

## VERMONT LAW REVIEW CELEBRATES TWENTY YEARS

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Twenty years ago, Dean Thomas Debevoise asked me if I would organize a law review at Vermont Law School. At that time, the first class of students was approaching its third year. Dean Debevoise had taken over the responsibility for the school a little more than a year before. He was still in the early stages of assembling the components of a viable educational institution that would be the only law school in Vermont. I had just graduated from law school and was doing my clerkship with an attorney in private practice, while pursuing research at the Harvard Law School International Tax Program. While in law school, I was on law review and had published a note on a development in Vermont law of some national interest, so I was probably the only person available with appropriate experience.

The Dean identified the best students from the second and third year classes and named a faculty advisor. There were no lengthy philosophical discussions about the role and purpose of a law review. The Dean and the rest of the faculty were busy with their own institution-building tasks. Without instructions or a mission statement, the students and I took charge and set about the concrete task of publishing one volume by the end of the year. We also had the job of setting up the structure of the law review as a student organization that would be self-governing by the time the second year students reached their third year.

There were no models or traditions at Vermont Law School. Therefore one of the hardest tasks was to convey to the students what a law review was and how it was supposed to function. We had volumes produced by law reviews from other law schools on the library shelves, but there was no working staff to show the students how to solicit, review, select, edit, and publish pieces of writing of legal interest. It was my job to bridge that gap. I remember sitting in the stark basement room allotted to the law review, with a group of four or five students, discussing whether or not a particular piece of writing reflected a high quality of legal analysis. I also remember telephoning a bright, but sometimes lazy, student and informing him that unless his cite checking assignment was completed and submitted by a certain hour on a certain day, he would be off law review. We were engaged in serious business, and standards had to be established and maintained. He made it with two minutes to spare.

A related, but even harder, task was trying to determine the particular direction of the *Vermont Law Review*. Should we attempt to publish only

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first-rate articles by nationally recognized academics? If so, who would be willing to submit anything to a law review from an unaccredited school that had not yet graduated a class? Should it be a nuts-and-bolts practitioner's guide for Vermont attorneys, or should we have higher aspirations?

The problem became more complicated as we began receiving numerous unsolicited pieces from attorneys and others who sought out an opportunity to fulfill their publication ambitions. Sifting through these pieces gave the students a chance to learn how to distinguish between works of higher and lower quality. It also gave the students lessons in the elements of well-written analytic work, which they could then apply in writing their own notes. Most of what was sent to us was not good enough. Nevertheless, we could not afford the luxury of being too fussy, because we had to have a book finished by the time the third year students were ready for the bar exam.

We finally made the commitment to seek out and publish only high quality analyses on significant legal issues. The articles would represent contributions to the national body of analytic legal literature, and student notes would address issues of particular significance to Vermont. Crossover would be achieved whenever possible. This was a useful working model, even though we did not achieve that goal precisely in the first volume.

My formal involvement with the law review ended following the publication of the first issue. After that, the students were on their own, with the help of faculty advisors. I remember the excitement and satisfaction of observing the milestones and accomplishments that came later: the listing of the *Vermont Law Review* in the *Index to Legal Periodicals*, the increase in the number of issues per year, and the highly prized competitive job offers that law review students began to receive. I have to confess, however, that despite being proud of the *Vermont Law Review* in these ways, I did not use it very often in my work as an attorney in private practice in Vermont. The issues addressed simply did not correlate to my professional needs as I pursued the interests of individual clients.

I have a different perspective now as a trial judge in Vermont. I eagerly scan the Table of Contents of each issue when it arrives. I am looking for help on any of a dozen or so problems that face me regularly in court. As a trial judge, I have limited time and resources for extensive research, and benefit from someone having done thorough research and thoughtful written analysis on a topic of current interest. I expect that other judges and legislators think the same. I am grateful that a few years ago the law review published a comprehensive index dating back to the

first volume, as this makes all of the volumes of the *Vermont Law Review* more accessible for current use.

This is not to suggest that the *Vermont Law Review* should devote itself exclusively to Vermont problems. I would disfavor such an approach, as it could easily lead to parochialism and ultimately be a disservice to the legal community in Vermont. It is important for all of us to participate fully in the national and international marketplace of ideas.

There are, however, special opportunities for *Vermont Law Review* students to improve the quality of thought and analysis of legal problems in Vermont. Who else is better equipped to compare the approach of the Vermont Legislature to parallel approaches in other states on a particular issue, and to dissect the relative merits and ramifications? Who else has the time and resources to analyze the directions taken by the Vermont Supreme Court Justices and the trial judges as they grapple with novel issues emerging in our courts, which are often the same as those emerging in other states? Subjecting the work of legislators and jurists to constructive scrutiny can help all of us do our work more thoughtfully. This type of analysis is also likely to be useful to legal thinkers elsewhere, faced with similar problems in different contexts. For these reasons, I encourage students on *Vermont Law Review* to explore fully the opportunities to contribute to the legal community in Vermont by providing us with helpful critiques of our work in ways that will contribute to the development of thinking in the larger legal community.

It is with a great deal of personal satisfaction and pride that I salute the work of twenty years of editorial boards of the *Vermont Law Review*. It is with eagerness and interest that I look forward to the work of those yet to come.

