



School of Law
UNIVERSITY OF GEORGIA

Georgia Law Review

Volume 1
Issue 1 *Number 1*

Article 3

10-1-1966

Foreword

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Recommended Citation

Cowen, Lindsey (1966) "Foreword," *Georgia Law Review*: Vol. 1: Iss. 1, Article 3.
Available at: <https://digitalcommons.law.uga.edu/blr/vol1/iss1/3>

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FOREWORD

It is a commonly held belief that, for a select group of law students, law review experience constitutes the finest possible legal education; and this may well be so. Certainly an overwhelming percentage of the bench and practicing bar must believe it since, in their recruiting, they almost always either require law review experience as a condition of employment or state that it is a highly desirable background. And it can be demonstrated in every school that the law review men are the first to find post-graduate employment and are tendered the most desirable positions. Unfortunately, law review training can be made available only to a relatively small percentage of a student body, and the publication of a review is so costly, both in money and in effort, that the educational advantage would not justify the double expense were there not other benefits more important to society to be derived. These benefits do exist, and they are of such magnitude that the student educational value, as important as it is, actually becomes merely incidental.

Dean Pound, in commenting on the necessity for appellate courts, once suggested:

That hasty, unfair or erroneous action may be reversed by a court of review holds back the impulsive, impels caution, constrains fairness and moves tribunals to keep to the best of their ability in the straight path.¹

He recognized, of course, that the basic reason for the existence of courts of review is to reverse erroneous decisions of the courts below, but he also saw that this power of reversal has a cautionary value as well. The direct power is to correct an error already made; the incidental power is to discourage future error. Law reviews, it is submitted, can and do exercise precisely this same cautionary function with respect to all courts but particularly with respect to courts of review. Law reviews have no direct power of reversal, but they do have the power of truth, reason and publicity which may be even stronger deterrents to those few judicial officers who, for one reason or another, may be tempted to give less than their best.

But as important as this function can be, it is still not the most important function. This, rather, is the area of law reform. Of course, in some states there are agencies specifically established to bring about

¹ POUND, *APPELLATE PROCEDURE IN CIVIL CASES* 3 (1941).

GEORGIA LAW REVIEW

law reform,³ and there are national groups dedicated to the same end.³ But at best, these can accomplish only a small amount of what needs doing, and involve a relatively small number of people. The existence of law reviews, however, makes available a forum for any well-expressed, documented idea on law reform and encourages the background research and critical appraisal so necessary to a product of value. It is in this area that a law review in large measure justifies its existence.

To further these ends the *Georgia Law Review* is born.⁴ There is no doubt that it has been, and will continue to be, of exceptional educational value to the members of its staff. Hopefully the judicial officers of Georgia and the nation will come to respect the critical analyses which will appear in its pages. But its true success will depend upon how skillful its editors and contributors are in seeking out the weak points in our law, in developing appropriate recommendations for change, and in advocating them persuasively in its pages. We believe, in the words of Mr. Justice Walter V. Schaefer, that "the law is not a closed system but a process,"⁵ and the growing complexity of our society demands continuous examination, increasing both in volume and in depth, of our laws and legal institutions. The *Georgia Law Review* can perform a vital service, and, with full assurance that it will, its student editors and the Faculty of the University of Georgia School of Law respectfully present to the profession the *Georgia Law Review*, Volume I, Number I.

LINDSEY COWEN
Dean

² E.g., The Louisiana State Law Institute, LA. REV. STATS. tit. 24, §§ 201-05 (1950); The New York Law Revision Committee, N.Y. LEGISLATIVE LAW §§ 70-72 (McKinney 1952).

³ E.g., The American Law Institute and the National Conference of Commissioners on Uniform State Laws.

⁴ "Reborn" might be a more accurate word since there was an issue of a *Georgia Law Review* published in 1927-28. However, the lapse of time and the expanded goals for the *Review* have led the editors to consider the present *Review* an entirely new venture justifying a new Volume I, Number I.

⁵ Schaefer, *Chief Justice Traynor and the Judicial Process*, 53 CALIF. L. REV. 11, 16 (1965).