In Celebration of Twenty-Five Years

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The Honorable Roger Traynor wryly noted, “It is more fun to dedicate law reviews than to edit them.”¹ Now having done both, I wholeheartedly agree. Like Traynor, I am an undying fan of law reviews.² Law reviews are remarkable institutions; that the editing, writing and publication of so much legal scholarship has been entrusted to students is one of the most unique aspects of the law.³ Indeed, many scholars roundly criticize student-edited law reviews,⁴ with one critic commenting:

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² “There is in no other profession and in no other country anything equal to the student-edited American law review, nurtured without commercial objective in university law schools alive to the imperfections of the law, and alert to make space for worthy commentary of an unknown student as well as for the worthy solicited or unsolicited manuscript of renowned authority . . . . Time is with the law reviews. An age that churns up problems more rapidly than we can solve them needs such fiercely independent problem-solvers with long range solutions.” Traynor, supra note 1, at 8-10 (quoted in Richard S. Harnsberger, Reflections About Law Reviews and American Legal Scholarship, 76 Neb. L. Rev. 681 (1997)).
³ According to critics, “Far and away, the most noted facet of student-run law reviews — and the one that allegedly causes all their other quirks — is the fact that students run them. Students select articles written by professors, judges, practitioners — their experiential and — hell! — moral superiors. Students then edit and criticize . . . often without reservation and often without the benefit of any experience.” James W. Harper, Why Student-Run Law Reviews?, 82 Minn. L. Rev. 1261, 1270 (1998). However, Harper refutes complaints that students are not qualified to select and edit by noting “[L]aw is not like other academic pursuits or the sciences, where reification and new levels of abstraction are . . . improvements . . . . “[L]aw should be understandable. Let lawyers talk to each other in their own language from time to time, but law is not served by relying to excess on legal jargon, veering into abstract theory, or rendering legal principles less clear.” Id. at 1280. He approves that students “select articles they can grasp, then edit them to maximize their own understanding.” Id. at 1279.
In the classic description, students without law degrees set the standards for publication in the scholarly journals of American law — one of the few reported cases of the inmates truly running the asylum. The baffled outsider is expected to marvel at how the legal profession, unlike any other, can rely so exclusively for scholarly discourse on journals edited by students.5

Despite the naysayers, law reviews, and particularly the University of Hawai‘i Law Review, have successfully assumed an important role in legal education and in promoting scholarly discourse in the legal community.6 Writing student notes or comments and reading, selecting and editing the works of noted scholars obviously provides a substantial learning opportunity to students.7 In addition, working with and motivating authors and critiquing the work of seasoned law professors are unparalleled learning experiences.8 Law review is not just a teaching tool. We also know that law review membership is a mark of distinction that earns members more post-law school

5 Kester, supra note 4, at 14.
6 See e.g., Harper supra note 3. Additionally, Harper approves that students “select articles they can grasp, then edit them to maximize their own understanding.” Id. at 1279.
7 See id. (commenting that “the teaching function is an important purpose of the student-run law review” and writing a note or comment benefits the writer and the student editor); see also Traynor, supra note 1, at 4-5 (“law reviews that enable some students, and ideally should enable all students, to refine and also broaden their education, render consequential service to the legal profession”).
8 The value of the “people skills” and “thick skin” developed to manage outside authors should not be underestimated. The Chicago Kent Law Review wrote candidly about the arrogance of some authors:

An editor sent a manuscript back to an author with a relatively long list of suggestions she thought would improve the article. The author responded with a scathing letter that rejected virtually all the changes and claimed that “it is virtually impossible for you to suggest an alternative construction of a sentence that I have not already considered and rejected. I've been doing this for a long time and I know what I'm doing.” The Law Review responded with a letter explaining our policy of deferring to the author, but encouraging the author to at least consider our changes. His response included the following passage, which addressed the Law Review’s argument that no article is beyond improvement and that given the disparity in quality of manuscripts submitted to us we have an obligation to try and improve each of them: “Now it is certainly the case that some law professors cannot write their way out of a paper bag: as the year goes along you will see a huge quantity of miserable writing, all by people older and more experienced than you are . . . . You will also see some things (one anyway) that are very well written, so well written that they are very hard to improve (so far as the writing is concerned). My article is like that.”

opportunities than the rest of a law school’s student body. However, membership does not grant a student a free ride, it is the experience, not the status, of law review membership that makes law review members desirable to employers. Villanova’s Professor John Gotanda (Editor-in-Chief 1987) confirms that law review is an excellent training ground:

I found working on the Law Review both challenging and exciting. It vastly improved my ability to perform in-depth legal research and to think critically about legal issues, and refined my writing and editing skills. It also taught me how to work as part of a highly qualified team. These skills have served me well in my professional life.

Each school benefits from the student’s efforts as well; a well-run law review brings prestige to the law school, and the school continues to benefit from the achievements of law review graduates. These students often begin their legal career with prized judicial clerkships. Besides distinguished careers in private practice, government, and industry, some remain in or return to academia or become jurists.

Law reviews promote legal discourse that benefits the entire legal community. Earl Warren once commented, “If it were not for [law reviews’] critical examination, we would have a great void in the legal world. Courts would have fewer guidelines for appraising the thinking of scholars and students.

See Harper, supra note 3, at 1276-78.

Those pursuing careers in academia include: Lawrence Foster (University of Hawaii), John Y. Gotanda (Villanova), Danielle Hart (Southwestern), Hazel Beh (University of Hawaii), Mari Matsuda (Georgetown), S.Y. Tan (University of Hawaii John A. Burns School of Medicine), Laurie Tochiki (University of Hawaii), Judith Weightman (University of Hawaii), and Susan Marie Connor (John Marshall).

Distinguished jurists include Sabrina McKenna, Elizabeth Hifo (Bambi Weil), and Karen Ahn.
or of the bar itself. It is largely through them that we are able to see ourselves as others see us." As evidence of their impact, student works in Hawai‘i’s law review have been widely read and cited in legal scholarship.

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and in judicial opinions in Hawai‘i and elsewhere.


Foremost among the many rewards of law review is sharing work and goals that forge lasting friendships. Joyce McCarty (Editor-in-Chief 1986) sums it up: "working with folks who are still some of my best friends in Hawaii and getting to know them much better than we would have otherwise." She observes, "In the end most things come down to people and relationships—law review was certainly no different."

Each year, we demand that a self-governed student group publish a high quality scholarly journal without paid staff or significant budget.\(^\text{17}\)


\(^\text{18}\) As an advisor to Law Review, each year I fear that this year may be the one in which members live out William Golding’s novel, Lord of the Flies. Shortly after selection, new members are civilized, keenly intelligent men and women. In those dark days of tech-editing
Remarkably, year after year, the law review staff comes through. On the occasion of the University of Hawai‘i Law Review’s twenty-fifth anniversary, we celebrate this remarkable institution and twenty-five years of student leadership, accomplishment and grit.

Thousands of footnotes, as deadlines are abandoned, the workload grows insurmountably, mishaps of production stalk the review, I marvel that members are not transformed from civilized students into a lawless savage band haunting the library. Instead, they pull together, and each year, a wonderful, thoughtful, fresh journal appears.