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## Foreword

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## FOREWORD

Nathan L. Hecht\*

IN 1974, when I was leading articles editor for this publication's predecessor, the *Southwestern Law Journal*, our 14-member board's annual Survey issue ran 354 pages and covered fifteen topics. Our distinguished authors surveyed the prior year's cases, which were mostly in fourteen volumes (490-503) of the *South Western Reporter Second Series—Texas Cases*, and the 2,479 pages of statutes enacted by the 63rd Legislatures in regular session, contained in the *General and Special Laws of the State of Texas*. Last year's annual Survey issue, published by the 41-member board of what is now the *SMU Law Review*, covered twenty-four topics in 761 pages. The issue had nineteen volumes of cases to review, ten of which were in the newly renumbered *South Western Reporter Third Series—Texas Cases* (the *Second Series* stopped at volume 999), and 6,647 pages of statutes enacted by the 76th Legislature. In sum, in over twenty-six years the Survey issue more than doubled in size, the caselaw covered grew by more than a third, and the statutes covered grew by more than 268%. No wonder the *Law Review* needs nearly three times as many editors. (I should add that we did much of ours with pencils, some of it with newfangled automatic typewriters, and walked to school and back every day uphill, each way, in the snow.)

Facts like these show the increasing complexity of the law in the past quarter century and the multiplied speed at which it is changing. This *Annual Survey of Texas Law* has become all the more important as busy Texas lawyers struggle to keep abreast of new developments. Two things have not changed: the authors remain the cream of the crop, learned and experienced in their fields; and the articles not only summarize recent developments but thoughtfully attempt to fit them into existing law and look down the road toward the future. The Survey issue is not merely a tradition of the *SMU Law Review*; it is an important contribution to the bench and bar each year.

By this time next year the Texas cases that are published and citable may have increased six fold. Rule 47.7 of the Texas Rules of Appellate Procedure prohibits citation of unpublished cases—about 85% of the cases decided by the courts of appeals. The supreme Court Advisory Committee has recommended changing Rule 47 to eliminate the “do not publish” designation inasmuch as many “unpublished” cases can now be

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readily obtained on internet websites and through computer research businesses. The proposed changes would require that all opinions be made available electronically. While courts would still be permitted to issue memorandum opinions whose precedential value might not be expected to be great, those opinions could be cited as authority. If the Supreme Court adopts the proposed changes, the volume of caselaw to be summarized will be even greater, and the annual Survey issue even more important.

# Articles

