form. Law reviews might also think about joining together in consortia to publish related work in different and comprehensive forms. Other possibilities exist and will become apparent as soon as the *Law Review* begins to define its mission and identity more broadly—not as a series of issues with student and faculty articles in traditional form, but as a source of knowledge, as a publishing house, and as an instrument of communication in the larger sense of the word.

These thoughts only serve to illustrate the occasions of possible change during the *Review's* next twenty-five years. They also serve to make imperative the need for change, and the possibilities for change that lie within the autonomous grasp of the editorial staffs in the future. The only constant is change itself.

However, having said all this, I suppose the next and most likely change will be in the cover of the *Review*. That change has occurred recurrently. In the future its unimportance, indeed its irrelevance, will simply become more apparent. It is other forms of change that will be most relevant and, indeed, have always been so. The *Iowa Law Review* has a proud record of creativity and change. Its seventy-fifth anniversary is a fitting moment to reflect with pride on that record and to recognize that the challenges of the future are already upon us.