

FROM *TEMPLE LAW QUARTERLY* TO *TEMPLE LAW REVIEW*—A HISTORICAL SURVEY

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The diamond anniversary of any publication is a significant milestone in its history. The current volume brings us to the seventy-fifth volume of the *Temple Law Quarterly/Temple Law Review*, and a brief glance backward over our own story would not be without pleasure or profit. The story of the journal edited by the students of the Temple University School of Law, now the Beasley School of Law (“the Law School”), cannot be separated from the history of the Law School itself. This article cannot give even the most capsule account of the efforts of Dr. Russell Conwell, the founder of Temple University, to provide an opportunity for men and women of every background and with very modest economic resources to have access to higher education and professional training. The broad outlines of the earliest years of the Law School can be found in reminiscences of Henry S. Borneman, the first Dean of the Law School.¹ In volume twenty-seven of the journal, Dean Borneman recalled the earliest research efforts of the law students, which took the form of papers read as part of the Commencement Exercises of the School.² At the first such occasion on April 2, 1901, Charles J. O’Brien and James McMullan, graduates in the Class of April 2, 1901, read their papers.³

A more permanent forum for the publication of legal research and reasoning under the aegis of the Law School did not appear for more than a quarter of a century. The first issue of the *Temple Law Quarterly* (“the *Quarterly*”) was published in 1927. Dean Francis Chapman did not immediately welcome the idea of a legal periodical sponsored by the School.⁴ He opposed this venture, thinking that the student body, which was overwhelmingly evening students, would not have sufficient leisure to undertake the editorial work needed.⁵

The Dean’s reluctance was not unusual in the climate of legal education in the 1920’s. A brief survey of the holdings of the Law School’s Library illustrates that few schools published a law review in the first decades of the twentieth

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1. Henry S. Borneman, *The Origin and the First Seven Years of the Temple University School of Law*, 27 *TEMP. L.Q.* 402, 419 (1954).

2. *Id.* at 423.

3. *Id.*

4. John M. Lindsey & Janet Blom Shea, eds., *Temple University School of Law Centennial 1895-1995* (Special Centennial Edition), *TEMPLE ESQ.* Nov. 1995, at 9.

5. *Id.*

century. There were no more than a few dozen titles, and most of these were the publications of long established university law schools.⁶ However, Joseph S. Klienbard, who was to be the first editor in chief of the new publication, persisted in his advocacy and the Dean yielded.⁷ The first volume of the *Quarterly* appeared in March 1927. The subscription price was two dollars for the entire volume, but individual issues could be purchased for fifty cents. It may be interesting to those who edit journals to recall that this first volume of the *Quarterly* consisted of two issues, each of about sixty pages.

Dr. Charles E. Beury, who succeeded Dr. Conwell as President of Temple University in 1927, contributed a letter of greeting to the readers of the new journal.⁸ Some of his thoughts help to explain the Law School's readiness to undertake this publication. Dr. Beury wrote:

It gives me a great deal of pleasure to send you a word of greeting on the occasion of the appearance of the first number of THE LAW QUARTERLY. The magazine will be a most welcome addition to the Temple University publications, and should prove a powerful agency, not only in strengthening the ties between the Faculty and students of the School of Law, and between the School and its many faithful Alumni, but also in making known the sterling qualities of our institution to the public at large.

We are, at this moment, engaged in the greatest movement for the expansion of Temple University Dr. Conwell's institution has ever known. The first requisite for success of this movement, in which all of us are interested with heart and soul, is the dissemination of information about Temple to the end that the people of Philadelphia and the country may know the wonderful public service that has been and is being performed by the University⁹

Dean Chapman contributed the opening article of the first issue, *Bits of Legal History*, an essay discussing the development of the law over the centuries.¹⁰

The second issue of the *Quarterly* appeared in May of 1927. It contained an article by Edward Katzenbach entitled *Comments on the Common Law and the Constitution*¹¹ recalling the importance of common law issues in American Legal Education in the early twentieth century. Publication of this article began a continuing interest in constitutional law on the part of the journal's editors.¹² Another article in the second issue addressed the problems of the developing oil

6. The HARVARD LAW REVIEW began publication in 1887; the YALE LAW JOURNAL in 1891. The first volume of the AMERICAN LAW REGISTER edited by the Department of Law of the University of Pennsylvania, now the UNIVERSITY OF PENNSYLVANIA LAW REVIEW, appeared in 1902.

7. Lindsey & Shea, *supra* note 4, at 9.

8. Charles E. Beury, *A Greeting from the President*, 1 TEMP. L.Q. ix (1927).

9. *Id.*

10. Francis Chapman, *Bits of Legal History*, 1 TEMP. L. Q. 1 (1927).

11. Edward L. Katzenbach, *Comments on the Common Law and the Constitution*, 1 TEMP. L.Q. 61 (1927).

12. This interest continues today through the annual publication of an issue devoted to state constitutional law issues. See 73 TEMP. L. REV. 2 (2000) (presenting articles discussing issues of state constitutional law).

industry in Mexico and the impact of that country's regulation on international law.¹³ Even at this early date, interest in international law was evident, a surprising presentation from a rather small law school that was very much committed to preparing practitioners for the local Philadelphia legal community.¹⁴ Perhaps this was a sign of things to come.

Not surprisingly, the greater part of the remaining pages of this first volume were given over to a series of student-authored notes and studies of recent cases. From its inception, the *Quarterly* was intended to provide a place for the publication of student writing. The Law School catalogue for 1928 conveyed this intention in its description of the *Quarterly*:

There is published under the auspices of the School of Law the Temple Law Quarterly, the editorial staff of which is composed of students of the students of the School. By order of the Faculty, as a condition precedent to graduation, each student is required at some time during his course, preferably after the first year, to submit for publication a suitable legal article or case note.¹⁵

During the decade following the establishment of the *Quarterly*, the development of the Law School continued. In 1928, the Law School moved to the Public Ledger Building on Independence Square.¹⁶ The year 1930 saw the appointment of John G. Hervy as associate dean.¹⁷ Although the Dean and professors at that time continued to have active legal practices, Professor Hervy was one of the first faculty members to devote his entire time and energy to the service of the School.¹⁸ Together, Dean Chapman and Professor Hervy guided the Law School through the difficult depression years.¹⁹

A survey of the volumes on the Law Library shelves reveals that, despite the troubles of the times, the *Quarterly* appeared regularly throughout the thirties. In fact, it seems that the *Quarterly* grew steadily during this period—the number of pages in each volume generally increased during the decade. After its first volume of two hundred pages, later volumes contained three, four and even six hundred pages, although there was a slight decline in the last years before the Second World War. Within the limits of a brief survey, it would be impossible to give even a suggestion of the breadth of topics treated during these years, but a brief glance at a few articles affords some appreciation of what the first years of the *Quarterly* were like.

Legal ethics, legal systems of other countries, and legal education methods are among the topics that were addressed in the *Quarterly's* first ten years. Dean Chapman continued to contribute articles; *Lectures of Legal Ethics*, published in

13. Ira Jewell Williams, *Mexican Oil Legislation and International Law*, 1 TEMP. L.Q. 91 (1927).

14. The Class of 1927 counted fifty-seven members. 10 TEMPLE UNIVERSITY BULLETIN, SCHOOL OF LAW 16-17 (1928). Students were primarily from Philadelphia and its immediate suburbs, although sixteen were residents of New Jersey. *Id.* No other geographical areas were represented. *Id.*

15. *Id.* at 15.

16. Lindsey & Shea, *supra* note 4, at 10.

17. Lindsey & Shea, *supra* note 4, at 12.

18. Lindsey & Shea, *supra* note 4, at 12.

19. Lindsey & Shea, *supra* note 4, at 14-15.

the *Quarterly's* third volume, was the second in his series of articles discussing the duties and responsibilities of lawyers.²⁰ In this article, Dean Chapman focused on the professional responsibilities lawyers must bear toward each other, noting that "good faith, fair dealing, and courtesy" were essential elements to a lawyer's professional life.²¹ Later, Dean Chapman's essay about Abraham Lincoln's life and career, entitled *Lincoln the Lawyer*, was published in volume nine.²²

Volumes four and five included a series of articles on Jewish Law by Isaac Herzog.²³ A report on the contemporary Chinese court system by Roy M. Lockenour appeared in the fifth volume.²⁴ A concern for issues of legal education appears in a series of *Letters from a Preceptor to a Law Student*, published anonymously in the sixth and seventh volumes.²⁵ Another aspect of preparing students to practice law was presented by John S. Bradway, who in 1932 contributed an article to volume eight suggesting the utility of clinical preparation for admission to the Bar.²⁶

As the 1930s closed, the Law School moved again to its new home at the thirteenth floor of the Gimbel's Department Store Building, on the corner of Eighth and Market Streets.²⁷ The Law School would remain there from 1939 until its return to the main campus in North Philadelphia nearly twenty years later.²⁸

During the early 1940s, World War II brought major changes to American society, and the Law School was not spared. During this decade, Dean Hervey resigned and Judge Charles Klein became acting Dean.²⁹ Dean Klein reported to the Board of Trustees in 1942 that enrollment in the School "had been seriously reduced because of 'active military service.'"³⁰ By the next year, there were no more than seventy students attending the Law School.³¹ It is remarkable that the *Quarterly* continued to be published regularly and with roughly the same number of pages throughout these years despite the limited number of students available to carry on the work.

20. Francis Chapman, *Lectures on Legal Ethics*, 3 TEMP. L.Q. 99 (1929).

21. *Id.* at 289.

22. Francis Chapman, *Lincoln the Lawyer*, 9 TEMP. L.Q. 277 (1935).

23. Isaac Herzog, *Possession in Jewish Law (I)*, 4 TEMP. L.Q. 329 (1930); *Possession in Jewish Law (II)*, 5 TEMP. L.Q. 260 (1930); *Possession in Jewish Law (III)*, 5 TEMP. L.Q. 598 (1930). Mr. Herzog also contributed *The Source of Jewish Law*, 5 TEMP. L.Q. 47 (1930).

24. Roy M. Lockenour, *The Chinese Court System*, 5 TEMP. L.Q. 253 (1930).

25. *Letters From a Preceptor to a Law Student (I)*, 6 TEMP. L.Q. 307 (1931); *Letters From a Preceptor to a Law Student (II)*, 6 TEMP. L.Q. 447 (1931); *Letters From a Preceptor to a Law Student (III)*, 7 TEMP. L.Q. 54 (1932); *Letters From a Preceptor to a Law Student (IV)*, 7 TEMP. L.Q. 210 (1932); *Letters From a Preceptor to a Law Student (V)*, 7 TEMP. L.Q. 311 (1932); *Letters From a Preceptor to a Law Student (VI)*, 7 TEMP. L.Q. 446 (1932).

26. John S. Bradway, *Clinical Preparation for Admission to the Bar*, 8 TEMP. L.Q. 185 (1932).

27. Lindsey & Shea, *supra* note 4, at 15.

28. Lindsey & Shea, *supra* note 4, at 22.

29. Lindsey & Shea, *supra* note 4, at 16.

30. Lindsey & Shea, *supra* note 4, at 16.

31. Lindsey & Shea, *supra* note 4, at 16.

Throughout this time, the leading articles continued to address broad and varied questions of law. It seems the contributors hardly noticed the events that raged around them. For example, a series of articles by Charles E. Ruby, entitled *Are True Chemical Compounds, As Such, Inherently Unpatentable Subject Matter?*, appeared in the fifteenth and seventeenth volumes.³² The seventeenth volume also contained an essay by Robert E. Lee, a professor at the Law School, about the life and career of Russell Conwell.³³

However, the societal and legal impacts of the war did not go unnoticed. Observations and analyses about these matters were more clearly reflected in the student-authored notes, perhaps because student writers were more intimately concerned with the war and its consequences. Volume seventeen presented notes dealing with the civil rights of enemy aliens.³⁴ The next volume presented a Case Note discussing the liability of life insurance companies under the war exemption clauses.³⁵

As the war came to an end, the contents of the *Quarterly* strongly reflected the legal questions which arose in the troubled peace that followed. The first issue of the nineteenth volume featured an article by Amos J. Peaslee, *The Dumbarton Oaks Proposals Regarding the Settlement of International Disputes*, a paper which evaluated proposals for the organization of international judicial tribunals.³⁶ The next issue was entirely devoted to a discussion of the legal basis for the trial of war criminals.³⁷ The lead article was an address made by Robert H. Jackson, Associate Justice of the Supreme Court and an active participant in the Nuremberg Tribunal, entitled *The Rule of Law Among Nations*.³⁸ This was followed by a selection of documents drawn from the Nuremberg proceedings.³⁹ The twentieth volume continued consideration of the Nuremberg Trials with articles dealing with the procedures and the judgments.⁴⁰

32. Charles E. Ruby, *Are True Chemical Compounds as Such, Inherently Unpatentable Subject Matter? (Part I)*, 15 TEMP. L.Q. 27 (1940); *Are True Chemical Compounds as Such, Inherently Unpatentable Subject Matter? (Part II)* 15 TEMP. L.Q. 321 (1941); *Are True Chemical Compounds as Such, Inherently Unpatentable Subject Matter? (Part III)*; 17 TEMP. L.Q. 1 (1942); *Are True Chemical Compounds as Such, Inherently Unpatentable Subject Matter? (Part IV)* 17 TEMP. L.Q. 385 (1943).

33. Robert E. Lee, *Incidents in the Life of Russell H. Conwell*, 17 TEMP. L.Q. 209 (1943).

34. Note, *Civil Rights of Enemy Aliens During World War II*, 17 TEMP. L.Q. 87 (1942).

35. Note, *Liability of Life Insurance Companies Under War Exemption Clauses*, 18 TEMP. L.Q. 421 (1944).

36. Amos J. Peaslee, *The Dumbarton Oaks Proposals Regarding the Settlement of International Disputes*, 19 TEMP. L.Q. 26 (1945).

37. See generally Robert H. Jackson, *Closing Arguments for Convictions of Nazi War Criminals*, 20 TEMP. L.Q. 85 (1946) (reprinting copy of argument).

38. Honorable Robert H. Jackson, *The Rule of Law Among Nations*, 19 TEMP. L.Q. 135 (1946).

39. See, e.g., Walter Lippmann, *An Historic State Paper* 19 TEMP. L.Q. 157 (1946) (commenting on Justice Jackson's report); Robert H. Jackson, et.al., *Agreement for the Establishment of an International Military Tribunal*, 19 TEMP. L.Q. 160 (1946) (presenting text of international agreement); *Charter of the International Military Tribunal*, 19 TEMP. L.Q. 162 (1946) (presenting organization and procedural mechanism for international military tribunal); *Indictment Against Major Nazi War Criminals*, 19 TEMP. L.Q. 172 (1946) (presenting indictment).

40. See, e.g., *Judgment of the International Military Tribunal Against Major Nazi War Criminals and Criminal Organizations*, 20 TEMP. L.Q. 168 (1946) (presenting judgment of international military

In 1952, the *Quarterly* celebrated a quarter century of publication. This milestone was marked with the publication of an index covering the first twenty-five years of the journal. Two years later, the twenty-seventh volume devoted an entire issue to the celebrations surrounding the return of the Law School to the main campus of the University.⁴¹ With this move, a new mood—one of a more “academic” orientation—arose in the Law School. Also, for the first time in its history, the Law School occupied its own building.⁴²

As mentioned above, the occasion also provided the opportunity to publish the memories of Dean Borneman of the origins and first seven years of the School of Law.⁴³ These memories, published only a year before Henry Borneman's death, is a valuable insight into the Law School's formative years. The editors of the *Quarterly* who chose to present this material should be thanked for their foresight in providing a place for this valuable record. As the end of the decade approached, the *Quarterly* in 1957 devoted an entire Summer issue to presenting scholarly legal thought about the many facets of medical malpractice. A highlight of this issue was a contribution from Samuel Polsky, a long time Professor of Law at Temple and Director of the Philadelphia Medico-Legal Institute, addressing various topics of medical malpractice.⁴⁴

The years since the 1960s are certainly more familiar to many of the readers of the *Quarterly* than those which have been recalled in this survey. During the two decades of the 1960s and 1970s, the *Quarterly* presented the results of two important studies. First, the *Quarterly* published what might be considered a seminal study of the questions surrounding racial discrimination in admission to the Bar in Pennsylvania. This was the work of a committee chaired by Peter J. Liacouras, Professor of Law and Dean of Temple Law School.⁴⁵ The Report addressed a very controversial topic and stirred deep reactions in the legal community and in the Law School. Dean Ralph Norvell feared that its publication in the *Quarterly* would reflect badly on the School. Joseph H. Hennessy, managing editor of the Law Review and editor for the article, was asked to either omit it from publication or substantially edit the text. The editors declined to do this and significant pressure was placed on them to comply with the Dean's wishes. With the assistance of Professor Robert Reinstein, then a very new member of the Law Faculty, a spirited defense of the *Quarterly's* right to publish without undue interference from Law School administration was made. Ultimately, this position was endorsed by vote of the Law Faculty. The Liacouras Report was published in its entirety and an important principle was

tribunal against Nazi war criminals).

41. Honorable Earl Warren, Dedication of Reber Hall, March 4, 1954, in 27 TEMP. L.Q. 379 (1954).

42. Honorable Charles Klein, Dedicatory Presentation, March 4, 1954, in 27 TEMP. L.Q. 385 (1954).

43. Borneman, *supra* note 1, at 402.

44. Samuel Polsky, *The Malpractice Dilemma: A Cure for Frustration*, 30 TEMP. L.Q. 359 (1957).

45. *The Report of the Philadelphia Bar Association Special Committee on Pennsylvania Bar Admission Procedures-Racial Discrimination in Administration of the Pennsylvania Bar Examination*, 44 TEMP. L.Q. (1971).

established in the relations between the *Quarterly* and the Law School.⁴⁶

More than a decade later, in 1986, another issue of the *Quarterly* presented the report of the special commission appointed to study the tragic events surrounding the "MOVE" conflict in Philadelphia.⁴⁷ Another Temple Law School Professor and Dean, Carl E. Singley, who contributed an introduction to the commission's work in the issue, acted as special counsel to the commission.⁴⁸ Justifiably, these publications attracted public attention. However, the quiet work of many scholars and editors who produced volume after volume of the *Quarterly* during the 1970s and 1980s should not be overlooked.

As the 1980s reached their end, so did the venerable title of the journal. In 1988, after sixty volumes of being called the *Temple Law Quarterly*, the journal was renamed the *Temple Law Review*. The journal was not to be tied to a strict quarterly publication schedule. Perhaps quarterlies were not so common a form of periodical as they had been. Still, the change of a name in an academic undertaking is never without some emotional distress, and we can be sure that while some applauded it, others regretted the alteration. Nonetheless, whether referred to as the *Temple Law Quarterly* or the *Temple Law Review*, the publication that began seventy-five years ago in those early days of the Law School still serves the ends envisioned by its founders.

46. Telephone Interview with Joseph H. Hennessy, Esq (March 18, 2002)

47. The Philadelphia Special Investigation Commission: *The Findings, Conclusions, and Recommendations of the Philadelphia Special Investigation Commission*, 59 TEMP. L.Q. 339 (1986).

48. Carl E. Singley, *The Move Commission: The Use of Public Inquiry Commissions to Investigate Government Misconduct and other Matters of Vital Public Concern*, 59 TEMP. L.Q. 303 (1986).

