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## The Journal: Fortieth Anniversary Volume

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# The Journal: Fortieth Anniversary Volume

This is to congratulate the editors of the *Columbia Journal of Law and Social Problems* as they mark the *Journal's* fortieth anniversary. The *Journal's* first editor-in-chief, Andrew Krulwich, recalled on the occasion of the thirtieth anniversary that the *Journal* "began as a germ of an idea to expand the law school journal experience to include more empirical methods and social issues."<sup>1</sup> In 1965, when the first issue was published, there was a growing sense among students and professors that "the traditional sources of legal knowledge," including the established journals and the scholarly expectations that had grown up around them, were no longer adequate to the task of understanding the law, the forces shaping the law, and the impact of law on people.<sup>2</sup> The students of 1965 also hoped that the new publication, entirely student written, might add to the educational program at Columbia, providing "an educational outlet for individualism, creativity, and personal initiative."<sup>3</sup> The aim was to broaden and deepen the study of conventional legal materials, to look outside the library "to determine how the law [was] functioning in practice."<sup>4</sup>

Forty years later, it is now evident that those students of 1965, as well as the talented generations to follow, were very much onto something. The last four decades have seen an explosion in the interdisciplinary study of law. During these decades, the *Journal* has grown from its fledgling group of eight editors and twenty staff members, publishing one issue a year, into a

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1. Andrew S. Krulwich, *Introduction*, 30 COLUM. J.L. & SOC. PROBS. vii (1996).
  2. See William C. Warren et al., *Introduction*, 1 COLUM. J.L. & SOC. PROBS. v (1965).
  3. See Krulwich, *supra* note 1, at v.
  4. Warren et al., *supra* note 2, at v.

quarterly publication that affords fifty editors and staff members the opportunity to broaden their professional training on an established legal journal that has maintained its commitment to closing the gap between the law in the books and in the world. The *Journal* has held to its identity as a forum for student publication and at the same time demonstrated the great influence of Columbia's extraordinary students: thus, the *Journal* has been cited in hundreds of court opinions, including some twenty opinions of the United States Supreme Court.<sup>5</sup>

Paging through back issues of the *Columbia Journal of Law and Social Problems* quickly establishes the publication's continuing commitment to tackling the significant issues of its time. In 1965, the very first issue addressed the commitment standards in New York's Mental Hygiene Law.<sup>6</sup> Some ten years later, in the aftermath of President Gerald R. Ford's pardon of Richard M. Nixon, it was the pardoning power itself that drew an author's attention, resulting in a 171-page empirical evaluation of that power, as exercised in New York and Connecticut.<sup>7</sup> The 1990s produced articles on Megan's Law,<sup>8</sup> the privacy rights of HIV-positive prisoners,<sup>9</sup> and social and economic rights in the South African Constitution.<sup>10</sup> In this century, topics have ranged from foster care reform in New York City<sup>11</sup> to contributory trademark liability over the Internet,<sup>12</sup> from the question whether there

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5. The *Journal* has been cited over 150 times by lower federal courts, and over 100 times by state high courts, with Washington in the lead, followed by New Jersey, New York, and California. This does not include the many additional citations by lower state courts.

6. See Joyce Daryl Chaikin, Note, *Commitment by Fiat: New York's New Mental Hygiene Law*, 1 COLUM. J.L. & SOC. PROBS. 113 (1965).

7. See Meah Dell Rothman, Note, *The Pardoning Power: Historical Perspective And Case Study Of New York And Connecticut*, 12 COLUM. J.L. & SOC. PROBS. 149 (1976).

8. See Simeon Schopf, Note, *"Megan's Law": Community Notification and the Constitution*, 29 COLUM. J.L. & SOC. PROBS. 117 (1995).

9. See Gary H. Loeb, Note, *Protecting the Right to Informational Privacy for HIV-Positive Prisoners*, 27 COLUM. J.L. & SOC. PROBS. 269 (1994).

10. See Randal S. Jeffrey, Note, *Social and Economic Rights in the South African Constitution: Legal Consequences and Practical Considerations*, 27 COLUM. J.L. & SOC. PROBS. 1 (1993).

11. See Sally K. Christie, Note, *Foster Care Reform in New York City: Justice for All*, 36 COLUM. J.L. & SOC. PROBS. 1 (2002).

12. See Jason Kessler, Note, *Correcting the Standard for Contributory Trademark Liability Over the Internet*, 39 COLUM. J.L. & SOC. PROBS. 375 (2006).

should be corporate criminal liability<sup>13</sup> to the question of the distinctive role played by civil contempt.<sup>14</sup>

When Professor Farnsworth asked me if I would serve on the *Journal's* Board of Directors some years ago, he advised me that the responsibility would be pleasant. I would attend annual meetings and be available to offer small bits of advice. More importantly, he suggested, I would have occasion to glimpse something of both the fun and frustrations of the staff and editors; I would see over time the commitment and capabilities of the students who have made the *Columbia Journal of Law and Social Problems* a resounding success. Professor Farnsworth was absolutely on the mark in predicting that this opportunity would prove satisfying.

The fledgling *Journal* had the full support of Dean William Warren, along with the help of a distinguished set of advisors that included Adolf A. Berle, Judge Frederick Van Pelt Bryan, E. Allan Farnsworth, William K. Jones, and Telford Taylor. These advisors joined together to write the introduction to the very first volume. As advisors are wont to do, they struck a cautionary note:

It should be acknowledged, quite frankly, that this venture is still in the experimental stage. More experience is required to achieve a proper combination of library and field research. Years of operation are necessary to develop adequate editorial procedures and to bring into being a staff of qualified revising editors. Neither a sense of student commitment nor a tradition of quality can be created overnight. But a beginning has been made — an auspicious one at that.<sup>15</sup>

How wonderful to offer congratulations on forty years of fruitful research, clear and engaging language, and influential scholarship. From the very first issue through the *Journal's* early and

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13. See Wilson Meeks, Note, *Corporate and White-Collar Crime Enforcement: Should Regulation and Rehabilitation Spell and End to Corporate Criminal Liability?*, 40 COLUM. J.L. & SOC. PROBS. 77 (2006).

14. See Jennifer Fleischer, Note, *In Defense of Civil Contempt Sanctions*, 36 COLUM. J.L. & SOC. PROBS. 35 (2002).

15. Warren et al., *supra* note 2, at vii.

formative years, and continuing today, the *Columbia Journal of Law and Social Problems* has been blessed with one capable generation after another. Forty years into the experiment the founders launched, an advisor can claim with some confidence that *Journal* staffers of the future have a legacy to uphold. Legacies can sometimes be burdens. But if the past in any way predicts the future at the *Columbia Journal of Law and Social Problems*, these staffers-to-be will continue both enthusiastically and happily in the tradition of quality that has come to be the mark of this Columbia publication. With congratulations.

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