TEMPLE LAW REVIEW @ 90

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"To write a history of the law would involve writing a large part of the history of the world."[1] So opened the first paragraph of the first article in the first issue of *Temple Law Review*, then known as *Temple Law Quarterly*, published in March 1927 by Francis Chapman, Dean of the law school. Fitting for a dean, the article, *Bits of Legal History*, written during the Dean's silver anniversary, delivered an array of snapshots with a pedagogical aim—legal anecdotes "of interest to lawyers and law students."[2] The lessons included tidbits from the golden age of the common law (1066 to 1267, A.D., if curious) to Blackstone to a more contemporaneous (and provincial) accounting of an attempt in 1903 by Pennsylvania Governor Samuel Pennypacker—the "Sage of Schwenksville"—to prosecute newspaper editors and their associates for libel after a cartoon depicted Pennypacker as a parrot subservient to the Republican political machine.[3]

The choice to give the Dean the first voice of the new law review was, in part at least, a reward for a job well done. "In the annals of our Law School," said William G. Schmidt, President of the Temple University Class of 1927, Chapman's twenty-five years as Dean "mark a significant epoch—crowded with activity, trial, and struggle; concluding with distinction, service, and recognition."[4] But if Chapman's opening salvo was meant to strike a skeptical cord, it was not lost on his students. "Perhaps twenty-five years are only a momentary recess in the evolution of time," continued Schmidt,[5] a preemptive strike to any claim that an individual, even a noteworthy dean, can have a significant impact on the evolution of the law. Successes may always be reversed.

* Editor-in-Chief and Executive Editor, respectively, Volume 90 of *Temple Law Review*. We wish to thank the staff of Volume 90 and our law review advisors (Professors Tom Lin, Laura Little, and Robert Reinstein) for helping to bring this project to fruition. We especially thank the authors who contributed to the issue, which is dedicated to Professor Reinstein, our inestimable teacher and mentor.

1. Francis Chapman, *Bits of Legal History*, 1 TEMP. L.Q. 1 (1927).
2. *Id.*
3. In 1902, while still a Philadelphia judge, Pennypacker delivered a spirited defense of Matthew S. Quay, the boss of Pennsylvania Republican politics and a powerful U.S. Senator, after the *Atlantic Monthly* ran a story critical of Quay by Mark Sullivan, a Pennsylvania native and a Harvard Law student. Due either to Pennypacker's principled defense of Quay (according to Pennypacker) or to his fealty to the Republican machine (according to the critics), Quay persuaded his colleagues to nominate Pennypacker as the Republican candidate for governor. During the campaign, the *Philadelphia North American* published a series of critical cartoons depicting Pennypacker as, in one representative case, Quay's pet parrot, sitting atop the Senator's top hat. *See* Steven L. Pratt, *The Right of the Cartoonist: Samuel Pennypacker and Freedom of the Press*, 55 PA. HISTORY 78, 78–87 (1988).
4. William G. Schmidt, *Appreciation*, 1 TEMP. L.Q. 63 (1927).
5. *Id.*

Mistakes can always be rectified. The sale of a single share may move the market, the article by a single author may influence some doctrine, but only mass action will create a bull or a bear—only many articles, followed on by the decisions of many judges, will move the law.

Perhaps, then, ninety years, the age of this Law Review, is but a momentary recess in the evolution of time, even if the anniversary marks a significant epoch in the history of our institution. Yet, in the history of the law, especially the part of the American canon that seeks to make good on the promise of the Founders "to form a more perfect Union,"[6] ninety years can be an awfully long time. As the Dean was drafting his contribution to the first issue of the *Quarterly*, for instance, *Plessy v. Ferguson*,[7] which fatefully held that racial segregation in public facilities was constitutionally permissible so long as the facilities accessible to each race were "equal," still had twenty-seven years left to live. Another epoch.

Yes—ninety years can be a long time in the law. Successes may be hard fought, but mistakes can always be rectified. It has been in that spirt, then, that since Dean Chapman opened the pages of the *Temple Law Review* in spring 1927, annual assemblies of student editors have strove to do their part to push the law, and our history, toward a more just and equitable future.

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Over the spring and summer of 2018, the editorial board of Volume 90 of *Temple Law Review* solicited articles, essays, and interviews from our community of judges, teachers, and practitioners, asking each, with their keener and less parochial eyes, to help us make sense of our law review experience and to illuminate productive paths forward as we begin our careers.

The result is this special issue, *Temple Law Review* @ 90, which we publish with two goals in mind. The first is to celebrate a small snippet of the many wonderful people who have been associated with the law school or the law review over the years, and to ask them to reflect on their varied careers and provide advice where advice is warranted. Catherine Recker, an alumna of Volume 62 of *Temple Law Review*, has contributed a recounting of what ignited her passion for criminal defense, as well as recent work representing a witness who was subpoenaed to testify before a Pennsylvania grand jury investigating former Pennsylvania Attorney General Kathleen Kane. Len Rieser, of the Law School's Sheller Center for Social Justice, has provided an essay discussing his efforts to integrate issues of access to justice into the law school curriculum, forcing us to reconcile the fact that in a country teeming with lawyers, so many face legal issues without the benefit of counsel.

Professor Laura Little, who was a distinguished editor of *Temple Law Review* before becoming a distinguished Professor at our law school, produced an essay that has, as she says, "the reverberations of a personal memoir." We all wish the memoir was many pages more. And Professor Robert Reinstein, who

6. U.S. CONST. pmbl.
7. 163 U.S. 537 (1896), *overruled by* Brown v. Board, 347 U.S. 483 (1954).

this spring stepped down after nearly fifty years of service to the law school, was gracious enough to sit for seven hours of interviews in which he discussed his long and impactful career, and reminded us all that being a lawyer can change the world.

But this special issue is not all self-congratulatory, departing editors patting themselves on the back, job well done, wishing to preserve for posterity all we have accomplished. Our second goal in publishing this issue is inquisitive. We wish to question what value we—inexperienced second-, third-, and fourth-year law students—might offer to our more seasoned legal colleagues. Are we properly suited to the task of editing legal scholarship and, if not, ought we to give up or is there hope? Professor Craig Green generously hedged, providing us what he calls "a qualified defense"—a shield to be sure, but one penetrable and in need of fortification. He lists the many benefits of the student law review project but challenges us to do more to ensure that our law review avoids becoming an insular institution, detached from and not representative of the rest of the law school. And to Judge Goldberg and Judge Rice, the latter of whom succeeded Professor Little as editor of *Temple Law Review*, the answer to the question of "do we have value" is "yes, but. . ." Yes, law reviews can add value to the practicing bar and to judges, but too often they (or should we say we) stray into the esoteric, tackling topics that may eventually spawn legal re-conceptualizations but too often speak only to other law professors, forgetting, despite Professor Rieser's gentle but insistent and unequivocal reminder, that there is a whole world out there in need of legal help.

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As members of the editorial board, we are merely trustees of a long-standing institution. Just as with Leslie Minora and Liza Fleming before us or, to go back a bit further, just as with Judge Rice on Volume 59 or Professor Little the year before him, our primary role in leading this institution is one of steward—to preserve the good and to tinker only a little, and even then, to tinker cautiously.

As did editorial boards before us, we selected articles, recruited and developed a new staff, and edited and edited and edited. Led by Dina Bleckman, Spenser Karr, Jared Kochenash, Kristin Pachell, and Ashley Rotchford, we selected a roster of outstanding, and diverse, articles. Led by Emily Litka, Brandon Matsnev, and Sydney Pierce, we recruited and developed an exceptional staff, doing a small part, we hope, in pushing the institution forward. Led by Sydney Pierce (again) and Liam Thomas, we mapped out a year's worth of work—nineteen articles, a special issue, and what seems like now to be thousands of rounds of edits. Led by Jared Kochenash (again) and Victoria Rodgers, we planned and executed a fantastic symposium on the landmark *Caremark* case. Led by Richard Lechette, we reimagined our online platform so that it would be a space for untraditional and incisive content. Led by Emily Litka (again), Brandon Matsnev (again), and Chase Howard, David A. Nagdeman, Victoria Rodgers (again), Edyta Sypien, and Kevin Todorow, we guided forty-six staff editors as they produced exceptional and varied notes and

comments. And led by Duncan Becker, Rita Burns, Brianna Vinci, Sam Ventresca, and Cody Wolpert, and performed admirably by a team of forty-six staffers, we *edited* and *edited* and *edited*.

And now, with our work nearly complete, we are here also to reflect—to celebrate, to question, to improve. But even as we complete our last few tasks as editors of the 90th Volume, and pause to reflect on our team's contributions to the law's history, work by our most-able successors on the 91st Volume has long since begun. That editorial board has already selected an impressive slate of articles and traded first rounds of edits with their authors. That editorial board has selected another forty-six staff editors, some of whom will, in just six short months, be elected to the editorial board of the 92nd Volume. The work goes on. There are hardly two breaths for reflection.

But reflect we must. For, without reflection, we may forget what we have done well or, more consequentially, in light of Dean Chapman's cautious observation, forget where we have gone wrong. That something was done some way before does not necessitate it be done that way again. *Plessy* was wrong and *Brown* was right, even if the framers of the Fourteenth Amendment did not contemplate that their amendment would cause the integration of our country's public schools, as they likely did not. Our law reviews, and the law students that edit them, have played an important role in advancing a more just law, in exposing past errors, and in buttressing righteousness. And that role must continue. As editors of the 90th Volume, and of this special issue, we hope that we have done our part and left a lasting mark. We hope our work will continue to mean something, and that where we have fallen short, our successors will continue to improve and perhaps, at least some of the time, tinker a little less cautiously.