

# ESSAY

## ENDURINGLY GREAT: THE FIFTH DECADE OF *HOUSTON LAW REVIEW*

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The end, and the beginning, are nigh.<sup>1</sup> The end? The conclusion of *Houston Law Review's* first fifty years. The beginning? The next fifty. And at the midpoint? Perhaps the fulfillment of *Houston Law Review's* founders' dream.

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\* Andrews Kurth Professor of Law, University of Houston Law Center. To the members of Board 50, *thank you!* Thank you all, but especially Katherine Witty Medford, Peter Danysh, Casey Holder, and Cade Mason, for your diligence, patience, and good cheer throughout this extremely special project. Similarly, we express here our deep gratitude for the support provided us by the O'Quinn Law Library: Spencer Simons, Mon Yin Lung, and Chris Dykes. The same to the Chief Encouragers: Bob Sergesketter and Jeff Brown. Despite the best efforts of these and an army of others, the authors alone own all imperfections that may follow.

We have been loath to write this ending essay. First, Decade 5 is wrapping up only in real time for us. Its story, insofar as we have the ability to tell it, is for now mostly *journalism* and not yet *history*. Second, this is an ending for us, too. To this continuing-beyond saga of the entirely remarkable institution that is *Houston Law Review*, Matt and I have given our all. Lastly, I at least—Mr. Hoffman, live long and prosper!—am sad to make what amounts to a farewell address. But we must. Thus, finally, we express our profound appreciation to *all* the members of Boards 1 through 50, who actually *lived* the story we have been privileged here merely to recount.

Board 51 and beyond, *salute!*

In keeping with the general practice in historical essays, all notations hereafter appear as endnotes at the conclusion of this essay, where the reader will find also a compilation of statistical trivia, which the authors and the members of Board 50 hope will enlighten and amuse, if not necessarily in equal degree.

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## CONTENT FIRST

“The editors recognize that they yet have much to learn about publishing a law review, and that only the passage of time accompanied by much hard work will establish the fine traditions that will make the *Review* enduringly great.”<sup>2</sup> So wrote *Houston Law Review*’s first Editor in Chief, Dan G. Matthews, in Volume 1, Issue 1, in 1963. By 2012, *HLR* had arrived, ranking in the top 2.5% of all law reviews worldwide—with a year to spare as the organization approached its 50th anniversary.<sup>3</sup>

Today, the sometimes winding byway of *Houston Law Review*’s early years has become a full-speed-ahead superhighway of scholarly accomplishment as the publication’s first half-century reaches its end. The inevitable potholes of the vanguard years under *HLR*’s Founding Generation<sup>4</sup> have long since been paved over thoroughly by the successes of those who came after them.

The chief concerns of Decade 1 had been, first, establishing the organization, but then, keeping it afloat by, among other things, simply finding enough articles to occupy the pages of the start-up issues.<sup>5</sup> In filling the initial void, the law school’s faculty provided a huge assist. John Mixon, Dwight Olds, John Neibel, and others combined with numerous local practitioners to educate *HLR*’s readers on a variety of issues of interest to the local bar.<sup>6</sup> Soon, the concern about content was allayed almost entirely by the *Review*’s good fortune in publishing contributions by such eminent figures as Supreme Court Justice Tom C. Clark (twice) and U.S. Solicitor General Archibald Cox, together with professors from the best law schools in the country—Harvard, Stanford, Penn, George Washington, and more.<sup>7</sup> An increase in issues per volume from three to five accompanied the organization’s growing reach.<sup>8</sup>

Decade 2 brought increased financial pressures that corresponded with the organization’s rapid expansion in size and scope (caused largely by the construction of Teaching Unit II, an additional classroom building),<sup>9</sup> but Newell Blakely’s *Texas Rules of Evidence Handbook* soon offered at least a semi-permanent solution.<sup>10</sup> And while the *Review*’s early successes included contributions by professors from Columbia, NYU, Duke, Michigan, and the like, Texas-focused scholarship continued to predominate.<sup>11</sup> The emergence of themed issues set the stage for the most important and long-lasting developments over the next 30 years.<sup>12</sup>

By Decade 3’s “Centered” years,<sup>13</sup> financial concerns had returned in the wake of the *Review*’s publication of numerous

books and other themed issues that, while hugely valuable to *HLR*'s growing prestige, nonetheless took a considerable toll on efficiency and resources.<sup>14</sup> The *Evidence Handbook* came to the rescue once again, this time thoroughly revised by *HLR*'s own Cathy Cochran.<sup>15</sup>

The *Review* achieved lofty heights during its fourth decade.<sup>16</sup> Not even a flood of almost biblical proportions, in June 2001, brought on by a ferocious tropical storm, could submerge the journal's now well-established excellence. Allison did its worst, but *HLR* still published Issue 38:3 on time that fall. Decade 4's other notable challenge involved concluding the mutually beneficial relationship *HLR* had developed with the Health Law Institute's nearly annual symposia. But the organization rose to the challenge, finding more-than-suitable replacements in the Frankel Lectures and the new symposia series from the Institute for Intellectual Property & Information Law (IPIL).

At the beginning of Decade 5, having overcome all prior adversities, the *Review* was well-positioned to build on the numerous achievements of its first 40 years.

#### *A Place Beyond*

By the beginning of *Houston Law Review*'s fifth decade, the exceptional had become the norm in terms of *HLR*'s "business as usual" scholarship. The journal's notable non-themed issue scholarship had grown entirely too abundant to be recited in full in this essay, although a sample reveals the depth of success that *HLR* had achieved. Professors from Penn, Vanderbilt, Fordham, North Carolina, UC Davis, Ohio State, Minnesota, Washington, Alabama, Florida, and Indiana all published in *Houston Law Review*'s non-themed issues of Decade 5.

The success was evident immediately in the pages of Volume 41. D. Don Welch of Vanderbilt authored "*What's Going On?*" in the *Law School Curriculum*, Melissa B. Jacoby of North Carolina wrote *Negotiating Bankruptcy Legislation Through the News Media*, and Sheila R. Foster of Fordham published *Causation in Antidiscrimination Law: Beyond Intent Versus Impact*.<sup>17</sup> Joining them were authors from Seton Hall, Connecticut, SMU, Arkansas, and LSU. In a single volume, the scholarship of *Houston Law Review* included non-Texas based contributions that would have compared favorably with all of Decade 1's content combined.

As always, the *Review* continued to publish legal scholarship relevant to the times, diverse in category, and unrelenting in quality of author. Given the Law Center's own rise in national

stature, *HLR*, itself having grown to be recognized as a leading national journal, could afford to be exceedingly selective in the sorts of articles and backgrounds of authors it chose to publish.

Examples of the *Review*'s timely publication of scholarship include Albert Lin of UC Davis opining on the Supreme Court's 2003–2004 jurisprudence in *Erosive Interpretation of Environmental Law in the Supreme Court's 2003–04 Term*, Lackland Bloom, Jr., of SMU commenting on the Court's affirmative action jurisprudence in *Grutter and Gratz: A Critical Analysis*, Gregory Bowman of Mississippi analyzing the legal ramifications of ever-expanding U.S. inbound cargo screening in the wake of the September 11 attacks in *Thinking Outside the Border: Homeland Security and the Forward Deployment of the U.S. Border*, and Sarah Rudolph Cole of Ohio State addressing the issue of class action arbitration in light of the 2011 iteration of the Arbitration Fairness Act and recent Supreme Court jurisprudence in *On Babies and Bathwater: The Arbitration Fairness Act and the Supreme Court's Recent Arbitration Jurisprudence*.<sup>18</sup>

Yet the *Review*'s not-so-newfound national stature did not cause it to yield entirely its dual commitment to continual education of the local bar on important matters of practice. Judge David Hittner of the United States District Court for the Southern District of Texas returned to *HLR* with *Summary Judgments in Texas* in Volume 46, and prominent Houston appellate practitioner Lynne Liberato published *Reasons for Reversal in the Texas Courts of Appeals* in Volume 48.<sup>19</sup>

Other bar-centered scholarship of Decade 5 included U.S. District Judge Gray Miller's *Reviewing Arbitration Awards in Texas* and Edward J. Imwinkelried's *The Application of the Attorney–Client Privilege to Interactions Among Clients, Attorneys, and Experts in the Age of Consultants: The Need for a More Precise, Fundamental Analysis*.<sup>20</sup> But perhaps the most visible demonstration of *HLR*'s continued commitment to serving the Texas bar was the introduction of *HLRe*, an online-only descendent of *Off the Record*—the *Review*'s early attempt at publishing a practice-oriented periodical separate from *Houston Law Review*.<sup>21</sup>

While Decade 5's spotlight shined brightly and deservedly on the many prominent scholars of the various lectures and symposia, the cumulative non-themed issue content of Volumes 41 through 50 leaps off the pages as comparable to the content to be found among almost any peer journal nationwide. But there was more.

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*The Fall Frankel Lectures*

The brainchild of an ambitious young editor in chief and a dedicated “young” faculty advisor,<sup>22</sup> the Frankel Lecture Series started as an idea in the *Law Review*’s Ground Floor offices and culminated in one of the nation’s top annual legal symposia. Immediate evidence during Decade 5 appeared in Volume 41, which featured a keynote lecture by David B. Wilkins of Harvard on *Doing Well by Doing Good? The Role of Public Service in the Careers of Black Corporate Lawyers*,<sup>23</sup> with commentary by Robert W. Gordon of Yale and American Bar Foundation Director Bryant Garth.

In Volume 43, Michigan professor Evan Caminker (opining on a critically important Supreme Court opinion involving his home institution) provided commentary, along with Carla D. Pratt of Penn State, on the keynote address, *Taking Grutter Seriously: Getting Beyond the Numbers*, by Washington & Lee’s Dorothy A. Brown.<sup>24</sup> Later in the decade, such topics as cost-benefit analysis in environmental regulation, presidential succession, and amending the Voting Rights Act drew scholarship from Michael A. Livermore (NYU), Richard L. Revesz (NYU), Douglas A. Kysar (Yale), Alexander Volokh (Emory), Akhil Reed Amar (Yale), John D. Feerick (Fordham), Pamela S. Karlan (Stanford), and Ellen D. Katz (Michigan).

Timeliness and relevance proved to be continuing features of the Frankel Lectures throughout the decade. Witness, for example, Volume 49’s publication of *Codes of Conduct for a Twilight War*, in which *HLR* alumnus and former 9/11 Commission Executive Director Dr. Philip Zelikow keynoted a discussion on the use of “enhanced interrogation” in the wake of the 10-year anniversary of the September 11, 2001 terrorist attacks, with commentary from David Cole of Georgetown and Mark Danner of UC Berkeley. Other examples throughout the decade included Volume 42’s discussion of France’s ban on conspicuous religious symbols in public schools (keynote by Steven G. Gey of Florida State; commentary by T. Jeremy Gunn of Emory and Dina Alsowayel of Houston; with a position paper from French Consul General Denis Simonneau), Volume 50’s examination of municipal bankruptcies in the years following the 2008 financial crisis (keynote by David Skeel of Penn; commentary by Clayton Gillette of NYU and Anna Gelpern of American University), and Volume 45’s lecture on immigrant rights in the wake of Hurricane Katrina (keynote by Kevin R. Johnson of UC Davis; commentary by Raquel E. Aldana of Harvard and Anna Williams Shavers of Nebraska).

Harvard, Yale, Penn, Stanford, NYU, Georgetown, Michigan. A French diplomat. The critical issues of the day. The Frankel Lectures, themselves in their second decade, embodied the *Review's* settled stature in its own fifth decade.

*Symposia Issues*

*IPIL*. Like the Frankel Lecture Series, *IPIL's* annual National Conference Symposium issues entered *HLR's* Decade 5 fresh from their own infancy in Decade 4. The continuing contributions of the *IPIL* Symposia to *HLR's* Decade 5 must of necessity be measured against the astronomical heights already achieved. "Improvement," given a baseline of Georgetown, Penn, Posner, and the like (a small sampling of Decade 4's *IPIL C.V.*), may not have been possible, but maintaining that high standard of scholarly contributions certainly was.

Only a complete list of Decade 5's contributors to the Symposium issues could do justice to the quality of the content consistently provided (and such a list is indeed available in the endnotes).<sup>25</sup> Yet even a small sampling of the articles published during the past 10 years reveals the broad reach of *IPIL's* ambition as the Law Center's youngest institute—and its corresponding impact on *HLR*.

In various issues throughout Decade 5, J. Thomas McCarthy (author of *McCarthy on Trademarks and Unfair Competition*) published *Proving a Trademark Has Been Diluted: Theories or Facts?*; Seventh Circuit Judge Frank Easterbrook authored *Contract and Copyright*; Graeme B. Dinwoodie of Oxford contributed not one but two articles; and copyright king David Nimmer of UCLA returned to help commemorate copyright law's tri-centennial with *Queen Anne in the Emperor's Shadow*.<sup>26</sup>

In Issue 45:4 alone, Arti K. Rai of Duke published *Building a Better Innovation System: Combining Facially Neutral Patent Standards with Therapeutics Regulation*; Rebecca S. Eisenberg of Michigan contributed *Noncompliance, Nonenforcement, Nonproblem? Rethinking the Anticommons in Biomedical Research*; Janice M. Mueller of Pittsburgh and Donald S. Chisum (of *Chisum on Patents*) co-authored *Enabling Patent Law's Inherent Anticipation Doctrine*; Paul J. Heald of Georgia produced *Optimal Remedies for Patent Infringement: A Transactional Model*; and Michael J. Meurer of Boston University added *Inventors, Entrepreneurs, and Intellectual Property Law*.<sup>27</sup>

Joined by contributions from the likes of Mark A. Lemley (Stanford), William M. Landes (Chicago), Peter S. Menell

(UC Berkeley), Rebecca Tushnet (Georgetown), Ronan Deazley (Glasgow), and Catherine Seville (Cambridge), the participation of such notable academics in the annual IPIL Symposium issue firmly cemented the *Review* as a major center of IP scholarship on an international scale.

*Other Symposia.* Although articles from the IPIL Symposia and the Frankel Lectures together accounted for two of five issues published in each volume during Decade 5, the *Review* continued to receive valuable contributions to other, noninstitute symposium issues. Fewer in number, these other symposia nonetheless accounted for some of the top professors to appear in print during *Houston Law Review*'s fifth decade.

Volume 43's *The Booker Project: The Future of Federal Sentencing*, published one year after the Supreme Court ruled that the federal sentencing guidelines were advisory rather than mandatory,<sup>28</sup> elicited contributions from Nancy J. King of Vanderbilt, Douglas A. Berman of Ohio State, Ronald F. Wright of Wake Forest, and Frank O. Bowman of Missouri. Volume 45's *Thirty Years of Airline Deregulation: A Structure, Conduct and Performance Review* brought equally renowned scholars, with contributions from Michael E. Levine of NYU, Shubha Ghosh and Peter S. Carstensen of Wisconsin, and UH's own Darren Bush.

Subsequent Decade 5 symposia included topics related to health law, child-centered jurisprudence, and civil rights. Authors came from NYU, Washington University, Emory, LSU, Nebraska, and Arkansas. Although lacking Frankel's name recognition or IPIL's organizational clout, the non-institute symposia of Decade 5 nonetheless offered important and diverse contributions to *Houston Law Review*.

### *The IPIL Spring Lectures*

Not to be outdone by its annual National Symposium counterpart, IPIL's Spring Lecture—The Baker Botts Lecture—brought numerous top-flight IP academics to *HLR* from across the nation in Decade 5. The scholarship was outstanding from the outset, when the series led off in 2004 with Jane C. Ginsburg of Columbia delivering the first lecture, published in Volume 41 as *The Right to Claim Authorship in U.S. Copyright and Trademarks Law*.<sup>29</sup>

Of equal stature, subsequent Spring Lecturers have included Federal Circuit Judge Arthur J. Gajarsa and Professors Paul Goldstein of Stanford, William O. Hennessey of Franklin Pierce, F. Scott Kieff of Washington University, Douglas Lichtman of

UCLA, Robert P. Merges of UC Berkeley, R. Anthony Reese of UC Irvine, and Joel R. Reidenberg of Fordham.<sup>30</sup>

Although contributing to the *Law Review* just a single article annually, the IPIL Spring Lecture is, indisputably, one of the *Review's* crown jewels, publishing authors of a level of prestige rivaling any journal in the country.

## CONTEXT TOO

### *The Place and the Times*

One recurring theme of these essays has been that “context matters”<sup>31</sup> and that the histories of *HLR* and its host institution are bound together inextricably. That relationship, standing alongside the saga of the publication’s progressively more outstanding content as just described, provides “the rest of the story”<sup>32</sup> of *Houston Law Review's* first half century.

The University of Houston College of Law had preceded *HLR* into being by 17 years, beginning in 1947 as a start-up operation with attitude.<sup>33</sup> Indeed, Founding Dean A.A. White had made clear to University President E.E. Oberholtzer, at a point in time when UH could best have been characterized as a place aiming to give strivers among the working people of Houston a chance of moving up in the world, that White’s ambition would be “to make the law school better than the University.”<sup>34</sup>

In this, the new dean succeeded in the school’s first decade; and happily, as of this writing, the University of Houston itself has achieved Carnegie Tier One standing, with its law school continuing to lead the way in national rankings among its academic peers. As noted by the University of Houston’s current president and chancellor, Renu Khator, “The Law Center is the engine that drives the University of Houston’s excellence.”<sup>35</sup>

Decade 1 of *Houston Law Review's* history was notable for the publication’s (more than) humble beginnings,<sup>36</sup> including the difficulty even of securing adequate funding for its earliest issues,<sup>37</sup> but also for the sheer drivenness of the men and women who brought the journal into being.<sup>38</sup> Decade 2 brought a consolidation of the gains of the prior 10 years, accompanied by a recognizably Texas-style determination to make things even better by carrying on boldly.<sup>39</sup> Also, during *HLR's* first two decades, the College of Law moved from the basement of the University’s main library into its own set of multiple buildings, more than doubling the size of the student body and enlarging the *Review's* membership from barely a baker’s dozen to more than two score.<sup>40</sup> Lamentably, the new buildings, while commodious, constituted an open and obvious



hazard to any organization, including the school's law review, located on its lower two, mostly underground, floors: when it rained outdoors, it often poured inside.<sup>41</sup>

Decades 3 and 4 had been transformational. The College of Law, now the Law Center,<sup>42</sup> increasingly devoted itself to creating or strengthening institutes, centers, and programs—a development which accurately reflected growing specialization in the practice of law.<sup>43</sup> Likewise, the content of *Houston Law Review* evolved notably. During the publication's second decade, *HLR* had begun to focus on themed issues built around topical specialties.<sup>44</sup> In Decade 3, content increasingly became centered on the scholarly output of such Law Center programs as the reinvigorated Health Law & Policy Institute.<sup>45</sup> That process took a great leap forward in Decade 4. Not only the Health Law program, but also the new Institute for Intellectual Property & Information Law, contributed annual symposia issues to the *Review*,<sup>46</sup> while the Frankel Lectures became a Law Center institution and the premier publishing event of the HOUS. L. REV. season.<sup>47</sup> Within *HLR*, membership numbers remained stable,<sup>48</sup> new procedures and better technologies revolutionized the publication process,<sup>49</sup> and finances took a dramatic turn for the better.<sup>50</sup>

Oh. And that “water intrusion” in Decade 4, a.k.a. Tropical Storm Allison? If *Houston Law Review* could survive 35 inches of rain and dislocation from the Law Center for 13 months, surely it could survive any cloud on the Decade 5 horizon.<sup>51</sup>

### *Logistics*

Just as the content published in *Houston Law Review* throughout Decade 5 demonstrated the rarefied status the journal had achieved, so too were *HLR*'s internal operations now comfortably fine-tuned to afford the student editors every opportunity to maximize their educational, career, and social experiences while on the *Review*.

Chiefly, timeliness of publication and financial security, historically two issues that had nagged the *Review* throughout its existence, had been turned squarely from disadvantages to decided organizational strengths.<sup>52</sup> Publishing the *Review* on time, every time, had been made a realistic proposition in large part by the work of Bob's Brigade (a.k.a. Board 32)<sup>53</sup> and subsequent boards of Decade 4. In Decade 5, no EIC would have to report a drop-off in timeliness of publication, in spite of the numerous and somewhat routine challenges each board inevitably faced.<sup>54</sup>

*HLR*'s published authors have been grateful for the *Review*'s promptness, one notable professor "scolding" the student editors for being "so efficient, prompt, precise, and conscientious it makes all of the rest of us in the world look bad by comparison."<sup>55</sup> Another professor commented to Board 43's Editor in Chief: "I must tell you—your staff is the most professional I have ever worked with. Including the grand poohbas at Harvard!"<sup>56</sup> David Nimmer was so pleased with his experience that he provided the responsible board a supply of liquid courage to celebrate the publication of an IPIL Symposium issue.<sup>57</sup> Deserved recognition, no doubt, for tireless efforts culminating in a job well done.

As with publication promptness, the *Review*'s growing financial clout likewise had begun years prior with the publication of the *Texas Rules of Evidence Handbook*.<sup>58</sup> Decade 5's boards built upon prior successes, negotiating favorable contracts with vendors and publishers, funneling excess funds into a robust endowment, and promulgating a comprehensive set of financial guidelines to ensure that each new board is sufficiently educated concerning *HLR*'s monetary responsibilities and appropriately assisted by the faculty advisors and Board of Directors to be good stewards of the organization's purse. Thanks to such actions, the *Review* was able to weather two serious national financial downturns and emerge profitable at the end of its first half-century.

Internally, addressing a long-overdue oddity, Board 49 and Board 50's editors, on advice from the Board of Directors and the organization's faculty advisors, recalibrated the numerical publication cycle. At some point in Decade 3, the numerous books and special issues published by *HLR* had created a publication logjam that put the *Review*'s issue numbering perpetually "off." Following Board 49's publication of Issue 49:2 (the last of the 1380 pages of its five scheduled issues), Board 50 officially remedied the discrepancy, printing issues 50:1 through 50:5. Future volumes now will correspond directly to the number of the board printing them.<sup>59</sup>

The *Review* was similarly responsive to ever-developing technologies, constantly updating its website to conform to those of peer journals, replacing old copiers with newer high-tech models, and buying new state-of-the-art computers.<sup>60</sup> On the editing front, an entirely electronic system was implemented, and two internal electronic databases were created to store master source files for each individual cite check and give each student greater access to various resources, including a dedicated *HLR* email account and detailed electronic editing instructions.<sup>61</sup>

No technological advancement, however, was more visible than the reintroduction of *HLRe: Off the Record*. This online-only companion to *Houston Law Review*, introduced by Board 48 and focusing exclusively on matters of practical concern to the profession, gives a voice to local practitioners without sacrificing valuable pages in the print journal.<sup>62</sup> Its introduction created the need for a new editorial position—Chief HLRe Editor—which, when combined with an increase throughout the decade in the number of Senior Articles Editors from one to three, led to a growth in the Editorial Board’s “final” group of editors from the “final four” to the “final eight.”

Increased national prestige, and its burdensome corollary responsibilities, did not interfere with the student editors’ penchant for turning the lemon of law review servitude into something resembling lemonade. Numerous teambuilding activities were implemented throughout the decade, with each board recognizing the importance of morale to work product. Board 43 introduced an annual community service day event, Board 48 began a fall alumni tailgate to correspond with a University of Houston Cougars football game, Board 49 started a spring field day and resurrected a mixer with the Law Center’s faculty, and Board 50 proudly constituted the first annual “Battle of the Paddle” ping pong tournament among the student editors.

On the horizon, a deliberate reduction in student enrollment by the Law Center (designed to enhance the quality of a UHLC legal education even in the face of drastically fewer law school applications nationwide) doubtless will cause change, even if modest, for future boards.<sup>63</sup> Fortunately, the efficiencies developed by a half-century of precedent, and documented thoroughly throughout these essays, should moderate the impact significantly.

#### *Advisors and Judges*

These essays have been concerned, first and foremost, with the enormous contributions to *Houston Law Review*, made through the decades, by its student editors. Others, however, also served. Herewith, a few observations regarding faculty advisors and judges associated with *HLR* over the past 50 years.<sup>64</sup>

*Advisors.* Contrary to popular memory (among, at least, the members of Boards 8 through 44), G. Sidney Buchanan is *not* the first or only faculty advisor ever to grace the halls of *Houston Law Review*. He did, however, come darned close, serving in all five decades of *HLR*’s initial 50 years. Preceding him in office

were A.A. White, fittingly so given White's support for the journal's founding, and Alan D. Cullison, who authored for the *Review* the most interestingly titled article of its first decade.<sup>65</sup>

Buchanan, better known to his faculty colleagues as "Captain Nice" (in recognition of his legendary good cheer),<sup>66</sup> arrived on the *HLR* advisor scene in 1970, after only three years in the academy. The new advisor brought to his task a distinctive commitment and work ethic. "I assumed that Professor Buchanan would look at the major articles published in the first part of the *Review* and that he would pass over the student works," says Board 10 Editor in Chief, Jan Baker. "I was mistaken; Professor Buchanan did, in fact, read every word that was published in Volume 10, including articles, comments, and notes."<sup>67</sup>

"Always available but never intrusive," in the words of Board 27 EIC Tim Moore, "[Captain Nice] offered sage advice whenever asked." In short, he was the very model of a Modern Faculty Advisor to the *Law Review*, as Moore noted playfully (to the tune of "Modern Major General" from Gilbert and Sullivan's *The Pirates of Penzance*) upon the occasion of Buchanan's retirement from the faculty in 2004:

I'm brimming full of wisdom that's as ancient as a  
pyramid,  
But I'm not prone to giving my opinion unsolicited;  
Although I have a point of view,  
I only speak when spoken to;  
I am the very model of Advisor to the *Law Review*.  
(Chorus):  
Although he has a point of view,  
He only speaks when spoken to;  
He is the very model of Advisor to the *Law Review*.<sup>68</sup>

Buchanan's advisorship was interrupted in 1985–1987 when, in order to avoid the appearance of a conflict of interest between his duties at *HLR* and his responsibilities as Associate Dean for Academic Affairs for the Law Center, he stepped aside briefly (and apparently only officially) in favor of the *Review*'s first woman advisor, Irene Rosenberg. Rosenberg, who, together with her husband Yale, proved to be among the true powerhouse scholars of the Law Center's middle period, left office as an advisor upon Buchanan's return to harness after two years.<sup>69</sup>

What followed was an important change in staffing, reflecting the student editors' increased ambitions and workload. From 1987 to date, *Houston Law Review* has been advised not by a single advisor, but by a team. Joining Buchanan on the

masthead on his return from deaning were Laura Oren, the first UHLC graduate and HOUS. L. REV. alumna to serve as an advisor, and Mark Rothstein, whose Health Law & Policy Institute had become central to both the school and the journal when the former College of Law changed its name to reflect greater specialization in the practice of law and the rise of centers, institutes, and programs in the new Law Center.<sup>70</sup>

Beyond those already named, eight other faculty members, typically among the Law Center's most distinguished and prolific scholars, have served as advisors over the last 20 years. A complete record of *HLR*'s faculty advisors, including their dates of service and a listing of their scholarly contributions to the *Review*, appears in the attached endnote.<sup>71</sup> The longest serving current advisor, Robert A. Ragazzo, has begun sneaking up on the record for extended service presently held by Captain Nice.

In the oral history which is the foundation of the present segment, Advisors Oren, Dow, and Ragazzo were (more or less) forthcoming on a number of topics.

Regarding the *surge of new advisors* in 1993 (when the count reached *HLR*'s now-standard four), the advisors think they know the reason why. Until that time, the publication of books had been a major part of the *Review*'s identity, but also a major management headache.<sup>72</sup> By the early 1990s, one issue appeared containing no professional articles whatsoever; and the book projects had produced sporadic timing issues within the volumes of the period.<sup>73</sup> All three advisors added in 1993 had served on top-drawer law reviews (none of which published books) during their student days, Ragazzo and Seth Chandler at Harvard and Dow at Yale. Dow's experiences at *Yale Law Journal* had prepared him for the challenges now facing *Houston Law Review*. All of Yale's Volume 93, he recalls, "came out before Volume 92. That's just how far behind Volume 92 was." *HLR*'s editors "maybe . . . just figured that I had some experience with massive delays . . . [and] with how much ill will that can create with authors."<sup>74</sup> Within a year, timeliness issues would become ancient history at the *Review*.<sup>75</sup>

The new discipline paid off during the *Great Storm of 2001*.<sup>76</sup> Amazingly, Ragazzo remembers, after Allison flooded their offices the student editors "had literally nothing . . . but they raised about \$40,000" to keep *HLR* up and running and put out every issue that year on time. "I'm pretty sure the public couldn't tell that we had a major disaster. . . . That shows how far the organization ha[d] come within [just a] decade."<sup>77</sup>

Like law professors everywhere, the faculty advisors have mixed views about the *editing process*—at *HLR* and every other law review. “[O]ur student editors,” says Dow, “ha[ve] gotten better [over the years at not] using too heavy a pen in trying to alter author style and author voice.” Alas, the prevailing culture at law reviews “is that there tends to be this dominant idea among . . . editors that every sentence needs a footnote, that if you say ‘I woke up and the sun rose in the east’ you need a footnote to some astronomical text.”<sup>78</sup> Ragazzo agrees: “You probably should let people say the sky is blue without footnoting it.”<sup>79</sup>

Finally, the advisors agree also in their *overall assessment* of *Houston Law Review*. Ragazzo: “[T]his is an organization of which I am extremely proud. . . . [T]hey’ve made enormous strides in the last 20 years. . . . I hope they continue on this trajectory and I hope the school does as well. . . .” Oren: “[T]o some degree they are coattails for us, for this school.” Ragazzo: “That is amazing if you think about it. We will create a law school [of] which the law review can be proud. We will work on that!”<sup>80</sup>

*Judges.* In all, the project that generated these essays has produced seven oral histories to date, counting for good measure an upcoming history—the first instance of what will henceforth become an annual event—of the outgoing board (in this instance, 50) conducted by the incoming Editor in Chief (this year, 51). Next up for exploration is the oral history convened to discuss the intersections of law schools, law reviews, and judges. The participants: three sitting and one retired jurists with University of Houston Law Center ties, all to be identified in due course.

In discussing their *paths to the bench*, each necessarily has a different story, beginning with the retired member of the panel, Ruby Kless Sondock.

Ruby Sondock was a double “first” for the Law Center: the first woman to be appointed to the Harris County Court of Domestic Relations (now the Family Court, which amazingly, until Sondock’s appointment in 1973, had managed to get along without a single female member since inception) *and* the first regularly appointed woman justice of the Supreme Court of Texas (taking office in 1982).<sup>81</sup> Sondock had enrolled in the University of Houston College of Law “with no intention of practicing law. I was going to be the best legal secretary in Houston, only to find out that lawyers don’t want to hire . . . a secretary who has been to law school.”<sup>82</sup> Graduating, however,

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as Valedictorian of the Class of 1962, she decided to step up and meet her fate.

Here is the story, condensed for present purposes but available in the full transcript of the oral history, of Ruby Sondock's appointment to the Texas Supreme Court:

JUSTICE BROWN [Justice Jeff Brown, UHLC 1995 and *HLR* Board 32, currently a member of the Fourteenth Court of Appeals in Houston and the moderator of the Judges Oral History]: Governor Clements is who put you on the Supreme Court. . . .

JUDGE SONDOCK: It was 3 o'clock in the afternoon, and I took my afternoon break . . . from the [family court] jury.

Someone called [from Austin] and said one of the jurists, Justice Denton, has died. . . . They said, "The Governor wants to appoint a replacement." . . .

I said, "Okay, who is it?" And they said, "You."

I said, "Come on." She said, "No. I'm serious."

And I said, "Well, I'll call you back. . . . I have to talk it over [with my husband] tonight."

She says, "No. I've got to give him an answer."

I said, "Well let me call my husband and I'll call you back."

So I called my husband and I said, "It appears that there's a vacancy on the Supreme Court, and it appears that they're considering me. What should I"—

And he says, "We'll talk about it tonight."

I said, "No. I've already [tried] that deal and they said no; that I've got to give them a yes or no now."

He says, "I tell you what, tell them yes and we'll talk about it tonight." . . .

So, I called her back and said, "Yes. We'll talk about it tonight."

She says, "Well I'm telling [the governor] yes."

So when we [got home] at the end of our work day, . . . [t]he phone was literally ringing when we walked in the door. And it was this young [aide to the Governor, who] wanted me to come up the next morning. . . .

So . . . the next morning we went up [to Austin]. And I was pressured pretty hard to say that I would [accept the appointment], but I just was not willing to . . .

What I didn't know was that the press was already there . . . . [T]hen they said, "The Governor wants to see you."

So I went in, I met him for just a minute, and he said, "We've got to go now. The press is here."

And that was it. I mean that was the fastest thing I've even seen.<sup>83</sup>

Subsequently, upon the retirement of the Court's Chief Justice, Sondock was offered the opportunity to fill out the remaining two years of his term as Chief herself. Preferring her work as a trial judge, however, she returned home to Houston and ran unopposed for election to the district court.

The irony is that, had Sondock served on *Houston Law Review* (and clearly, as valedictorian of her class, she would have qualified), *HLR* could have joined the Law Center in claiming the distinction of having placed the first woman on the Texas Supreme Court (as well as its first Hispanic Justice).<sup>84</sup> But she did not, and the journal could not. *Houston Law Review* was founded the year after Ruby Sondock's graduation.

The remaining three members of the judges panel all *did* serve on HOUS. L. REV. and of course have interesting stories of their own. Judge Cathleen Cochran, the second woman (and UHLC's first) to serve on the Court of Criminal Appeals, the court of last resort for all criminal matters in Texas, has appeared earlier in these essays<sup>85</sup> and will take a final bow in the concluding section of the present narrative. Justice Evelyn Keyes followed a somewhat circuitous route to the bench, earning Ph.D.s in English and Philosophy from the University of Texas and Rice University, respectively, before receiving her J.D. from the University of Houston, then practicing privately and serving as a special assistant attorney general before appointment to the Texas Court of Appeals, First District (Houston) in 2002. Justice Jeff Brown's ascent to the bench followed perhaps the most traditional path to judicial service, beginning with practice at a prominent local law firm founded in 1840 and continuing with trial court service before appointment to the Court of Appeals' Fourteenth District (also in Houston) in 2007. All three judges have published in *Houston Law Review*.<sup>86</sup>

Regarding *approaches to judging*, the panel participants had numerous observations. Justice Keyes, for example, despite her doctorate in philosophy, found that the subject "didn't affect real life enough. Law is not abstract. Real people are affected by what we do all the time [as lawyers],"<sup>87</sup> including as judges. Picking up on Keyes's observation about "our appellate law being scholarly, but scholarly common sense," Judge Cochran related writing her opinions for a perhaps unusual audience. "When I first started," she said, "I always had . . . my 12-year-old grandson read[ ]



them. . . . [N]ow I have . . . somebody else, always a non-lawyer, read[ ] them. Because if they don't make sense to non-lawyers, then you just haven't gotten your job done."<sup>88</sup>

None of the female jurists on the panel believed they had been *discriminated against as women* during law school. Judge Cochran: "No, not at all."<sup>89</sup> Justice Sondock: "[I]f there was any discrimination about any woman at this university, I've never heard of it. And goodness knows, I didn't know any."<sup>90</sup> Justice Keyes: "I did not experience any discrimination here. I do think that women in litigation have a hard time being recognized even to this day . . . . They have to go out and make their opportunities. . . . [T]here is discrimination still lingering, not consciously, but it is there. I don't think that was true [at the Law Center]."<sup>91</sup>

All of the judges have *memories of Newell Blakely*. Dean Newell H. Blakely's discipline in the classroom was the stuff of legend.<sup>92</sup> Students, however, experienced him in different ways. Judge Keyes, remembering Blakely's absolute insistence on full preparation for every class: "I was scared of him the whole time."<sup>93</sup> Justice Sondock, recalling an office meeting in which she stood up forcefully, on behalf of a male classmate with a 250-mile daily round-trip commute, when she believed Blakely was applying his attendance rules too strictly: "Well, it was an experience. . . . [But] from that point on, he and I had a very respectful relationship."<sup>94</sup> Judge Cochran, who inherited responsibility for Blakely's *Texas Rules of Evidence Handbook* (now passed along to Judge Brown):<sup>95</sup> "I just loved Professor Blakely. Anything he taught, I took. And I loved every minute of Evidence and have ever since. . . . I think he is just sort of one of those very few people that you're lucky to meet in a generation."<sup>96</sup> Justice Brown to Judge Cochran, summarizing: "[Y]ou learned under the best."<sup>97</sup>

Finally, there is the matter of *judicial style and humor*. Judge Cochran, currently the senior serving judge among the four panel participants, is renowned in this respect (as, of course, in many others). A colleague on the Court of Criminal Appeals provides this glimpse of Cochran on the bench and in chambers:

Cochranisms make Cathy's questions during oral argument not only insightful and effective, but also entertaining and memorable. Just this week . . . her questions referred to a court's order as including "helpful hints from Heloise," to Skype as a "modern miracle," to a person taking pictures as "Ansel Adams," and to the issuance of an appellate court's mandate as the "the fat lady sang."

Her opinions are equally entertaining. In one opinion discussing the repetition of a party's argument she states, "He added more whistles and bells on appeal, but the tune was the same."<sup>98</sup>

Justice Brown is at least competitive on these matters. From a recent opinion: "We conclude that a rational jury could have believed the officers' undisputed testimonies and found beyond a reasonable doubt that [appellant] exercised actual care, custody, control, or management over the cocaine by having it in his buttocks."<sup>99</sup> Priceless.

### *Exemplars of Excellence*

The University of Houston's first dean of the College of Law famously told his appointing president that he aimed to make UH's newest unit better than the institution that had spawned it—and then proceeded to implement admissions requirements for students that were stronger than those at the state's flagship law school.<sup>100</sup> Excellence above all. With apologies to so many who contributed also, what follows is a brief roll call of a few of those who helped make it happen.

*A.A. White and Newell Blakely.* The two titans among the early deans at the University of Houston College of Law were its Founding Dean, A.A. White, and his successor, Newell H. Blakely. White's determination to achieve excellence at the College took many forms, including high standards for faculty hiring.<sup>101</sup> Most importantly to *Houston Law Review*, however, White was determined to project the institution through its scholarly excellence, and for that reason he proved a moving force behind the journal's founding.<sup>102</sup> In all, White served 11 years as dean,<sup>103</sup> himself contributing three articles to the publication.<sup>104</sup> The scholars he hired contributed even more.<sup>105</sup>

Blakely, whom White rescued from two years of practice in Harlingen, Texas, and who would himself serve nine years as dean,<sup>106</sup> seems initially to have been skeptical of the need for, and practicability of, a law review at the College of Law. As compared with White, Blakely was a gifted teacher but a less dedicated scholar.<sup>107</sup> As dean, when students approached him (with White's support) about starting up a law review, Blakely demurred, telling the students they could have a review only if they could somehow find the funding. They did, and he agreed.<sup>108</sup> Seventeen years into *HLR's* young life, Blakely wrote it an article.<sup>109</sup> But then, apparently impressed by the contributions the publication was making to the school<sup>110</sup> and possibly inspired by the wave of

new scholars hired onto the faculty from the mid-1970s forward,<sup>111</sup> he did something even more wonderful. In 1983, following hard upon the promulgation of new evidence rules by the Texas Supreme Court, Blakely helmed the *Review's* publication of the *Texas Rules of Evidence Handbook*<sup>112</sup>—a monument of scholarship and, in years to come, a monumental contributor to *HLR's* bottom line.<sup>113</sup>

*G. Sidney Buchanan.* The contributions of the *Review's* own Captain Nice as a faculty advisor have been celebrated above. What is worth noting separately here, because it speaks not only to Buchanan's cheerful support for the editors of *Houston Law Review* personally over so many decades but also to his unstinting efforts to provide grist for the mill of the *Review's* central mission, is the sheer mountain of *HLR* scholarship produced by this one individual. During his long career, Professor Buchanan published widely in all manner of national law reviews. But his first love was always HOUS. L. REV. Beginning with his first article, *The Privilege Against Self-Incrimination: To What Extent Should It Protect a State Employee or Professional Licensee Against the Loss of His State-Created Status?*,<sup>114</sup> in 1967, extending through his magnum opus, *The Quest for Freedom: A Legal History of the Thirteenth Amendment*,<sup>115</sup> in 1974, and concluding with *A Tribute to John Nixon*,<sup>116</sup> upon the occasion of his long-time faculty friend's 50th year in teaching, in 2006,<sup>117</sup> Captain Nice would publish *more than two dozen times* in the pages of *Houston Law Review*. No slacker, he; an astonishing record of productivity.

*Faces Forward.* The contributions of White, Blakely, and Buchanan to *Houston Law Review* are obvious and unparalleled. While not as directly important to the *Review's* particular story, four other figures who arrived at the College of Law after the Terrific Trio deserve brief mention here. John Neibel, as dean, achieved one thing that his two predecessors had not: he got the new buildings built.<sup>118</sup> Without them, the huge expansion of student enrollments, and *HLR's* greatly enlarged boards from the 1970s forward, would never have occurred. (Nor, for that matter, the near drowning of the school and the *Review* in 2001.) Similarly, the interregnum of White and his associate dean, Michael T. Johnson, after Neibel's resignation, the deanship of George Hardy, and Johnson's brief stint as acting dean after Hardy's departure, are easily overlooked. But it was during precisely those years that the College of Law hired the stellar array of young

scholars who would lead the school, and enrich the pages of *Houston Law Review*, in the decades to come.<sup>119</sup>

*Cathleen Cochran (Herasimchuk).* Just as the era above was ending, one “Cathy Herasimchuk” arrived on the *HLR* scene. Like so many of the outstanding young women who traversed the shores of the Law School Too Near the Bayou during its first five decades (see the concluding chapter in the story of the *Review*’s women editors in chief in Oddments below), she left big footprints.<sup>120</sup> As a student, Herasimchuk came to law school “with the hope of making some difference in the Texas criminal justice system,”<sup>121</sup> met Newell Blakely on her first day of classes, assisted him in the preparation of the *Evidence Handbook*’s first edition as a 2L on Board 20, served as EIC of Board 21, singlehandedly revised the *Handbook*’s second edition for publication by Board 30, and in the process became known in Texas legal circles as “Ms. Evidence.” She also became known as “Cathleen Cochran,” and then “Judge Cochran,” when, after a failed run at election to the Texas Court of Criminal Appeals, she concluded that “you can’t win Dog Catcher with a name like [Herasimchuk]”—and along with her husband adopted her maiden name.<sup>122</sup> Following gubernatorial appointment to the Court and repeated reaffirmations by the voters of the state, Judge Cochran plans to retire from a distinguished career on the bench at the conclusion of her present term.

*Benign Builders.* Empire builders build mostly for their own satisfaction; benign builders, mostly for the sake of their institutions. The latter decades of *Houston Law Review*’s first 50 years were an era of benign builders. Dean Robert L. Knauss turned the “College of Law” into the “Law Center.”<sup>123</sup> Raymond T. Nimmer founded the Computer Law Institute.<sup>124</sup> Mark Rothstein rejuvenated and renamed the Health Law & Policy Institute.<sup>125</sup> A copyright law professor and a patent law professor created the Intellectual Property Program.<sup>126</sup> A “young professor” and two EICs, with the help of an acting dean, conceived and financed the Frankel Lectures.<sup>127</sup> Dean Stephen Zamora brought together the computer and IP programs as the Institute for Intellectual Property & Information Law.<sup>128</sup> IPIL’s leaders imagined into reality the institute’s annual national conference and spring lecture.<sup>129</sup> Each of these events, together with the efforts of all the boards of the period, produced the lecture series and symposium issues that provided the springboard for the *Review*’s ascent to national prominence.

*The “Leap” Boards.* Few, if any, boards faced greater challenges, or accomplished more, than those of *HLR*’s founding decade. But certainly the “Leap” boards, i.e., those editors who served during Decade 4 when the *Review* achieved its great leap forward, came close. In addition to conceiving and conducting the first Frankel Lectures,<sup>130</sup> the early boards of the decade engineered broad changes in the journal’s operations and finances, which endure to the present day. For example, whereas Cathy Herasimchuk’s Board 20 had come into office with the publication a year behind schedule (because of the *Evidence Handbook*’s first edition),<sup>131</sup> the Leap boards put in place rigorous procedures to monitor and maintain on-time performance by their successors.<sup>132</sup> Likewise, while Nancy Taylor Reed’s Board 14 had scurried to lift page proofs above a rising water line during one of the new buildings’ early precipitation events,<sup>133</sup> nothing in the history of American legal education compares with the *après le deluge* pluck and courage of the late Leap boards which encountered and overcame the aftermath of Tropical Storm Allison’s soaking fury on June 9, 2001.<sup>134</sup>

*Raymond T. Nimmer.* Hired in 1975 during A.A. White’s second term as dean,<sup>135</sup> Raymond T. Nimmer embodied White’s first-term determination that the College of Law should be a place dedicated to excellence. Nimmer’s own scholarship, including his six contributions to *HOUS. L. REV.*, more than amply fulfilled White’s founding vision. But White’s vision was Nimmer’s also. Concerned as Associate Dean in 1981 that the *Review*’s mission was unsustainable without stable financing, he mandated that the students somehow conjure up private financing<sup>136</sup> and thus helped push *HLR* toward long-term stability in funding. Presented as Acting Dean in 1994 with the question of whether to green-light the *Review*’s initiative to launch a potentially prestigious but dauntingly costly new lecture series, Nimmer volunteered to go to the Frankel Foundation and ultimately secured long-term underwriting.<sup>137</sup> Again and again, he supported institutional advances, creating the Computer Law Institute in 1985 and merging it into IPIL in 1999.<sup>138</sup> And in 2012, during the final year of his second deanship, Nimmer decided to throw *Houston Law Review* a party for 550 to celebrate the publication’s 50th Anniversary. It was—how to say?—a very excellent party.

*The Greatest Generation.* Back to where it all began: with the long-ago students, now distinguished practitioners with estimable resumes, who made it all happen in the first place. We

saw them last at the conclusion of *Driven*,<sup>139</sup> the story of their decade.

John O'Quinn,<sup>140</sup> the personification of Decade 1's drivenness, lived a life full of triumph and tragedy and died too early. But not without, at his very last meeting as a member of *HLR*'s Board of Directors (and as he had so many times over the years), scaring the living daylights out of young *Review* editors with a typically fierce cross-examination of their report concerning his publication's current operations and finances.<sup>141</sup> He left the institution of *Houston Law Review* immeasurably better by his contributions.

Concluding observations by other living members of the *Driven* generation follow.<sup>142</sup>

Marvin Nathan, UHLC Class of 1966:<sup>143</sup> "Over the last almost 20 years, I have had the good fortune to be involved with the Frankel Family Foundation and the Frankel Lecture Series. During that time, I've seen the *Law Review* editors and I'm so impressed with them, with the leadership that these young people have displayed to me. It's hard to see how you can get any better or how you can achieve more than what they've done, but they have absolutely continued to get better and better and better. I only look for more of that to come."

Lawrence (Larry) Pirtle, UHLC Class of 1966:<sup>144</sup> "The publication history, timeliness and quality of this *Review*, I think, stand with any. There's a deep legacy here. I was the incoming President of the Law Foundation in 2001, and I remember seeing the devastation to our law school and the *Law Review* after Allison. But the *Law Review*, those editors, just marched forward, and how they did it, I don't know. That type of drive and that type of excellence and commitment to what you're doing is something I don't think is going to be lost. What the *Review* 25 years from now will have had to deal with or what form it'll have taken, I don't know, but I'm just confident in our future."

Alvin Zimmerman, UHLC Class of 1967:<sup>145</sup> "The quality of the current editorial boards, from what I see, could be the law review board at any major law school in the country. The young people I see on that board today, they are spirited, they are high quality, they are inspirational, they are brilliant and they put out a journal that's second to none. So my belief is that the foundation left by all of us who have gone before has proven to be

a good solid rock that each and every new level of this now very high rise building can continue to grow on.”

Carol Dinkins, UHLC Class of 1971:<sup>146</sup> “Had it not been for *Houston Law Review*, my career would have been vastly different. *Houston Law Review* today enjoys great prestige, earned by the hard work of its 50 boards. My fervent commendation goes to those who have worked so hard to achieve so much in this half century of excellence, and my deep appreciation goes to the members of Board 50 who while fostering the skills and scholarship of today’s students—our future—have also made the time to capture this inspiring history.”

\* \* \*

In the span of its first 50 years, *Houston Law Review* had gone from barely birthed to internationally renowned, from cash-strapped to profitable, from uncomfortable adolescence to indisputable maturity.

At the end of the day, at the end of these essays, one thing can be said with certainty. By the conclusion of its fifth decade, *HLR* had reached “a place beyond.” As its founders had predicted, *Houston Law Review* was now . . .

Enduringly great.

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1. The history that follows, except as otherwise noted, is based solely on the recollections of the senior co-author of this essay.

2. Dan G. Matthews, *Editor’s Page*, 1 HOUS. L. REV. viii, viii (1963).

3. *Law Journals: Submissions and Ranking*, WASH. & LEE U. SCH. LAW, <http://lawlib.wlu.edu/LJ/> (last visited Apr. 22, 2013) (follow “access prior surveys” link, then select “combined score” for 2011; *Houston Law Review* is ranked 41st out of 1,686 journals).

4. Marvin Nathan, Larry Pirtle, John O’Quinn, Alvin Zimmerman, Carol Dinkins—these student editors, and countless others, worked tirelessly to create the policies, procedures, and even institutional pride that would be necessary for the *Review* first to achieve existence, then one day to achieve greatness. See Craig Joyce, *Driven: The First Decade of Houston Law Review*, 50 HOUS. L. REV. 257, 271–74 (2012) [hereinafter *Driven*] (recounting the many efforts of “*The Boys of Pointe du HLR*”). Appropriately, Nathan and Zimmerman continue to this day to be actively concerned with the *Review*’s operations, both serving on the Board of Directors, as did John O’Quinn until his death in 2009.

5. See *id.* at 276 n.36 (relating the job description of Board 1’s sole articles editor as “find[ing] some articles”). In contrast, the *HLR* of today receives more than 1,200 submissions each year from authors from all over the nation and the world.

6. *Houston Law Review*’s early pages were populated also by such “ephemeral fillers” as “Books Reviewed,” “Books Received,” and “Current Materials.” *Id.* at 279.

7. *Id.* at 265–66.

8. *Id.* at 266–67.

9. Just when the Law Center first occupied TUII is a matter of some confusion as the memories of that era’s faculty leaders fade. But the authors of these essays now believe that

date to have been the fall of 1975, based on the recollections of Board 15's Managing Editor, King Waters:

TUII opened with our class. This was the fall of 1975. So the class of 1978 was the class that occupied TUII. The number of students doubled at the school. This was why we had so many new faculty members. There may have been some students who took classes that summer in TUII, but a friend of mine was in the class of 1975, May graduates, and when I told him my classes were in TUII, he said, "What do you mean, TUII?"

E-mail from Waters to Craig Joyce (Dec. 15, 2012).

10. Craig Joyce & Matthew Hoffman, *Carry On Boldly: The Second Decade of Houston Law Review*, 50 HOUS. L. REV. 689, 691–94, 700–03 (2012) [hereinafter *Boldly*].

11. *Id.* at 696–700.

12. *Id.* at 698–700.

13. See generally Craig Joyce & Matthew Hoffman, *Centered: The Third Decade of Houston Law Review*, 50 HOUS. L. REV. 1027 (2013) [hereinafter *Centered*].

14. *Id.* at 1036–37, 1047 n.29.

15. *Id.* at 1036–37, 1043–44.

16. See generally Craig Joyce & Matthew Hoffman, *The Great Leap Forward: The Fourth Decade of Houston Law Review*, 50 HOUS. L. REV. 1255 (2013) [hereinafter *Leap*].

17. D. Don Welch, "What's Going On?" in the Law School Curriculum, 41 HOUS. L. REV. 1607 (2005); Melissa B. Jacoby, *Negotiating Bankruptcy Legislation Through the News Media*, 41 HOUS. L. REV. 1091 (2004); Sheila R. Foster, *Causation in Antidiscrimination Law: Beyond Intent Versus Impact*, 41 HOUS. L. REV. 1469 (2005).

18. Albert C. Lin, *Erosive Interpretation of Environmental Law in the Supreme Court's 2003–04 Term*, 42 HOUS. L. REV. 565 (2005); Lackland H. Bloom, Jr., *Grutter and Gratz: A Critical Analysis*, 41 HOUS. L. REV. 459 (2004); Gregory W. Bowman, *Thinking Outside the Border: Homeland Security and the Forward Deployment of the U.S. Border*, 44 HOUS. L. REV. 189 (2007); Sarah Rudolph Cole, *On Babies and Bathwater: The Arbitration Fairness Act and the Supreme Court's Recent Arbitration Jurisprudence*, 48 HOUS. L. REV. 457 (2011). Judge Grant Dorfman of the 129th Judicial District Court of Harris County ensured that similar consideration was given to our nation's legal underpinnings, on the opposite end of the roughly 230-year timeline, by examining the legal validity of the Founding Fathers' "no taxation without representation" call to arms. Grant Dorfman, *The Founders' Legal Case: "No Taxation Without Representation" Versus Taxation No Tyranny*, 44 HOUS. L. REV. 1377 (2008).

19. David Hittner & Lynne Liberato, *Summary Judgments in Texas: State and Federal Practice*, 46 HOUS. L. REV. 1379 (2010); Lynne Liberato & Kent Rutter, *Reasons for Reversal in the Texas Courts of Appeals*, 48 HOUS. L. REV. 993 (2012).

20. Gray H. Miller & Emily Buchanan Buckles, *Reviewing Arbitration Awards in Texas*, 45 HOUS. L. REV. 939 (2008); Edward J. Imwinkelried & Andrew Amoroso, *The Application of the Attorney–Client Privilege to Interactions Among Clients, Attorneys, and Experts in the Age of Consultants: The Need for a More Precise, Fundamental Analysis*, 48 HOUS. L. REV. 265 (2011).

21. Joyce, *Driven*, *supra* note 4, at 267–68. Examples of HLR's content since its inception include an article instructing young lawyers on the keys to professional success, a local appellate expert opining on Texas arbitration law, and a spotlight on Judge Gray Miller. Patricia Hunt Holmes, Susan M. Sorensen & Donald L. Kyle, *Even Employees Are Self-Employed—Success as a Professional Takes More Than Professional Ability*, 3 HLR 20 (2012); Cameron Pope, *Texas Arbitration Law: More Choices—and More Risk—Than Ever*, 2 HLR 1 (2012); Emily Buchanan, *Spotlight on Judge Gray H. Miller*, 1 HLR 1 (2010).

22. See Joyce & Hoffman, *Leap*, *supra* note 16, at 1259–60.

23. David B. Wilkins, *Doing Well by Doing Good? The Role of Public Service in the Careers of Black Corporate Lawyers*, 41 HOUS. L. REV. 1 (2004).

24. Dorothy A. Brown, *Taking Grutter Seriously: Getting Beyond the Numbers*, 43 HOUS. L. REV. 1 (2006); Evan Caminker, *Post-Admissions, Educational Programming in a*



*Post-Grutter World: A Response to Professor Brown*, 43 HOUS. L. REV. 37 (2006); Carla D. Pratt, *Taking Diversity Seriously: Affirmative Action and the Democratic Role of Law Schools: A Response to Professor Brown*, 43 HOUS. L. REV. 55 (2006).

25. IPIL contributing authors (introductory and prologue material excluded) throughout Decade 5 are listed chronologically below:

41:3 – Graeme B. Dinwoodie (Chicago-Kent); Stacey L. Dogan (Northeastern); A. Michael Froomkin (Miami); William M. Landes (Chicago); Mark A. Lemley (Stanford); J. Thomas McCarthy (San Francisco)

42:4 – Judge Frank H. Easterbrook (7th Circuit); Clayton P. Gillette (NYU); Robert W. Gomulkiewicz (Washington); Robert L. Oakley (Georgetown); R. Polk Wagner (Penn)

44:4 – Keith Aoki (UC Davis); Thomas F. Cotter (Minnesota); Robert Rosenthal Kwall (DePaul); Peter S. Menell (UC Berkeley); Neil Weinstock Netanel (UCLA)

45:4 – Donald S. Chisum (*Chisum on Patents*); Rebecca S. Eisenberg (Michigan); Paul J. Heald (Georgia); Janice M. Mueller (Pittsburgh); Michael J. Meurer (Boston University); Arti K. Rai (Duke)

46:4 – Graeme B. Dinwoodie (Oxford); Rochelle C. Dreyfuss (NYU); Cynthia M. Ho (Chicago); Charles R. McManis (Washington University); Jerome H. Reichman (Duke); Peter K. Yu (Drake)

47:4 – Oren Bracha (Texas); Ronan Deazley (Glasgow); David Nimmer (UCLA); Catherine Seville (Cambridge); Diane Leenheer Zimmerman (NYU)

48:4 – Ann Bartow (Pace); Barton Beebe (NYU); Greg Lastowka (Rutgers); Mark McKenna (Notre Dame); Rebecca Tushnet (Georgetown)

50:2 – Colleen V. Chien (Santa Clara); Kevin Emerson Collins (Washington University); Paul M. Janicke (Houston); Mark R. Patterson (Fordham); Lee Petherbridge (Loyola L.A.); David L. Schwartz (Chicago-Kent); Katherine J. Strandburg (NYU)

26. J. Thomas McCarthy, *Proving a Trademark Has Been Diluted: Theories or Facts?*, 41 HOUS. L. REV. 713 (2004); Frank Easterbrook, *Contract and Copyright*, 42 HOUS. L. REV. 953 (2005); Graeme B. Dinwoodie, *Trademarks and Territory: Detaching Trademark Law from the Nation-State*, 41 HOUS. L. REV. 885 (2004); Graeme B. Dinwoodie & Rochelle C. Dreyfuss, *Designing a Global Intellectual Property System Responsive to Change: The WTO, WIPO, and Beyond*, 46 HOUS. L. REV. 1187 (2009); David Nimmer, *Queen Anne in the Emperor's Shadow*, 47 HOUS. L. REV. 919 (2010).

27. Arti K. Rai, *Building a Better Innovation System: Combining Facially Neutral Patent Standards with Therapeutics Regulation*, 45 HOUS. L. REV. 1037 (2008); Rebecca S. Eisenberg, *Noncompliance, Nonenforcement, Nonproblem? Rethinking the Anticommons in Biomedical Research*, 45 HOUS. L. REV. 1059 (2008); Janice M. Mueller & Donald S. Chisum, *Enabling Patent Law's Inherent Anticipation Doctrine*, 45 HOUS. L. REV. 1101 (2008); Paul J. Heald, *Optimal Remedies for Patent Infringement: A Transactional Model*, 45 HOUS. L. REV. 1165 (2008); Michael J. Meurer, *Inventors, Entrepreneurs, and Intellectual Property Law*, 45 HOUS. L. REV. 1201 (2008).

28. *United States v. Booker*, 543 U.S. 220, 245 (1995).

29. Jane C. Ginsburg, *The Right to Claim Authorship in U.S. Copyright and Trademarks Law*, 41 HOUS. L. REV. 263 (2004).

30. Paul Goldstein, *Copyright on a Clean Slate*, 48 HOUS. L. REV. 691 (2011); William O. Hennessey, *Protection of Intellectual Property in China (30 Years and More): A Personal Reflection*, 46 HOUS. L. REV. 1257 (2009); F. Scott Kieff, *IP Transactions: On the Theory & Practice of Commercializing Innovation*, 42 HOUS. L. REV. 727 (2005); Doug Lichtman, *Understanding the Rand Commitment*, 47 HOUS. L. REV. 1023 (2010); Robert P. Merges, *The Concept of Property in the Digital Era*, 45 HOUS. L. REV. 1239 (2008); R. Anthony Reese, *What Copyright Owes the Future*, 50 HOUS. L. REV. 287 (2012); Joel R. Reidenberg, *E-Commerce and Trans-Atlantic Privacy*, 38 HOUS. L. REV. 717 (2007).

31. *Grutter v. Bollinger*, 539 U.S. 306, 327 (2003).

32. The phrase was popularized by Paul Harvey, who used it as the title of a segment of his long-time radio broadcasts.

33. See generally Joyce, *Driven*, *supra* note 4.

34. *Id.* at 258.

35. Remarks at University of Houston Law Center Gala (Mar. 23, 2013).

36. See Joyce, *Driven*, *supra* note 4, at 258–63.

37. *Id.* at 262.

38. *Id.* at 271–73.

39. See generally Joyce & Hoffman, *Boldly*, *supra* note 10.

40. See Joyce, *Driven*, *supra* note 4, at 268–70; Joyce & Hoffman, *Boldly*, *supra* note 10, at 691–94.

41. See Joyce, *Driven*, *supra* note 4, at 277 n.53; Joyce & Hoffman, *Boldly*, *supra* note 10, 691–92.

42. See Joyce & Hoffman, *Centered*, *supra* note 13, at 1030–31.

43. *Id.* at 1028–31.

44. See Joyce & Hoffman, *Boldly*, *supra* note 10, at 698–700.

45. See Joyce & Hoffman, *Centered*, *supra* note 13, at 1031–34.

46. See Joyce & Hoffman, *Leap*, *supra* note 16, at 1256–59.

47. *Id.* at 1259–62.

48. The Law Center had discontinued its ambitious building program after the opening of its second teaching unit during Decade 2. See Joyce & Hoffman, *Boldly*, *supra* note 10, at 692–93. Now occupying what *HLR* members confidently (but, as Allison would prove, erroneously) expected was the *Review*'s permanent home, nothing much remained to do but spiff up the offices from time to time. See, e.g., Joyce & Hoffman, *Leap*, *supra* note 16, at 1263.

49. See Joyce & Hoffman, *Leap*, *supra* note 16, at 1262–66.

50. *Id.* at 1264–66.

51. The editors of Board 43 and 44 nearly had a repeat of the force majeure events caused by Tropical Storm Allison when Hurricane Rita threatened the Houston area in September 2005. As the fourth most intense Atlantic hurricane ever recorded approached from the Gulf of Mexico, the students “had to evacuate the basement as the rest of Houston was packing up and jamming the freeways.” Decade 5 Oral History of Houston Law Review, moderated by Michelle Gray (Mar. 8, 2013) [hereinafter Decade 5 Oral History] (on file with Houston Law Review) (quoting Alex Roberts, Editor in Chief of Board 43). Luckily for the city of Houston and *Houston Law Review*, the Houston area largely escaped major damage.

52. According to Board 44's Editor in Chief, Christine McMillan, on one of her first days on the job, she was cautioned by one of the dedicated faculty advisors that “the *Law Review* does not publish late and we are in fact a well-oiled machine.” *Id.* (quoting Christine McMillan, Editor in Chief of Board 44).

53. Joyce & Hoffman, *Leap*, *supra* note 16, at 1263–64.

54. And this, notwithstanding challenges such as multiple authors withdrawing from a symposium for reasons completely unrelated to *HLR*, see Board Report (Oct. 13, 2009) (on file with Houston Law Review), Hurricane Ike causing a multi-day closure of the University, see Board Report (Oct. 14, 2008) (on file with Houston Law Review), Hurricane Sandy causing mayhem in the travel plans of several Frankel participants, see Board Report (Apr. 9, 2013) (on file with Houston Law Review), and one committed author packing up and moving to Israel for a semester, see Board Report (Oct. 11, 2011) (on file with Houston Law Review).

55. Board Report (Oct. 11, 2005) (on file with Houston Law Review).

56. *Id.*

57. Board of Directors Meeting Minutes (Apr. 12, 2011) (on file with Houston Law Review). The authors aver, on information and belief, that all of the student editors were of legal age and that the gift was greatly appreciated.

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*ENDURINGLY GREAT*

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58. See Joyce & Hoffman, *Centered*, *supra* note 13, at 1036–37, 1043–44; Joyce & Hoffman, *Boldly*, *supra* note 10, at 702.

59. Joyce & Hoffman, *Centered*, *supra* note 13, at 1047 n.29.

60. See, e.g., Board Report (Apr. 9, 2013) (on file with Houston Law Review).

61. Board Report (Oct. 11, 2005) (on file with Houston Law Review).

62. With all manner of law review scholarship becoming increasingly available electronically as the decade progressed, see, e.g., Questionnaire Response, Patrick Byrd, Boardwalk Pipeline (Mar. 29, 2012) (on file with Houston Law Review), Boards 47 and 48 recognized the need to be responsive to the rapidly changing technology of the day. According to Board 48 Editor in Chief Michelle Gray, “I think that during my tenure an underlying current was, what does the future look like? How are we going to change to be a journal of the future? And [HLRe] was our step to test the waters.” Decade 5 Oral History, *supra* note 51 (quoting Michelle Gray, Editor in Chief of Board 48).

63. By the end of Decade 5, the reduction in class sizes, attributable perhaps chiefly to continued uncertainty surrounding the legal job market nationwide, resulted in the removal of two editorial positions from the masthead to “ensure a smooth transition” between Boards 50 and 51. Decade 5 Oral History, *supra* note 51 (quoting Peter Danysh, Editor in Chief of Board 50).

64. Among the more enjoyable aspects of these essays, when the archive containing the research materials supporting them is opened in due course, will be the series of oral histories on which much of the narratives are based. Unless otherwise noted, all of the materials in this section are drawn from the *HLR* Advisors Oral History of *Houston Law Review*, with Professor Laura Oren, moderator, and Professors David Dow and Robert Ragazzo, all members of the University of Houston Law Center faculty, in Houston, TX (Mar. 1, 2013) [hereinafter Faculty Advisors Oral History] (on file with Houston Law Review), from the *HLR* Judges Oral History of *Houston Law Review* with Hon. Jeff Brown, Texas Fourteenth Court of Appeals, moderator; Hon. Cathleen Cochran, Texas Court of Criminal Appeals; Hon. Evelyn Keyes, Texas First Court of Appeals; and Ruby Sondock, UHLC Class of 1962 and the first woman justice of the Texas Supreme Court, in Houston, TX (Jan. 23, 2013) [hereinafter Decade 3 Oral History] (acknowledging the original purpose of this history as gathering data regarding the *Evidence Handbooks* edited by Professor Newell Blakely and Judge Cathy Cochran) (on file with Houston Law Review), or from Professor Joyce’s personal experiences.

65. Alan D. Cullison, *Interpretations of the Eleventh Amendment (A Case of the White Knight’s Green Whiskers)*, 5 HOUS. L. REV. 1 (1967).

66. See Joyce & Hoffman, *Boldly*, *supra* note 10, at 703–04.

67. D.J. Baker, *An Appreciation of G. Sidney Buchanan*, 41 HOUS. L. REV. 238, 239 (2004).

68. Tim Moore, *A Model Advisor*, 41 HOUS. L. REV. 250 (2004). The lyrics reprinted here sadly are much abridged from the original. Moore’s extended text deserves, at minimum, a full reading. A sing-along, anyone?

69. She would return thereafter to serve another five years from 1988–93. For tributes to Irene Rosenberg upon her retirement from the faculty, see 46 HOUS. L. REV. 649 (2009).

70. Regarding specialization in the practice, the rise of centers, etc., in the academy, most particularly at the University of Houston, see generally Joyce & Hoffman, *Centered*, *supra* note 13. With respect to the Health Law & Policy Institute specifically, see *id.* at 1032–34, 1041–43.

71.

| Advisor          | Tenure    | Contributions |
|------------------|-----------|---------------|
| A.A. White       | 1963–1966 | 4             |
| Alan D. Cullison | 1965–1970 | 2             |
| Sidney Buchanan  | 1970–2006 | 31            |
| Irene Rosenberg  | 1985–1993 | 7             |
| Laura Oren       | 1986–1993 | 5             |

| Advisor            | Tenure    | Contributions |
|--------------------|-----------|---------------|
| Mark Rothstein     | 1987–1990 | 3             |
| Seth J. Chandler   | 1993–1997 | 0             |
| David R. Dow       | 1993–2004 | 8             |
| Robert A. Ragazzo  | 1993–2013 | 1             |
| Craig Joyce        | 1997–2002 | 28            |
| Douglas Moll       | 2002–2013 | 0             |
| Meredith J. Duncan | 2004–2006 | 1             |
| Joseph Sanders     | 2006–2013 | 1             |
| Ronald Turner      | 2006–2013 | 1             |

For the counting principles involved in this tabulation, see Methodological Note in Joyce & Hoffman, *Leap*, *supra* note 16, at 1292 n.2.

72. See Joyce & Hoffman, *Centered*, *supra* note 13, at n.29, 1036–37.

73. See Faculty Advisors Oral History, *supra* note 64, at 2.

74. *Id.* at 2. Ragazzo gives full credit to Board 32 Editor in Chief Robert J. Sergesketter and his fellow editors, adding: “Unlike 1993, today we are one of the most timely law reviews in the United States.” *Id.* at 4.

75. See Joyce & Hoffman, *Leap*, *supra* note 16, at 1261–64.

76. For detailed information concerning Tropical Storm Allison and its impact on *Houston Law Review*, see *id.* at 112–14, 119–23.

77. Faculty Advisors Oral History, *supra* note 64, at 10–11.

78. *Id.* at 5, 7.

79. *Id.* at 7.

80. *Id.* at 19.

81. The judiciary of Texas is popularly elected, but as in Sondock’s instance many judges come to the bench initially by appointment upon the resignation or death of their predecessors. The text above refers to Justice Sondock as having been “regularly appointed” to the Supreme Court. Three women had preceded her, but to hear only one case. In 1925, an all-female Court was seated for the sole purpose of deciding a controversy involving the Woodmen of the World, a fraternal organization whose membership included nearly all male members of the Texas bar. When sitting justices, all men, recused themselves, the governor selected three women lawyers to constitute a special tribunal to decide the case. They did, ruling in favor of the Woodmen, and then promptly disbanded. Mary G. Ramos, *Texas’ All-Woman Supreme Court*, TEX. ST. HIST. ASS’N, TEX. ALMANAC, <http://www.texasalmanac.com/topics/history/texas-all-woman-supreme-court> (last visited Apr. 25, 2013). Justice Sondock was followed in appointment by Eugene A. Cook III, UHLC 1966, in 1988.

82. Decade 3 Oral History, *supra* note 64, at 3.

83. *Id.* at 8–12.

84. A similar story involves Raul A. Gonzalez, Jr., of the Law Center class of 1966. Gonzalez would become the first Hispanic Justice of the Supreme Court. But like Sondock, his resume contained no *HLR* gold star. The son of migrant farm workers from the Rio Grande Valley and a first-generation college graduate, Gonzalez was simply too busy, having already started a family, shelving books in the law library, waiting tables, and delivering phone books door-to-door. His take? “No job is too demeaning when you need the money.” Interview by Harper Estes with Justice Gonzalez for *Texas Legal Legends*. <http://txbar.inreachce.net/1015/>.

85. See Joyce & Hoffman, *Centered*, *supra* note 13, at 1043–44 (“Cathy Cochran’s Evidence”).

86. Cathleen C. Herasimchuk, *Texas Rules of Evidence Handbook, Second Edition*, 30 HOUS. L. REV. Issues 1 & 2 (1993); Evelyn Keyes, *The Literary Judge: The Judge as Novelist and Critic*, 44 HOUS. L. REV. 679 (2007); Jeff Brown, *The Platonic Guardian and the Lawyer’s Judge: Contrasting the Judicial Philosophies of Earl Warren and John M. Harlan*, 44 HOUS. L. REV. 253 (2007).

87. Decade 3 Oral History, *supra* note 64, at 35–37.

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88. *Id.* at 41–42.
89. *Id.* at 52.
90. *Id.* at 17.
91. *Id.* at 32–33.
92. See JOHN MIXON, AUTOBIOGRAPHY OF A LAW SCHOOL 49–52 (2012) [hereinafter MIXON HISTORY] (on file with Houston Law Review) regarding Blakely’s sternness. But see also Joyce & Hoffman, *Boldly*, *supra* note 10, at 701, concerning his apparent mellowing, at least toward one HLR EIC, in later years.
93. Decade 3 Oral History, *supra* note 64, at 48.
94. *Id.* at 44–46.
95. See Joyce & Hoffman, *Centered*, *supra* note 13, at 1051 n.101.
96. Decade 3 Oral History, *supra* note 64, at 48. For a fuller account of the relationship between Professor Blakely and Judge Cochran, see Joyce & Hoffman, *Centered*, *supra* note 13, at 1043–44 (“Cathy Cochran’s *Evidence*”).
97. Decade 3 Oral History, *supra* note 64, at 23.
98. E-mail from Judge Elsa Alcala, Court of Criminal Appeals, to Hon. Jeff Brown, 14th Court of Appeals (Jan. 18, 2013) (on file with Houston Law Review). Attentive readers of prior essays in this series will be aware that the quote in the text has appeared before. See Joyce & Hoffman, *Centered*, *supra* note 13, at 1051 n.101. The material just seems too good, however, to leave buried BTL, i.e., in an endnote.
99. Chambers v. State, No. 14–11–01117–CR, 2013 WL 830578, at \*5 (Tex. App.—Houston [14th Dist.], Mar. 7, 2013, no pet. h.) (not designated for publication).
100. See Joyce & Hoffman, *Driven*, *supra* note 4, at 258–59.
101. See Joyce, *Driven*, *supra* note 4, at 258–59.
102. *Id.* at 262–63.
103. See MIXON HISTORY, *supra* note 92, at 186–87, at Chs. 2 (“Founding Dean A.A. White and His Law Faculty, 1947–1956”) and 16 (“Mike Johnson, Unsung Hero, and Interim Dean A.A. White, 1974–1976”).
104. A. A. White, *The Reasonably Just Man*, 5 HOUS. L. REV. 575 (1968); A.A. White, *The Intentional Exploitation of Man’s Known Weaknesses*, 9 HOUS. L. REV. 889 (1972); A. A. White, *The Wrongful Death Statutes: A Constitutional Problem*, 12 HOUS. L. REV. 35 (1974).
105. Of the many possible examples, two must suffice. Dwight Olds, one of White’s many proud hires, published only during *Houston Law Review*’s first decade but turned out 15 articles in the process. John Mixon, another of White’s hires and himself a graduate of the College of Law, contributed five articles over a career at the University of Houston that would span 55 years until his retirement in 2013.
106. See MIXON HISTORY, *supra* note 92, at Ch. 6 (“Newell Blakely’s Law School, 1956–1965”).
107. See Joyce, *Driven*, *supra* note 4, at 259–62.
108. *Id.* at 262–63. The version in the text above is based on MIXON HISTORY, *supra* note 103, at 186–87. This unique resource entertainingly preserves its author’s recollections of an era now otherwise almost entirely lost to history. But the facts of the present matter are difficult to ascertain with certainty. Pre-HLR alumna Sybil Balasco, UHLC Class of 1956, recalls introducing Blakely to local businessman and oil industry icon Maurice (“Daddy”) Frankel, who took a shine to the Dean, asked him if he needed support for any initiative at the College of Law, and in response to Blakely’s reply made a sizeable donation to help fund the start-up of the *Review*. Belasco reports, however, that the benefactor insisted that the donation be anonymous, and thus Frankel’s name does not appear (although those of Belasco and Charles I. Francis, see Joyce, *Driven*, *supra* note 4, at 275 n.30, do) in the initial listing of the members of The Houston Law Review, Inc., HLR’s early equivalent to its current funding support organization, the Houston Law Review Alumni Association. Telephone Interview by Craig Joyce with Sybil Balasco (Apr. 3, 2013). The recollections cited above are not inconsistent and probably both contain major

strands of the truth concerning one of the enduring mysteries of the *Review's* first decade. The Frankel Family went on to assist generously with funding for the Law Center's Rare Books Room and *HLR's* annual Frankel Lectures. All's well that ends well.

109. Newell H. Blakely, *Past Recollection Recorded: Restrictions on Use as Exhibit and Proposals for Change*, 17 HOUS. L. REV. 441 (1980).

110. See Joyce & Hoffman, *Boldly*, *supra* note 10, at 701.

111. *Id.* at 693–94.

112. Newell Blakely et al., *Texas Rules of Evidence Handbook*, 20 HOUS. L. REV. 1 (1983).

113. See Joyce & Hoffman, *Boldly*, *supra* note 10, at 701–03; Joyce & Hoffman, *Centered*, *supra* note 13, at 1043–44.

114. G. Sidney Buchanan, *The Privilege Against Self-Incrimination; To What Extent Should It Protect a State Employee or Professional Licensee Against the Loss of His State-Created Status?*, 7 HOUS. L. REV. 297 (1970).

115. G. Sidney Buchanan, *The Quest for Freedom: A Legal History of the Thirteenth Amendment*, 12 HOUS. L. REV. 1 (1974). This quasi-book by Professor Buchanan was published in nine installments and cited in *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 288 n.18 (1976).

116. G. Sidney Buchanan, *No Connecticut Yankee in the Texas Supreme Court*, 40 HOUS. L. REV. 931 (2003).

117. Sidney Buchanan, *A Tribute to John Nixon*, 42 HOUS. L. REV. 1206 (2006).

118. See Joyce, *Driven*, *supra* note 4, at 261–62.

119. See Joyce & Hoffman, *Boldly*, *supra* note 10, at 693–94.

120. For the information in the remainder of this paragraph, see generally Joyce & Hoffman, *Centered*, *supra* note 13, at 1043–44.

121. *Id.* at n.88.

122. *Id.* at n.86.

123. *Id.* at 1030–31.

124. *Id.* at 1032.

125. *Id.* at 1032–34; Joyce & Hoffman, *Leap*, *supra* note 16, at 1256–57.

126. That would be Craig Joyce and Paul M. Janicke. See Joyce & Hoffman, *Leap*, *supra* note 16, at 1257–58.

127. Craig Joyce, Robert J. Sergesketter, D'Andra Millsap (Shu), and Raymond T. Nimmer. See *id.* at 1259–62.

128. See *id.* at 1259.

129. Craig Joyce, Paul M. Janicke, and Raymond T. Nimmer. See *id.* at 1258–59.

130. See *id.* at 1259–62.

131. See Joyce & Hoffman, *Centered*, *supra* note 13, at n.87.

132. See Joyce & Hoffman, *Leap*, *supra* note 16, at 1262–65.

133. See Joyce & Hoffman, *Boldly*, *supra* note 10, at 691–92.

134. See Joyce & Hoffman, *Leap*, *supra* note 16, at 1266–68, 1273–77.

135. See Joyce & Hoffman, *Boldly*, *supra* note 10, at 693–94.

136. *Id.* at 695.

137. See Joyce & Hoffman, *Leap*, *supra* note 16, at 1260–62.

138. See Joyce & Hoffman, *Centered*, *supra* note 13, at 1032; Joyce & Hoffman, *Leap*, *supra* note 16, at 1259.

139. See Joyce, *Driven*, *supra* note 4, at 271–73.

140. John Maurice O'Quinn (b. Houston, Texas, Sept. 4, 1941; d. Houston, Texas, Oct. 29, 2009) was the founding partner of The O'Quinn Law Firm and a famed Texas plaintiff's personal injury lawyer. See *id.* at 272–73.

141. Mr. O'Quinn inquired of the newly elected Executive Editor about more than a dozen separate financial matters, including a moderate increase in copying expenses, a recent uptick in the stock market, and the trustworthiness of those

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responsible for investing *HLR*'s endowment funds. Board Report (Apr. 20, 2010) (on file with Houston Law Review) (quoting the meeting minutes from the fall 2010 board meeting). As reported by Board 47's Editor in Chief, Matt Salo:

[O'Quinn] grilled the Executive Editor (Scott Rubinsky) and me over the state of the *Law Review*'s finances, but Scott was superb in his responses. Instead of taking a seat in the horseshoe, Mr. O'Quinn pulled up a chair right across from Scott and me. He had a reputation of cross examining board members. I wasn't as ready with respect to the business aspects of the *Review* as I should have been, but Scott was on top of everything and saved me from embarrassment.

Questionnaire Response, Matt Salo, King & Spalding (Mar. 18, 2012) (on file with Houston Law Review). Rumor has it that, responding to the young editor's impressive performance, O'Quinn offered him a job.

142. The observations below of Marvin Nathan, Larry Pirtle, and Alvin Zimmerman are drawn from the Decade 1 Oral History of Houston Law Review, moderated by Mr. Nathan (Dec. 14, 2012) (on file with Houston Law Review). Carol Dinkins, who had been slated to participate in the history, was called out of town on business at the last moment and has furnished her observations separately. E-mail from Ms. Dinkins to Craig Joyce (Apr. 5, 2013) (on file with Houston Law Review). All quotations are condensed from the originals.

143. Mr. Nathan is Senior Partner at Nathan Sommers Jacobs in Houston, specializing in real estate law, business organizations, and finance. *See Joyce, Driven*, *supra* note 4, at 271–72.

144. Today, Mr. Pirtle is Of Counsel, focusing on tax law at Houston's Gardere Law Firm. *See id.* at 272.

145. Mr. Zimmerman currently is Chair of Zimmerman, Axelrad, Meyer, Stern & Wise, P.C., in Houston, and is board certified in family law. *See id.* at 272.

146. Ms. Dinkins currently is a partner at Vinson & Elkins LLP, with offices in Houston and Washington, D.C., and serves as the firm's Group Leader for Environmental Practice. *See id.* at 271.

## ODDMENTS\*

*“Mistakes Have Been Made”* (U.S. Grant, 1876). Abraham Lincoln’s greatest appointment, himself a far better president than high schools currently acknowledge (when they teach American history at all), apparently coined that phrase in a message to Congress admitting to scandals during his administration. Likewise, in these essays, surely mistakes *were* made, owing to the seemingly infinitesimally small span of time available to gather, assess, and relate 50 years of *HLR* history that might otherwise have been lost entirely. As to any and all such errors, message cjoyce@uh.edu. This address, at some time, necessarily, will go dark. Please hurry with corrections!

*Romance at the Review*. Perhaps a series best discontinued for now. Future liaisons? Cokes in the Commons? Smooches in SOS? Only time, and happily not these authors, will tell.

*What 40-Something Doesn’t Need a Facelift?* Or so the editors of Board 44 must have thought. From 1:1 to 15:5, *Houston Law Review*’s covers had featured cream colors with golden accents. In the middle decades of its first 50 years, the *Review* had become the blue-gray haired lady of grandmotherly remembrance, complete with font big enough for failing eyesight. In the final decade (the subject of this concluding essay), however, *HLR*’s cover magically regained its creamy complexion, sporting UH-appropriate red accents and a trim new font. *So* contemporary (a relative term, if there ever was one). Thus tightened and lightened, now with attractive Cougarish highlights, 44:4 was the new 15:5.

*Clever Is as Clever Says*. And now for the very last of the prize-winning titles to appear, decade-by-decade, in the first 50 volumes: James W. Christian, Robert Shapiro & John-Paul Whalen, *Naked Short Selling: How Exposed Are Investors?*, 43 HOUS. L. REV. 1033 (2006). No doubt, here as elsewhere, a picture would be worth a thousand (law review) words. In this instance, however, the reader simply will have to imagine.

*Final Score and Final Judgment, In re: Dueling HLRs*. Throughout these essays, the authors have apologized so often, with such justification, to so many. Now we offer a final *nostra culpa* to *Harvard Law Review*. We meant no harm. It was just too easy. Houston always has been a striving place, where only merit mostly ever matters. The women of *Houston Law Review*,



along with the men of course, have benefited the publication hugely during its first 50 years. During *HLR South*'s fifth decade, fully five of its ten Editors in Chief were women; at *HLR North*, two of ten Presidents. Lifetime, then: *Cowtown*, 17 of 50 (batting a more than respectable .340); *Cambridge*, 6 of 126 (umm, a pitiful .047). Over and done. *North*, see you in 50. *Judgment for Houston Law Review*. *It is so ordered*.

*Not an Oddment at All*. After 25 weeks, five issues, and 195 pages, these essays come to a close. But not before the authors rise on a point of personal privilege. Having never before had the opportunity to do so ATL (above-the-line), we wish to state for the record that this effort has been one of the greatest privileges of our professional lives. We here express our profound appreciation to *all* the members of *all* the boards, 1 through 50—in short, to those who actually *lived* the story that we have been privileged here merely to recount. *You* are the true authors of this history.

*Finally*. As said in the first line of these essays, “In the beginning was . . .” But wait. In the beginning, what *Houston Law Review*'s founders had dreamed for their infant journal was just that: what they dreamed for it. An absurd dream, obviously. In the 50 years of maturation that followed, however, their successors struggled mightily to make the dream a reality. By the end of *HLR*'s fifth decade, it was. That story now has been told. And so a series of essays that began with a quote lifted from the Almighty ends with a fair-use nod to Porky Pig (from Warner Brothers not Disney, the Deity's latter-day equivalent): “That's all, folks!”

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\* An oddment, according to the Merriam-Webster Dictionary, is “something left over”—or, more simply, an “oddity.” In the plural, oddments are “odds and ends.” <http://www.merriam-webster.com/dictionary/oddment>. The following section, a recurring feature of these essays, consists of interesting, perhaps even entertaining, bits and pieces of information which have found no convenient placement in the writing of an essay, but which seem (at least most of them) too good to be left as a “remnant” (another common definition of “oddment”) on the cutting room floor. They will be missed!

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*BY THE NUMBERS*

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# BY THE NUMBERS. . .<sup>1</sup>

## ISSUES AND PAGES

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1. Compiled by *Houston Law Review* Boards 50 and 51.
  2. Addressing a long-standing oddity, Board 49 and Board 50's editors, on advice from the Board of Directors and the organization's faculty advisors, recalibrated the numerical publication cycle. At some point in Decade 3, the numerous books and special issues published by *HLR* had created a publication logjam that put the *Review's* issue numbering perpetually "off." Following Board 49's publication of Issue 49:2 (the last of the 1379 pages of its five scheduled issues), Board 50 officially remedied the discrepancy, printing issues 50:1 through 50:5. Future volumes now will correspond directly to the number of the board printing them.

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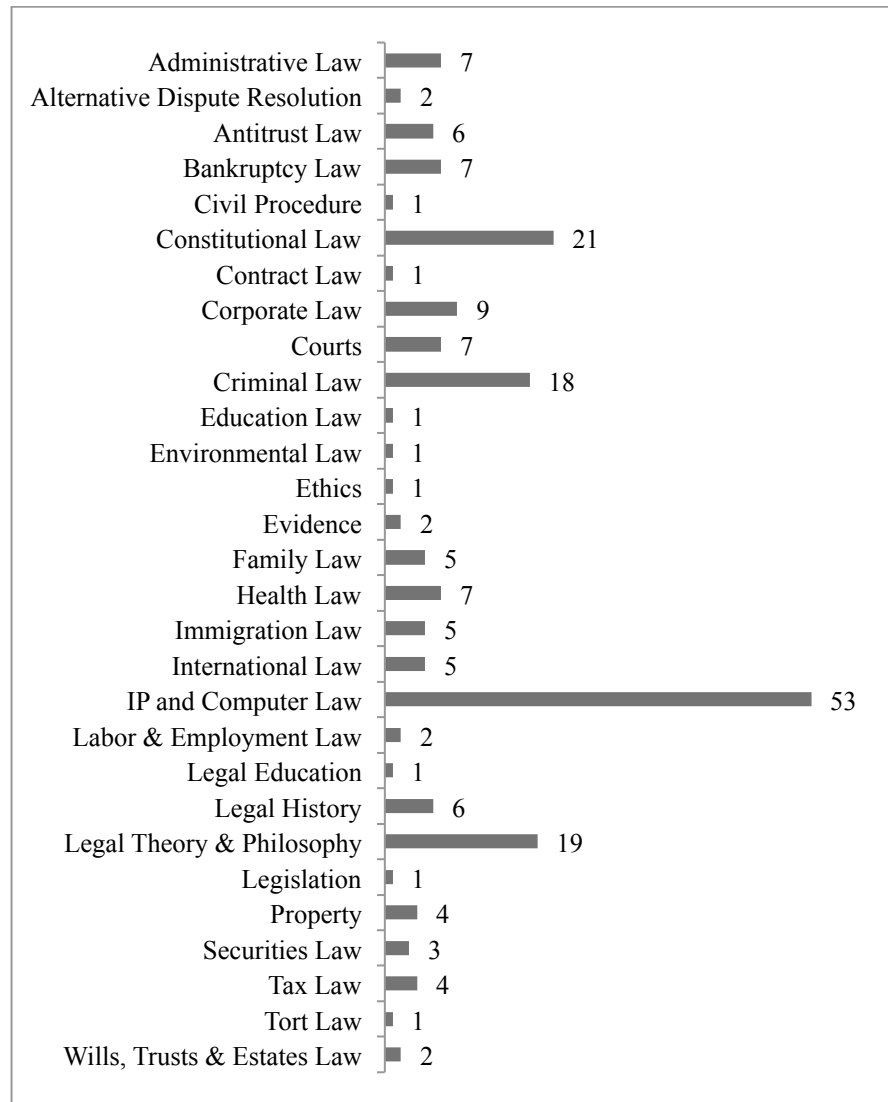
*BY THE NUMBERS*

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## MEMBERS, EDITORS IN CHIEF, AND FACULTY ADVISORS

| Board        | Members | Editor in Chief          | Faculty Advisor(s)   |
|--------------|---------|--------------------------|--|
| 41 (2003–04) | 38      | Susan Turcotte           | G. Sidney Buchanan,<br>David R. Dow,<br>Robert A. Ragazzo, and<br>Douglas Moll       |
| 42 (2004–05) | 37      | Laura J. Rees            | G. Sidney Buchanan,<br>Robert A. Ragazzo,<br>Douglas Moll, and<br>Meredith J. Duncan |
| 43 (2005–06) | 41      | Alex B. Roberts          | G. Sidney Buchanan,<br>Robert A. Ragazzo,<br>Douglas Moll, and<br>Meredith J. Duncan |
| 44 (2006–07) | 43      | Christine M.<br>McMillan | Robert A. Ragazzo,<br>Douglas Moll,<br>Joseph Sanders, and<br>Ronald Turner          |
| 45 (2007–08) | 42      | Bryon A. Rice            | Robert A. Ragazzo,<br>Douglas Moll,<br>Joseph Sanders, and<br>Ronald Turner          |
| 46 (2008–09) | 40      | Stephanie<br>Cecere      | Robert A. Ragazzo,<br>Douglas Moll,<br>Joseph Sanders, and<br>Ronald Turner          |
| 47 (2009–10) | 39      | Matthew Salo             | Robert A. Ragazzo,<br>Douglas Moll,<br>Joseph Sanders, and<br>Ronald Turner          |
| 48 (2010–11) | 40      | Michelle Gray            | Robert A. Ragazzo,<br>Douglas Moll,<br>Joseph Sanders, and<br>Ronald Turner          |
| 49 (2011–12) | 41      | Matthew<br>Hoffman       | Robert A. Ragazzo,<br>Douglas Moll,<br>Joseph Sanders, and<br>Ronald Turner          |
| 50 (2012–13) | 48      | Peter Danysh             | Robert A. Ragazzo,<br>Douglas Moll,<br>Joseph Sanders, and<br>Ronald Turner          |

## ARTICLE TOPICS



2013]

BY THE NUMBERS

1577

**THEMED ISSUES AND BOOKS PUBLISHED****THE FRANKEL LECTURE SERIES**

*Doing Well by Doing Good? The Role of Public Service  
in the Careers of Black Corporate Lawyers*

David B. Wilkins

41 HOUS. L. REV. 1 (2004)

*Free Will, Religious Liberty, and a Partial Defense  
of the French Approach to Religious Expression in Public Schools*

Steven G. Gey

42 HOUS. L. REV. 1 (2005)

*Taking Grutter Seriously: Getting Beyond the Numbers*

Dorothy A. Brown

43 HOUS. L. REV. 1 (2006)

*Section 5 Squared: Congressional Power  
to Extend and Amend the Voting Rights Act*

Pamela S. Karlan

44 HOUS. L. REV. 1 (2007)

*Hurricane Katrina: Lessons About Immigrants  
in the Administrative State*

Kevin R. Johnson

45 HOUS. L. REV. 11 (2008)

*Legal and Managerial "Cultures" in Corporate Representation*

Geoffrey C. Hazard, Jr.

46 HOUS. L. REV. 1 (2009)

*Applications and Implications of the Twenty-Fifth Amendment*

Akhil Reed Amar

47 HOUS. L. REV. 1 (2010)

*Retaking Rationality Two Years Later*

Michael A. Livermore and Richard L. Revesz

48 HOUS. L. REV. 1 (2011)

*Codes of Conduct for a Twilight War*

Philip Zelickow

49 HOUS. L. REV. 1 (2012)

*Is Bankruptcy the Answer for Troubled Cities and States?*

David A. Skeel, Jr.

50 HOUS. L. REV. 1063 (2013)

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**INTELLECTUAL PROPERTY AND INFORMATION LAW  
SYMPOSIA***Trademark in Transition*

41 HOUS. L. REV. 707 (2004) (6 articles)

*Transactions, Information and Emerging Law*

42 HOUS. L. REV. 941 (2005) (6 articles)

*Copyright in Context*

44 HOUS. L. REV. 815 (2007) (6 articles)

*Patent Law in Perspective*

45 HOUS. L. REV. 1031 (2008) (6 articles)

*Intellectual Property in International Perspective*

46 HOUS. L. REV. 975 (2009) (6 articles)

*The ©©© Conference: Celebrating Copyright's Tri-Centennial*

47 HOUS. L. REV. 779 (2010) (7 articles)

*Trademark: Today and Tomorrow*

48 HOUS. L. REV. 701 (2011) (6 articles)

*Pondering Patents: First Principles and Fresh Possibilities*

50 HOUS. L. REV. 319 (2012) (7 articles)

**THE IPIL SPRING LECTURE SERIES***The Right to Claim Authorship in U.S. Copyright  
and Trademarks Law*

Jane C. Ginsburg

41 HOUS. L. REV. 263 (2004)

*IP Transactions: On the Theory & Practice  
of Commercializing Innovation*

F. Scott Kieff

42 HOUS. L. REV. 727 (2005)

Hon. Arthur J. Gajarsa (2006)

*(lecture delivered but without resulting article)**The Rule of Intellectual Property Law in the Internet Economy*

Joel Reidenberg

44 HOUS. L. REV. 1073 (2007)

*The Concept of Property in the Digital Era*

Robert P. Merges

45 HOUS. L. REV. 1239 (2008)

*Protection of Intellectual Property in China (30 Years and More):**A Personal Reflection*

William O. Hennessey

46 HOUS. L. REV. 1257 (2009)

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*BY THE NUMBERS*

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*Understanding the RAND Commitment*

Doug Lichtman

47 HOUS. L. REV. 1023 (2010)

*Copyright on a Clean Slate*

Paul Goldstein

48 HOUS. L. REV. 691 (2011)

*What Copyright Owes the Future*

R. Anthony Reese

50 HOUS. L. REV. 287 (2013)<sup>3</sup>**OTHER THEMED ISSUES AND BOOKS PUBLISHED***The Booker Project: The Future of Federal Sentencing**(Criminal Justice Institute Symposium)*

43 HOUS. L. REV. 269 (2006) (5 articles)

*Thirty Years of Airline Deregulation:**A Structure, Conduct and Performance Review*

45 HOUS. L. REV. 287 (2008) (7 articles)

*A Unified Theory of Copyright*

L. Ray Patterson and Stanley F. Birch, Jr.

(edited by Craig Joyce)

46 HOUS. L. REV. 215 (2009) (10 chapters)

*Child-Centered Jurisprudence and Feminist Jurisprudence:**Exploring Connections and Tensions*

46 HOUS. L. REV. 671 (2009) (4 articles)

**MOST PUBLISHED AUTHORS<sup>4</sup>**

1. Craig Joyce (24 works total:

10 book chapters, 14 articles)

T2. Stanley F. Birch, Jr., Greg R. Vetter,  
and Ned W. Waxman (3 contributions each)T5. Darren Bush, Graeme Dinwoodie, Clayton P. Gillette,  
Robert Klonoff, Lynne Liberato, Michael J. Malinowski,  
John Mixon, Michael A. Olivas, Scott Phillips,  
and Sandra F. Sperino (2 contributions each)

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3. See note 2 above as to why the 2012 lecture appears in Volume 50.

4. For the counting principles involved in this tabulation, see Methodological Note in Craig Joyce & Matthew Hoffman, *The Great Leap Forward*, 50 HOUS. L. REV. 1255, 1292 n.2 (2013).

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HOUSTON LAW REVIEW

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**MOST CITED ARTICLES**

1. *Trademarks and Consumer Search Costs on the Internet*  
Stacey L. Dogan and Mark A. Lemley  
41 HOUS. L. REV. 777 (2004) (168 citations)
2. *Spare the Rod, Spoil the Director?*  
*Revitalizing Director's Fiduciary Duty Through Legal Liability*  
Lisa M. Fairfax  
42 HOUS. L. REV. 393 (2005) (124 citations)
3. *A New Zoning and Planning Metaphor:  
Chaos and Complexity Theory*  
John Mixon and Kathleen McGlynn  
42 HOUS. L. REV. 1221 (2006) (80 citations)
4. *A House Divided: Mandatory Arrest, Domestic Violence,  
and the Conservatization of the Battered Women's Movement*  
G. Kristian Miccio  
42 HOUS. L. REV. 237 (2005) (76 citations)
5. *Section 5 Squared: Congressional Power to Extend  
and Amend the Voting Rights Act*  
Pamela S. Karlan  
44 HOUS. L. REV. 1 (2007) (45 citations)

**LONGEST ARTICLES**

1. *Summary Judgments in Texas: State and Federal Practice*  
Judge David Hittner and Lynne Liberato  
46 HOUS. L. REV. 1379 (2010) (165 pages)
2. *The Federal Definition of Tax Partnership*  
Bradley T. Borden  
43 HOUS. L. REV. 925 (2006) (106 pages)
3. *Reconceptualizing the BP Oil Spill  
as Parens Patriae Products Liability*  
Thomas H. Koenig and Michael L. Rustad  
49 HOUS. L. REV. 291 (2012) (102 pages)
4. *The Role of Mental Health Professionals in  
Capital Punishment: An Exercise in Moral Disengagement*  
Donald P. Judges  
41 HOUS. L. REV. 515 (2004) (97 pages)
5. *Doing Well by Doing Good? The Role of Public Service  
in the Careers of Black Lawyers*  
David B. Wilkins  
41 HOUS. L. REV. 1 (2004) (91 pages)



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*BY THE NUMBERS*

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**BOOK**

*A Unified Theory of Copyright*

L. Ray Patterson and Stanley F. Birch, Jr.  
(edited by Craig Joyce)

46 HOUS. L. REV. 215 (2009) (10 chapters)

**DEDICATIONS, TRIBUTES,  
IN MEMORIA, ETC.**

Volume 41, Issue 2 contains a Tribute to Professor G. Sidney  
Buchanan upon his Retirement from Teaching.

Volume 42, Issue 5 contains a Tribute to Professor John Mixon  
upon his 50<sup>th</sup> Year of Teaching.

Volume 46, Issue 3 contains a Tribute to Professor Irene Merker  
Rosenberg upon her Retirement from Teaching.

Volume 47, Issue 2 contains an In Memoriam honoring John  
Maurice O'Quinn.

Volume 47, Issue 3 contains an Introduction honoring Judge  
John R. Brown.

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*ALL THE NUMBERS*

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# ALL THE NUMBERS. . .<sup>1</sup>

As a final contribution to these 50th Anniversary essays,  
the editors present here with a compilation of  
“By the Numbers” from all five of the anniversary essays.

## ISSUES AND PAGES

| Volume | Issues | Pages |
|--------|--------|-------|
| 1      | 3      | 312   |
| 2      | 3      | 428   |
| 3      | 3      | 429   |
| 4      | 4      | 755   |
| 5      | 5      | 1048  |
| 6      | 5      | 1228  |
| 7      | 5      | 751   |
| 8      | 5      | 1002  |
| 9      | 5      | 1122  |
| 10     | 5      | 1214  |

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1. Compiled by *Houston Law Review* Boards 50 and 51.

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| Volume | Issues | Pages |
|--------|--------|-------|
| 11     | 5      | 1322  |
| 12     | 5      | 1202  |
| 13     | 5      | 1106  |
| 14     | 5      | 1137  |
| 15     | 5      | 1233  |
| 16     | 5      | 1301  |
| 17     | 5      | 1068  |
| 18     | 5      | 1123  |
| 19     | 5      | 830   |
| 20     | 5      | 1368  |
| 21     | 5      | 1042  |
| 22     | 5      | 1292  |
| 23     | 5      | 1294  |
| 24     | 5      | 1052  |
| 25     | 5      | 1203  |

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| Volume           | Issues | Pages |
|------------------|--------|-------|
| 26               | 5      | 1048  |
| 27               | 4      | 848   |
| 27A <sup>2</sup> | 1      | 549   |
| 28               | 5      | 1169  |
| 29               | 4      | 1109  |
| 30               | 5      | 2107  |
| 31               | 5      | 1668  |
| 32               | 5      | 1515  |
| 33               | 5      | 1647  |
| 34               | 5      | 1664  |
| 35               | 5      | 1847  |
| 36               | 5      | 1893  |
| 37               | 5      | 1556  |
| 39               | 5      | 1590  |
| 40               | 5      | 1482  |

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2. A.k.a. Robert P. Schuwerk & John F. Sutton, Jr., *A Guide to the Texas Disciplinary Rules of Professional Conduct*, 27A HOUS. L. REV. 1 (1990).

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| Volume | Issues         | Pages |
|--------|----------------|-------|
| 41     | 5              | 1736  |
| 42     | 5              | 1522  |
| 43     | 5              | 1634  |
| 44     | 5              | 1534  |
| 45     | 5              | 1910  |
| 46     | 5              | 1738  |
| 47     | 5              | 1455  |
| 48     | 5              | 1275  |
| 49     | 2 <sup>3</sup> | 562   |
| 50     | 5              | 1598  |

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3. Addressing a long-standing oddity, Board 49 and Board 50's editors, on advice from the Board of Directors and the organization's faculty advisors, recalibrated the numerical publication cycle. At some point in Decade 3, the numerous books and special issues published by *HLR* had created a publication logjam that put the *Review's* issue numbering perpetually "off." Following Board 49's publication of Issue 49:2 (the last of the 1379 pages of its five scheduled issues), Board 50 officially remedied the discrepancy, printing Issues 50:1 through 50:5. Future volumes now will correspond directly to the number of the board printing them.

## MEMBERS, EDITORS IN CHIEF, AND FACULTY ADVISORS

| Board        | Members | Editor in Chief   | Faculty Advisor(s)              |
|--------------|---------|---|---------------------------------|
| 1 (1963–64)  | 14      | Dan G. Matthews;<br>Morley H. White;<br>James H. Whitcomb | A.A. White                      |
| 2 (1964–65)  | 13      | James H. Whitcomb;<br>Thomas S. Hornbuckle                | A.A. White                      |
| 3 (1965–66)  | 22      | Thomas S. Hornbuckle;<br>Marvin David Nathan              | A.A. White;<br>Alan D. Cullison |
| 4 (1966–67)  | 9       | Gerald J. Adler;<br>John M. O'Quinn                       | Alan D. Cullison                |
| 5 (1967–68)  | 12      | James R. Martin   | Alan D. Cullison                |
| 6 (1968–69)  | 10      | Wendell B. Alcorn, Jr.                                    | Alan D. Cullison                |
| 7 (1969–70)  | 11      | Marjorie Caldwell   | Alan D. Cullison                |
| 8 (1970–71)  | 12      | Steven E. Segal   | G. Sidney Buchanan              |
| 9 (1971–72)  | 19      | William W. Wiggins  | G. Sidney Buchanan              |
| 10 (1972–73) | 30      | D. Jansing Baker  | G. Sidney Buchanan              |
| 11 (1973–74) | 30      | Marjorie A. Wilhelm                                       | G. Sidney Buchanan              |
| 12 (1974–75) | 28      | Michael Paul Irvin  | G. Sidney Buchanan              |

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| Board        | Members | Editor in Chief         | Faculty Advisor(s)                                 |
|--------------|---------|-------------------------|--|
| 13 (1975–76) | 40      | Joe P. Martin           | G. Sidney Buchanan                                 |
| 14 (1976–77) | 46      | Nancy Taylor Reed       | G. Sidney Buchanan                                 |
| 15 (1977–78) | 49      | Robert Lynn Pittsford   | G. Sidney Buchanan                                 |
| 16 (1978–79) | 50      | Michael R. Waller       | G. Sidney Buchanan                                 |
| 17 (1979–80) | 41      | Donna Sue Burnett       | G. Sidney Buchanan                                 |
| 18 (1980–81) | 42      | David S. Caudill        | G. Sidney Buchanan                                 |
| 19 (1981–82) | 36      | Claudia Wilson          | G. Sidney Buchanan                                 |
| 20 (1982–83) | 39      | Edward P. Watt          | G. Sidney Buchanan                                 |
| 21 (1983–84) | 39      | Cathleen C. Herasimchuk | G. Sidney Buchanan                                 |
| 22 (1984–85) | 41      | David J. Van Susteren   | G. Sidney Buchanan                                 |
| 23 (1985–86) | 40      | Phyllis G. Schrader     | Irene M. Rosenberg                                 |
| 24 (1986–87) | 49      | Mary G. Henderson       | Irene M. Rosenberg and Laura Oren                  |
| 25 (1987–88) | 48      | Derek Lisk              | G. Sidney Buchanan, Laura Oren, and Mark Rothstein |

| Board        | Members | Editor in Chief        | Faculty Advisor(s)   |
|--------------|---------|------------------------|--|
| 26 (1988–89) | 48      | Hunter H. White        | G. Sidney Buchanan, Irene M. Rosenberg, Laura Oren, and Mark Rothstein |
| 27 (1989–90) | 47      | Tim Moore              | G. Sidney Buchanan, Irene M. Rosenberg, Laura Oren, and Mark Rothstein |
| 28 (1990–91) | 52      | Nicolas J. Evanoff     | G. Sidney Buchanan, Irene M. Rosenberg, and Laura Oren                 |
| 29 (1991–92) | 45      | Jeffrey Thompson       | G. Sidney Buchanan, Irene M. Rosenberg, and Laura Oren                 |
| 30 (1992–93) | 49      | David R. Jones         | G. Sidney Buchanan, Irene M. Rosenberg, and Laura Oren                 |
| 31 (1993–94) | 35      | W. Robert Shearer      | G. Sidney Buchanan, David R. Dow, Seth Chandler, and Robert A. Ragazzo |
| 32 (1994–95) | 38      | Robert J. Sergesketter | G. Sidney Buchanan, David R. Dow, Seth Chandler, and Robert A. Ragazzo |



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| Board          | Members | Editor in Chief          | Faculty Advisor(s)   |
|----------------|---------|--------------------------|--|
| 33 (1995–96)   | 31      | D'Andra Millsap          | G. Sidney Buchanan, David R. Dow, Seth Chandler, and Robert A. Ragazzo |
| 34 (1996–97)   | 34      | J. Kevin Blodgett        | G. Sidney Buchanan, David R. Dow, Seth Chandler, and Robert A. Ragazzo |
| 35 (1997–98)   | 32      | James L. Simmons         | G. Sidney Buchanan, David R. Dow, Robert A. Ragazzo, and Craig Joyce   |
| 36 (1998–99)   | 36      | Matthew C. Rawlinson     | G. Sidney Buchanan, David R. Dow, Robert A. Ragazzo, and Craig Joyce   |
| 37 (1999–2000) | 31      | Laura A. Hanley          | G. Sidney Buchanan, David R. Dow, Robert A. Ragazzo, and Craig Joyce   |
| 38 (2000–01)   | 41      | Nancy R. Kornegay        | G. Sidney Buchanan, David R. Dow, Robert A. Ragazzo, and Craig Joyce   |
| 39 (2001–02)   | 36      | Sydney Gibbs Ballesteros | G. Sidney Buchanan, David R. Dow, Robert A. Ragazzo, and Craig Joyce   |

| Board        | Members | Editor in Chief       | Faculty Advisor(s)  |
|--------------|---------|-----------------------|---|
| 40 (2002–03) | 36      | Andrew M. Miller      | G. Sidney Buchanan, David R. Dow, Robert A. Ragazzo, and Douglas Moll       |
| 41 (2003–04) | 38      | Susan Turcotte        | G. Sidney Buchanan, David R. Dow, Robert A. Ragazzo, and Douglas Moll       |
| 42 (2004–05) | 37      | Laura J. Rees         | G. Sidney Buchanan, Robert A. Ragazzo, Douglas Moll, and Meredith J. Duncan |
| 43 (2005–06) | 41      | Alex B. Roberts       | G. Sidney Buchanan, Robert A. Ragazzo, Douglas Moll, and Meredith J. Duncan |
| 44 (2006–07) | 43      | Christine M. McMillan | Robert A. Ragazzo, Douglas Moll, Joseph Sanders, and Ronald Turner          |
| 45 (2007–08) | 42      | Bryon A. Rice         | Robert A. Ragazzo, Douglas Moll, Joseph Sanders, and Ronald Turner          |

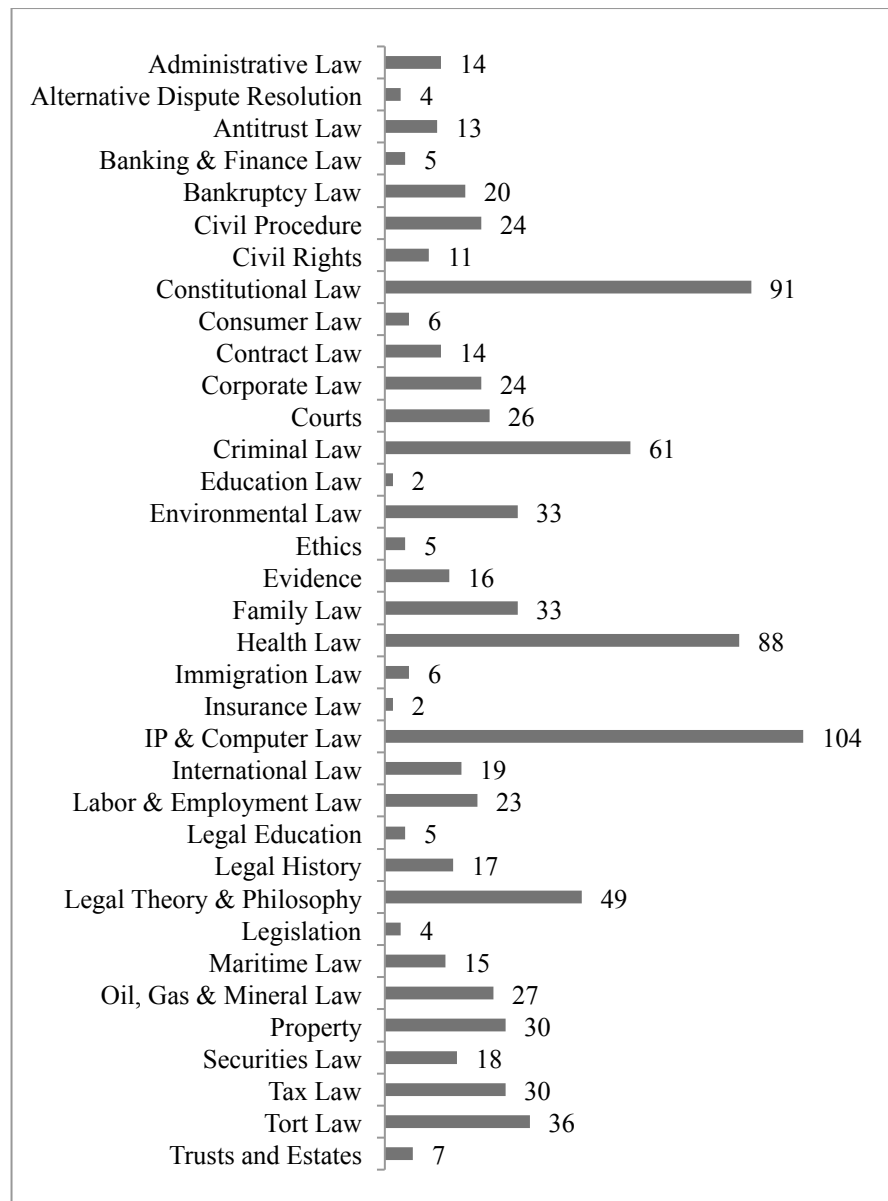
2013]

*ALL THE NUMBERS*

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| Board        | Members | Editor in Chief  | Faculty Advisor(s)   |
|--------------|---------|------------------|--|
| 46 (2008–09) | 40      | Stephanie Cecere | Robert A. Ragazzo, Douglas Moll, Joseph Sanders, and Ronald Turner |
| 47 (2009–10) | 39      | Matthew Salo     | Robert A. Ragazzo, Douglas Moll, Joseph Sanders, and Ronald Turner |
| 48 (2010–11) | 40      | Michelle Gray    | Robert A. Ragazzo, Douglas Moll, Joseph Sanders, and Ronald Turner |
| 49 (2011–12) | 41      | Matthew Hoffman  | Robert A. Ragazzo, Douglas Moll, Joseph Sanders, and Ronald Turner |
| 50 (2012–13) | 48      | Peter Danysh     | Robert A. Ragazzo, Douglas Moll, Joseph Sanders, and Ronald Turner |

## ARTICLE TOPICS



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**MOST PUBLISHED AUTHORS<sup>4</sup>**

1. Jim M. Perdue

(36 works total: 34 book chapters, 2 articles)

2. G. Sidney Buchanan

(31 works total: 9 book chapters, 22 articles and  
other contributions)

3. Craig Joyce

(28 works total: 10 book chapters, 18 articles and  
other contributions)

4. James B. Sales

(23 works total: 21 book chapters, 2 articles)

5. Dwight A. Olds

(14 articles)

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4. Methodological Note: Professionally authored pieces appearing in *Houston Law Review* are described variously as, for example, “articles,” “essays,” “addresses,” “commentaries,” “forewords,” “introductions,” “prefaces,” “prologues,” “epilogues,” “books,” and “chapters.” The category ascribed to an individual piece by *Houston Law Review* does not connote an editorial judgment as to quality.

Nor does length necessarily equate to worth. In the *Review*’s fourth decade, for example, Volume 40:1’s *Occupational Health and Safety Act Symposium* “Foreword” (at 30 pages) rivals the total page count of the lead-off “Address” (12 pages) and one of the featured “Articles” (19 pages) combined. See Sidney A. Shapiro, *Foreword: Occupational Safety and Health: Policy Options and Political Reality*, 31 HOUS. L. REV. 13 (1994), Ralph Nader, *Address: Occupational Safety and Health Act*, 31 HOUS. L. REV. 1 (1994), and Thomas O. McGarity, *Article: Reforming OSHA: Some Thoughts for the Current Legislative Agenda*, 31 HOUS. L. REV. 99 (1994).

In order to achieve a bright-line rule that requires no qualitative or quantitative discrimination among the contributions to the *Review* described above, the editors of *By the Numbers* have simply counted each such professional authored contribution as an “article” for purposes of the present tabulation.

In the same spirit, each “chapter” of a book is treated in this series of essays as equivalent to an “article” for counting purposes. While no books appear in the Decade 4 tabulation above, tabulations in other decades do contain such recitations of chapters contributed. See, e.g., “By the Numbers” in Decade 2, counting 46 works total (40 chapters and 6 articles) by Jim M. Perdue, James B. Sales, and G. Sidney Buchanan in Volumes 11–20. Craig Joyce & Matthew Hoffman, *Carry On Boldly*, 50 HOUS. L. REV. 689, 720 (2012).

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HOUSTON LAW REVIEW

[50:5]

**MOST CITED ARTICLES<sup>5</sup>**

1. *Bringing International Law Home*  
Harold Hongju Koh  
HOUS. L. REV. 623 (1998) (225 citations)
2. *Trademarks and Consumer Search Costs on the Internet*  
Stacey L. Dogan and Mark A. Lemley  
41 HOUS. L. REV. 777 (2004) (168 citations)
3. *Spare the Rod, Spoil the Director?:  
Revitalizing Director's Fiduciary Duty Through Legal Liability*  
Lisa M. Fairfax  
42 HOUS. L. REV. 393 (2005) (124 citations)
4. *The Legislative History of U.S. Air Pollution Control*  
Arnold W. Reitze, Jr.  
36 HOUS. L. REV. 679 (1999) (114 citations)
5. *Revised Article 3: "[Revise] It Again, Sam"*  
Sarah Howard Jenkins  
36 HOUS. L. REV. 883 (1999) (111 citations)

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5. Due to the limitations of the available databases, our numbers reflect only citations that occurred from the early 1980s forward and do not include citations during the 1960s and 1970s.

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**LONGEST ARTICLES**

1. *Copyright in the Dead Sea Scrolls:  
Authorship and Originality*  
David Nimmer  
38 HOUS. L. REV. 1 (2001) (217 pages)
2. *Summary Judgments in Texas: State and Federal Practice*  
Judge David Hittner and Lynne Liberato  
46 HOUS. L. REV. 1379 (2010) (165 pages)
3. *Admiralty Law in the Fifth Circuit—A Compendium  
for Practitioners: II*  
Carl O. Bue, Jr.  
5 HOUS. L. REV. 767 (1968) (159 pages)
4. *Perpetuating Risk? Workers' Compensation  
and the Persistence of Occupational Injuries*  
Emily A. Spieler  
31 HOUS. L. REV. 119 (1994) (145 pages)
5. *Eight Gates for Expert Witnesses [Part I]*  
Judge Harvey Brown  
36 HOUS. L. REV. 743 (1999) (139 pages)

## LONGEST “BOOKS” BY SINGLE OR JOINT AUTHORS<sup>6</sup>

1. *Product Liability Law in Texas*

James B. Sales

23 HOUS. L. REV. 1 (1986)  
(700 pages)

2. *The Law of Texas Medical Malpractice*

Jim M. Perdue

22 HOUS. L. REV. 1 (1985)<sup>7</sup>  
(660 pages)

3. *A Guide to the Texas Disciplinary  
Rules of Professional Conduct*

Robert P. Schuwerk and John F. Sutton, Jr.

27 HOUS. L. REV. 849 (1990)  
(560 pages)

4. *1987 Texas Tort Reform: The Quest for a Fairer  
and More Predictable Texas Civil Justice System*

John T. Montford and Will G. Barber

25 HOUS. L. REV. 59, 245, and 1005 (1988)  
(305 pages)

5. *The Law of Strict Tort Liability in Texas*

James B. Sales and Jim M. Perdue

Co-authored by: Edward J. Cooney, Byron Lee, Lames L. Moore,  
Deborah Watson Rider, Marleen Samea Roosth, and  
Alan Vomacka

14 HOUS. L. REV. 1 (1976)  
(285 pages)

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6. Excluded from this category are works of similar length, such as Newell Blakely et al., *Texas Rules of Evidence Handbook*, 20 HOUS. L. REV. 1 (1983), in which, although the work may have had a coordinator or supervising editor, particular chapters or articles clearly were authored by separate individuals.

7. Jim M. Perdue continued to update the *Texas Medical Malpractice Handbook* even after the publication of the 1985 version, although subsequent versions were not actually published in the pages of *Houston Law Review*. See JIM MAC PERDUE, TEXAS MEDICAL MALPRACTICE HANDBOOK (1989).



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**DEDICATIONS, TRIBUTES,  
IN MEMORIA, ETC.**

Volume 3, Issue 1 contains a Dedication to Newell H. Blakely.

Volume 4, Issue 3 contains a Dedication to the Maurice Frankel  
Foundation and its Board of Directors.

Volume 4, Issues 3 and 4 contain Dedications to Professor and  
Law Librarian Mabel M. Smith.

Volume 5, Issue 1 contains a Tribute to A.A. White.

Volume 8, Issue 1 contains a Dedication to Charles I. Francis.

Volume 9, Issue 1 contains a Tribute to Dwight A. Olds.

Volume 20, Issues 1 and 2 (the first edition of the *Texas  
Rules of Evidence Handbook*) contain a Dedication to  
Newell H. Blakely.

Volume 23, Issue 1 contains a Dedication to Jon Ty Phillips.

Volume 25 (the 25th Anniversary issue)  
contains a Dedication to Newell H. Blakely.

Volume 28, Issue 4 contains a Tribute to Thomas Gibbs Gee.

Volume 28, Issue 5 contains a Tribute to Alvin B. Rubin.

Volume 30, Issues 1 and 2 (the second edition of the *Texas Rules  
of Evidence Handbook*) contain Dedications to Newell H. Blakely  
and Cathleen C. Herasimchuk.

Volume 31, Issue 5 contains an In Memoriam honoring  
Gilbert Lee Finnell, Jr.

Volume 32, Issue 1 contains a Tribute to G. Sidney Buchanan.

Volume 36, Issue 2 contains a Tribute to Justice Raul A.  
Gonzalez upon his Retirement from the Supreme Court of Texas.

Volume 39, Issue 4 contains an In Memoriam honoring  
Yale Rosenberg.

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Volume 41, Issue 2 contains a Tribute to G. Sidney Buchanan  
upon his Retirement from Teaching.

Volume 42, Issue 5 contains a Tribute to John Mixon  
marking his 50<sup>th</sup> Year of Teaching.

Volume 46, Issue 3 contains a Tribute to Irene Merker Rosenberg  
upon her Retirement from Teaching.

Volume 47, Issue 2 contains an In Memoriam honoring  
John Maurice O'Quinn.

Volume 47, Issue 3 contains an Introduction honoring  
Judge John R. Brown.