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### Crucible of Talent: 60 Years of the Catholic University Law Review

Ralph J. Rohner

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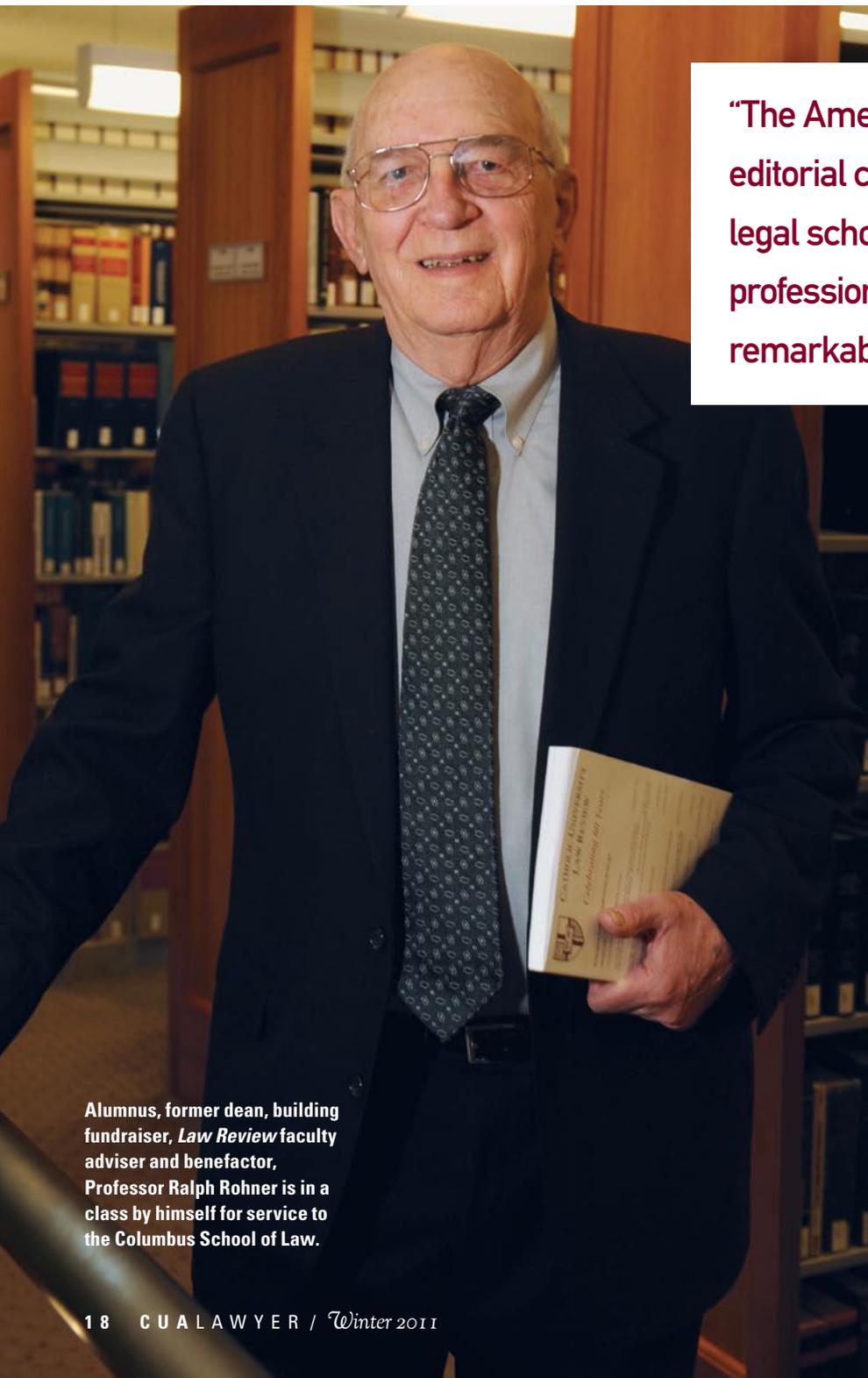
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## Inspiring Greatness:

Catholic University's Legal Clinic and Law Review  
Celebrate Milestone Anniversaries

# Crucible of Talent: 60 Years of the *Catholic University Law Review*



“The American pattern of entrusting editorial control of the major forum for legal scholarship to students of the profession is, if you think about it, a remarkable, even startling approach.”

Perhaps it is fitting that the traditional gift for a 60th wedding anniversary is a diamond. For that is what the *Catholic University Law Review* has been from the beginning—an academic gem, sparkling with talent, editorial skill, and superior legal scholarship that has reflected a radiant light over the reputation of the law school in the eyes of the legal academy.

Since its founding by the late Dean Brendan Brown during the 1950–51 academic year, the law review has published approximately 45,000 pages, employed somewhere between 1,800 and 2,400 law students as members of its staff (the current issue’s masthead lists nearly 80) and provided a robust forum for legal thought through its more than 800 articles to a long list of distinguished contributors, including professors and practitioners, judges, cabinet secretaries, members of Congress, governors and ambassadors, economists, historians, political scientists, theologians, and canonists. It also publishes notable student work.

Alumnus, former dean, building fundraiser, *Law Review* faculty adviser and benefactor, Professor Ralph Rohner is in a class by himself for service to the Columbus School of Law.

This astonishing output comes from a journal that is entirely student-run. As Professor Ralph Rohner, who is both a former staff member of the law review (Vol. 11) and also served as its faculty adviser from 1965 through 1987, noted in a history he published in 2000, titled “Retrospective: The 50th Anniversary of the *Catholic University Law Review*.”

“The American pattern of entrusting editorial control of the major forum for legal scholarship to students of the profession is, if you think about it, a remarkable, even startling approach. It is unique among the learned professions. Can one imagine the content of medical journals being selected and edited by students simultaneously struggling with basic anatomy? So what are the justifications for the student-run law reviews?”

Rohner answers his own question. Despite their unusual model, student-administered law reviews serve to extend and enhance the reputation of the school. They contribute to legal scholarship. They help students to develop as competent writers and evaluators of legal scholarship. Perhaps most important, journal experience can teach students the kind of sound judgment that sustains them through a career.

Now marking the 60th anniversary of its founding by publishing its 60th volume, the *Catholic University Law Review* has proven a success on each point.

Consider, for example, the breadth of its published scholarship. Volume 60 includes articles on a theory of standards of proof, whether names records for airline passengers enabled the Christmas Day bomber, and an analysis of the Military Medical Accountability Act of 2009. It is also pub-

lishing “Regulating Morality through the Common Law and Exclusionary Zoning,” co-authored by law school Professor George P. Smith and Gregory Bailey, an alumnus from the Class of 2010.

Each issue publishes two different types of articles. Lead articles are written by legal scholars and well-respected practitioners. Student articles are written and submitted by the journal’s own staff members.

Any student selected for the law review staff can expect a staggering workload from the four issues he or she will have a hand in producing. It is a tedious process. Each sentence of each article is carefully edited and fact-checked. Any assertion an author makes must be supported by a source. The burden of a staff member becomes apparent when one considers that on average, a lead article consists of nearly 300 footnotes, each of which contains a variety of sources.

Later stages include attention from production editors, who ensure the technical and substantive accuracy of the articles. This involves a review of the text, footnotes, support, and Bluebooking. The executive editor and the editor-in-chief serve as the law review’s last line of defense, with the EIC reserving editorial discretion on any decisions regarding the final product.

The grueling hours required of editors and staff members offers some payback, however.

“One of the primary goals of the law review is to develop our members’ legal research, writing, editing, and analytical skills,” says 3L Kristen Sinisi, the current editor-in-chief. “Undoubtedly, staffers improve these skills through their participation in, and commitment to, our production process and our rigorous writing program.”

Published approximately  
**45,000 pages**

Employed at least  
**2,400 law students**

More than **800 articles**

Whether showcasing the legal scholarship of others or their own, service on the law review staff offers students an educational experience unlike any other.

## The Early Years

Much like the law school’s legal clinic, the law review thrived despite its humble beginnings due mostly to the passion of its early editors and staff members.

For the first decade or so, it was a scholarly vagabond with no fixed address. It had no home base and even worse, no technology. Early issues were produced on budgets of a few hundred dollars with utensils such as manual typewriters, photocopy machines, scissors and glue, and lots of whiteout.

“The review had leased a word processor the size of a small car with probably enough memory to power a hand-held calculator by today’s standards,” recalls Alan Vollman, editor-in-chief of Volume 29, produced in 1980. “We could even send copy to the printing company by modem. But it never worked right since the phone lines to Kansas City, where the printer was, just couldn’t handle the volume of footnotes.”

### 1950–51

The law review was founded by the late Dean Brendan Brown

### 1965–66

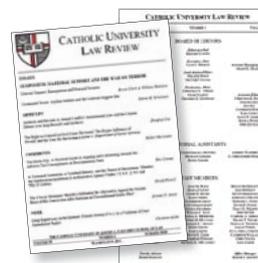
The law review went from a two-issue annual volume to a quarterly publication

### 1997

The hosting in 1997 of the annual National Conference of Law Reviews

### 2010

60th volume published



When the entire law school relocated from a downtown location to Leahy Hall on the CUA campus in 1966, the law review staff was assigned quarters in the basement.

Over the years the journal expanded and modernized, keeping pace with the legal journals produced by fellow law schools. Today, housed in the modern building that the law school opened in 1994, the journal staff enjoys much larger offices and budgets, as well as 21st-century publishing and research tools.

Other notable steps during its 60-year history include:

- The transition in 1965–66 from a two-issue annual volume to a quarterly publication.

- The faculty’s approval in 1972 of academic credit for law review work. Students can earn up to four credits over the course of two years of review participation.
- The change in the process during the early 1970s for selecting new staff members. Originally based on grades, a writing competition eventually became the primary route to membership, a practice that continues today.
- The gradual disengagement of faculty advisers as managers of the law review. In the early years, the faculty adviser chose the student editors, managed the production and budget, and identified lead authors of distinction. Over time, however, the maturing of the journal



**Incisive and insightful writing have always distinguished the *Catholic University Law Review* under the guidance of its many talented editors-in-chief such as David Brewer.**

diminished the need for such oversight. The law review’s current faculty adviser, Professor Roger Hartley, acts as more of a counselor to the law review than a director of operations.

- The hosting in 1997 of the annual National Conference of Law Reviews. The event was a great success, showcasing the then-new law school building and the wonderful organization and hospitality of CUA Law students

## In the Spotlight

The *Catholic University Law Review* has provided a highly respected forum for its contributing authors, but it hasn’t done badly by its own staff members, either. In 2010, former editor-in-chief David Brewer was honored with the Burton Award for Legal Achievement, one of only 15 law students across the country to receive such recognition for his outstanding legal scholarship. Brewer was selected for his comment, “A Cross in the Road: *Salazar v. Buono* and the Circuit Divide on the Establishment Clause Remedial Question,” 58 *Cath. U. L. Rev.* 813 (2009).

The Burton Awards Program was established in 1999 to honor students “who use plain, clear and concise language and avoid archaic, stilted legalese.” Brewer is the second member of the *Catholic University Law Review* to be honored with this



The law review sometimes showcases its talents on the road. On Jan. 29, 2010, it sponsored a half-day symposium, “Immigration and National Security: Material Support and the War on Terror,” in the Rayburn House Office Building on Capitol Hill. Five high-powered immigration lawyers debated the language of 2005’s REAL ID Act and questioned whether it unfairly kept asylum seekers out of the United States who have legitimate reasons to be admitted. The law blocks admittance to the United States to refugees who have provided “material support” to groups that are deemed terrorist organizations by the U.S. government. Refugee advocates say the problem with the law is that it contains no exception for duress. That is, a person can be threatened or intimidated into providing support to such groups against his will, and in turn be held accountable by U.S. asylum policy as a material supporter of terrorism.



distinction. John Skees was also named a Burton Award recipient in 2007 for his comment, “The Resurrection of Historic Usury Principles for Consumption Loans in a Federal Banking System,” *55 Cath. U. L. Rev.* 1131 (2006).

The journal’s published scholarship has not escaped the notice of some of the nation’s highest courts. Recent citations to articles that appeared in the law review have come from the United States Third and Tenth Circuit Courts of Appeals. In addition, the Minnesota Court of Appeals cited the work of 2007 alumnus Matthew Yanovitch for a case that dealt with whether an autopsy report is a business record or testimonial in nature.

## Looking Forward, Looking Back

In many ways, the law review functions as an extended family. Former staff members tend to remain bonded to each other and to current students by the shared pride of producing an excellent forum for legal scholarship. It is not uncommon for alumni staff members to open whatever doors they can for those who came after, generously offering career advice and forwarding tips regarding professional opportunities.

On Oct. 9, 2010, the law review hosted a reunion open to all former staff members



**Professor Ralph Rohner was honored with a Lifetime Achievement Award from a grateful law school community on Feb. 25, 2011. It was presented by Don Farley, chairman of the Board of Visitors and member of the Class of 1969.**



**Volume 60's Executive Board. First Row: Maureen Stoneman, Kristen Sinisi, Nicole Picard, and Leah Branch; Second Row: Craig Nadeau, Grant Mulkey, Melodie Bales, Matthew Saunig, and Christian Curran.**

and editors. After a breakfast buffet, they toured today’s facilities and met with its current staff, the young men and women who carry its reputation into the future.

The reunion last fall was precursor to a much larger gala reception held on Saturday, Feb. 26, 2011. The celebration commemorated 60 years of publication of the law review and also served to honor Professor Rohner for his years of commitment to it, for his service as dean, and for his decades in the classroom as one of the faculty’s most admired and respected members.

The editors-in-chief or other editorial board members from each of the 60 volumes of the law review were asked in advance by Professor Hartley to submit a letter containing a reminiscence and expression of appreciation to Rohner. The bound volume of letters was then assembled into a book and presented as a surprise gift to him.

Hartley’s solicitation read in part,

“I am asking you to remember an anecdote or two from your year that captures some of what you and the others on law review found interesting, funny, calamitous, frustrating, or satisfying about publishing the law review. Ralph will treasure these letters. I hope you will add to your reflections a tribute to Ralph and his lifetime of achievement for law review and the school.”

Because of his long history with the law review, Rohner would be the first to point out that despite the vast improvements in technology and resources, the

arduous process of producing a high-quality law review remains much the same as it ever has. It is still about repetitive cycles of research and writing, followed by still more rounds of rewriting and proofreading, and supplemented by pressure-filled meetings with senior editors and consultations with “readers” from the faculty or practicing bar.

Nonetheless, the challenge of keeping the law review’s tradition of scholarly excellence alive continues to attract motivated and talented law students, year after year. Staff membership is still a plum prize, and landing a spot on the staff remains intensely competitive. As Richard Trogolo, the editor-in-chief of Volume 20, sums it up, law review experience is “The highlight of every lawyer’s legal training.”

The end result, and one that promises to continue for many years to come, is a law journal that embodies the best attributes of the law school itself: discipline, intellect, integrity, and scholarship.

“Our alumni comprise some of the most talented legal minds in the nation,” says Editor-in-Chief Sinisi. “We are forever grateful to our predecessors for their continued support and contribution to the journal’s present-day success.”

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*With thanks to Professor Ralph Rohner, whose retrospective, “The 50th Anniversary of the Catholic University Law Review,” formed the basis for this article.*