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TRENDS AND ISSUES IN TERRORISM AND THE LAW: FOREWORD

THOMAS J. CLEARY*

The law review has successfully withstood the test of time. It can be expected that the law review institution will survive and will continue to provide significant benefits to legal education, to the legal profession, and to society at large.¹

The Southern New England School of Law (hereinafter “law school”) was established in 1981 to advance the pursuit of legal knowledge by “breaking down the financial, geographical and temporal barriers to legal education.”² The stated mission of the law school was to educate men and women for membership in the legal profession and to provide “the intellectual and practical training necessary for the practice of law.”³ More than this the law school sought to

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¹ Michael L. Closen and Robert J. Dzielak, *History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15, 36 (1996).

² University of Massachusetts School of Law • Dartmouth, About the College of Law, <http://www.umassd.edu/law/about/> (last visited Jan. 31, 2011).

³ *Id.*

instill “an appreciation of the human qualities necessary for the practice of law to be a satisfying and worthwhile career.”⁴ The school balanced this holistic approach with an assortment of curricular, co-curricular and civic service opportunities to provide a balanced legal education and understanding of the law.

From a conceptual standpoint, laws are simply rules or guidelines used to address social issues, to establish authority, to maintain order and stability and to further the interests of fairness or “justice.” As such, the role of lawyers and judges in interpreting and applying legal knowledge to achieve these objectives is a role that serves the interests of both individuals and society. The profession of law, therefore, is a service-based profession. This service is not easily rendered though as legal theory and laws are not static. The law develops and evolves according to economic, technological, moral and other changes in our society. As such, legal scholars and practitioners are presented with a moving target when it comes to understanding law and pursuing legal truths. Professor Miriam Miquelon-Weismann states that some truths are “subordinated to legal truth.”⁵ This is not surprising since laws—and by extension legal truths—create the framework and ensure the stability of our society. For this reason, identifying, understanding and advancing legal truths is critically important.

From their inception, law schools have sought to develop this understanding and have relied on professors and practitioners to do so. A major development in legal education occurred with the creation of student-edited law reviews in the mid nineteenth century.⁶ Chief Justice Earl Warren described law reviews as “the most remarkable institution of the law school world.”⁷ Chief Justice Warren

⁴ *Id.*

⁵ Miriam F. Miquelon-Weismann, Introduction, *Trends and Issues in Scientific Evidence*, 1 S. NEW ENG. ROUNDTABLE SYMP. L. J. 1, 1 (2006).

⁶ See generally Michael L. Closen and Robert J. Dzielak, *History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15 (1996).

⁷ Earl Warren, Messages of Greeting to the U.C.L.A. Law Review, 1 U.C.L.A. L. REV.1, 1 (1953).

elaborated that “[t]o a lawyer, [law review] articles and comments may be indispensable professional tools [and]...[t]o a judge, whose decisions provide grist for the law review mill, the review may be both a severe critic and helpful guide.”⁸

Law reviews serve two primary functions. First, law reviews serve as a teaching vehicle and provide “invaluable training to the students.”⁹ Second, law reviews provide a forum for publishing legal scholarship and by extension serve as a means of explaining and developing law. While the functions of law reviews are clearly identifiable, their reach and impact are not. John J. McKelvey, one of the four founding members of the *Harvard Law Review*, may have said it best when he observed that the “reviews are like tiny pebbles thrown into a vast pool; their circles spread outward until they can no longer be seen, but who shall say to what distance their influence may not extend before their vibrations are stilled.”¹⁰

For this reason, the creation of a law review at the Southern New England School of Law was a major milestone. This is particularly true since “it was believed that a law review at a law school was a sign of a ‘mature educational institution,’ because law reviews demonstrated a school’s commitment to legal scholarship.”¹¹ In 2005 the law school created the *Southern New England Roundtable Symposium Law Journal*. The law school approached the creation of a law review though from a rather unique standpoint. Most law schools have a central or “flagship” journal that publishes articles or notes on all areas of the law and secondary journals that publish articles or notes on a

⁸ *Id.*

⁹ *Id.*

¹⁰ John J. McKelvey, *The Law School Review: 1887-1937*, 50 HARV. L. REV. 868, 886 (1937).

¹¹ Michael L. Closen and Robert J. Dzielak, *History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15, 36 (1996); quoting Michael I. Swygert and Jon W. Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 HAST. L. J. 739, 779 (1985).

particular area of law.¹² The Southern New England School of Law broke apart from this tradition by creating perhaps the first dedicated “all-symposium” law journal.¹³

The all-symposium format allows the law review to concentrate on different areas of law or topics for each edition. This has at least two distinct advantages. First, the all-symposium approach allows the law review to serve as a vehicle for the publication of focused legal scholarship on important trends and issues in the law. Second, the concentration on narrow issues or areas of law may create a more dynamic resource with greater utility for legal scholars and practitioners. The law review has since expanded on the use of the symposium format by hosting symposium law conferences in conjunction with the publication of the symposium law journals. Ultimately, the adoption of the symposium format allowed the law school to advance both primary functions of a law review—training students and advancing legal scholarship—in a new and innovative way.

The law review aimed to build on the strengths of the all-symposium approach through the use of open access archiving and by expanding the realm of possible contributors. To assist in achieving these goals the journal again broke from tradition by welcoming and actively encouraging contributions from practitioners, government officials and the academic community at large, including faculty and students from other law, graduate and undergraduate institutions. In the spirit of creating an open, inclusive and collaborative dialogue the journal was aptly named the “*Roundtable*.”

The Southern New England School of Law embarked on the next chapter of the school’s development when the Massachusetts Board of Higher Education voted on February 2, 2010 to approve the donation of the school to create the University of Massachusetts School of Law • Dartmouth. At

¹² See, e.g., Dawn C. Netsch and Harold D. Shapiro, *100 Years and Counting*, 100 NW. U. L. REV. 1, 3 (2006).

¹³ For further discussion regarding the merit of an “all-symposium” law review format see Randy E. Barnett, *Beyond the Moot Law Review: A Short Story with a Happy Ending*, 70 CHI.-KENT L. REV. 123 (1994).

the time of the vote Massachusetts was one of only six states in the United States without a public law school. This changed though on July 1, 2010 when the University of Massachusetts School of Law • Dartmouth went from an approved proposal to a reality. This reality brought with it many unique challenges and opportunities. Among these opportunities was the opportunity to expand the law review program and to create the *University of Massachusetts Roundtable Symposium Law Journal*. Thanks to the hard work and dedication of the faculty and law review staff, a new and innovative law review program is in place, the constitution for which was ratified on August 23, 2010.

Without further ado, the members of the Roundtable and the faculty, staff and students of the University of Massachusetts School of Law • Dartmouth proudly present the symposium on *Trends and Issues in Terrorism and the Law* as the first law journal published by the *University of Massachusetts Roundtable Symposium Law Journal*.