

January 2007

Introduction

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New York Law School Class of 2008

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Recommended Citation

Stephanie Sado, *Introduction*, 52 N.Y.L. SCH. L. REV. 321 (2007-2008).

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STEPHANIE SADO

Introduction

ABOUT THE AUTHOR: Stephanie Sado is a 2008 J.D. candidate at New York Law School. Ms. Sado is also the editor-in-chief of the *New York Law School Law Review*.

The idea of spending the day discussing legal writing may sound less than appealing to even the most dedicated legal scholarship wonks among us. However, the discussion can become a lively one when it is driven by renowned legal professors, professional bloggers, nationally respected journalists, a prominent author, and a writer for one of the nation's most popular television shows.

On February 16, 2007, New York Law School's Program in Law & Journalism and the *New York Law School Law Review* hosted a symposium titled Writing about the Law: From Bluebook to Blogs and Beyond. Panelists explored topics ranging from the relevance of law reviews to writing about the law for a non-legal audience to covering the law in this ever-expanding digital, internet age.

Professor Cameron Stracher, a professor of law at New York Law School, moderated the first panel of the morning, which addressed the role of the traditional law review and whether this role should continue unmodified. This topic is particularly significant in light of a recent influx of criticism characterizing law reviews as irrelevant and "as ancient as telegrams, but slower."¹ The panel featured professors James Lindgren, Randy Barnett, Ann Althouse, and Paul Caron, each speaking from years of experience as educators and contributors to law reviews. Professor Althouse is also the author of a non-traditional legal source—a blog.² The popularity of her blog might be attributed to the fact that Althouse intersperses intriguing non-legal material between legal posts (although even those posts are quirky and upbeat). For instance, a recent scan of her blog found commentary on a newly released book about the U.S. Supreme Court³ alternating between photographs of a woman modeling on the street in New York City and dancers posing under what appears to be the Brooklyn Bridge.

Professor Caron has also taken the non-traditional route as the author of a blog.⁴ However, Caron's blog on tax law still maintains somewhat of a traditional feel. Caron's blog does not feature any impromptu photographs; instead it features articles in the conventional format (title, byline, date, etc.) along with various links to items of interest to tax professors, lawyers, and students. Professors Caron and Althouse, and many others like them, have broken free of the more traditional, paper-and-ink form of legal scholarship. But does that necessarily mean that the conventional form of scholarship is now obsolete?

As the editor-in-chief of the *New York Law School Law Review* I reject the notion that the hours my colleagues and I spend publishing four books over the academic year are a triumph of form over substance. Our journal has garnered its share of citations in judicial opinions⁵ and we are often cited in other

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1. Adam Liptak, *When Rendering Decisions, Judges are Finding Law Reviews Irrelevant*, N.Y. TIMES, March 19, 2007, at A8.
 2. Althouse, <http://althouse.blogspot.com> (last visited November 13, 2007).
 3. JEFFREY TOOBIN, *THE NINE: INSIDE THE SECRET WORLD OF THE SUPREME COURT* (2007).
 4. TaxProf Blog, <http://taxprof.typepad.com/> (last visited November 13, 2007).
 5. Arguably our most famous citation is Cyril C. Means, Jr., *The Law of New York Concerning Abortion and the Status of the [Foetus], 1664–1968: A Case of Cessation of Constitutionality*, 14 N.Y.L.F.

scholarly works.⁶ I believe that our publication is making a tangible contribution to the production of valuable legal scholarship. Equally as important, the process of editing and publishing the *Law Review* is itself a valuable educational and professional opportunity for the journal's members and editors. In this issue, Professor Stracher discusses his own experience as the faculty publisher of the *New York Law School Law Review* in his article, *Reading, Writing, and Citing: In Praise of Law Reviews*. Although law reviews have garnered their share of criticism, Professor Stracher concludes that involvement in the law review can be the best training a student can receive for "a wide variety of legal jobs that require precision, analytic rigor, excellent writing and editing skills, and a perfectionist's work ethic."

The second panel of the day, Lost in Translation: Writing about the Law for a Non-Legal Audience, addressed the unique problems that arise when translating important legal news into articles that inform and interest a more general, non-legal audience. Adam Cohen of the *New York Times* editorial board, Jaime Heller of the *Wall Street Journal*, Dahlia Lithwick of *Slate*, and Richard Sweren, writer and co-executive producer of the television show *Law & Order*, engaged in a lively discussion about the obstacles to accurately reporting on legal issues within a limited frame or word count.

The panel discussed the difficulties of "selling" stories on opaque legal topics such as First Amendment protections and whether precedent is necessarily binding. Many experienced lawyers lack the ability to articulate the nuances of these issues; how then can we expect the lay person to appreciate a column about such matters? Dahlia Lithwick has managed to present many complex legal incidents in a palatable and informative manner in her role as the Supreme Court reporter for the online magazine, *Slate*.⁷ Lithwick has an incredible ability to finesse legal points in such a way that the article could easily appeal to the mainstream reader who might not even realize the amount of legal knowledge he or she was acquiring. This, however, is no easy task.

Richard Sweren, on the other hand, does not seem to have any trouble converting legal issues into gripping plot-lines that keep viewers glued to their television screens. However, Sweren's medium, television, differs greatly from that

411 (1968), which appears in *Roe v. Wade*, 410 U.S. 113, 132 (1973). In 1968, when the article was published, the *New York Law School Law Review* was known as the *New York Law Forum*.

6. Some of our most recent cites include: Jill E. Fisch, *Questioning Philanthropy from a Corporate Governance Perspective*, 41 N.Y.L. SCH. L. REV. 1091 (1997), cited in Lisa M. Fairfax, *Easier Said than Done? A Corporate Theory for Actualizing Social Responsibility Rhetoric*, 59 FLA. L. REV. 771 (2007); Michael B. W. Sinclair, *What is the "R" in "Irac"?*, 46 N.Y.L. SCH. L. REV. 457 (2002), cited in Edward C. Lyons, *Reason's Freedom And The Dialectic of Ordered Liberty*, 55 CLEV. ST. L. REV. 157 (2007); Alan M. Dershowitz, *The Torture Warrant: A Response to Professor Strauss*, 48 N.Y.L. SCH. L. REV. 275 (2004), cited in W. Jason Fisher, *Targeted Killing, Norms, and International Law*, 45 COLUM. J. TRANSNAT'L L. 711, 755 (2007).

7. *Slate*, <http://slate.com/> (last visited November 13, 2007).

of Cohen, Heller, and Lithwick. Sweren and the other *Law & Order* writers are much less constrained by space with approximately an hour of air time to develop the legal issues at the heart of the episode, as well as having much more flexibility when it comes to the legal accuracy therein.

In this issue, Professor Brandt Goldstein, a visiting associate professor of law at New York Law School, who served as moderator for the panel, addresses how legal issues can best be wrangled into a manageable form for public consumption in his article *Lost in Translation? Some Brief Notes on Writing about Law for the Layperson*. Professor Goldstein concludes that despite the difficulty involved, it is vital that there be a broad social understanding of law in order to maintain the legitimacy of the legal profession. Lawyers must be able to relate to an audience comprised of more than just judges, other lawyers, and clients.

While journalists may struggle to translate dry legal theory into prose, the task facing the writer of fiction is no easier. The keynote speaker of the symposium, John J. Osborn, stood before a room full of law students just as Professor Kingsfield, the odious contracts professor of Osborn's best-selling novel, *The Paper Chase*,⁸ had done many times. However, unlike Professor Kingsfield, Professor Osborn did not terrify his audience—he inspired them.⁹ In his speech, Professor Osborn asked and answered three questions: why Charles Dickens's *Bleak House* made use of a double narrative, why law students hate law school, and why he wrote the last chapter of *The Paper Chase*. If these questions seem unrelated, read on as the answers to these questions can be found in this issue. Osborn has modified his remarks into an insightful essay entitled *Bleak House: Narratives in Literature and Law School*.

The symposium concluded with a final panel, Beyond the Bluebook: The Future of Writing about the Law. Moderated by Professor Rodger Citron, panelists Bernard Hibbits, Rosa Brooks, Jack Balkin, and Lawrence Solum discussed whether traditional legal scholarship has a future in a world increasingly dominated by blogs and online publications. Professor Hibbits, a professor of law at the University of Pittsburgh School of Law straddles both worlds as the publisher and editor-in-chief of *JURIST*, the school's web-based legal news and legal research service, and as a former associate editor of the *Harvard International Law Journal*. Professor Brooks also engages in both the conventional and the

8. JOHN JAY OSBORN, JR., *THE PAPER CHASE* (1971).

9. Osborn's speech also inspired Professor Ann Althouse to publish an opinion piece in the *New York Times* just a few days after the symposium. See Ann Althouse, 'A Skull Full of Mush', *N.Y. TIMES*, Feb. 20, 2007, at A19. Althouse expressed opposition to Osborn's chiding of law professors whose teaching style mirrored the rigid and stern ways of Professor Kingsfield. *Id.* The debate continued in the pages of the *New York Times* as a letter to the editor appeared shortly after Althouse's article. The letter, written by a lawyer, seemed to agree with Osborn rather than Althouse and favored a less intimidating style of law school education as compared to his Kingsfield-esque law school experience. See David W. Maxey, Letter to the Editor, *Law School Experience*, *N.Y. TIMES*, Feb. 26, 2007, at A20.

cutting-edge. Brooks is a columnist for the *Los Angeles Times* as well as a contributor to the blog, *Democracy Arsenal*.¹⁰ Brooks's dual role as print reporter and electronic blogger makes it clear that legal scholarship need not be one or the other. There is room in today's legal world for both conventional written scholarship and the more modern online publications. The presence of one does not preclude the existence of the other; rather, they can supplement each other.

In this issue, Professor Citron addresses another shift in the legal firmament. Many lawyers today are playing the dual role of counselor and celebrity. In his article, *Charles Reich's Journey from the Yale Law Journal to the New York Times Best Seller List: The Personal History of The Greening of America*, Professor Citron discusses the career of Charles Reich, who some consider the first celebrity lawyer. Professor Citron explains how Reich was one of the first legal authors to mix a discussion of law with an assessment of contemporary society and successfully bring it to the masses. While such a publication might not seem so drastic today, Reich's publication was considered groundbreaking at the time and it had a profound effect on his legal career.

The symposium and the articles and essays found in this issue are a testament to the fact that legal scholarship is not dissipating. Although the form it takes may transform, the way it is distributed may evolve, and the reasons we read it may change, legal scholarship remains a vital part of the system of legal education and the practice of law.

10. Democracy Arsenal, <http://www.democracyarsenal.org/> (last visited November 13, 2007).