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Why Write?

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Why Write?

Alexander O. Rovzar
Editor-in-Chief

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AUTHOR NOTE

B.A., Tufts University; J.D. candidate, UMass School of Law, 2016. Many thanks to the dedicated members of the 2015-2016 UMass Law Review. The author also thanks Jeremiah Ho for guidance and friendship, as well as Nichole Alexis for patience and support through the Law Review journey.

Erwin Chemerinsky, Dean of the University of California Irvine School of Law and prominent constitutional law scholar, asked, “Why write?”¹ There were two perspectives to his own response. Chemerinsky wrote that, as legal academics, “we write to add significant ideas to the analysis and understanding of the law.”² And, as people, Chemerinsky pointed out, “we write to understand ourselves and the world we live in.”³

The law review you are reading is one of about 980 published in the United States.⁴ These are professional journals filled with thousands of pages of legal ideas that provide the analysis and understanding described by Dean Chemerinsky. Law reviews can initiate development and reform of the law by identifying and exposing problems in the law and suggesting solutions.⁵ The resultant change might not be immediate, but can be significant. For example, Louis Brandeis and Samuel Warren published *The Right to Privacy* in the Harvard Law Review in 1890; fifteen years later, the Georgia Supreme Court recognized the right.⁶

Nonetheless, law reviews are less respected by some critics who claim they are too esoteric and of little use to practicing lawyers and sitting judges.⁷ A blistering piece in the New York Times argued that law reviews are merely tools for faculty to use as they advance their careers and “are not meant to be read.”⁸

This law review is meant to be read.

We invite you not just to read, but also to consider and discuss the topics appearing in this issue:

¹ Erwin Chemerinsky, *Why Write?*, 107 MICH. L. REV. 881 (2009).

² *Id.* at 882.

³ *Id.*

⁴ *Washington and Lee Law Journals Submissions and Ranking, 2007-2014*, LAWLIB.WLU.EDU, <http://lawlib.wlu.edu/LJ/index2014.aspx?mainid=43> (last visited Nov. 29, 2015).

⁵ Michael L. Closen & Robert J. Dzielak, *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15, 22 (1996).

⁶ *Id.*

⁷ ROBIN WEST & DANIELLE CITRON, ON LEGAL SCHOLARSHIP 6-7 (2015), <https://www.aals.org/current-issues-in-legal-education/legal-scholarship>.

⁸ Adam Liptak, *The Lackluster Reviews that Lawyers Love to Hate*, N.Y. TIMES, (Oct. 21, 2013), http://www.nytimes.com/2013/10/22/us/law-scholarships-lackluster-reviews.html?_r=0.

- **The dangers income inequality poses to the United States.**
Large-scale policies which focus on hiring employees at a living wage and encouraging entrepreneurship and growth at all levels of the economy must be implemented before our nation moves further toward economic failure.
- **The restoration of Pell Grants for prisoners.**
Education is one factor that supports an ex-convict's successful reentry to society, but federal law cut this funding in 1994.
- **Motor vehicle lemon laws.**
New Jersey's Used Car Lemon Law, which affords purchasers of used vehicles similar consumer protection provided by ordinary lemon laws, sets a positive example for advancing consumer protection in the automobile industry.
- **The challenges adoptees face in obtaining their birth records.**
This note highlights problems arising out of the current good cause standard governing adoptees' access to adoption proceeding records and proposes a burden shift requiring courts, rather than adoptees, to show good cause to keep a record sealed.
- **The fallacy of parental alienation syndrome.**
This note seeks to invalidate a syndrome alleged to arise during child custody conflicts by emphasizing its rejection among members of the medical community as well as its non-admissibility under the Massachusetts Rules of Evidence.

Dean Chemerinsky wrote that legal scholarship is “an act of faith that writing can make a difference.”⁹ Notwithstanding extraordinary investment of time, in the face of occasional criticism, we believe that legal scholars will continue these diverse intellectual probes, and that they *will make a difference* for readers and writers, alike.

⁹ Chemerinsky, *supra* note 1, at 893.