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Introduction

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INTRODUCTION

HON. CHARLES S. DESMOND*

Nearly fifty years ago Judge Cardozo, who wrote so well about so many things legal and judicial, penned: "Judges have at last awakened, or at all events a number of them not wholly negligible, to the treasures buried in the law reviews." On the basis of some experience I can certify that a good many judges read, digest and appreciate the law reviews. The *Buffalo Law Review*, official publication of the law school of the State University of New York at Buffalo, has had a comparatively long history and surely an honorable one. Its twentieth anniversary suggests some further thoughts on law reviews in general and this one in particular.

These publications (of which there are now about 123 in the United States) have had various and shifting functions and purposes. Some were apparently founded as mere prestige items, as efforts to "keep up with the Joneses" of legal education (Harvard, Yale, etc.). Others represented efforts to communicate with the bar and bar associations of particular localities. All of them, whether of high or low degree, have taken part in one of the endless tasks of the profession—thinking about what the law is and ought to be. The failures of some of the law reviews derive from their sometimes small and usually limited circulations, their ups and downs in quality of content and the bad habit of some of them of including, as fillers, articles with small appeal and ultra-specialized subject matter.

But, whatever their original functions and purposes, the prime job and value of a good modern law review is, I think, affording at least a few students some training in the skill of legal writing. This means to me that the "case notes" written by students are the most useful, as they are usually the most interesting and readable part of a law review. Lawyers are wordsmiths. Their valued product is words, not just careless and casual verbiage, but accurate verbal expression of ideas produced by logical thought and careful research. Few skills are so rare. Few take more effort to

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acquire. But a law student who writes one good law note and sees it published in a law review has come a long way. His careful and thorough analysis of the case itself, his examination of the authorities cited by the court (and many other authorities not so cited) have led him to a reasoned and clearly stated conclusion. This is the stuff of which useful lawyers are made.

The student who works on a law review does something for his school as well as for himself. He helps it to be more than a trade school, helps it to reach what Cornell's president in 1887 wrote as the goal of a law school "to send out, not swarms of hastily-prepared pettifoggers but a fair number of well-trained, large-minded, morally based lawyers in the best sense." The *Buffalo Law Review's* roster of editors and contributors over the years lists a good many students who turned out to be lawyers like that.

Law reviews have another and lesser-known and surely unintended function—to keep up the blood pressure of appellate judges. Every appellate judge I have known tries to read the law review comments on all the opinions he has written. His reactions are usually predictable but even when the student writer's critique is unfavorable, the judge, after his choler has subsided, concedes that the youthful critic has delved deeply and thought long about the subject matter of the opinion.

Too few lawyers, and judges, use the reviews as research tools and for helpful ideas. Too few students grasp the opportunity for high-grade training in research and writing. Perhaps too few professors show interest and provide encouragement. But over all the law review does a job and achieves a result. The *Buffalo Law Review* has held to high standards and—what is more important—has improved with age. May its future be bright!