

The *Dickinson Law Review*: A Brief History

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*While we feel that a certain amount of pride may be taken in Volume I, Number 1, yet we promise better things in the future when the journal becomes more firmly established. — The Forum, January 1897.*¹

In January 1897, a journal entitled *The Forum* was first published by The Dickinson School of Law. In the first issue, the editors outlined the purpose of the new journal:

The purpose of *The Forum* is both general and specific—general in the sense that through its medium well established principles of law will be adduced and treated in the reports of moot court cases, and specific in that primarily it will be devoted to the Dickinson School of Law. From time to time also, there will be discussions of legal questions and contributions by well-known writers In addition, there will be interesting notes of the school happenings and personal mention of the alumni.²

The primary responsibility of *The Forum*, published monthly during the school year, was to report the law school's moot court cases. The law school had a well established moot court program, which often tried as many as seven cases per week.³ It was reported that "the students enter into the preparation and trial of the cases with an enthusiasm that always makes the cases interesting and beneficial to all concerned."⁴ The case reports published in *The Forum* included the statement of facts,

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1. *Editorial*, 1 FORUM 1 (1897).
2. *Id.*
3. *Moot Court*, 2 FORUM 21 (1897).
4. *Id.*

the briefs of counsel, and the opinion of the presiding judge for each case. Nineteen of the twenty-four pages contained in the first issue were devoted to this purpose, and thirteen cases were reported.⁵

The first issue included several alumni notes. It was announced, for example, that S.A. Soult, Class of 1894, had “taken unto himself a wife,” while John R. Henninger, Class of 1896, was in Lytton, North Carolina “in the interests of a client, looking after the latter’s share in a gold mine.”⁶ The death of Hugh C. Dougherty, Class of 1896, was announced, and a resolution adopted by the Dickinson Law Society extending the Society’s sympathy to his family was published.⁷

The issue also included information about the school, including the listing of the new officers of the Dickinson and Allison Law Societies. It described the improvements made to Emory Hall—the Dickinson College building that then housed the law school—during the previous summer and published the text of a lecture given to the law students by the Honorable Robert Snodgrass of Harrisburg, Pennsylvania, on December 7, 1895, which was entitled *Origin and Development of Equity and Equity Procedure*.⁸

The original staff of *The Forum* consisted of ten individuals. Charles E. Daniels, H. Franklin Kantner, Harvey S. Kiser, and Frederick B. Moser served as Editors; Cleon N. Berntheisel, Joseph F. Biddle, Samuel B. Hare, Adair Herman, Robert W. Irving, and George B. Somerville were Business Managers.⁹

The first issue of *The Forum* bore little resemblance to today’s *Law Review*. It did not contain a single article, comment, note, or book review. However, the academic law review was still in its infancy and the editors of *The Forum* had few examples to follow. In 1897, the *Harvard Law Review* had been in existence for only ten years.¹⁰ The

5. The moot court cases reported in the premier issue of *The Forum* were Exceptions to Account of Abram Thomas, Guardian; John Applegate v. Amos Worthington; Thomas Salter v. Lowrie Llewellyn; Thomas O’Brian v. Sarah Adams; Amos Henderson v. Pa. Mut. Fire Ins. Co.; John Harper v. James Glendor; Augustus Trout v. Henry Mason; Charles Chandler v. Tyrone Passenger Ry. Co.; Hinds v. Andrew G. Curtin; Estate of Sarah Brown; Estate of Rebecca Saile, a Minor; John Schaffner v. Thomas Kirkbride; and John Oliver v. Henry Budd.

6. *The Alumni*, 1 FORUM 2 (1897).

7. *Hugh C. Dougherty*, 1 FORUM 3 (1897). In an era where death often occurred at a relatively young age, such announcements continued to appear sporadically in *The Forum*, and, for some years thereafter, in the *Dickinson Law Review*.

8. Hon. Robert Snodgrass, Lecture by Hon. Robert Snodgrass (Dec. 7, 1896), in 1 FORUM 4 (1897).

9. The title of “Editor-in-Chief” did not appear until 1924.

10. The first issue of *Harvard Law Review* was dated April 15, 1887. Like *The Forum*, it also included school notes and moot court cases.

Yale Law Journal first appeared in 1891.¹¹ The University of Pennsylvania began publishing the *American Law Register*, which would later become the *University of Pennsylvania Law Review*, as a student-edited work in 1896.¹²

Several other early academic law reviews did not survive long. A single issue of *Cornell Law Journal* was published in June 1894. The *Law Bulletin of the State University of Iowa* survived from 1891 to 1901. *The Counsellor* was published by the New York Law School from 1891 to 1896. The *Northwestern Law Review* appeared in print from 1893 to 1896. Two journals published by the Columbia College School of Law died in rapid succession: *The Columbia Jurist* lasted from 1885 to 1887; *Columbia Law Times* was published from 1887 to 1893.¹³

The Forum was apparently well-received by the legal community. In the second issue, dated February 1897, it was noted that “kind expressions and congratulations have been received from many gentlemen of much prominence in the legal world, and the newspapers of several cities have welcomed warmly the new periodical.”¹⁴ The editors of Dickinson College’s *Dickinsonian* also extended “very kind words of praise and encouragement for *The Forum*.”¹⁵

The June 1897 issue of *The Forum* included the law school’s commencement address, delivered by the Honorable Charles B. Lore, Chief Justice of the Supreme Court of Delaware. His address included these closing remarks:

You represent and are a part of the civilization of the closing years of the nineteenth century. You hold in your hands all the accumulated and concentrated forces of that century, so big with human progress. Possessed of those forces, your lives will be projected largely into, and become a part of the twentieth century. Its unknown and magnificent possibilities will be yours. Will you mold them, or be molded by them? It is for you to say. By us the result can only be read in the light of your hereafter.¹⁶

The Forum continued to print commencement addresses until the June 1906 issue, preserving an important part of the law school’s

11. The first issue of *Yale Law Journal* was published in October 1891.

12. Joseph P. Flanagan, Jr., Note, *Volume 100*, U. PA. L. REV. 69 (1951). The *American Law Register* had previously been published as a non-academic journal by the D.B. Canfield Co., Ltd., of Philadelphia. The *University of Pennsylvania Law Review* continued to carry *American Law Register* as part of the title until 1945.

13. The *Columbia Law Review* did not begin publication until 1901.

14. *Editorial*, 1 FORUM 25 (1897).

15. *Id.*

16. Hon. Charles B. Lore, Baccalaureate Address (June 7, 1897), in 1 FORUM 135 (1897).

history.¹⁷

The law school's first female student, Julia A. Radle, became an editor of *The Forum* in 1898.¹⁸ She was in all probability the first woman to serve as an editor of an American academic law review.¹⁹ In 1899, Miss Radle was succeeded on the Editorial Board by Dickinson's second female student, Sara McBride Marvel.²⁰

In November 1899, the editors of *The Forum* published their first book reviews. Two treatises were discussed: *A Treatise on Criminal Pleading and Practice* by Joseph H. Beale, Jr., and *The Law of Pleading Under the Code of Civil Procedure* by Edwin E. Bryant.²¹ Both books were reviewed favorably, although it was noted that because Pennsylvania remained a common law jurisdiction much of the latter work was "of little value to the Pennsylvania student or practitioner."²²

Local advertising played an important role in *The Forum* and, for many years, in the succeeding *Dickinson Law Review*. The November 1899 issue included advertisements for numerous local businesses including J.S. Searight Livery and Boarding Stables, Berwick Steam Laundry, Earley's Printing Rooms, Groome's Modern Pharmacy, H.B. Sipe Fashionable Tailor, Spath's Shaving Parlor and Bath Rooms, and L.B. Halbert's Law School Cigar Store. The Cumberland Valley Railroad's time table, published on the inside back cover, showed ten long distance trains passing through Carlisle daily, plus additional local trains to Mechanicsburg and Harrisburg. Several national publishing companies also placed advertisements in *The Forum*, including Little, Brown & Company, Boston Book Company, and West Publishing Company.

In 1904, *The Forum* stopped publishing alumni and student information. Among the entries in the final volume containing such

17. The last commencement address to be published in *The Forum* was a speech against paternalism in government delivered by Leon C. Prince on June 5, 1906. Leon C. Prince, *The Right of Way* (June 5, 1906), in 10 FORUM 195 (1906). Commencement addresses have been published occasionally in *The Forum's* successor, the *Dickinson Law Review*, but unfortunately not with any regularity.

18. *Editorial Staff*, 3 FORUM 1 (1898). Miss Radle's brother, Philip E. Radle, had served as a business manager of *The Forum* during the 1897-1898 school year. In December 1898, *The Forum* reported that "Philip Radle is in town at present, the guest of his sister, Miss Radle." *The School*, 3 FORUM 51 (1898).

19. Of the schools with law reviews or journals predating Dickinson's, Columbia did not admit women until 1928, while Harvard remained closed to women until 1950. CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* (2nd ed. 1993). The mastheads of other journals and reviews that predate *The Forum* do not include any names that are obviously female.

20. *Editorial Staff*, 4 FORUM 1 (1899).

21. *Book Reviews*, 4 FORUM 27 (1899).

22. *Id.* at 28. Beale's 1899 work on Criminal Pleading is still held by the law school's library; Bryant's treatise on Civil Procedure is not.

information was the following, which has been rendered particularly significant by the law school's more recent history:

Quite a number of Law School men went to Harrisburg Saturday night, November 14th, to meet the Dickinson football team returning from their victory over State College at Williamsport, Pa.²³

The Forum's first article, *Character-Evidence in Criminal Cases* by Dean William Trickett, was published in March 1904.²⁴ It was the first of many articles written by Dean Trickett,²⁵ and it was followed by

23. *Campus Notes*, 8 FORUM 25 (1903). The Dickinson College football team beat Penn State by a score of 6-0. The law school was represented on the team by Edwin C. Amerman and Edwin Carlin, both members of the Class of 1904. *Football*, 1905 MICROCOSM 171 (1904).

24. William Trickett, *Character-Evidence in Criminal Cases*, 8 FORUM 121 (1904).

25. Dean Trickett appears to have been the most-published individual in the history of the *Law Review*, with 116 articles, as follows: *Character-Evidence in Criminal Cases*, 8 FORUM 121 (1904); *Character-Evidence in Civil Cases*, 8 FORUM 165 (1904); *Impeachment of Witnesses*, 8 FORUM 245 (1904); *Judicial Notice*, 9 FORUM 67 (1905); *Federal Courts as Guardians of Constitutional Rights*, 9 FORUM 185 (1905); *Sole and Separate Use in Pennsylvania*, 10 FORUM 1 (1905); *Doner v. Stauffer*, 10 FORUM 25 (1905); *The Alibi*, 10 FORUM 49 (1905); *Preponderance of Evidence and Reasonable Doubt*, 10 FORUM 75 (1906); *The Legal Insignificance of Motive*, 10 FORUM 99 (1906); *Presumptions Built on Presumptions*, 10 FORUM 123 (1906); *The Dartmouth College Paralogism*, 10 FORUM 147 (1906); *Declaring Statutes of Congress Void*, 10 FORUM 171 (1906); *Leading Questions*, 11 FORUM 1 (1906); *Suits Against States by Individuals in Federal Courts*, 11 FORUM 25 (1906); *The Presumption of Death*, 11 FORUM 51 (1906); *Restraints on Power of Alienation*, 11 FORUM 75 (1907); *Vendor's Ejectment*, 11 FORUM 99 (1907); *Vendee's Remedies for Vendor's Non-conveyance*, 11 FORUM 171 (1907); *Vendor's Remedies for Vendee's Breach of Contract*, 11 FORUM 195 (1907); *Vertical Support*, 12 FORUM 1 (1907); *Damages in Publicization of Bridges*, 12 FORUM 37 (1907); *The Newest Neologism of the Supreme Court*, 12 FORUM 48 (1907); *Damages in Publicization of Turnpike*, 12 FORUM 67 (1907); *Lateral Support*, 12 FORUM 97 (1908); *The Rule Against Perpetuities*, 12 FORUM 131 (1908); *Gifts to Charities. Section XI, Act April 26th 1855*, 12 FORUM 167 (1908); *Exemption of Witnesses from Self Incrimination*, 12 FORUM 203 (1908); *Special Verdicts*, 12 FORUM 235 (1908); *Spendthrift Trusts for Their Creators*, 12 FORUM 265 (1908); *Sales by Sample*, 13 DICK. L. REV. 1 (1908); *Liability of Railroad Companies for Negligently Caused Fires*, 13 DICK. L. REV. 33 (1908); *Address of Counsel to Jury*, 13 DICK. L. REV. 75 (1908); *Reputation*, 13 DICK. L. REV. 103 (1908); *Party Walls: Right To Build Wall in Part on Neighbor Lot*, 13 DICK. L. REV. 131 (1909); *Party Walls: Amount of Compensation*, 13 DICK. L. REV. 165 (1909); *Declarations To Prove Partnership*, 13 DICK. L. REV. 233 (1909); *Remarks of Counsel: Improper Remarks of Counsel*, 13 DICK. L. REV. 259 (1909); *The Use of Mortality Tables*, 14 DICK. L. REV. 1 (1909); *Exposing Incompetency of Witnesses*, 14 DICK. L. REV. 89 (1910); *Checks*, 14 DICK. L. REV. 141 (1910); *Checks (Second Sub-division)*, 14 DICK. L. REV. 181 (1910); *Checks (Last Sub-division)*, 14 DICK. L. REV. 225 (1910); *Christianity as Part of the Law of Pennsylvania*, 15 DICK. L. REV. 1 (1910); *Constitutional Limitations of Municipal Debts (First Part)*, 15 DICK. L. REV. 37 (1910); *Constitutional Limitations of Municipal Debts: Moneys in the Treasury (Second Part)*, 15 DICK. L. REV. 67 (1910); *Constitutional Limitations of Municipal Debts: Moneys in the Treasury (Third Part)*, 15 DICK. L. REV. 99 (1911); *Marbury v. Madison*, 15 DICK. L. REV. 135 (1911); *Texas v. White*, 15 DICK. L. REV. 163 (1911); *Inheritance: Ancestral Property*, 15 DICK. L. REV. 193 (1911); *Inheritance: Lineal Relationship*, 15 DICK. L.

articles prepared by Professors Joseph McKeehan, A.J. White Hutton,

REV. 235 (1911); *The Evidence Act of 1887*, 16 DICK. L. REV. 1 (1911); *Mississippi v. Johnson*, 4 Wall. 475, 16 DICK. L. REV. 57 (1911); *The Rule in Shelly's Case in the Last Duodecennium*, 16 DICK. L. REV. 123 (1912); *Proving Previous Consistent Statements of a Witness*, 16 DICK. L. REV. 183 (1912); *Judicial Nullification of Federal Statutes*, 16 DICK. L. REV. 215 (1912); *Qualifying a Witness by Cross-examination*, 17 DICK. L. REV. 1 (1912); *Refreshing Recollection*, 17 DICK. L. REV. 29 (1912); *The Use of Former Testimony*, 17 DICK. L. REV. 89 (1913); *Sunday Contracts*, 17 DICK. L. REV. 155 (1913); *An Examination of Sanderson v. Pennsylvania Coal Company*, 18 DICK. L. REV. 1 (1913); *The Standard Oil Co. v. The United States*, 18 DICK. L. REV. 31 (1913); *Evidence of Identity*, 18 DICK. L. REV. 61 (1913); *An Examination of Godcharles & Co. v. Wigeman*, 18 DICK. L. REV. 91 (1914); *Some Decisions*, 18 DICK. L. REV. 117 (1914); *Witness Made Competent by Testimony Act, June 11, 1891*, 18 DICK. L. REV. 147 (1914); *Opinion as to Sanity*, 18 DICK. L. REV. 183 (1914); *Acknowledgment and Probate as Evidence of Execution of Deeds*, 18 DICK. L. REV. 221 (1914); *Some Federal Tax Cases*, 18 DICK. L. REV. 245 (1914); *The Delegation of Legislative Power*, 19 DICK. L. REV. 91 (1915); *Opinion Evidence of Insanity—Criminal Cases*, 19 DICK. L. REV. 121 (1915); *The Canons of Ethics of the American Bar Association*, 20 DICK. L. REV. 1 (1915); *Original Entries for Professional Persons*, 20 DICK. L. REV. 93 (1916); *Circumstantial Proof of Ancient Documents*, 20 DICK. L. REV. 123 (1916); *Recitals in Deeds as Evidence*, 20 DICK. L. REV. 195 (1916); *Declarations of Spouse Against Spouse*, 20 DICK. L. REV. 227 (1916); *Wallace v. Edwin Harmstad*, 44 Pa. 492, 21 DICK. L. REV. 1 (1916); *Ingersoll v. Sergeant*, 1 Whart 337, 21 DICK. L. REV. 13 (1916); *Some Observations on the Negotiable Instruments Act*, 21 DICK. L. REV. 35 (1916); *Martin v. Berens*, 67 Pa. 459, 21 DICK. L. REV. 73 (1916); *Lyle v. Richards*, 9 Serg. & Rawle 322, 21 DICK. L. REV. 103 (1916); *Lancaster v. Dolan*, 1 Rawle 231, 21 DICK. L. REV. 112 (1916); *Reputation with Respect to Books of Original Entries*, 21 DICK. L. REV. 135 (1917); *Improving the Lawyers*, 21 DICK. L. REV. 134 (1917); *Tampering with Witnesses and Jurors*, 21 DICK. L. REV. 165 (1917); *Hammitt v. Philadelphia*, 65 Pa. 146, 21 DICK. L. REV. 195 (1917); *The Rationale of the Injunction*, 21 DICK. L. REV. 225 (1917); *Escrows*, 22 DICK. L. REV. 31 (1917); *The Original Package Ineptitude*, 22 DICK. L. REV. 63 (1917); *Elimination of Improper Evidence*, 22 DICK. L. REV. 91 (1918); *The Non-Federal Law Administered in Federal Courts*, 22 DICK. L. REV. 153 (1918); *Partially Unconstitutional Statutes*, 22 DICK. L. REV. 181 (1918); *Trickett Hall*, 23 DICK. L. REV. 1 (1918); *Something About Negligence*, 24 DICK. L. REV. 1 (1919); *Accommodation Paper*, 24 DICK. L. REV. 33 (1919); *Accommodation Paper (Concluded)*, 24 DICK. L. REV. 65 (1919); *Effect of Infancy on Capacity for Negligence*, 24 DICK. L. REV. 99 (1919); *Local Legislation*, 24 DICK. L. REV. 127 (1920); *An Examination of Wilkerson v. Rahrer*, 140 US 545, 25 DICK. L. REV. 1 (1920); *Is a Grant a Contract: A Review of Fletcher v. Peck*, 6 Cranch 87, 25 DICK. L. REV. 31 (1920); *Dred Scott v. John F.A. Sandford*, 19 How. 393, 26 DICK. L. REV. 1 (1921); *The Preamble and Declaration of Rights of the Pennsylvania Constitution*, 26 DICK. L. REV. 29 (1921); *Marbury v. Madison*, 26 DICK. L. REV. 53 (1921); *Koehler v. Hill*, 26 DICK. L. REV. 57 (1921); *The Illimitable Amendability of the Federal Constitution*, 27 DICK. L. REV. 21 (1922); *Wheeler et al. v. Philadelphia*, 77 Pa. 338, 27 DICK. L. REV. 29 (1922); *The Pittsburg-Allegheny Consolidation Cases*, 27 DICK. L. REV. 59 (1922); *Some Matters of Practice*, 27 DICK. L. REV. 243 (1923); *To Re-establish the Constitution*, 28 DICK. L. REV. 1 (1923); *Judge Caverly's Decision*, 29 DICK. L. REV. 1 (1924); *The 16th Amendment*, 29 DICK. L. REV. 8 (1924); *A Word About Stare Decisis*, 29 DICK. L. REV. 31 (1924); *Recession of the Supernatural in Judicial Investigation*, 30 DICK. L. REV. 1 (1925); *Purchaseability of Expert Testimony*, 30 DICK. L. REV. 10 (1925); *Res Gestae*, 31 DICK. L. REV. 1 (1926); *Independence*, 32 DICK. L. REV. 1 (1927). Dean Trickett's name did not appear with many of these articles at the time that they were published, however they were attributed to him in the 1897-1926 *General Index*.

Walter Harrison Hitchler, Donald Farage, Harold Irwin, William Dodd, F. Eugene Reader, and other law school faculty members. Articles written by members of the law school's faculty would represent the vast majority of articles published in the *Law Review* for the next several decades.

The articles published in *The Forum* by the law school faculty were quickly recognized in other highly-respected legal publications, as noted in a 1908 article:

The Forum is already influencing the literature of the law. Prof. Williston, in his edition of Pollock on Contracts, refers in his discussion of Moral Obligation as a consideration, to the article by Prof. McKeehan in 9 *Forum* 1, as a valuable contribution. Prof. Wigmore's Fifth Volume on Evidence, p. 268, thus refers to the subject of measure of persuasion: "The best exposure of the doctrine's vagaries is found in an article by Professor Wm. Trickett, of the Dickinson School of Law; 'Preponderance of Evidence and Reasonable Doubt.'" On page 12 of the same work, speaking of the doctrine that a presumption cannot be founded on a presumption, Prof. Wigmore observes, "For an acute analysis of this fallacy, and a demonstration of its unsoundness, with citations of additional rulings involving it, see an article 'Presumptions built on Presumptions' by Professor Wm. Trickett," in 10 *Forum* p. 123.²⁶

The title of the publication was changed from *The Forum* to the *Dickinson Law Review* beginning with Volume 13, Number 1, issued in October 1908. The editors—Hartley L. Replogle, Clair N. Graybill, and Harry E. McWhinney—wrote that "articles of value to the practicing attorney, by members of the Faculty, as well as reviews of the latest legal publications, will appear in each of the several numbers."²⁷ The articles published during the 1908-09 school year were: *Sales by Sample: Deviation from Civil Law*; *Liability of Railroad Companies for Negligently Caused Fires*; *Address of Counsel to Jury*; *Reputation*; *Party Walls: Right To Build Wall in Part on Neighbor Lot*; *Party Walls: Amount of Compensation*; *The Enforcement of Contracts for the Sale of Real Estate*; *Declarations To Prove Partnership*; and *Remarks of Counsel*.²⁸

Faculty-written articles in the *Law Review* occasionally served as a means of pronouncing law school policy. Such was the case with Professor Walter Harrison Hitchler's 1914 article, *College Graduation as*

26. *The Forum*, 12 FORUM 129 (1908).

27. *Editor's Note*, 13 DICK. L. REV. 32 (1908).

28. *The Enforcement of Contracts for the Sale of Real Estate*, 13 DICK. L. REV. 196 (1909), was by Professor Walter Harrison Hitchler. The remaining articles published that academic year were written by Dean Trickett.

an Entrance Requirement to Law Schools, which ended with the statement that “the Dickinson School of Law has decided that it will not require college graduation as a condition for entrance.”²⁹

The *Law Review* published its first article identified as having been written by an individual outside of the law school community in June 1916. The article was *Uniform Commercial Acts* by Samuel Williston, remembered today for his *Treatise on the Law of Contracts*.³⁰

In 1917, the *Law Review* featured an article about the new law school building which was then under construction.³¹ Included with the article were floor plans of the building as well as a photograph of the construction. The next year the *Law Review* again featured the new building, named Trickett Hall in honor of the school’s dean. The *Law Review* published an article detailing the structure,³² the full text of the dedication speeches,³³ and lists of the alumni present for the dedication and of those whose donations paid for the building.

Trickett Hall was dedicated as World War I still raged in Europe. The *Law Review* paid tribute to the 143 law school students and alumni who had joined the military.³⁴ Special tribute was given to John Wiley Day, Class of 1910, who was wounded “while leading his machine gun company into action somewhere in France” and who later died of his wounds.³⁵

In 1924, Harold S. Irwin was named as the *Law Review*’s first Editor-in-Chief. The remaining members of the Editorial Staff were given the title of “Associate Editor.” Regis T. Mutzbaugh was given the title of “Business Manager,” while the remaining members of the business staff were given the title of “Association Manager.”

Throughout the 1920s, the *Law Review* published articles on a variety of topics, the majority of them dealing with points of

29. Harrison Hitchler, *College Graduation as an Entrance Requirement to Law Schools*, 19 DICK. L. REV. 31, 45 (1914).

30. Samuel Williston, *Uniform Commercial Acts*, 20 DICK. L. REV. 263 (1916).

31. Henry M. Bruner, *The New Building*, 21 DICK. L. REV. 293 (1917).

32. *Trickett Hall*, 23 DICK. L. REV. 1 (1918).

33. Hon. Sylvester B. Sadler, Address of Hon. S.B. Sadler, Judge of the Court of Common Pleas of Cumberland County (Aug. 16, 1918), in 23 DICK. L. REV. 8-11 (1918); Hon. Edward J. Fox, Address of Justice Edward J. Fox of the Supreme Court of Pennsylvania (Aug. 16, 1918), in 23 DICK. L. REV. 11-20 (1918); Rev. Dr. George Edward Reed, Address of Dr. George Edward Reed, Former President of Dickinson College and of The Dickinson School of Law (Aug. 16, 1918), in 23 DICK. L. REV. 20-26 (1918); Anthony T. Walsh, Address of Anthony T. Walsh, '03 (Aug 16, 1918), in 23 DICK. L. REV. 27-30 (1918); Hon. John W. Kephart, Address of Hon. John W. Kephart, Justice of the Supreme Court of Pennsylvania, at the Dedication of Trickett Hall (Aug. 16, 1918), in 23 DICK. L. REV. 69-73 (1918).

34. *The Law School in War Time*, 23 DICK. L. REV. 30 (1918).

35. *Id.* at 31.

Pennsylvania law. Other articles discussed issues of national interest. *An Echo from the Scopes Trial* argued against the teaching of Darwin's theory of evolution as an attack "against religion and Christianity."³⁶ *Is It Self-evident that "All Men Are Created Equal"* discussed "how the various states in a legal way discriminate against women."³⁷ *The Eighteenth Amendment—Its Validity—Public Opinion* described the adoption of prohibition as a "stupendous error."³⁸ The vast majority of the articles published during this period were authored by members of the law school faculty.

Dean Trickett died on August 1, 1928, at the age of 88, ending a chapter in the law school's history.³⁹ The *Law Review* paid tribute to this great man, publishing a Resolution adopted by the Cumberland County Bar Association in his memory.⁴⁰ The format of the publication changed following Dean Trickett's death; the *Law Review* stopped printing the law school's moot court cases, and they were "replaced by notes and comments on recent decisions and other interesting phases of the law."⁴¹ Publication was thereafter reduced to four issues per year, with each issue being "substantially increased in content."⁴²

This reorganization had its inception in the desire of the faculty of the Law School that the Review might prove of greater service to its students and to the hundreds of Dickinson lawyers distributed throughout the East. It is hoped that the interest and support of the alumni will be stimulated to a greater degree in the contribution of articles and otherwise. This desire will find fruition if the new Review substantially increases the service that the Review has been rendering in the solution of legal problems by intelligent discussion and its recordation of careful investigations of these problems. While notice will be given to American law generally, it is hoped that especial service may be rendered to Pennsylvania lawyers and students by particular attention being devoted to Pennsylvania law.⁴³

The notes section that replaced the moot court reports was not

36. Ellahue Ansile Harper, *An Echo from the Scopes Trial*, 30 DICK. L. REV. 126, 129 (1926).

37. R. W. Lyman, *Is It Self-evident that "All Men Are Created Equal,"* 31 DICK. L. REV. 221, 222 (1927).

38. E.A. Harper, *The Eighteenth Amendment—Its Validity—Public Opinion*, 32 DICK. L. REV. 223, 224 (1928).

39. BURTON R. LAUB, *THE DICKINSON SCHOOL OF LAW: PROUD AND INDEPENDENT* 57 (1983).

40. John L. Shelley, Cumberland County Bar Association, *In Memoriam: William Trickett*, 33 DICK. L. REV. 83 (1929).

41. *Notes*, 33 DICK. L. REV. 85 (1929).

42. *Id.*

43. *Id.*

limited to student publications. The first note published under the new format, *Changes in Supreme Court Rules in re Admissions to Bar*, was written by J. F. Ingham, a member of the law school faculty.⁴⁴ The first student-written notes—*Annulment of Marriage Under Declaratory Judgments Act* by Horace G. Ports,⁴⁵ *Evidence of Unconnected Crimes in Murder Trials* by Russell S. Machmer,⁴⁶ *Equity Delights to do Justice and not by Halves* by W. Hudson R. Unger,⁴⁷ *Widow's and Children's Exemption in Pennsylvania* by W. Robert Thompson,⁴⁸ *Creation and Taxation of Joint Bank Deposits* by Morton Klaus,⁴⁹ and *Liability of an Infant Partner to Firm Creditors* by Samuel Backer⁵⁰—appeared in the May 1929 issue. All of these students were members of the Law School's Class of 1929.

Beginning in 1931, the *Law Review* began including occasional updates prepared by Dean Hitchler describing happenings at the law school. In the absence of an alumni magazine, the *Law Review* served as an excellent medium for reaching the School's graduates. In 1932, for example, the *Law Review* reported that 142 students, 126 of whom were college graduates, were enrolled at the law school and that the school had been “examined and approved by the Council on Legal Education of the American Bar Association.”⁵¹

In 1934, the law school celebrated its centennial, and the *Law Review* published several articles to mark the occasion. These included biographies of the Honorable John Reed,⁵² the Honorable James Hutchison Graham,⁵³ and Dean William Trickett.⁵⁴ Also published was an article entitled *The Dickinson School of Law: Judge Reed's Law School* that was to have been the first of three articles “dealing with the

44. J. F. Ingham, *Changes in Supreme Court Rules in re Admissions to Bar*, 33 DICK. L. REV. 86 (1929).

45. Horace G. Ports, *Annulment of Marriage Under Declaratory Judgments Act*, 33 DICK. L. REV. 239 (1929).

46. Russell S. Machmer, *Evidence of Unconnected Crimes in Murder Trials*, 33 DICK. L. REV. 244 (1929).

47. W. Hudson R. Unger, *Equity Delights to do Justice and not by Halves*, 33 DICK. L. REV. 248 (1929).

48. W. Robert Thompson, *Widow's and Children's Exemption in Pennsylvania*, 33 DICK. L. REV. 253 (1929).

49. Morton Klaus, *Creation and Taxation of Joint Bank Deposits*, 33 DICK. L. REV. 257 (1929).

50. Samuel Backer, *Liability of an Infant Partner to Firm Creditors*, 33 DICK. L. REV. 261 (1929).

51. W.H. Hitchler, *Notes: The Law School*, 37 DICK. L. REV. 55 (1932).

52. Merkel Landis, *Hon. John Reed*, 38 DICK. L. REV. 161 (1934).

53. Samuel M. Goodyear, *James Hutchison Graham, Pioneer Jurist*, 38 DICK. L. REV. 164 (1934).

54. John H. Wigmore, *William Trickett*, 38 DICK. L. REV. 166 (1934).

development of the Law School.”⁵⁵ Sadly, the second and third installments in the series were never published.

The Japanese attack on Pearl Harbor on December 7, 1941 brought the United States into World War II and brought significant changes to legal education in Pennsylvania. New requirements were adopted by the Commonwealth to address “problems created by the war with respect to legal education and admission to the Bar.”⁵⁶ Pursuant to these rules, Dickinson instituted a year-round program that would continue into the post-war era designed to “enable a student to complete his law school course and his legal preparation for admission to the bar in two calendar years.”⁵⁷ Despite the revised program, the law school barely survived the war as students left to enlist in the military. Professor F. Eugene Reader later recalled that at one point the number of law students dropped “to about ten.”⁵⁸

The new schedule and greatly reduced student body had a major effect on the student staff of the *Law Review*. The masthead indicates that Volume 47 had two editors-in-chief and two business managers over the course of the 1942-1943 academic year. The first two issues of Volume 49, published during the 1944-1945 school year, were produced by a business manager and an assistant without the benefit of any student editorial staff.

Many of the articles and comments published in the *Law Review* during this period addressed war-related issues. These included life insurance,⁵⁹ civil liberties,⁶⁰ civil relief for military personnel,⁶¹ food distribution,⁶² administration of solid fuels,⁶³ and the powers of draft boards.⁶⁴ Even so, the wartime issue of the *Law Review* had a

55. Walter H. Hitchler, *The Dickinson School of Law: Judge Reed's Law School*, 38 DICK. L. REV. 147 (1934).

56. Elden S. Magaw et al., *War Emergency Changes in Legal Education in Pennsylvania: Special Report of the Committee on Legal Education and Admission to the Bar*, 46 DICK. L. REV. 175 (1942).

57. *The Dickinson School of Law Announces an All Year Program of Studies*, 46 DICK. L. REV. 179 (1942).

58. George Ebner, *The Men Up Front: F. Eugene Reader*, BILL OF PARTICULARS, Feb. 22, 1961, at 2.

59. J. Duffy Rively, Note, *War Clauses in Life Insurance Policies*, 46 DICK. L. REV. 192 (1942).

60. Edward H. Miller, Note, *The Case of Civil Liberties v. National Security*, 47 DICK. L. REV. 117 (1943).

61. J. Boyd Landis, *Soldiers' and Sailors' Civil Relief Act*, 47 DICK. L. REV. 130 (1943).

62. Charles B. Nutting & Jesse E. Baskette, Jr., *Food Distribution in Wartime*, 48 DICK. L. REV. 86 (1944).

63. Jesse B. Messitte & Robert Wolfe, *The Solid Fuels Administration for War and Industry Advisory Groups*, 48 DICK. L. REV. 141 (1944).

64. Gilbert G. Ludwig, *Recent Cases, Administrative Law—Selective Training and*

significantly reduced content. The third issue of Volume 49, published in March, 1945, contained only twenty-three pages, making it the shortest issue of the *Dickinson Law Review* ever published.⁶⁵

In 1944, the *Law Review* published a tribute to four law school alumni killed during the war: Frank W. Davis, Harry C. Polk, Harry L. Bevis, and Robert J. Neely.⁶⁶ The tribute included poetic verse by Robert Abrahams, a 1925 graduate of the law school, written “for the sons of Dickinson, 1944.”⁶⁷ The poem read, in part, as follows:

A soldier home from the war came by
And knocked at the schoolhouse gate.
“Oh say, will you let me in?” he asked,
“For the hour is dark and late.”

“Come in, come in, my warrior son,
It’s welcome here you are,
And what have you seen and what have you heard
And bear you a wound’s red scar?”

“No wound have I,” the young man said,
“No scar that an eye can see,
But what have I done and what I have viewed,
Oh nevermore ask of me,”

But let me walk the remembered streets
And the lanes where the old trees grow,
And let me feel a blossomy wind—
In the morning I must go.⁶⁸

In the brief period of hope that followed the conclusion of hostilities, the *Law Review* published the American Law Institute’s *Statement on Essential Human Rights*, which provided that “[u]pon the freedom of the individual depends the welfare of the people, the safety of the state and the peace of the world.”⁶⁹ Yet it was not long before the former allies had become bitter foes, and Europe was divided by an iron

Service Act of 1940—Judicial Review of Action of Draft Board—Habeas Corpus, 48 DICK. L. REV. 158 (1944).

65. In addition to containing the shortest issue, Volume 49 was the shortest volume in the school’s history. It contained only 123 pages. In contrast, the first issue to be published as the *Penn State Law Review*—Volume 108, number 1—contains 414 pages.

66. *Pro Patria: In Memoriam*, 48 DICK. L. REV. 192 (1944).

67. Robert Abrahams, *A Soldier from the War Came By*, 48 DICK. L. REV. 193 (1944).

68. *Id.*

69. Am. Law Inst., *Statement on Essential Human Rights*, 50 DICK. L. REV. 7 (1945).

curtain. In 1951, the *Law Review* published the Honorable Michael A. Musmanno's demand that the Communist Party be outlawed in Pennsylvania:

Anyone who today says that the Communist Party is a political party is either abysmally ignorant or culpably false. The Communist Party in the United States is an extension of the Soviet foreign office. Every Communist headquarters in our land is an advance post of the Red Army. Every Communist between the Atlantic and the Pacific is a Soviet paratrooper already landed here.⁷⁰

This was followed in 1962 by a Note entitled *Two Decisions of the United States Supreme Court on the Restraint of Communistic Activity*.⁷¹

However, with these two exceptions the *Law Review* largely ignored the Cold War and the increased international tension, instead concentrating on domestic legal issues in general and Pennsylvania law in particular. Only a few articles dealing with international topics were published during the 1950s—American recognition of the Vatican,⁷² the law of Iceland,⁷³ a proposed International Criminal Court,⁷⁴ prisoners of war,⁷⁵ and European Constitutional Courts⁷⁶ among them.

During the 1950s, the *Law Review* published farewells to several long-time faculty contributors. Volume 55 was dedicated to Professor Joseph P. McKeehen, who taught at the law school from 1902 until his death in 1950. His colleague, A.J. White Hutton, wrote the dedication, which was signed by the entire faculty.⁷⁷ Several months later the *Law Review* published Professor Hutton's retirement notice, wherein he bid farewell "to all former students under my instruction during the years 1902-1951, a distinguished group of men and women of whom their instructor is justly proud."⁷⁸

Dean Hitchler retired in 1954 and passed away on February 5, 1959 after a long battle with Parkinson's disease.⁷⁹ By direction of the law

70. The Hon. Michael A. Musmanno, Statement by Judge Michael A. Musmanno at State Capitol on Presentation of a Bill To Outlaw Communist Party from Pennsylvania (Aug. 6, 1951), in 56 DICK. L. REV. 1 (1951).

71. Perlie P. Fallon, *Two Decisions of the United States Supreme Court on the Restraint of Communistic Activity*, 56 DICK. L. REV. 343 (1952).

72. Lester Harris, *Recognition of the Holy See*, 55 DICK. L. REV. 235 (1951).

73. Lester B. Orfield, *Icelandic Law*, 56 DICK. L. REV. 42 (1951).

74. Robert B. Ely, III, *A Proposal for an International Criminal Court: A Critique and an Alternative*, 57 DICK. L. REV. 46 (1952).

75. George S. Prugh, *Prisoners at War: The POW Battleground*, 60 DICK. L. REV. 123 (1956).

76. Gottfried Dietze, *Constitutional Courts in Europe*, DICK. L. REV. 313 (1956).

77. A.J. White Hutton, *Joseph Parker McKeehan*, 55 DICK. L. REV. 93 (1950).

78. A.J. White Hutton, *A Personal Note*, 55 DICK. L. REV. 289 (1951).

79. *W.H. Hitchler Dean of Law School 24 Years, Dies at Age of 76 Years*, EVENING SENTINEL, Feb. 5, 1959, at 1.

school's Board of Trustees, the *Law Review* published the eulogy presented by the Honorable Daniel J. Flood in honor of the former dean.⁸⁰

Shortly after Dean Hitchler's retirement, the *Law Review* published *Bailments—Loss of Subject Matter by Fire or Theft—Presumptions—Evidence—Witnesses* by Henry J. Rutherford, Class of 1957.⁸¹ This was the first student-written comment to be published in the *Law Review*. By the end of the 1970s, comments would largely supercede notes and book reviews as the major student-written publications in the *Law Review*.

Just as the Cold War was largely ignored by the *Law Review* during the 1950s, the publication passed through the turbulent 1960s without commenting on the Vietnam War, the military draft, or the major upheavals then occurring in American society. It was not until 1970 that the *Law Review* published *The Constitution, the Conscientious Objector, and the "Just War"* by Ruth C. Silva,⁸² followed the next year by *Constitutional Law—School Dress Codes—Freedom of Hairstyle* by Correale F. Stevens.⁸³ Another article on this subject—*Proposed Legislation Curbing the War Powers of the President*—was Professor Joseph B. Kelly's first contribution to the *Law Review* in 1972.⁸⁴

The Fall 1973 issue of the *Law Review* featured a *Crimes Code Symposium* that included an article by Sheldon S. Toll, *Criminal Law Reform in Pennsylvania: The New Crimes Code*.⁸⁵ The *Law Review* has since published symposium issues on a variety of topics, including family law,⁸⁶ administrative law,⁸⁷ IOLTA,⁸⁸ and bankruptcy.⁸⁹

In 1981, eighty-three years after Julia Radle had served as the first female editor of the *Law Review*, Marcia A. Binder, Class of 1982, was elected as the publication's first female Editor-in-Chief. Eight women have since served in this position, including the current Editor-in-Chief,

80. Hon. Daniel J. Flood, Eulogy (May 2, 1950), in 64 DICK. L. REV. 1 (1959).

81. Henry J. Rutherford, Comment, *Bailments—Loss of Subject Matter by Fire or Theft—Presumptions—Evidence—Witnesses*, 61 DICK. L. REV. 97 (1956).

82. Ruth C. Silva, *The Constitution, the Conscientious Objector, and the "Just War,"* 75 DICK. L. REV. 1 (1970).

83. Correale F. Stevens, *Constitutional Law—School Dress Codes—Freedom of Hairstyle*, 75 DICK. L. REV. 534 (1971).

84. Professor Joseph B. Kelly, *Proposed Legislation Curbing the War Powers of the President*, 76 DICK. L. REV. 411 (1972).

85. Sheldon S. Toll, *Criminal Law Reform in Pennsylvania: The New Crimes Code*, 78 DICK. L. REV. 1 (1973).

86. Symposium, *Family Law*, 81 DICK. L. REV. 683 (1977).

87. Symposium, *Administrative Law*, 82 DICK. L. REV. 635 (1978).

88. Symposium, *Interest on Lawyer Trust Fund Accounts (IOLTA)*, 101 DICK. L. REV. 547 (1997).

89. Symposium, *National Bankruptcy Review Commission*, 102 DICK. L. REV. 677 (1998).

A. Nicole Hartley.⁹⁰

By the 1980s, the focus of the *Law Review* had shifted from primarily Pennsylvania law to a more comprehensive view, although the Commonwealth continued to receive very significant attention. For example, of the twenty articles and thirteen comments published during the 1985-86 school year, thirteen dealt with Pennsylvania law.

In 1984 the *Law Review* published a special issue to mark the law school's sesquicentennial featuring a dozen articles on various topics of law prepared by members of the law school's faculty—probably the first issue to be written exclusively by Dickinson Law faculty since the days of Dean Trickett. These articles ranged from *The Expanding Role of International and Comparative Law Studies—An Overview of the Italian Legal System* by Louis F. Del Duca,⁹¹ to *Copyright Protection and the Information Explosion* by William J. Keating,⁹² to *Legally Insane or Guilty but Mentally Ill: A Suggested Jury Instruction* by Arthur A. Murphy.⁹³

Another special issue, published in 1993, honored United States Supreme Court Justice Harry A. Blackmun. Among the contributors who paid tribute to Justice Blackmun were two of his former law clerks—Richard A. Meserve and Richard Blumenthal—as well as one of his former colleagues from the United State Court of Appeals for the Eighth Circuit, the Honorable Floyd R. Gibson.⁹⁴

In 1996, the *Law Review* sponsored a *Centennial Symposium* to celebrate the publication of its one hundredth volume. The symposium, titled *A Nation Under Lost Lawyers: The Legal Profession at the Close of the Twentieth Century*, featured contributions “from a variety of perspectives, with a variety of voices, and with a variety of levels of optimism.”⁹⁵ Among the symposium authors was the Honorable Joseph W. Bellacosa of the New York State Court of Appeals:

I would like to return to the opportunity to look forward to what the

90. These women are Abigail Andrews Tierney, 1986-87; Beth Ann Krusen, 1987-88; Kimberlee A. Kline, 1989-90; Dorthy M. Alison, 1990-91; Kristen L. Beebe, 1991-92; Deneice Covert, 1993-94; Beth J. Hermanson, 1995-96; and A. Nicole Hartley, 2003-04.

91. Louis F. Del Duca, *The Expanding Role of International and Comparative Law Studies—An Overview of the Italian Legal System*, 88 DICK. L. REV. 221 (1984)

92. William J. Keating, *Copyright Protection and the Information Explosion*, 88 DICK. L. REV. 268 (1984).

93. Arthur A. Murphy, *Legally Insane or Guilty but Mentally Ill: A Suggested Jury Instruction*, 88 DICK. L. REV. 344 (1984).

94. Richard A. Meserve, Norman Dorsen, Richard Blumenthal & Floyd R. Gibson, *A Tribute to Justice Harry A. Blackmun*, 97 DICK. L. REV. 601 (1993).

95. Peter G. Glenn, *Introduction: Conversations About the State of the Legal Profession*, 100 DICK. L. REV. 477 (1996).

legal profession faces in the approaching Millennium A journey of discovery lies ahead, as we reconsider how the profession can serve people better and with the utmost integrity, and how legal educators can teach law students and the public in more useful, understandable ways about what the profession should be and what it actually does.⁹⁶

Papers from the *Tenth Biennial Conference of the International Academy of Commercial and Consumer Law*, held August 9-13, 2000 at the law school, were published in Volume 106. The conference brought together legal experts from Africa, Asia, Australia, Europe, North America, and South America who “addressed a wide range of topics relating to the changing legal structure of an increasingly global economy.”⁹⁷

In 2003, the *Dickinson Law Review* became the *Penn State Law Review*.⁹⁸ The title change, designed to reflect the law school’s merger with the Pennsylvania State University, was directed by vote of the law school faculty. The Summer 2003 issue—Volume 108, number 1—was the first issue published as the *Penn State Law Review*; the volume was numbered consecutively with the preceding *Dickinson Law Review*. Appropriately, the first issue published under the new title featured a non-traditional interdisciplinary symposium sponsored by the law school, titled *Dispute Resolution and Capitulation to the Routine: Is There a Way Out?* The second issue of the *Penn State Law Review* was dedicated to Professor William Keating, who had passed away in March 2003.

After 108 years, how does one evaluate the success of the *Law Review*? One way is to look at the sheer volume of material that has been published. From Volume 50, published during the 1947-1948 academic year, to date, the *Law Review* has addressed a wide range of legal issues, publishing more than 1500 articles, comments, notes, book reviews, and other items covering more than 35,000 printed pages.

Another way to judge the *Law Review* is to note the number of appellate opinions that have cited to it.⁹⁹ The United States Supreme

96. Joseph W. Bellacosa, *A Millennial Renewal of the “Spirit of the Bar,”* 100 DICK. L. REV. 505, 510 (1996). Judge Bellacosa seemed to echo the words of Delaware Chief Justice Charles Lore, published in *The Forum* almost a century earlier.

97. Louis F. Del Duca, *Introduction*, 106 DICK. L. REV. 1 (2001).

98. The law school’s other law journals, the *Dickinson Journal of International Law* and the *Dickinson Journal of Environmental Law & Policy* changed their titles in 2001 to become, respectively, the *Penn State International Law Review* and the *Penn State Environmental Law Review*.

99. The court citation figures cited in this paragraph are based upon a LEXIS search conducted by the author on November 2, 2003.

Court has cited to the *Law Review* in sixteen cases.¹⁰⁰ The United States Courts of Appeals have cited to the *Law Review* in seventy-four cases, most recently in *United States v. Weems*.¹⁰¹ The appellate courts of forty-eight states—all but Arkansas and South Dakota—have cited to it. The *Dickinson Law Review* was even cited by the Supreme Court of Canada in *Sexual Assault Centre of the Plummer Memorial Public Hospital v. A.B.*¹⁰² The Washington and Lee University School of Law Library website ranks the *Law Review* 183rd on its list of the 999 Most-Cited Legal Periodicals.¹⁰³

However, perhaps the best way to evaluate the *Law Review* is to look at the professional success achieved by the students who have served as editors, business managers, and members of the *Law Review* staff. One of them, John Sydney Fine—who served as a business manager of the *Law Review* during the 1913-1914 academic year—rose to become governor of the Commonwealth of Pennsylvania from 1951 to 1955.¹⁰⁴ Others have gone on to become noted practitioners, judges, elected officials, and legal educators. They have made and continue to make their mark in the legal profession.

In 1984, in the special issue of the *Law Review* marking the sesquicentennial of The Dickinson School of Law, Dean William L. Wilks wrote the following:

This school has a proud heritage, and so does the *Law Review* as it speaks to the profession for the Law School. As *The Forum* treated problems of its day, the *Dickinson Law Review* continues to address concerns of society in 1984.¹⁰⁵

100. *Georgia v. McCollum*, 505 U.S. 42, 55 (1992); *Holmes v. Securities Investor Protection Corp.*, 503 U.S. 258, 283 (1992); *Kentucky v. Stincer*, 482 U.S. 730, 742 (1987); *Munro v. Socialist Workers Party*, 479 U.S. 189, 201 (1986); *Thornburgh v. Am. College of Obstetricians & Gynecologists*, 476 U.S. 747, 752 (1986); *Welsh v. Wisconsin*, 466 U.S. 740, 752 (1984); *Payton v. New York*, 445 U.S. 573, 596 (1980); *Barry v. Barchi*, 443 U.S. 55, 69 (1979); *Brown v. Illinois*, 422 U.S. 590, 603 (1975); *Lehman v. Shaker Heights*, 418 U.S. 298, 312 (1974); *United States v. Kahn*, 415 U.S. 143, 155 (1974); *Furman v. Georgia*, 408 U.S. 238, 345 (1972); *Flood v. Kuhn*, 407 U.S. 258, 281 (1972); *D.H. Overmyer Co. v. Frick Co.*, 405 U.S. 174, 177 (1972); *Linkletter v. Walker*, 381 U.S. 618, 620 (1965); *Lopez v. United States*, 373 U.S. 427, 470 (1961).

101. 322 F.3d 18 (1st Cir. 2003).

102. 4 S.C.R. 536 (1995). The Court cited Carrie J. Scarmeas, Comment, *Rape Victim-Rape Crisis Counselor Communications: A New Testimonial Privilege*, 86 DICK. L. REV. 539 (1982).

103. Washington and Lee University, School of Law Library, Most-Cited Legal Periodicals: U.S. and Selected Non-U.S., at <http://law.wlu.edu/library/lawrevs/mostcited.asp> (last visited Dec. 10, 2003).

104. LAUB, *supra* note 39, at 45.

105. Dean William L. Wilks, *In the Beginning . . .*, 88 DICK. L. REV. 199, 200-01 (1984).