

THE JOURNAL OF APPELLATE PRACTICE AND PROCESS

FOREWORD

Everything in this issue is in some way connected to *The Journal's* past. The first two essays, one by Professors Barger and Gustafson, who are still with *The Journal*, and one by Dean Smith, who is now president of Southern Virginia University, both address its founding. Coleen and Lindsey write about what it was like to put the first issue together, and Rod writes about how that process looked from a slight remove. Together, their memories help the rest of us understand how *The Journal* came to be. That founding narrative is unique, of course, but it is universal too: There was an idea, then there was a plan, and then there was lots of work. And although nobody has ever said so, I have always supposed that there were also some crossed fingers, a few moments of doubt, the occasional muttered curse, and perhaps a prayer or two.

Among the substantive articles in this issue, Professor Baker's annotated bibliography goes to the essence of our reason for being: to provide a forum for creative thought and dialogue about the operation of appellate courts and their influence on the development of the law. Mr. Doyle, who is doubtless familiar to you as the brains behind the law-journal-rankings site hosted by Washington and Lee, contributes another article that harks back to the vision that motivated our founders. He asks whether law journals as we know them can provide that sort of forum in today's media environment. (For the moment at least, I think that the answer is yes, but all of us here are monitoring the changes that seem nearly every day to affect some aspect of law-journal publishing.)

Professor Cleveland's article about Rule 32.1 follows both Judge Arnold's famous comment about unpublished opinions, which ran in our second issue, and the series of *Anastasoff*-related articles that appeared in our Volume 3, Issue

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1. And Ms. Millett, who writes here about seeking the assistance of the Solicitor General in cases to be argued in the Supreme Court, brings an insider's knowledge to bear on a topic that ties back to at least three of our prior issues: Volume 3, Issue 2, in which we ran a special section about the work of the Solicitor General; Volume 5, Issue 1, which included a series of first-person accounts of first arguments in the Supreme Court; and Volume 7, Issue 2, in which our special section was focused on preparing both the advocate and the case for hearing in the Supreme Court.

Looking back to my own arrival at *The Journal* halfway through Volume 3 (or to use real-life terms, in the summer of 2001), I remember most vividly my conversation with a member of the faculty surprised to learn that I had been hired. *The Journal*, he told me, had struck him as a flash in the pan, likely to interest the appellate community only while it was new. You have proved him wrong, making this publication an integral part of the appellate landscape, and for that continuing interest, all of us are grateful. We are grateful too for the continuing support of our authors: The next issue is already full, and we look forward in the next few months to completing our selection of essays, articles, and practice notes for the issue after that.

And although there is always the risk of omitting someone important when making a list, I feel compelled to say here that I am personally grateful to Professor Sullivan, from whose dream *The Journal* arose, and to Dean Goldner (now once again Professor Goldner) and his successor, Dean DiPippa, whose unstinting support of my work has made this the best job that I have ever held.

NBM
Little Rock
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