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Editorial Section

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FROM THE EDITOR

The current issue of the *Maryland Law Review* features articles that may seem at first glance quite diverse. On closer inspection, however, they illustrate a common theme: change and continuity in legal thought.

The advent of cable technology raises many questions concerning the first amendment standards that should govern this new medium. Professor Laurence Winer challenges the approach taken by many courts and scholars of drawing an analogy between cable and the print media, emphasizing instead that cable shares more similarities with broadcasting. By treating cable and broadcasting as a unified medium, he argues, each medium of expression supports the other's claim to full first amendment freedom.

Attorneys Jana Howard Carey and Megan Arthur discuss one of the most tragic topics of the current age: the legal problems associated with the deadly virus AIDS. As we were going to press, the Supreme Court handed down its decision dealing with discrimination against those with contagious diseases, *School Board of Nassau County, Florida v. Arline*. We were pleased to offer the authors the opportunity to augment their contribution in light of *Arline*. Although we published our issue later than planned, our readers can enjoy an article that is up-to-the-minute. Given the potential for widespread employment discrimination against AIDS' victims, the authors discuss the relative rights of employers and employees, and urge education in the workplace as the best way to prevent and resolve conflicts among AIDS victims, co-workers, and management.

Professors Jeffrey O'Connell and Thomas O'Connell bring historical perspective to this theme of continuity and change by comparing the thought of three individuals who in many respects were the representative thinkers of their age: Doctor Johnson, Justice Holmes, and Professor Laski. By tracing the lives and writings of these remarkable men, our authors enable us to understand more

clearly the forces—and even more poignantly the personalities—that created, nurtured, and changed the Western intellectual tradition.

Finally, following our recent invitation for reader response to the articles in the *Maryland Law Review*, we have received this letter from a distinguished member of the local bar. In reprinting his letter in full, we welcome anew the response of our readers:

> Professor Galanter's Rome lecture [*The Day After the Litigation Explosion*, 46 MD. L. REV. 3 (1986)] is an interesting example of the use of statistics. Those of us whose memories go back a few years can well remember when two federal judges, Coleman and Chesnut, handled the entire docket of the Federal District Court in Baltimore and were able to keep it in such current condition that any civil case which was ready for trial could be heard in anywhere from six weeks to three months. Today ten judges of the court are struggling to keep up with what appears to be an overwhelming volume of litigation. Of course, in the meantime, the number of criminal cases which the court has to handle has been greatly increased and there has also been some increase in the population of the District. Moreover, the new rules governing practice and procedure in the federal courts have generated an unexpected increase in the number of pre-trial hearings. However, these factors alone cannot account for the extraordinary rise in the number of judicial hours that are now being spent in handling the work of that court.
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> In the state courts the rise in the volume of litigation is somewhat less dramatic. However, it is interesting to note that there has been a great increase in the number of cases handled by appellate courts. Here again, whereas five judges used to handle all the appellate work of the entire state and somehow found time to sit as trial court judges in a number of cases in their respective circuits, we now have seven judges of the Court of Appeals and thirteen judges of the Court of Special Appeals who are devoting full time to appellate work. It is true that the creation of the Court of Special Appeals has had the effect of sometimes substituting two appeals where previously there was only one, but even so it is clear that the amount of judicial time devoted to appellate work in Maryland is far greater even allowing for duplication of appeals in some cases.
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> It is significant that the Council of the American Law Institute has decided that the time has come to examine the tort system to determine whether it requires radical re-

structuring. I am bound to say that nothing in Professor Galanter's lecture makes me feel that the Council has acted unwisely in reaching that conclusion.

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