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Another Law Journal?

Gerhard Casper†

When, some four years ago, a group of students approached me with the request that the Law School establish a second student-run law journal, I was overcome with dismay. First, and most importantly, there are, nationwide, too many law journals to begin with. While the rational reader can ignore most of them without endangering his or her professional career, even perusing the *Index to Legal Periodicals* or tables of contents has become a major, mostly unprofitable chore.

Second, the University of Chicago Law School itself has long been a significant contributor to the flood of printed paper. In addition to the student-edited *University of Chicago Law Review*, we are the home or sponsor of four faculty-edited journals. Chicago entered that line of business decades before it became fashionable for legal scholars to try to escape from student control of scholarly publishing. The *Journal of Law and Economics* (it first appeared in 1958), the *Supreme Court Review* (1960), the *Journal of Legal Studies* (1972), and *Crime and Justice* (1979) are all major publications in their field. I do not even mention the *Law School Record*, our "house" and alumni journal, which also contains a considerable amount of scholarly materials.

Third, recent quantitative studies have confirmed what deans of the Law School have always maintained without being absolutely certain: on a per capita basis, ours is the most productive law faculty in the country. From my vantage point as dean, creation of what the faculty might view as still another incentive and outlet for publishing seemed outright dangerous. When will they find the time to think?

Finally, law journals cost money, a resource that is always scarce.

As I said to the most articulate students who urged me on, the most beneficial thing anybody could do for legal scholarship was not another law journal but a five year moratorium on all publishing by law journals.

Well, it is no secret that these days the authority of a law school dean is exceedingly limited. Also, deans are supposed to support creativity, especially student creativity, and to enrich the intellectual life of their schools. The American Bar Association accreditation committees hand out marks for decanal performance in

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that category. A dean who wants to stand in the way of intellectual growth and diversity better be on very firm ground. For a dean to thwart new manifestations of the life of the mind seems self-contradictory—at least to those who, like my colleague Charles Wegener in the College of the University, believe that the word “dean” does not, as is commonly assumed, derive from the Latin “*decanus*,” but from the motto of the Prince of Wales, “Ich dien,” which of course is German for “I serve.” Professor Wegener has advanced this thesis in an unpublished speech. Were he a law professor, we can be sure that he would have put it in citable form a long time ago. I am pleased to perform that service for him here.

Be that all as it may, after prolonged discussions among wonderful students and equally wonderful faculty, we decided that if the Law School were further to indulge its spendthrift ways with words, it might as well do it in style and not only add another law journal, but have this law journal and its student members annually organize a symposium which could then be given immortality in print.

I admit that the need for additional conferences has also not been convincingly demonstrated. However, the combination of symposium and the *University of Chicago Legal Forum* seemed irresistible. It does not only provide experience in editing, writing, and cite-checking—all activities which everybody considers desirable for law students to engage in—but also something infinitely more difficult: organization of a conference. I cannot sufficiently stress the need for this. For one, young lawyers with that kind of background will eventually enlarge the pool of potential law school deans (as of the time of this writing, 25 percent of American law school deanships are vacant). The ability to run conferences is a BFOQ** for a dean.

As I observed the editors of the *University of Chicago Legal Forum* and their faculty adviser put together the symposium on International Trade in Professional Services, as I participated in the conference, and as I saw this first annual volume emerge, I took great pleasure in the fact that my negativism had not prevailed. As a dean’s “successes” often turn out to be his failures, it is only fair if some of his failures turn out to be successes. I am delighted and grateful—especially to the many students who urged me on. If the first two symposia are any indication (the second concerns consent decrees), the *University of Chicago Legal Forum* will once again demonstrate what a high level of professionalism our students aspire to and can achieve.

** This horrendous acronym (if an acronym it is) means, as everybody who reads law reviews knows, “bona fide occupational qualification.”