

## Editorial Section

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# Maryland Law Review

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## EDITOR'S NOTE

Law school, the practice of law and the relationship between law and society are changing — perceptibly, if not with revolutionary speed. Courses in consumer credit, race relations and women's rights are being added to the traditional curriculum, and contemporary problems are finding their way into such musty, crusty offerings as real property and income tax. Clinical experience is gaining acceptance as an important element in legal education. Legal talent is being made available to more people, and novel methods of delivery of legal service are being developed. So, too, law and society are relating to each other on new terms. Volatile public issues are being fought in courts that once held themselves aloof from the concerns of the day. The public will is occasionally prevailing over the lawyer's self-interest in the resolution of controversial issues.

Through it all, law reviews have remained very much what they have always been — laboratories for the microscopic examination of clinically intriguing if often socially irrelevant points of law. The issues discussed have changed somewhat with the times, but the style remains unchanged.

On one front, however, law reviews have marched ahead of law schools, the legal profession and society. They are according full equality — of status, opportunity, grief and intangible reward — to women. They are, at last, rejecting the 100-year-old concurring opinion in the United States Supreme Court which proclaimed:

The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life [including the practice of law]. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. . . .

. . . The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator.

It is hoped that the law and its practitioners will soon follow the law reviews and reject this ancient precedent.

The offerings in the current issue of *Review* are traditional, but timely. The lead article, written by Faculty Advisor Hal M. Smith and his former student, Thomas M. Wilson III, suggests an important role for private antitrust plaintiffs in curbing the anti-competitive practice of reciprocity. Antitrust enforcement is also examined in a book review by Professor William L. Reynolds II. The man whom Mr. Reynolds served as law clerk, Federal District Court Judge Frank A. Kaufman, is also a book reviewer in this issue. Judge Kaufman examines a topic of great interest to him, sentencing of criminal offenders. One student note discusses the tug-of-war between freedom of association and a racially open society that the Supreme Court presently has the opportunity to resolve — or sidestep. Other student works analyze the severe limitation of the taxpayer's right to intervene at proceedings related to his tax liability, and the softening of judicial attitudes toward the waiver of jurisdictional defenses in federal suits.

The Editorial Board notes with respect and regret the end of a Baltimore tradition. Chester Watkins will no longer be saving lawyers and *Law Review* from their own mistakes from his position at the *Daily Record*. He retired with this class. He will be missed far more than we. The remaining staff at the *Daily Record*, Faculty Advisor Smith and Business Manager Shirley Myers remain ready to serve our successors: W. Michel Pierson, Editor-in-Chief; Charles Shelton, Managing Editor; Jack Connarton, Steven Resnick and William Torgerson, Notes and Comments Editors; Douglas Jones and Karol Lyn Newman, Articles Editors; and John Sipple, Research Editor.