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FROM THE EDITOR

The *Maryland Law Review* began publishing in the fall of 1936. Since then, there have been tremendous changes in American society, its laws, and the legal profession. The articles in our current issue provide thought-provoking perspectives on the status of the law in the 1980s.

Today there appears to be a growing perception that we have become a highly litigious society—that the answer to every conflict is to file suit in state or federal court. To counter that perception, Professor Marc Galanter presents his latest study on civil filings in the federal district courts. After analyzing considerable data on the incidence and distribution of suits filed during the past decade, Professor Galanter concludes that the available evidence suggests a more benign reading of the changing patterns of litigation. He challenges the reader to avoid outworn assumptions and to look soberly and without preconceptions at what is actually happening in our society's legal processes.

Our commentators begin to answer that challenge. They suggest that we indeed need to probe further—to go beyond the data and ask the difficult underlying questions: Do litigation costs outweigh litigation benefits? Has the tort system failed to achieve such fundamental purposes as efficient and just redress for injury to person or property? Are lawyers so concerned with the economic benefits of litigation that they neglect their role as professionals in the civil justice system? Would proposed reforms remedy any of the more serious problems that may exist in the present tort system?

Professor Richard Stewart's essay addresses a perennial issue in our system of government: the division of authority between the federal government and the states. In this era of deregulation, Professor Stewart's profound proposals advocate new regulatory strategies that will simultaneously promote national goals, decentralize decisionmaking, and give local governments and businesses greater

independence and flexibility— proposals, however, that will require strong political leadership.

Professors Franklin Zimring and Gordon Hawkins discuss one of the most controversial issues in contemporary American law: the wisdom and utility of the death penalty. For the United States remains the only Western nation that continues to impose the penalty of death. To those who oppose capital punishment as lacking legal rationale and moral coherence, this essay offers considerable support. To those who maintain that adequate standards exist to determine in an even-handed manner who should be sentenced to death, the essay issues a serious challenge.

Finally, Professor Tony Weir reflects on the recent coal-miners' strike in England. He questions whether that strike and its accompanying events were not acts of contempt for the law and its processes, an attitude the law seemed unable to overcome. Despite the differences between the British and American legal systems, Professor Weir's essay raises the enduring question of the role of law in any organized society.

In this fiftieth anniversary issue, the *Maryland Law Review* is pleased to present these perspectives on contemporary law. We welcome the response of our readers on these subjects.