

Seventy-Fifth Anniversary Tribute: The Maryland Law Review at Seventy-Five

William L. Reynolds

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mlr>



Part of the [Legal Education Commons](#)

Recommended Citation

75 Md. L. Rev. 1190 (2016)

This Tribute is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.

Seventy-Fifth Anniversary Tributes

THE MARYLAND LAW REVIEW AT SEVENTY-FIVE

WILLIAM L. REYNOLDS*

The *Maryland Law Review* began publication eighty years ago, in 1936.¹ Twenty-five years ago, I reviewed its first half-century.² This year's editors have asked me to renew my focus on the seventy-fifth issue. I do so gladly, in part because I am happy to have survived so long, but mostly because of my pride in what both this law school and the *Review* have become.

Before the 1970s, both the *Review* and this law school were local, parochial institutions. The focus of each was on local law; not a great deal of attention was paid to the greater world outside of this state. This was not surprising; there was then a real need for scholarship on local law, and for schools to train practitioners in that law. "National" law was less prevalent as a topic three-quarters of a century ago. Remember, this was well before the various Restatements (and their accompanying treatises written by the Reporters) became more or less effective common law, and long before the universal adoption of the Uniform Commercial Code. As time moved on, most common law subjects—e.g., torts, contracts, property—became increasingly standardized across state lines. Moreover, a great deal of law has been federalized. There are, of, course, local details; but the general thrust of the common law subjects is pretty much the same across the country. As a result, there is less interest today in local subjects, and this *Review* (and the school) have long been focused on topics that are of interest nationally.

© 2016 William L. Reynolds.

* Jacob A. France Professor Emeritus, University of Maryland Francis King Carey School of Law.

1. That should make this the eightieth anniversary, but the *Review* skipped publication for several years during and after World War II, so this year we have the seventy-fifth Volume. My thanks to Shale Stiller for pointing out this lacuna in the *Review's* publication history, and for reading an earlier draft of this Essay.

2. William L. Reynolds, *A Half Century of the Maryland Law Review*, 50 MD. L. REV. 247 (1991).

The changes in the *Maryland Law Review* over the past twenty-five years are far fewer than those which happened in the previous half-century. The *Review* continues to attract fine articles from authors at other law schools as well as here. As a result, the current *Review* resembles the issues of twenty-five years ago. There have been some changes and concerns, however.

Bad Changes. Let me deal with the negative first. The number of footnotes demanded by editors seems to have increased exponentially over the years. I have published many articles in recent years in this *Review* and elsewhere, and I have been amazed at the additions required by the editors, many of which seem unnecessary. I encourage editors to ask the following question: Is this footnote necessary?

I also miss the articles on the legal history of Maryland. I have written a couple of those articles myself,³ but I wish there had been more.

Good Stuff. The *Review* continues to attract first-rate pieces from top scholars. (Perhaps my favorite article, because I am very jealous it was not mine, is *Remedies United in Nine Verses*).⁴ The articles are usually quite interesting. They certainly do not support Chief Justice Roberts' screed: "Pick up a copy of any law review and the first article is likely to be . . . the influences of Immanuel Kant on evidentiary approaches in 18th century Bulgaria . . ."⁵ This *Review* has avoided Roberts' lament. The issues contain many articles that address private doctrinal concerns, as well as public law issues, although there are also many articles on theoretical problems. Chief Justice Roberts could easily find papers of any sort in almost any issue of the *Review*. Apparently, he has never looked.

Symposia. These have become increasingly common in the last couple of decades. They involve conferences where a group of commentators get together to talk about a single topic. These are terrific projects for any law school—to have several prominent authorities talking together about a single issue can be a really wonderful thing. Perhaps the best example of this in our *Review* recently was the symposium sponsored by Professor Donald Gifford to consider the scholarship of Guido Calabresi.⁶ The contributors included eminent scholars from all over, including Judge Richard Posner, Professors Frank Michelman, Catherine Sharkey,⁷ Tony

3. See, e.g., William L. Reynolds, *Maryland and the Constitution of the United States: An Introductory Essay*, 66 MD. L. REV. 293 (2007).

4. Caprice L. Roberts, *Poem: Remedies United in Nine Verses*, 74 MD. L. REV. 199 (2015).

5. Quoted in Orin S. Kerr, *The Influence of Immanuel Kant on Evidentiary Approaches in 18th Century Bulgaria*, 18 GREEN BAG 2d 251 (2015). Roberts' anti-intellectual rant is spoofed by Professor Kerr. *Id.*

6. Symposium, *Calabresi's The Cost of Accidents: A Generation of Impact on Law and Scholarship*, 64 MD. L. REV. 1 (2005).

7. Professor Sharkey is local. My wife taught her math at Roland Park Country School.

Sebok, and many others. There was a two-day conference at the school, which I found marvelous.⁸

The Schmooze. A lovely variation on the Symposium is the Constitutional Law “Schmooze.” These began a decade or more ago, under the leadership of Professor Mark Graber. Like a symposium, a Schmooze gathers together a group of prominent scholars to address a single topic in a series of short papers published in this *Review*. Because the papers are short, they, unlike most pieces on Constitutional Law, are eminently readable. Because the Schmooze pieces are short, and will be published with other eminent authors in a first-rate *Review*, the Schmooze has been able to attract first-rate scholars. They are great additions to the *Maryland Law Review*.

Tributes. The *Review* has long published tributes to retiring judges and members of the Faculty. These are important pieces; they unfortunately have become more frequent over time (their presence means that there have been more deaths and retirements), but they celebrate the life of someone who has contributed much to the law.

Specialty Law Reviews. Journals devoted to specific topics have emerged in the last twenty-five years. We have several at the University of Maryland.⁹ Their appeal is easy to understand. An author publishing in a specialty area—*e.g.*, health care, might believe that she has a better chance of having her article read by her health care peers if published in a health care journal, rather than in a general law review.¹⁰ As a result, reviews such as *Maryland Law Review* are publishing fewer articles in specialty areas—health care, tax, the environment, and many other topics.

Student Pieces. The content of student pieces has not changed much over the years. There are first-rate analyses of cases and of even larger topics. More commonly, there are useful note of decisions in the Court of Appeals of Maryland and the Fourth Circuit. I just wish there were more of them. Practitioners and lower court judges need all of the help they can get.

A Final Word. The *Maryland Law Review* has existed for seventy-five volumes. It has grown from a parochial publication to one that has

8. I participated in one Symposium sponsored by the *Review*. See Symposium, *The Profession and the Academy: Addressing Major Changes in Law Practice*, 70 MD. L. REV. 307 (2011). My contribution was *Back to the Future in Law Schools*. *Id.* at 373. I found the conference led to quite thoughtful discussions. I should add, apropos of the title of my contribution, that I would like to bring legal education back at least half a century.

9. In addition to the *Maryland Law Review*, they include the *Journal of Business & Technology Law*, *Journal of Health Care Law and Policy*, the *Maryland Journal of International Law*, and the *University of Maryland Law Journal of Race, Religion, Gender and Class*.

10. For that reason, specialty journals are more likely to attract practitioners and other non-academics as authors than are general law reviews.

achieved wide-spread national recognition. I applaud that growth, and I look forward to the next hundred years of the *Review*.

I also look forward to writing the *Foreword* for the Centennial issue.