

2017

Treasuring What Is Golden: The International Lawyer at Fifty

Robert E. Lutz
Southwestern Law School

Recommended Citation

Robert E. Lutz, *Treasuring What Is Golden: The International Lawyer at Fifty*, 50 INT'L L. 19 (2017)
<https://scholar.smu.edu/til/vol50/iss1/8>

This Tribute is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in International Lawyer by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

Treasuring What is Golden: *The International Lawyer* at Fifty

ROBERT E. LUTZ*

For fifty years *The International Lawyer* (“TIL”), the flagship publication of the American Bar Association’s Section of International Law (“SIL”), has served to keep its membership¹ apprised of developments, trends, and academic analyses of international legal concerns. And it has served those purposes well. Starting from a newsletter format in 1966 to inform the Section’s members of Section activities and events,² the journal grew to a full-content law journal, much in the image of academic law school reviews (and, incidentally, *The Business Lawyer* of the ABA Section of Business Law), but representing concerns of the practicing international lawyer. This focus is reflected best by much of its content over the fifty years, but most recently by the very successful annual publication of *The Year in Review*³ from 1997 to 2015 as one or more of the Journal’s four annual issues.

For Volumes 18, 19 and 20 (1984-1986), I had the pleasure of being the Editor-in-Chief of *The International Lawyer*.⁴ During my editorship, TIL marked its twentieth year of publication and celebrated it in true fashion—by publishing a “Happy Twentieth Anniversary” issue of 450 pages.⁵ During that phase, a typical issue contained a rich mix of practical articles for practitioners and some coverage and analysis of major current legal developments, symposia on relevant legal subjects, major reports on international subjects usually authored by ABA Committees, case notes and comments, selected topical or general bibliographies, and book reviews.

* Paul E. Treusch Distinguished Professor of International Legal Studies at Southwestern Law School. Former Chair, ABA Section of International Law, Editor-in-Chief of *The International Lawyer* (1983-87), and Chief Editor of *The Year in Review* (1997).

1. Now unofficially the circulation of the each issue of *The International Lawyer* is approximately 24,000 readers, the number of ABA SIL members.

2. See James T. Haight, *Recalling the Origins of The International Lawyer, 1965-1966*, in THE ABA SECTION OF INTERNATIONAL LAW—Leading the World’s International Lawyers since 1878, 33-35 (Robert E. Lutz & Aaron Schildhaus, eds. 2008).

3. *The Year in Review* is an annual compilation of reports and analyses by the 50+ substantive law Section Committees about major legal developments of the past year in the Committee’s field of law.

4. During much of my editorship (from Vol. 18, No. 4 to Vol. 20, No.4, I also had the good fortune to be assisted by my good friend, Dan Magraw, as Associate Editor, and by a small number of dedicated and very able Southwestern Law student research assistants.

5. 20 INT’L LAW. No. 1 (Spring 1986). My editorship was responsible for 3 volumes (12 issues) of TIL, amounting to 4055 printed pages.

THE INTERNATIONAL LAWYER
A TRIANNUAL PUBLICATION OF THE ABA/SECTION OF INTERNATIONAL LAW

20 THE INTERNATIONAL LAWYER

[VOL. 50, NO. 1

The purpose, noted in my first issue,⁶ was to provide the U.S. international legal practitioner with up-to-date information and analyses which would benefit his/her area of international practice. It was my feeling at the time—and it became my mission as Editor-in-Chief—to generate, aggressively solicit, and carefully prepare, edit and publish materials that would be useful and interesting to the international legal practitioner. The emphasis was (and still should be) on benefitting the practitioner, both private and public lawyers, but did not foreclose the inclusion of academic analyses as well.⁷

After a decade respite from the TIL editorship, I was asked by the Section leadership in 1996 to figure out how to create and publish an International Law Section “Year in Review.” In the year that followed, I developed a Section structure, created a journal format, and edited the first edition of *The International Lawyer’s Year in Review* (“YIR”), which was published as Volume 31, Issue 2. Even though efforts in the past were made by the journal to publish reports of current international legal developments affecting U.S. international lawyers, analyses of such issues were not regular and lacked a broad scope. I calculated that such a publication could generate SIL Committee activity,⁸ energize the membership and create a documented annual history of international law developments having impacts on U.S. international law practice. For almost twenty years (1997 to 2015), the annual publication took place as an issue or more of TIL, and I can report all of those objectives were met and more. The YIR became a Section institution and an additional member benefit, today deserving of separate publication by the Section.⁹

Now, *The International Lawyer* faces the future, perhaps even another half century. One must reflect on how the information and digital revolutions impact the form and substance of future law journals. Since the mid-

6. “The emphasis will . . . be on publishing material dealing with practical issues facing lawyers engaged in an international practice [and how ‘advancing rule of law’] applies to *all* international legal relationships. . .”. Robert E. Lutz, *Hello*, in 18 INT’L LAW. No. 4 (Winter 1984).

7. Articles about Public International Law subjects were regularly published by noted academic authors, even though the journal primarily focused on articles that would benefit the practicing international lawyer.

8. In creating the project, I relied on the Section’s committee structure of about 50 substantive law committees to prepare reports of developments in the substantive legal area during the past year according to a formulated outline. The response was impressive, with almost all committees responding. The first issue was 500 pages, with additional analyses by committees in the regional and country law division being published in a later issue. See Robert E. Lutz, *Editor’s Preface and Introduction*, 31 INT’L LAW. 231-34 (1997).

9. One cannot write about TIL’s fifty years without acknowledging with much gratitude the contributions of the educational institutions that supported the solicitation and editorial work of many academics who served as editors of the journal and/or the YIR. Southwestern Law School, University of Colorado at Boulder, SMU Law School and John Marshall Law School stand out in this regard. And the following Editors-in-Chief and Associate Editors deserve special recognition: Joseph Norton, Werner Ebke, Peter Winship, Marc Steinberg, John Attanasio, Dan Magraw, this author and, of course, Co-Executive Editors at SMU, Patricia Heard and Beverly Caro Duréus.

THE INTERNATIONAL LAWYER
A TRIANNUAL PUBLICATION OF THE ABA/SECTION OF INTERNATIONAL LAW

2017]

TREASURING WHAT IS GOLDEN 21

nineteenth century, law journals have evolved from being reporters written and edited by local bars and academics from the first law schools to serving educational functions of law schools by being student-edited and produced.¹⁰ In more recent years, specialty law journals have appeared from law schools and the practicing bar, some of which appear exclusively online, though many are still published in hardcopy.¹¹ The methods of communicating legal developments, opinions, and analyses in this technological era to some extent have been taken over by other forms such as blogs, online discussion forums, self-publication, open access services, commercial specialty reporters, bar magazines and more.¹² In this myriad of publication possibilities and taking into account the dramatic impacts of technology and globalization on the international legal profession,¹³ *The International Lawyer* still occupies an important role—to provide practitioners of transnational public and private law regular publication of important analyses and reports affecting them. But the publication must also adapt to the changing nature of law journal usage in the profession. How do courts, practitioners, academics, students, inter-disciplinarians use law journals? The fast-moving communication world and increasing complexities of transnational and international legal practice provide many, but not insurmountable, challenges. To fashion a new role and continue TIL as the flagship publication of SIL will require continued enlightened leadership from the Section of International Law and from the editors (student and faculty) that have served their functions so well in the past.

HAPPY GOLDEN ANNIVERSARY *INTERNATIONAL LAWYER*—may you continue to serve our membership and be a major representative of the United States’ transnational and international legal profession in the fifty years ahead!

10. See Lawrence M. Friedman, A HISTORY OF AMERICAN LAW, 481-2, (3d ed., 2007). See also Richard A. Posner, *The Future of the Student-Edited Law Review*, 47 STANFORD LAW REV. 1131 (1995); and Reinhard Zimmerman, *Law Reviews: A Foray Through a Strange World*, 47 EMORY L.J. 659 (1998).

11. *Law Journals: Submissions and Ranking Database*, WASH. & LEE U. SCH. L., available at <http://lawlib.wlu.edu/LJ/index.aspx> (last visited June 1, 2016).

12. Robert E. Lutz, *On Scholarship in the American Legal Academy: An Essay*, 46 INT’L LAW. 673, 678-79 (2012).

13. See generally ABA Commission on Ethics 20/20, available at www.americanbar.org/Ethics2020 (last visited June 1, 2016).

THE INTERNATIONAL LAWYER
A TRIANNUAL PUBLICATION OF THE ABA/SECTION OF INTERNATIONAL LAW

PUBLISHED IN COOPERATION WITH
SMU DEDMAN SCHOOL OF LAW