

ESSAY

CENTERED: THE THIRD DECADE OF *HOUSTON LAW REVIEW*

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As *Houston Law Review* entered the 1980s, the world around it, and *HLR*'s host institution, were changing. The College of Law, recognizing the increasing specialization and diversity of the legal practice, would reinvent itself, too. A new HOUS. L. REV. for a new "Law Center"! Evening and morning of the Third Decade.¹

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* Andrews Kurth Professor of Law, University of Houston Law Center. Matthew Hoffman and I again express our deep gratitude to the student members of Boards 49 and 50 of *Houston Law Review* for their continued diligence, and also their tolerant patience with our style and formatting peculiarities, in making possible this, the third installment of a five-part history celebrating the occasion of the *Review's* 50th Anniversary. Katherine Witty of Board 50 continues to provide invaluable support during the preparation of this essay, as do Board 50's Editor in Chief Peter Danysh, Chief Articles Editor Casey Holder, Managing Editor Cade Mason, and many others. Thanks, as well, to Christopher Dykes of the O'Quinn Law Library staff, and to the Library's Director and Deputy Director, Spencer Simons and Mon Yin Lung. Mr. Hoffman and I are grateful also to Hon. Cathleen Cochran (Herasimchuk) (Board 21), Derek Lisk and Joe Tixier (Board 25), Hunter H. White (Board 26), and Robert J. Sergesketter and Hon. Jeff Brown (Board 32), all of whom contributed to the present essay and were offered the opportunity to save the authors from error, if they could. Not least among those to whom we are indebted, Mr. Hoffman and I express our profound appreciation to *all* the members of Boards 21–30, who actually *lived* the story that we have tried here to recount.

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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VOILA, A LAW CENTER!*Law, Law, and More Law*

It will come as no news to those who lived through the era that, by the mid to late twentieth century, the increasing complexity and expanding horizons of American law had pushed American lawyers to narrow their practices as never before.² Perhaps it was not inevitable (to judge by faculty lounge discussions of the era) that law schools would follow suit, but they did.

Indeed, by the beginning of *Houston Law Review's* Decade 3, the "most important development in legal scholarship" was "specialization of interest."³ The "tension between writing and teaching"⁴ that had come to a head during the *Review's* early years⁵ was such that, by the mid-1980s, "the dominant ideology of the traditional law school community [was] fraying at the edges."⁶

In 1983, just as *HLR* was beginning its third decade, Yale law professor George L. Priest, in *Social Science Theory and Legal Education: The Law School as University*, described the dynamic between teaching and theorizing "as the scholar becom[ing] more theoretically sophisticated, [while] law teaching in the standard form becomes increasingly remote from his work."⁷ Within the legal academy, "new breeds of professor and student [were] altering the way the law [was] taught. In response to the growing complexity of legal practice, faculties [were] also becoming increasingly specialized."⁸

Accordingly, Priest called for a philosophical shift in the way law schools were structured and the way students were taught. Under Priest's "Enlightenment," law schools would be structured more like universities, with standard introductory courses followed by classes "of increasingly narrow scope."⁹ Specialization would arrive shortly, with a vengeance, in legal academia.

Today, thirty years after Priest's article, the changed legal landscape wrought by the recent recession (particularly, revised hiring objectives among some of the nation's biggest law firms) has led one commentator to opine in the *New York Times* that "[t]he twilight of the generalist law degree is here."¹⁰ As the history below demonstrates, the University of Houston Law Center had long since recognized and embraced this decades-long developing reality.

A Law Center, Anyone?

By the beginning of *Houston Law Review's* third decade in 1983–1984, its host institution had ceased to grow physically,¹¹ but the scope of its ambition, reflecting increased subject matter specialization in the practice of law beyond the school's cloisters, had not. The College of Law would need to redefine—and, indeed, to rename—itsself.

Faculty Hiring. The process of “centering” the College of Law—that is, of encouraging specialization among its faculty, in their scholarship and in the school's curriculum, and through changes in institutional structure—had begun during the *Review's* Decade 2.

The hiring of faculty members who would create and run the institutes, centers, and programs of Decade 3 actually dated to the 1970s, which had produced the appointments of, among others, Richard Alderman (specializing in consumer law), John Jay Douglass (criminal prosecution), Richard F. Dole, Jr. (commercial and trade secret law), Gilbert L. Finnell, Jr. (land use and environmental law), James B. Gambrell (intellectual property law), Raymond T. Nimmer (commercial, bankruptcy, and computer law), Michael A. Olivas (higher education law and governance), Jordan Paust (public international law), Ira B. Shepard (tax law), Jacqueline Lang Weaver (oil and gas law), and Stephen Zamora (private international law).

Decade 3 itself produced 25 more faculty hires. What follows is a partial list of those appointments, indicating both the specialization of each faculty member (as it would relate later to the institutes, centers, and programs which came to the fore during *HLR's* third decade), as well as other services rendered to *Houston Law Review* by the new hires:

David R. Dow (constitutional law): 3 articles in *Hous. L. Rev.*, 11 years as *HLR* Faculty Advisor

Craig Joyce (copyright law): 4 book chapters and 14 articles, 5 years as Faculty Advisor

Peter Linzer (constitutional law): 2 articles

Laura E. Oren (family law): 3 articles, 6 years as Faculty Advisor

Robert Ragazzo (corporate law): 1 article, 20 years as Faculty Advisor

Laura Rothstein (health law): 1 article

Mark Rothstein (health law): 3 articles, 3 years as Faculty Advisor

Joseph Sanders (tort law): 1 article, 7 years as Faculty Advisor

Sandra Guerra Thompson (criminal law): 1 article

Other outstanding appointments of the period who contributed significantly to the formation of specialized programs during Decade 3 included: Mary Anne Bobinski, Seth Chandler (a 4-year faculty advisor to *HLR*), and William Winslade in health law; William Streng and Richard Westin in tax law; and Gary Conine, Sanford E. Gaines, and Karl Rabago in environmental, energy, and natural resources law.¹²

As will appear shortly, the hiring of the Decade 3 faculty members, together with the carry-over of specialists from appointments during Decade 2, would lay the foundation for the official rechristening of UH's erstwhile College of Law as the new "University of Houston Law Center" in the 1980s.

A "Law Center," Officially!

On the eve of Decade 3, the College of Law changed its name, both to reflect what it already had become and to position itself for the future. The developments that the name change made "official" would have profound impacts on *Houston Law Review* going forward.

The announcement of the change was compact and efficient. The May 1982 issue of *Briefcase*, published by the Law Alumni Association, noted simply that the revision had been approved by the University of Houston Board of Regents the preceding January at the behest of Dean Robert L. Knauss, himself a 1981 hire and a former dean at Vanderbilt:

[T]he new designation more accurately describes not only the expanded physical facilities at the law school but also the growing involvement of the law school in areas of a broader nature than in years past.

The University of Houston Law Center now encompasses the basic J.D. program, the Continuing Legal Education Program, the Energy Studies Program, the National College of District Attorneys, and the College of Criminal Defense. The Law Center also supports a Mexican Legal Studies Program as well as operating a Health Law Institute with the University of Texas Health Science Center.¹³

In short, the institution had not only recognized what it had become but also proposed to do more of the same, only better.

As a bonus, the 1982 announcement also disclosed to a waiting world the new Law Center's new seal:

The new seal of the University of Houston Law Center is composed of three martlets above an opened text emblazoned with the Latin word for law, LEX. The martlet, a gentle Lowlands bird, symbolizes peace and deliverance. Martlets appear in the University of Houston seal which has as its genesis the coat of arms of General Sam Houston who claimed descent from an eleventh century Norman knight, Sir Hugh of Padavan. Having acquired both a new name and seal, . . . the Law Center has now completed the preliminary steps toward proving itself one of the nation's foremost legal institutions.

Gentle Lowlands birds. Peace and deliverance. Knights. Sam Houston. Who knew?

The LL.M. Program

A not incidental part of the Law Center's transformation during the 1980s (although it paled in comparison with the impacts of the specialty programs on *Houston Law Review*) was an expansion of the curriculum to include a Master of Laws (LL.M.) Program. The dates of creation of the various LL.M. concentrations, together with the concentrations' current titles, are: Energy, Environment & Natural Resources Law (1983); International Law (1983); Tax Law (1983); Health Law (1991); and Intellectual Property & Information Law (1994).¹⁴ While candidates for degrees in the foregoing Master of Laws concentrations are ineligible for *HLR* membership, the LL.M. Program nonetheless supports *Review* operations indirectly by expanding the Law Center curriculum in these specialized areas. Enhanced curricular offerings in the subject fields in turn attract to the Law Center professors and students focused on these areas of study, thereby feeding to *Houston Law Review* both scholarship by UHLC faculty members and their academic peers from around the world and student members with specialized aptitudes in IP, health law, etc.

Institutes, Centers, and Programs

The centerpiece of the changes wrought in the Law Center's mission and mindset during Decade 3 was a continual expansion and enhancement of its specialty program offerings, always accompanied by the continued strength of the school's basic J.D.

program. The history of UHLC's institutes and centers has, however, received scant attention.

One of the programs—what began as the Computer Law Institute in 1985¹⁵—was joined by the companion Intellectual Property Law Institute in 1991, and combined with the latter to form the current Institute for Intellectual Property & Information Law (IPIL) in 1999. IPIL just recently has received at least limited treatment elsewhere¹⁶ (and will merit further attention in the Decade 4 narrative).

By far the dominant institute of Decade 3, however, and a powerhouse well beyond those years—one might even venture to describe it as “the 800-pound gorilla of the specialized programs” if certain that the characterization would be taken admiringly, as it is meant, rather than as an unfortunate contrast with the “gentle Lowlands birds” so recently referenced—was what came to be known, after a 1986 name change, as the Health Law & Policy Institute (HLPI or Health Law). From the mid-1980s forward, the Law Center's Health Law program, thanks to dynamic leadership, dedicated faculty, staff, students, and local supporters, and enthusiastic encouragement by Law Center and University of Houston administrators and the Texas State Legislature, has produced an unequalled display of sustained excellence in its field.

The University of Houston's interest in health law stretched back to the beginning days of *Houston Law Review*. Even as a young professor, John B. Neibel (whose construction and expansion of the new College of Law buildings in 1969 and 1975 had so greatly influenced the size of *HLR*'s membership and the scope of its ambitions¹⁷) had held a special interest in teaching and studying law and medicine. Indeed Neibel's article, *Implications of Robinson v. California*,¹⁸ concerning drug addiction as a problem for law and society, had graced the first pages of the *Review*'s very first issue back in 1963.

Interest in expanding UH's law-and-medicine connections continued into the mid-1970s. The interactions included, particularly, conversations between College of Law administrators and Dr. Margery W. Shaw, a world-renowned geneticist at the University of Texas Health Science Center's School of Public Health in Houston—who also happened to hold a 1973 UH law degree. Initial organizational efforts failed, however, due to personnel issues, until in 1978 the College of Law formally created a Health Law Institute, with Shaw herself coming on-board as its first director the following year.¹⁹

As originally designed, the Health Law Institute was housed at the UT Health Science Center and had little to do with the University of Houston. After Shaw's departure as director in 1981, the Institute had two additional short-term directors, both also from the Health Science Center. By 1985, neither UT nor UH seems to have been particularly satisfied with the Institute's arrangements or progress.

Happily, the 1985–1986 academic year at the Law Center featured a year-long visit to Houston by health law specialists Mark Rothstein and Laura Rothstein. J.D. graduates from Georgetown University, they were then teaching at West Virginia University, where Mark Rothstein directed an interdisciplinary program at the law and medical schools.

In 1986, the Rothsteins accepted offers to join the University of Houston Law Center faculty. The existing Health Law program was renamed the Health Law & Policy Institute, with Mark Rothstein as its first director. The Institute's ties with UT were severed, with what had been a rocky marriage becoming a most amicable divorce when the two institutions shortly thereafter renewed their partnership to create a new Doctor of Jurisprudence/Master in Public Health degree.

All operations moved to the University of Houston campus. The Golden Age of Health Law at the Law Center had begun.

What followed during the remainder of Decade 3 (and indeed through the year 2000,²⁰ when Health Law's direct association with *Houston Law Review* through the latter's publication of annual Health Law Symposia issues—as described below—ended) was a dazzling display of program building. Through a series of multi-year plans, the Health Law & Policy Institute created, for example, not only its J.D./M.P.H. with the University of Texas Health Science Center in Houston, but also a J.D./Ph.D. (in medical humanities and bioethics) with the UT Medical Branch at Galveston, an LL.M. in Health Law at the University of Houston, and numerous other cutting-edge academic programs, including a Health Law Clinic, an intersession course every January, and a Semester-in-Houston opportunity allowing students at other law schools to spend time in Houston focused on the study of the Law Center's greatly expanded health law curriculum. Grants from the National Institutes of Health, and special-item appropriations by the Texas State Legislature for in-depth critical-issue reports regularly published by Institute researchers, followed.

In 1994, HLPI students took first place in the National Health Law Moot Court Competition, and, in its influential

rankings of specialized programs in law, *U.S. News* recognized HLPI itself as the #1 health law program in the nation (a distinction of which the program would retain almost exclusive possession during the Rothsteins' entire remaining stay in Houston).²¹

At the core of HLPI's non-degree based activities, however, was scholarship—and, specifically, scholarship published through *Houston Law Review*. Beginning in 1987, the Institute and the *Review* collaborated almost annually on what became an extensive series of twelve symposium issues. The symposia featured their share of prominent political figures,²² but more importantly they presented the output of the very finest health law scholars in the United States and from around the world in the pages of *Houston Law Review*. A full listing of the symposia by year appears in the notes,²³ and a summary of their contents and importance follows in the text hereafter. In academia as in life, however, nothing is forever.

In 2000, prompted by a series of mutual concerns,²⁴ but mostly by the desire of the burgeoning population of students attracted to the University of Houston by health law studies, the Institute decided to strike out on its own by launching, as a vehicle for health law scholarship and as a training experience of interested UHLC students, a new student-edited journal: *Houston Journal of Health Law and Policy*.²⁵

By then, however, the Health Law and Policy Institute, as one of the first and certainly the strongest of the early institutes, centers, and programs, already had made an enormous and irreversible contribution to the people and institutions around it. More than any other development during the “centering” of the University of Houston's former College of Law, the Health Law Symposia series brought the Law Center, and *Houston Law Review*, the dramatically enhanced national standing each had long sought.

The Center and the Review

The institutional changes impacting the law school during the *Review*'s third decade also brought about change in the way *HLR* did business. Structurally, logistically, and financially, the *Review* took steps to professionalize further what was becoming a leading national law journal. As a reflection of the sound decisionmaking of Decade 3's student editors, faculty advisors, and directors, many of the decisions made then remain in place two decades later.

Perhaps no change was bigger in Decade 3 than the watershed decision by Board 21 to allow part-time students membership on the *Review* for the first time.²⁶ By no coincidence, membership numbers on the *Review* began to grow as the decade progressed, increasing from 39 on Board 21 to 48 by Board 25,²⁷ when HLR celebrated its 25th Anniversary.²⁸ By Board 30's arrival, 35 3L editors were on the masthead.²⁹

Board 21 also brought about the resurrection of the Houston Law Review Alumni Association (HLRAA). As initially reconstituted, one of the primary purposes of HLRAA was to coordinate the creation of a summer scholarship program, which debuted in 1984.³⁰ The fund's purpose was "[c]ompensation for editors with summer work restrictions"—those editors who forewent summer work with law firms in favor of editing in the basement would be compensated for their service.³¹ Initial pay amounted to slightly more than a few hundred dollars per week, funded in part by familiar donors: Vinson & Elkins, Baker Botts, Fulbright & Jaworski, Mayor Day, Weil Gotshal, and more.³² To facilitate cooperation between HLRAA, local law firms, and the *Review*, the position of Alumni Developments Editor was created as a liaison by Board 22.³³

A number of important developments also were underway on the notes and comments side of the *Review*. *HLR's* student editors implemented structural mechanisms throughout Decade 3 to increase writing efficiency and article quality among the 2L members. To stay abreast of recent and relevant developments in law, the position of Legal Developments Editor was instituted by Board 20 and remained in place throughout the next eight years to assist second-year students in the selection of their paper topics.³⁴ By Board 24, the editors had initiated revised writing procedures to include strict requirements: (1) topic proposals (taking full advantage of the Legal Developments Editor's talents); (2) an initial outline; (3) a first draft; and (4) the final draft.³⁵ And just in case any student strayed from the deadlines, additional penalties were levied to avoid tardiness in submission.³⁶ Overall, the changes proved to be effective and long-lasting, as the same basic note and comment publication procedure remains intact to this day.

Technology also began to play a more prominent role in the *Review's* logistics throughout the decade. *HLR's* publisher donated word-processing equipment to Board 21, which benefited operations by "eliminat[ing] costs at the page and galley stages of the publication process and cut[ting] down significantly on turnaround time."³⁷ Of concern to Board 21's Editor in Chief was the "slow" transition to utilization of the machine: the word-

processing technology of 1983 evidently required a degree of technical know-how not necessarily present in the basement.³⁸ (Later in the decade, Bracewell & Patterson offered to assist with additional word-processing services through their offices, apparently to alleviate the bottleneck created by the dearth of high-tech proficiency among the student editors.)³⁹

By the spring of 1987, HLRAA had purchased two new computers for the *Review's* benefit, allowing for direct connectivity that cut out the Federal Express middleman during the publication cycle.⁴⁰ That fall, the students of Board 25 abandoned the "time honored system of indexing each volume by means of index cards in favor of a computer system that will be largely automatic."⁴¹ Subsequent years brought *HLR's* acquisition of an electronic Westlaw terminal (spring 1988),⁴² a refrigerator for the office (spring 1989),⁴³ the publication of all *HLR* articles in Westlaw's electronic database (spring 1991),⁴⁴ the utilization of modern desktop publishing software (summer 1991),⁴⁵ renovated offices (fall 1992),⁴⁶ and a modernized computer lab, complete with new computers, a fax machine, and laser printers (spring 1993).⁴⁷

Increasingly sophisticated scholarship, larger membership numbers, more efficient organizational procedures, and a higher degree of technological proficiency than previously thought possible—what perturbation could have possibly thrown a wrench in the increasingly well-oiled *HLR* machine?

Finances, of course.

Late in Decade 2, higher publishing costs and reduced school funding had taken a toll: the *Review's* balance sheet was showing red. In response, Associate Dean Raymond T. Nimmer had given marching orders that the *Review* must develop a source of private funding for its daily operations. A temporary (but substantial) reprieve came quickly, as the first edition of the perfectly timed *Texas Rules of Evidence Handbook* almost miraculously filled the financial void. Barely a year into publication, the *Handbook* had sold 2,600 copies for total revenue of \$122,000.⁴⁸ Ultimately, thousands of additional copies would sell, generating nearly \$200,000 for the *Review*, which accounted for more than 80% of the endowment funds relied upon to fund operations.⁴⁹

In the years following the *Handbook's* publication, however, the *Review's* ambition, which had led to the publication of multiple large books⁵⁰ and special issues and which had brought greater recognition of *Houston Law Review* in the Texas and national legal communities, had led also to renewed financial hardship.⁵¹ With multiple boards publishing nearly twice the

number of pages per volume as in prior years, the production of larger and larger volumes “had imposed a great financial strain on the *Review*.”⁵² Midway through Decade 3, with rising costs and funding from the school trickling away, Chairman of the Board Jan Baker was prompted to warn at the fall 1985 Board Meeting: “[T]he *Review* is on a dangerous path.”⁵³

Happily, by Decade 3’s conclusion, the skies over *HLR*’s finances would brighten yet again. Coming to the rescue once more was the *Evidence Handbook*, this time with the printing of its second edition. (See below for more information on “Cathy Cochran’s *Evidence*.”) By the end of the decade, *HLR*’s hand-to-mouth worries had been eliminated through good planning and good fortune. So financially successful was the *Handbook* that the incumbent dean, Robert L. Knauss, perhaps on the theory that no good deed should go unpunished, set as a goal for the *Law Review* that it become fully self-sufficient⁵⁴—maybe a long shot early in Decade 3, but an accomplished reality in 2013.

BAMBI MEETS GODZILLA

As *Houston Law Review* moved from the “teenagerhood” of Decade 2 into the challenges of “twenty-somethingness” in Decade 3, many young-adult crises of identity and going-forward choices loomed. With apologies⁵⁵ to a fellow member of the academy, see Stewart Macaulay, *Bambi Meets Godzilla: Reflections on Contracts Scholarship and Teaching vs. State Unfair and Deceptive Trade Practices and Consumer Protection Statutes*, 26 HOUS. L. REV. 575 (1989), it seems useful to appropriate a portion of his title here. “Bambi Meets Godzilla” describes aptly the difficulties faced by *Houston Law Review* as the happy intentions of its “Carry on Boldly” era gave way to the realities of ratcheting up the *Review*’s ambitions to accommodate the increased complexity of legal practice and scholarship and the galloping diversification of the new Law Center’s faculty and institutional structures, including its specialized institutes, centers, and programs.

Nonetheless, as *HLR* made the transition from its Bambi days to its Godzilla days, evidence abounds in the pages of the *Review* that the organization was continuing its upward trajectory. Familiar faces returned in Decade 3, as the *Review*’s dedicated faculty advisor, G. Sidney Buchanan, led off for the hometown journal in Volume 21⁵⁶ and Board 21 Editor in Chief Cathy Herasimchuk authored Volume 30’s update to the *Texas Rules of Evidence Handbook*. The *Review* published its first-ever lecture series and a mutually beneficial relationship with the

nascent Health Law Institute began to emerge. Meanwhile, *HLLR* fostered its commitment to publishing relevant content for the Texas bar while simultaneously attracting the best and the brightest authors from the national academic community.

Business as Usual: A Potpourri

Before there was the Frankel Lecture Series of Decade 4, the Annual IPIL Symposium Issues of Decade 5, or even the Butler & Binion Lecture Series of the mid-1980s,⁵⁷ the *Review's* prestige hinged not only on the growing number of themed issues filling its pages,⁵⁸ but just as importantly on the contributions of the authors who published with *HLLR* outside of a symposium, special project, or themed issue of any kind. *HLLR*, by its own merits, was attracting top-notch authors. The presence of these authors, whom the editors worked tirelessly to recruit, lent credibility to *Houston Law Review* and contributed to the creation of an academic environment that would be necessary for future symposia and lectures to take off.

The authors of Volume 24 exemplify the impact. Although the jewel of the volume appeared in Issue 1, which included some of the top legal minds in America participating in an environmental law conference (see the detailed participants in *Beyond Just "Themed Issues"* below), contributions from nonconference participants in subsequent issues included professors from Rutgers, North Carolina, and Cincinnati.

One measure of a law review's success is the company its published authors keep. By that measure, *HLLR* was firmly seated at the grown-ups' table by midway through its third decade. In Volume 24, for example, Professor Earl Maltz of Rutgers published *Reconstruction Without Revolution: Republican Civil Rights Theory in the Era of the Fourteenth Amendment*.⁵⁹ He was joined by Cincinnati law professor James T. O'Reilly's *Biotechnology Meet Products Liability: Problems Beyond the State of the Art*.⁶⁰ Shortly before Maltz's publication with *HLLR*, he had appeared in *Texas Law Review*, and immediately after his Volume 24 article, he went on to publish with the law reviews at Duke and North Carolina. Similarly, O'Reilly's immediately preceding and following scholarship took him to the law journals at Vanderbilt, Ohio State, Harvard, Yale, and Cornell. *Houston Law Review* was in good company indeed.

Texas-Based Scholarship

As Decade 3 rolled on, however, the institutional goals of *Houston Law Review* would be reexamined continually. Much of

“business as usual” would, of course, go on as before: quality law reviews always have room for quality articles, including, for example, articles by leading jurists. In Volume 22, Judge David Hittner, then of the 133rd Civil District Court of Harris County, but now a prominent judge of the U.S. District Court for the Southern District of Texas, published *Summary Judgments in Texas*,⁶¹ offering a comprehensive explanation and analysis of the procedures for summarily terminating cases under Texas law.⁶² In Volume 28, Judge Caroline Dineen King, of the Fifth Circuit Court of Appeals, contributed a *federal-law* parallel to Hittner’s article in *A Matter of Conscience*, calling for an examination and resolution of the many problems facing the federal judiciary.⁶³

The contrast here is instructive: both pieces were authored by esteemed Texas judges, but there is emphasis, as the decade progresses, not just on Texas law (meant to serve the local bar in highest-quality fashion but also, and not unimportantly, to educate the student editors of *HLR* on practical matters which many of them were likely to face as lawyers), but on law beyond Texas as well. How to get the balance right?

This was precisely the question that the *Review*’s leadership—on both the Board of Directors and the Board in the Basement—had to face front and center in 1987, when another prominent Texas-based law review apparently announced a policy decision of no longer publishing articles relating solely to Texas-based jurisprudence.⁶⁴ *HLR*’s Articles Department, during the fall Board of Directors meeting, summarized the *Review*’s article selection policy going forward as such: “[We are] moving aggressively to develop articles of significant scholarly value . . . [while] also emphasizing development in Texas law.”⁶⁵ Particularly illustrative of how that policy would be implemented are the following instances from the period immediately following the 1987 meeting.

In 1990, UH’s Robert Schuwerk published his massive 574-page *A Guide to the Texas Disciplinary Rules of Professional Conduct*—nominally Volume 27A, but practically the fifth issue of Volume 27. An ambitious undertaking for the editors and a considerable logistical challenge due to its sheer size,⁶⁶ Schuwerk’s *Guide* was nonetheless a significantly valuable contribution to Texas lawyers, which Texas Supreme Court Justice Eugene A. Cook described as follows: “[A] fine practical guide to our rules . . . , it assists us in our efforts to educate all our lawyers about changes in the rules, the goals we strive for in adopting them, and the practical effect they have on the daily practice of law.”⁶⁷ Yet, for all of its utility to the bar, the *Guide*

would be one of the *very last* volumes devoted exclusively to Texas law published by *Houston Law Review*.⁶⁸

Bookending Schuwerk's *Guide* chronologically were articles on a topic of perennial interest in *Houston Law Review*—tort law, but particularly medical malpractice law⁶⁹—which again illustrated the direction that the tide was moving in *HLR* scholarship.

In 1988, Texas State Senator John T. Montford and prominent Austin litigator Will G. Barber published their three-part series, *1987 Texas Tort Reform: The Quest for a Fairer and More Predictable Texas Civil Justice System*,⁷⁰ considering recent tort reform legislation enacted by the Texas Legislature during the preceding session. As their articles' titles suggest, Montford (who had been the principal author of the 1987 tort reform package) and Barber (who had served as special tort reform counsel during the legislation's drafting) were celebratory of prospects for the efficacy of the new legislation and focused exclusively on Texas law.

In 1990, however, *HLR* would offer a subtle corrective, this time with national reach, by two members of the University of Houston Law Center faculty. In "*Off to the Races*": *The 1990s Tort Crisis and the Law Reform Process*,⁷¹ Joseph Sanders and Craig Joyce, spring boarding off further legislation enacted by the 1989 Texas Legislature,⁷² undertook a full-bore examination of tort reform efforts throughout the United States.⁷³ Ostensibly a "Texas" piece, "*Off to the Races*" took *Houston Law Review* fully national on a subject of widespread concern among academics, practitioners, and the public at large—and became the most frequently cited article of Decade 3.

Thus, even as *HLR* reaffirmed its long-standing institutional policy of simultaneously serving Texas lawyers (and lawyers in training), it continued moving forward with individual articles of national significance. Alongside these developments, however, the afore-described increasing specialization in American law practice and academic scholarship nationally would necessitate change not just in the mix of individual pieces accepted for publication, but also a fundamental transformation in the *Review's* contents that would become one of the most important developments in the institution's history: the emergence of annual lecture and symposium issues.

Beyond Just "Themed Issues"

The beginnings of *Houston Law Review's* gathering reliance on "themed issues" is described at length in *Carry on Boldly*, the

immediately prior episode in this series of essays.⁷⁴ What happened next in Decade 3, however, might aptly be described as growth “on steroids.”

President Gerald Ford ushered in Decade 3’s first of many “special” articles with his remarks, *The White House and Congress: Congressional Restraints on Presidential Authority*, which served as the inaugural address for the Butler & Binion Lecture Series.⁷⁵ A former Chief Executive publishing in the *Houston Law Review* was cause enough for widespread celebration. But Ford’s presence foreshadowed something larger: what followed was a decade that saw the *Review*’s first-ever lecture series (Butler & Binion), the reinvigoration of the Law Center’s Health Law Institute (which would lead to numerous symposium issues published in *HLR*), a budding relationship between *HLR* and the Law Center’s newly formed IP Institute, and the continued prominence of issues concerning energy and environmental law.

Justice Antonin Scalia notably contributed to Volume 24’s *Conference on Rethinking Tort and Environmental Liability Laws: Needs and Objectives of the Late 20th Century and Beyond*.⁷⁶ Joining Scalia were some of the nation’s leading experts in the field, including keynote speaker and former EPA Administrator William D. Ruckelshaus, former U.S. Deputy Attorney General Carol Dinkins, and Professors George L. Priest of Yale, Robert L. Rabin of Stanford, Alan Schwartz of Southern California, and John W. Wade of Vanderbilt, among others. Just four years after publishing a U.S. President, the *Review* published a Supreme Court Justice, high-ranking federal government officials, and professors from Stanford, Yale, Vanderbilt, and Southern California. Other symposia would produce similarly astonishing results.

The subsequent iterations of the Butler & Binion Lecture Series produced articles by Griffin B. Bell,⁷⁷ former Attorney General of the United States and Fifth Circuit judge, and Lawrence Walsh, former Independent Counsel for the Iran–Contra Investigation, Personal Representative to President Nixon at the Paris Meetings on Vietnam, and Deputy Attorney General of the United States.⁷⁸ But above all, perhaps the biggest development of the decade was the publication in *HLR* of issues tied to the newly revived Health Law & Policy Institute.

Mark Rothstein’s introductory “commend[ation] [to the editors] for a fine inaugural Health Law Issue,”⁷⁹ ushered in numerous academics and health-law practitioners—all at the top of their fields—who would go on to publish in the dozen Health Law Symposia issues printed by *HLR* over the next twelve years.

The list of Health Law authors during Decade 3 is too long to recite in full, but a sample of the authors' backgrounds reveals the caliber of professionals whom the new institute attracted.

Among law professors, Harvard, Yale, North Carolina, Vanderbilt, Washington University, Ohio State, Maryland, Chicago-Kent, and Indiana all were represented. In Volume 25's introductory symposium, Jay Katz of Yale authored *Reflections on Teaching Law & Medicine* and Timothy Stoltzfus Jost of Ohio State contributed *The Necessary and Proper Role of Regulation to Assure the Quality of Health Care*.⁸⁰ In Issue 1 of Volume 26, Kenneth R. Wing of North Carolina introduced the symposium by discussing the central problem of "trying to contain costs and maintain the quality and accessibility of health care,"⁸¹ and Karen H. Rothenberg of Maryland wrote *Who Cares?: The Evolution of the Legal Duty to Provide Emergency Care*.⁸² Later in Volume 26, Merton C. Bernstein of Washington University and Howard Eglit of Chicago Kent respectively (and presciently, given today's own national discourse on health care) published *Viability of Social Security and Medicare in an Aging Society* and *Health Care Allocation for the Elderly: Age Discrimination by Another Name*.⁸³ Rounding out the decade, the early 1990s brought Eleanor D. Kinney of Indiana publishing *Legal and Ethical Issues in Mental Health Care Delivery: Does Corporate Form Make a Difference?* and Ellen Wright Clayton of Vanderbilt contributing *Screening and Treatment of Newborns*.⁸⁴

Beyond the professors, the stellar resumes of the policymakers and practitioners who published as part of the annual Health Law Symposia reveal a staggering "who's who" of some of the top healthcare decisionmakers in the United States: Joseph A. Califano, Jr. (President Carter's Secretary of Health, Education and Welfare and LBJ's Special Assistant for Domestic Affairs), Jane Perkins (Director of the Los Angeles-based National Health Law Program), Mayor Henry Cisneros (of San Antonio), Larry Gostin (Executive Director of the American Society of Law and Medicine and professor of law and public health at Harvard), and Dan W. Brock (professor of philosophy and biomedical ethics at Brown), among others.⁸⁵

The content of the symposia was diverse and nationally relevant. Cost allocation, resource distribution, mental health, euthanasia, regulation, caring for an aging population, law and ethics—the Institute ensured a broad range of topics for the abundantly qualified participants. Health care was thus front and center in the latter half of Decade 3. But "themed issues" that were *not* necessarily the product of a symposium, conference, or lecture remained as well. None was more vital to

the *Review's* continuing growth and success than the revised *Rules of Evidence Handbook*.

Cathy Cochran's Evidence

Cathleen Cochran (Herasimchuk)⁸⁶ began the decade as an *HLR* student editor and closed it out with a thorough revamping of one of the most important pieces of scholarship ever published by *Houston Law Review*. From student to scholar in only a decade, Cathy Cochran was the principal author of Volume 30's second edition of the *Texas Rules of Evidence Handbook*, which encompassed that volume's Issues 1 and 2.

Cochran's presence was particularly appropriate, given her pupilage under Newell Blakely (the driving force behind and compiler of the *Handbook's* first edition)⁸⁷ during her time as a student.⁸⁸ Volume 30 contained two dedications. One, not surprisingly, was in the nature of a farewell tribute to Blakely.⁸⁹ The other was to Cochran for "complet[ing] this project of some 1200 pages of writing with unfailing grace and skill."⁹⁰

She earned the recognition the old-fashioned way: through toil and devotion. Two years earlier, Board 28's Publications Editor had reported to the Board of Directors, during the fall 1990 Board meeting, that "Cathy Herasimchuk plunged into this project with vigor."⁹¹ The *Review's* dedication similarly recognized her "Herculean effort, unwavering application, and outstanding ability."⁹²

Already known in Texas legal circles as "Ms. Evidence," Cochran not only rewrote the original handbook's commentary on the civil rules of evidence but added to its second edition a complete analysis of the state's criminal rules of evidence.

The importance of Cochran's ultimate production cannot be overstated. Most obviously, the second edition of the *Handbook* helped ensure that one of *HLR's* important ongoing functions—service to the Texas bar—would not abate.

In addition, however, there was the ever-present bottom line to consider. Published as Issues 29:1 and 29:2 to "spread the cost over two issues,"⁹³ the *Handbook* constituted the greatest financial windfall of *Houston Law Review's* young life. The new edition served (as had its predecessor) to reinforce powerfully the stream of externally sourced income that the *Review* had long known (and long been told)⁹⁴ it would need to "live long and prosper."⁹⁵

In one of the great ironies of *HLR* history, it was Newell Blakely, having as dean refused to fund the start-up of *Houston Law Review*,⁹⁶ who in time infused the proceeds of the original

Handbook at the close of Decade 2⁹⁷ and, through the publication of the *Handbook's* second edition under the leadership of his protégé, Cathy Cochran, ultimately assured the long-term funding of *HLR*—or, at least, of ongoing operations.⁹⁸ That, according to Cochran, always was Blakely's intent: "to make the law review eventually, over time, completely independent [financially] from the law school."⁹⁹

And so it came to pass. In 1998, the Jones McClure publishing company (led by recently retired First Court of Appeals Judge Michol O'Connor, UHLC Class of 1973 and author of the most cited article during *HLR's* second decade¹⁰⁰) requested that Cochran undertake yet another revision of the *Handbook*. According to the agreement worked out by Cochran, Jones McClure, and *HLR*, the *Review* would continue to reap "the lion's share of the royalties . . . but they wouldn't have to do the work."¹⁰¹

Really, what could have been better? By the end of Decade 3, through the combined good offices of Cathy Cochran and Newell Blakely, *Houston Law Review* had found a way to shore up its finances, continue to serve the Texas bar, and free up its student editors to attend more fully to the national scholarship which would become its greatest strength in the decades to come.¹⁰²

* * *

Just as the new University of Houston Law Center was finding its way toward its current structure, which supports nationally leading institutes, continues to excel at traditional legal education, and adapts itself to new challenges in the practice marketplace, so too *Houston Law Review* in its third decade struggled to reconcile the strengths of its earlier years with the pressures of larger membership and more ambitious projects.

As *HLR* moved forward through the remaining two decades of its first 50 years, how would the tension between the old and the new be resolved as the *Review* and its host institution became increasingly more "Centered"?

1. Cf. Genesis 1:13. With apologies, again, to the Deity; see also Craig Joyce, *Driven: The First Decade of Houston Law Review*, 50 HOUS. L. REV. 257, 274 n.1 (2012) [hereinafter *Driven*]. Unless otherwise attributed to the Almighty or others, the materials in this essay are based solely on the imperfect recollections of its senior co-author.

2. Philip C. Kissam, *The Decline of Law School Professionalism*, 134 U. PA. L. REV. 251, 263 (1986) ("American law has become extensive and complex in the twentieth century, making it necessary for legal practitioners to specialize."). The authors thank Professor Michael A. Olivas, Director of the Law Center's Institute for Higher Education

Law and Governance, for his kind assistance in locating the sources in notes 3–10.

3. George L. Priest, *Social Science Theory and Legal Education: The Law School as University*, 33 J. LEGAL EDUC. 437, 437 (1983). Kissam, too, remarked at the time “the fact of significant law faculty specialization during the past few decades is well recognized.” Kissam, *supra* note 2, at 263–64 (1986) (citing Terrance Sandalow, *The Moral Responsibility of Law Schools*, 34 J. LEGAL EDUC. 163, 165 (1984)). Kissam’s normative analysis of the situation, however, was that the increasing specialization was unnecessary for a law student’s legal development: “The extreme degree of specialization that reflects the contemporary division of labor in American law practice is not essential for teaching the new languages of legal analysis and legal argument to beginners.” *Id.* at 264.

4. Priest, *supra* note 3, at 440.

5. See Joyce, *Driven*, *supra* note 1, at 258–62 (discussing the contrasting pedagogical philosophies of Deans A.A. White and Newell Blakely).

6. Kissam, *supra* note 2, at 254.

7. Priest, *supra* note 3, at 440.

8. Kissam, *supra* note 2, at 262–63.

9. Priest, *supra* note 3, at 441.

10. Victor Fleischer, *The Shift Toward Law School Specialization*, N.Y. TIMES DEALBOOK, Oct. 25, 2012, <http://dealbook.nytimes.com/2012/10/25/the-shift-toward-law-school-specialization/>.

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

12. Not quite needless to say, the execution of inclusion principles of the sort chosen for the faculty listing in the text above—faculty hires during Decade 3 *who were associated with* the Law Center’s new institutes, centers, and programs—results in the omission of other hires of the period who indisputably are outstanding scholars and teachers in their own right, such as Robert Palmer (legal history) and Anthony R. Chase (communications law and entrepreneurship law). Among others similarly victimized by listing principles in the Decade 2 narrative were Robert P. Schuwerk, whose magisterial treatise, *A Guide to the Texas Disciplinary Rules of Professional Conduct*, would appear in *HLR*’s pages late in Decade 3, and Irene Merker Rosenberg, the *Review*’s first woman faculty advisor (on the job for seven years), who also would publish seven times in *Houston Law Review*.

13. *Briefcase*, Vol. 1, No. 4, at 1 (May 1982) (on file with Houston Law Review). Many of the special programs named in the announcement already had on board the faculty members who would push them to excellence in Decade 3 and beyond, including the Energy Studies Program, now Environment, Energy & Natural Resources (Jacqueline Lang Weaver); the Mexican Legal Studies Program, now the Center for U.S. and Mexican Law (Stephen Zamora); the Continuing Legal Studies Program (David Crump); and the National College of District Attorneys, since disassociated from the Law Center (John Jay Douglass). Other programs would be enhanced or created by existing or new hires in the decade following the renaming of the Law Center: Health Law & Policy (Mark Rothstein as director, with Laura Rothstein, Mary Anne Bobinski, Seth Chandler, and William Winslade as associate directors); Computer Law and Intellectual Property Law (Raymond T. Nimmer and Craig Joyce, respectively), now merged as Intellectual Property & Information Law; Children, Law & Policy (Laura E. Oren, founding co-director); Consumer Law (Richard Alderman); Criminal Justice (Sandra Guerra Thompson); Higher Education Law & Governance (Michael A. Olivas); and Law & Computation (Seth Chandler).

14. In addition to the concentrations named above, the Law Center offers a Foreign Scholars LL.M., approved in 1983, but the degree appears to have had no impact on the operations of *Houston Law Review*.

15. Also in 1985, the Computer Law Institute’s founder, Raymond T. Nimmer of the Law Center faculty, won the Association of American Publishers’ “Best New Book in Law” award for *The Law of Computer Technology* (currently in its fourth edition). Ironically, the Institute itself began as a vehicle for providing Continuing Legal Education in computer

law through the University of Texas because Nimmer taught in Austin during the 1985–1986 academic year and the School of Law there offered support for the effort. He returned to the University of Houston the following year, continuing to run the CLE through UT from the Law Center until he became Acting Dean in 1993–1995 and moved the program formally to Houston, but otherwise expanding the Institute as an exclusively UH program.

16. See JOHN MIXON, *AUTOBIOGRAPHY OF A LAW SCHOOL*, App. VII, at 544–50 (2013).

17. See Joyce, *Driven*, *supra* note 1, at 258–62; Joyce & Hoffman, *Boldly*, *supra* note 11, at 692–94.

18. John B. Neibel, *Implications of Robinson v. California*, 1 HOUS. L. REV. 1, 1 (1963).

19. Unless otherwise noted, all other information concerning the Health Law program in the following paragraphs is drawn from HEALTH LAW & POLICY INSTITUTE, REFLECTIONS OF 20 YEARS: 1978–1998 (1998) [hereinafter REFLECTIONS] (on file with Houston Law Review), supplemented by the personal recollections of this essay's senior co-author and his conversations with Mark Rothstein, the Institute's director from 1986 to 2000. Many thanks to Laura Rothstein as well for her assistance.

20. The Rothsteins left the Law Center in 2000 when Laura became dean at the University of Louisville's Louis D. Brandeis School of Law and Mark accepted a joint appointment at the School of Law and the School of Medicine, becoming the Herbert F. Boehl Chair of Law and Medicine as well as the Founding Director of the Institute for Bioethics, Health Policy and Law at the medical school. Their successor directors and co-directors at HLPI have carried on ably at the University of Houston, but with the discontinuation of the annual Health Law symposium issue after 2000, the Institute's association with *Houston Law Review* necessarily has become less active.

21. The review in the narrative above does incomplete justice to other accomplishments of the Health Law & Policy Institute during the period under discussion, solely because, in general, they had no direct impact of *Houston Law Review*. For a fuller review of HLPI's history and achievements, see generally REFLECTIONS, *supra* note 19.

22. Prominent examples, among many, included former U.S. Secretary of Health Education and Welfare Joseph A. Califano, Jr. (1989); San Antonio, Texas, Mayor and future U.S. Secretary of Housing and Urban Development Henry Cisneros (1989); Consumer Advocate Ralph Nader (1994); U.S. Secretary of Health and Human Services Donna Shalala (1996); and former U.S. Attorney General Dick Thornburg (2000).

23. Health Law Symposia issues published by *Houston Law Review* are listed chronologically below:

- May 1988 – *Inaugural Health Law Issue*
- January 1989 – *Health Care Quality in the Age of Cost Cutting*
- October 1989 – *Health Care for an Aging Society*
- January 1991 – *Mental Health in the 1990s*
- Spring 1992 – *Legal and Ethical Issues Raised by the Human Genome Project*
- Symposium 1994 – *New Challenges in Occupational Health*
- Symposium 1996 – *Nonfinancial Barriers to Health Care*
- Symposium 1997 – *International Health Law*
- Symposium 1998 – *Domestic Violence and the Health Care System*
- Spring 1999 – *Managed Care and the Physician-Patient Relationship*
- Symposium 1999 – *Emerging Issues in Public Health Law*
- Symposium 2000 – *Health Care and the Americans with Disabilities Act*

The series of Health Law Symposia issues ceased after 2000. See *infra* notes 24–25 & accompanying text.

24. Ensuring timely submissions of articles by symposia authors, for example, proved to be a recurring problem for both the Institute and the *Review*, and discussions to establish a long-term relationship between the parties seem never to have produced a

resolution fully satisfactory to either.

25. The *Journal* published Volume 1, Issue 1 in 2001, with a lead article by Seth J. Chandler and Mary Anne Bobinski, two members of the HLPI faculty. It is currently in its 13th year of successful publication.

26. Board of Directors Meeting Minutes (Oct. 27, 1983) (on file with Houston Law Review).

27. Perhaps reflecting the increasing size of the journal and growing excitement about its prospects, attendance at the 1988 spring banquet—Board 25's swan song—topped 400. Board of Directors Meeting Minutes (Apr. 11, 1988) (on file with Houston Law Review).

28. “The 25th Anniversary of the *Law Review* was kind of a big deal. I recall the People's Lawyer, Richard Alderman, interviewing a number of us for a TV piece. I'm not sure anyone every actually watched it, but it was fun at the time.” Questionnaire Response, Joe Tixier, Gallagher Bassett Service (Mar. 19, 2012) [hereinafter Tixier Questionnaire] (on file with Houston Law Review).

29. Somewhere along the way in Decade 3, the burdens created by publishing numerous books and special issues led to a delay in the publication process. The first publication of the *Texas Rules of Evidence Handbook* had, for example, set the *Review* six months behind its publication schedule. Board of Directors Meeting Minutes (Apr. 14, 1983) (on file with Houston Law Review). As an unfortunate side effect, these delays led to the uneven publication of volumes. Board 29, for example, could have expected to publish issues spanning both Volumes 28 and 29.

Following the publication of Issue 49:2 by the departing Board 49 (and with the pendency of these historical essays looming), the student editors of Boards 49 and 50, together with the Board of Directors and faculty advisors, have recalibrated the numerical publication cycle. Board 50's five printed issues will be numbered 50:1 through 50:5. The decision to number from 49:2 straight to 50:1 means little in terms of actual content, but undoubtedly will cause fewer headaches among students and authors throughout *Houston Law Review's* next 50 years.

30. Board of Directors Meeting Minutes (Apr. 12, 1984) (on file with Houston Law Review).

31. Board of Directors Meeting Minutes (Oct. 27, 1983) (on file with Houston Law Review).

32. Board of Directors Meeting Minutes (Apr. 12 1984) (on file with Houston Law Review); Board of Directors Meeting Minutes (Apr. 3, 1986) (on file with Houston Law Review).

33. Board of Directors Meeting Minutes (Apr. 12, 1984) (on file with Houston Law Review).

34. *Id.*

35. Board of Directors Meeting Minutes (Apr. 21, 1987) (on file with Houston Law Review). As a reflection of the extra stresses posed by the publication of books and special issues, Board 21's editors gave Board 22's members an alternative to the traditional note or comment path: rather than drafting a single comment or two separate casenotes (as was then necessary for satisfaction of the writing requirement), 2Ls were given the option of drafting one case note and contributing to the publication of one chapter in Perdue's *The Law of Texas Medical Malpractice*. Board of Directors Meeting Minutes (Oct. 27, 1983) (on file with Houston Law Review).

36. Board of Directors Meeting Minutes (Apr. 21, 1987) (on file with Houston Law Review).

37. Board of Directors Meeting Minutes (Oct. 27, 1983) (on file with Houston Law Review); *cf.* Joyce, *Driven*, *supra* note 1, at 276 n.47 (describing Decade 1 technologies and problems).

38. Board of Directors Meeting Minutes (Oct. 27, 1983) (on file with Houston Law Review).

39. Board of Directors Meeting Minutes (Oct. 2, 1985) (on file with Houston Law

Review).

40. Board of Directors Meeting Minutes (Apr. 21, 1987) (on file with Houston Law Review).

41. Board of Directors Meeting Minutes (Oct. 27, 1987) (on file with Houston Law Review). Based on EIC Derek Lisk's research, which determined that the U.S. Department of Justice had selected Word Perfect for word processing, the *Review* did likewise. Questionnaire Response, Derek Lisk, Shook, Hardy & Bacon L.L.P., Houston, TX (Jan. 6, 2013) (on file with Houston Law Review); Tixier Questionnaire, *supra* note 28.

42. Board of Directors Meeting Minutes (Apr. 11, 1988) (on file with Houston Law Review).

43. Board of Directors Meeting Minutes (Apr. 20, 1989) (on file with Houston Law Review).

44. Board Report (Apr. 25, 1991) (on file with Houston Law Review). Another sign of the *Review's* growing national stature: *HLR* was one of the first 50 law reviews in the country to have this arrangement with Westlaw. *Id.*

45. *Id.*

46. Board Report (Oct. 27, 1992) (on file with Houston Law Review).

47. Board Report (Apr. 20, 1993) (on file with Houston Law Review).

48. Board of Directors Meeting Minutes (Oct. 27, 1983) (on file with Houston Law Review).

49. Board of Directors Meeting Minutes (Oct. 25, 1984) (on file with Houston Law Review).

50. By the end of Decade 3, page *i* of every issue of *Houston Law Review* would feature a list of "Exclusive Publications" for sale:

TEXAS RULES OF EVIDENCE HANDBOOK, SECOND EDITION (1993)

A GUIDE TO THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT (1990)

TEXAS MEDICAL MALPRACTICE HANDBOOK (1989)

1987 TEXAS TORT REFORM: THE QUEST FOR A FAIRER AND MORE PREDICTABLE

TEXAS CIVIL JUSTICE SYSTEM

PRODUCT LIABILITY LAW IN TEXAS (1985)

The crown jewel of the list, at least as judged by pricing, was the EVIDENCE HANDBOOK at \$75, while the bargain was TORT REFORM at \$15 (all prices, of course, exclusive of tax and postage).

51. Not to mention timeliness issues and personal hardships. Rather than blackening the good names of those well-meaning boards which nevertheless fell behind intended publication schedules, the authors merely cite the inspiring example of two boards that clearly did not. According to Hunter H. White, EIC of Board 26:

Our predecessors, on Board 25, returned the *Law Review* to its stated publishing schedule, and they cared about mentoring their successors. We, on Board 26, worked very hard to carry on this tradition. In fact, our Board not only published all four of its primary journal editions on time, but we also published the *Medical Malpractice Handbook*. This required a tremendous amount of work and sacrifice by many . . . [O]ur Managing Editor (Judy Bryan) gave birth to her first child a day after graduation. Being the true professional that she is, we all assumed that she voluntarily pushed back the due date so as not to interfere with the publication of our last edition.

Questionnaire Response, Hunter H. White, Thompson & Knight LLP, Houston, TX (Apr. 4, 2012) (on file with Houston Law Review).

52. Board of Directors Meeting Minutes (Oct. 14, 1985) (on file with Houston Law Review).

53. *Id.*

54. Board of Directors Meeting Minutes (Oct. 25, 1984) (on file with Houston Law Review).

55. Apologies 'R' Us seems now to be a constant theme of these *HLR* essays. Fellow

professors. God. Will no one be spared?

56. G. Sidney Buchanan, *State Authorization, Class Discrimination, and the Fourteenth Amendment*, 21 HOUS. L. REV. 1 (1984). “Captain Nice” had been prolific beyond precedent in the previous ten years, having published 12 works, total, in *HLR*—3 articles and 9 book chapters.

57. For an in-depth discussion of the role that the Frankel Lectures and the IPIL Symposia have played in the history of the *Review*, see Decade 4’s essay, forthcoming in Volume 50, Issue 4. The Butler & Binion Lectures are treated in the Decade 3 narrative above.

58. See Joyce & Hoffman, *Boldly*, *supra* note 11, at 698–703 (detailing the increasing prominence in Decade 2 of the “themed issue”).

59. Earl Maltz, *Reconstruction Without Revolution: Republican Civil Rights Theory in the Era of the Fourteenth Amendment*, 24 HOUS. L. REV. 221 (1987).

60. James T. O’Reilly, *Biotechnology Meets Products Liability: Problems Beyond the State of the Art*, 24 HOUS. L. REV. 451 (1987).

61. David Hittner, *Summary Judgments in Texas*, 22 HOUS. L. REV. 1109 (1985).

62. Is there a “citation opportunity cost” for substituting Texas-centered scholarship in place of nationally relevant articles authored by nationally known law professors? Perhaps occasionally. But quite the opposite is true of *Summary Judgments in Texas*, the 1998 version of which has been cited 181 times at the time this essay went to print—among the most highly cited articles in the history of the *Review*.

63. Carolyn Dineen King, *A Matter of Conscience*, 28 HOUS. L. REV. 955 (1991).

64. Board of Directors Meeting Minutes (Oct. 27, 1987) (on file with Houston Law Review).

65. *Id.*

66. Indeed, by spring 1991 (when Volume 28, Issue 2, uniquely in *Houston Law Review*’s experience, went to press containing *no articles whatsoever*), the Board of Directors had become determined that *HLR* “get out of the publishing business.” Board of Directors Meeting Minutes (Apr. 2, 1991).

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

68. After publishing Cathy Cochran’s *Evidence*, such projects were moved out of *HLR*’s own processes into a parallel process of private publication that continued to benefit *HLR* financially. See *infra* text accompanying notes 100–01.

69. Jim M. Perdue, *The Law of Texas Medical Malpractice*, 11 HOUS. L. REV. 1 (1973); James B. Sales, *The Law of Strict Liability in Texas*, 14 HOUS. L. REV. 1 (1976).

70. John T. Montford & Will G. Barber, *1987 Texas Tort Reform: The Quest for a Fairer and More Predictable Texas Civil Justice System*, 25 HOUS. L. REV. 59 (1988) (Part One); John T. Montford & Will G. Barber, *1987 Texas Tort Reform: The Quest for a Fairer and More Predictable Texas Civil Justice System*, 25 HOUS. L. REV. 245 (1988) (Part Two); and John T. Montford & Will G. Barber, *1987 Texas Tort Reform: The Quest for a Fairer and More Predictable Texas Civil Justice System*, 25 HOUS. L. REV. 1005 (1988) (Part Three).

71. Joseph Sanders & Craig Joyce, “*Off to the Races*”: *The 1980s Tort Crisis and the Law Reform Process*, 27 HOUS. L. REV. 207 (1990).

72. The Texas State Legislature meets only biennially (and only for 140 days) every odd-numbered year, which explains why the next round of tort reform following the one reported by Montford and Barber would not occur until 1989.

73. For good measure, Sanders and Joyce tossed in a paean to the limitless virtues of state law reform commissions. *Id.* at 276–95. To this day, Texas still has not created one.

74. See Joyce & Hoffman, *Boldly*, *supra* note 11, at 698–703 (detailing the increasing prominence in Decade 2 of the “themed issue”).

75. Gerald R. Ford, *The White House and Congress: Congressional Restraints on*

Presidential Authority, 21 HOUS. L. REV. 447 (1984). Sidney Buchanan dutifully responded to President Ford's remarks a year later in Volume 22's *In Defense of the War Powers Resolution: Chadha Does Not Apply*, 22 HOUS. L. REV. 1155 (1985).

76. Conference, *Rethinking Tort and Environmental Liability Laws: Needs and Objectives of the Late 20th Century and Beyond*, 24 HOUS. L. REV. 1 (1987); Antonin Scalia, *Responsibilities of Regulatory Agencies Under Environmental Laws*, 24 HOUS. L. REV. 97 (1987).

77. Griffin B. Bell, *Reverse Synergisms: Unprecedented Results from Traditional Legal Means*, 23 HOUS. L. REV. 849 (1986).

78. Lawrence E. Walsh, *The Independent Counsel and the Separation of Powers*, 25 HOUS. L. REV. 1 (1988).

79. Mark A. Rothstein, *Foreword*, 25 HOUS. L. REV. 471, 472–73 (1988).

80. Jay Katz, *Reflections on Teaching Law & Medicine*, 25 HOUS. L. REV. 475 (1988); Timothy Stolfus Jost, *The Necessary and Proper Role of Regulation to Assure the Quality of Health Care*, 25 HOUS. L. REV. 525 (1988).

81. Kenneth R. Wing, *Introduction*, 26 HOUS. L. REV. 1, 5 (1989).

82. Karen H. Rothenberg, *Who Cares?: The Evolution of the Legal Duty to Provide Emergency Care*, 26 HOUS. L. REV. 21 (1989).

83. Merton C. Bernstein, *Viability of Social Security and Medicare in an Aging Society*, 26 HOUS. L. REV. 799 (1989); Howard Eglit, *Health Care Allocation for the Elderly: Age Discrimination by Another Name*, 26 HOUS. L. REV. 813 (1989).

84. Eleanor D. Kinney, *Legal and Ethical Issues in Mental Health Care Delivery: Does Corporate Form Make a Difference?*, 28 HOUS. L. REV. 175 (1991); Ellen Wright Clayton, *Screening and Treatment of Newborns*, 29 HOUS. L. REV. 85 (1992).

85. Joseph A. Califano, Jr., *America's Health Care Revolution: Now Comes the Tough Part*, 26 HOUS. L. REV. 7 (1989); Jane Perkins, *Increasing Provider Participation in the Medicaid Program: Is There a Doctor in the House?*, 26 HOUS. L. REV. 77 (1989); Henry Cisneros, *Health Policy for an Aging Population*, 26 HOUS. L. REV. 787 (1989); Larry Gostin, *An Alternative Public Health Vision for a National Drug Strategy: Treatment Works*, 28 HOUS. L. REV. 285 (1991); Dan W. Brock, *The Human Genome Project and Human Identity*, 29 HOUS. L. REV. 7 (1992).

86. As EIC of Board 21, the Honorable Cathleen Cochran served using her married name: Herasimchuk. In 1994, after several years in private practice and as an assistant county prosecutor (all the while assisting as an adjunct professor at the University of Houston Law Center), she decided to try to fulfill a dream held since law school and sought election to the then all-male Texas Court of Criminal Appeals (the state's court of last resort in criminal cases). “[U]nfortunately,” she relates, “I ran under my married name—which was Cathy Herasimchuk—and you can't win Dog Catcher with a name like that. So, sure enough, I didn't win . . .” *HLR Judges Oral History of Houston Law Review* with Hon. Jeff Brown, moderator, Texas Fourteenth Court of Appeals; 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] (on file with Houston Law Review).

Hired next by Governor George W. Bush as his criminal justice policy advisor, Herasimchuk received appointment to the Court of Criminal Appeals when Bush was succeeded by Governor Rick Perry in 2001. Anticipating, however, the difficulties of another statewide vote to retain office the following year, the newly minted judge already had made a prudential decision. “I had changed my name back to my maiden name (and my husband had changed *his* name to my maiden name too), so that was a reasonable ballot name and that's pretty much [all it took].” *Id.*

87. “The distribution of the Texas Rules of Evidence Handbook and the signing ceremony by Professor Blakely was the highlight of the year as we had worked so long and so hard and had so many difficulties in getting the book published that we felt that ‘our baby’ was the most beautiful book the world had ever seen. All of the frustration was forgotten when we saw the twinkle in Professor Blakely's eyes as he held the first copy in

his hands as we popped a bottle (well, maybe quite a few bottles) of champagne in celebration.” Questionnaire Response, Hon. Cathleen Cochran, Judge, Texas Court of Criminal Appeals (Mar. 21, 2012) [hereinafter Cochran Questionnaire] (on file with Houston Law Review).

As with many other *HLR* projects of the day, however, the institutional costs were high. “We started off [my EIC tenure] over a year behind schedule because of the *Handbook*. Now the *Handbook* has turned out to be wildly successful and cited by lots of courts and lots of other law reviews, but at that time we were pretty concerned. You know, number one was it ever going to get out and number two were we shooting ourselves in the foot by putting out a book like this instead of focusing in on the individual articles? Oral History of *Houston Law Review* with Sidney Buchanan, Baker Botts Professor of Law Emeritus; the Honorable Cathy Cochran, Texas Court of Criminal Appeals; Claudia Frost, Partner, DLA Piper; & Robert Sergesketter, moderator, Senior Counsel, Apache Corp. (Oct. 11, 2012) [hereinafter Decade 2 Oral History] (on file with *Houston Law Review*).

88. “I went to law school with the hope of making some difference in the Texas criminal justice system and I have never wavered from that goal. I met Professor Blakely my first day of school as our Criminal Law professor, and I knew that I was on the right track from that day.” Decade 2 Oral History at 11.

Major events in Judge Cochran’s professional life seem to have a consistent meteorological dimension. “Serendipitously enough, the law school campus flooded on that first day of school and the Capitol in Austin flooded on the first day of my investiture as a judge of the Court of Criminal Appeals, so I take that as an omen that torrential rain measures my most momentous decisions.” *Id.*

89. *Dedication: Newell H. Blakely*, 30 HOUS. L. REV. xvii, xvii (1993). Blakely was extolled for his “major role in drafting . . . the Texas Rules of [Evidence,] . . . writ[ing] two of the original articles in the *Handbook*[,] and provid[ing] the inspiration for both the original and the second edition.” See also Joyce & Hoffman, *Boldly*, *supra* note 11, at 700–03 (*Newell Blakely’s Evidence*).

90. *Dedication: Cathleen C. Herasimchuk*, 30 HOUS. L. REV. xxi, xxi (1993).

91. Board Report (Nov. 1) 1990 (on file with Houston Law Review).

92. *Dedication*, *supra* note 90, at xxi.

93. Board of Directors Meeting Minutes (Apr. 25, 1991) (on file with Houston Law Review).

94. Spock, V. (as in Vulcan), as First Officer in “Amok Time,” the second season premiere of the 1960s TV series *Star Trek* (Sept. 15, 1967). And, of course, seemingly forever thereafter.

95. See Joyce & Hoffman, *Boldly*, *supra* note 11, at 695.

96. See Joyce, *Driven*, *supra* note 1, at 262.

97. See Joyce & Hoffman, *Boldly*, *supra* note 11, at 700–03.

98. For the next iteration of the continuing saga of *HLR’s* always interesting finances, see the Decade 4 installment of these essays, coming shortly in a law review near you!

99. Decade 3 Oral History, *supra* note 86.

100. See Joyce & Hoffman, *Boldly*, *supra* note 11, at 716–22.

101. Decade 3 Oral History, *supra* note 86. In yet another fitting all-in-the-family hand-off, the latest revision of the *Handbook—Texas Rules of Evidence 2013 Edition*—was authored by Hon. Jeff Brown of the 14th Court of Appeals and Reece Rondon of Hall Maines Lugin, PC (and formerly of the 234th Civil District Court), who were second-year members of *Houston Law Review* when Cochran published her first revision in 1994.

Judge Cochran herself plans to retire upon completion of her current term on the Court of Criminal Appeals. She will be missed.

Her former law partner, Rusty Hardin, provides a telling vignette that captures a glimpse of the future judge’s knowledge, skill, and determination:

Cathy is one of the most incredible self-starters I have ever known. As an

example, in 1986, when we were both still prosecutors, a celebrated capital murder prosecution in Houston had to be dismissed because of a pretrial evidentiary ruling that could not be appealed. At that time, the State had no right to appeal pre-trial or post-trial legal rulings. I thought that was tremendously unfair, and as I got ready to leave on a family vacation, I asked Cathy to research while I was gone the state's right to appeal in other states. I suggested we ought to try and get the law changed in Texas. I also mentioned in passing that we might need some type of article about the subject to serve as an intellectual underpinning for any argument we ought to make for changing the law.

When I returned two weeks later there was a fully researched memo on the subject on my desk, a proposed bill giving the state the right to appeal for presentation to the legislature, and a fully prepared law review article setting out an indisputably persuasive argument for why the state should have the right to appeal pre-trial and post-trial legal rulings. Cathy's research had revealed Texas was the only jurisdiction in the country which did not allow the prosecution to appeal pre-trial and post-trial legal rulings. We used her research and proposed a bill as a basis for lobbying the legislature to change the law in Texas. At the end of the 1987 legislative session Cathy's bill was passed and then adopted as a constitutional amendment by the voters in the next election.

Email from Rusty Hardin, Founder, Rusty Hardin & Assocs., LLP, to Hon. Jeff Brown, 14th Court of Appeals (Jan. 25, 2013) (on file with Houston Law Review).

And then there is Cochran's storied use of the language. Hardin observes:

From the moment she became a lawyer she was the most articulate and entertaining writer I have ever had the pleasure to read. Her writing has always been infused with a strong and intense drive to explain the law and its meaning in language the average person could understand. She has always wanted the public to understand why the law was the way it was and to walk away from the issue at hand with the same respect for the law that has been the hallmark of her career.

Id.

The Honorable Elsa Alcala, Judge Cochran's colleague on the Court of Criminal Appeals, has put the matter memorably:

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 "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."

Email 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).

102. "And God saw everything that She had made, and behold, it was very good." Genesis 1:31.

ODDMENTS*

(Good) Night of the Living Dead. During its third decade, the contents of *Houston Law Review* showed definite signs of maturation toward the familiar features of the present day. Several hardy perennials of prior years—"Current Materials," "Books Received," "Books Noted," "Books Annotated," and "Recent Developments"—already had gone to meet their Maker. During Decade 3, a list of "Writing Awards" received by *HLR* members appeared sporadically, but then was seen no more. "Book Reviews" survived fitfully through Volume 29 before they, too, expired. By decade's end, the old "fillers" of the *Review's* earlier decades one-by-one had breathed their last.

Romance Revealed. Attentive readers will remember from the Oddments to *Carry on Boldly* that, at the end of *HLR's* Decade 2, two there-unnamed persons—a member of the *Review* and its secretary—had met, fallen in love, and married. Now it can be told (because the authors have ascertained that the story had a happy ending which continues to today): the blissful couple were, and are, David Glenn and Vicky Patrick.

Cover Story. "Am I Blue" (or perhaps a smoky gray)? If so, this must be the end of Decade 3. Perhaps surprisingly, given the adoption by the Law Center of a new seal in 1982, the "gentle Lowland birds" featured there did *not* make their first appearance on *HLR's* cover during its third decade. Instead, stealing a march—marsh?—on its parent institution, martlets had been waddling across the cover of *Houston Law Review*, on a taupe background, since Volume 16. Midstream in Volume 29's Issue 3, however, the feathery forebears of General Sam seemingly took flight in a new blue(ish) sky on an otherwise totally unchanged *HLR* cover. Color the authors of this essay clueless regarding reasons for the change.

Advisor Ostensibly in Absentia. During his long and distinguished run as Faculty Advisor to *Houston Law Review*, G. Sidney Buchanan was forced to take one brief hiatus, to avoid the appearance of impropriety, while doing a brief tour of duty as Law Center Associate Dean for Academic Affairs in 1985–87. The advisor of record for the period, Irene Merker Rosenberg, served ably in his stead, although unofficial advising by "Captain Nice" appears to have continued unabated throughout.

Do You Know Me? The editors of Board 26 reported in the fall 1988 Board Report: "[A]s a part of an effort to streamline the

research process, Research Editors assigned to professional articles for the March issue are supervising candidates and interested AE's in prescreening the articles for 'obscure' sources. The goal is to determine at an early stage in the editorial process what sources are unavailable to us and therefore need to be requested from the author Hopefully this type of front-end evaluation will preclude some of the last-minute [problems] we have encountered locating sources" Obscure sources in a law review article necessitating increased time, toil, and trouble? Certainly memories any *HLR* alum can relate to!

Texas Barflies. The talents of at least one of the *Review's* Decade 3 authors apparently went well beyond drafting heavily cited law review articles and influential judicial opinions. The Texas Barflies, led by U.S. District Court Judge David Hittner, along with Law Center Professor David Crump, Bracewell & Patterson partner Max Addison, and Baker Botts partner Diana Marshall performed at *HLR's* spring banquet in 1987 to a packed house at the Houston Club's old Texas Room.

Clearly (En)titled. As an ever larger proportion of nationally recognized scholarship filled the pages of *HLR* in Decade 3, so too did increasingly clever titles. But two titles stood above the rest. The award for best article title of the decade is a tie between Stewart Macaulay, *Bambi Meets Godzilla: Reflections on Contracts Scholarship and Teaching vs. State Unfair and Deceptive Trade Practices and Consumer Protection*, 26 HOUS. L. REV. 575 (1989), and Catherine E. Blackburn, *The Therapeutic Orgy and the Right to Rot Collide: The Right to Refuse Antipsychotic Drugs under State Law*, 27 HOUS. L. REV. 447 (1990). Bambi? Godzilla? Stoned? Orgies? Decade 3 Gone Wild! Ahem

Darned Right We're Counting. Continuing one of its best traditions, three out of the first four Editors in Chief during the period covered here were women. Wait for it . . . Thus, at the end of *Houston Law Review's* third decade, the score stood (with lifetime batting averages in parentheses for the benefit of Red Sox Nation): *HLR South*, 8 for 30 (.267), *HLR North*, 2 for 100 (.020)—the policy of the latter publication being, apparently, to select/appoint a woman as President at least every half century, qualifications permitting.

* 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.

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| 29 | 4 | 1109 |
| 30 | 5 | 2107 |

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

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).

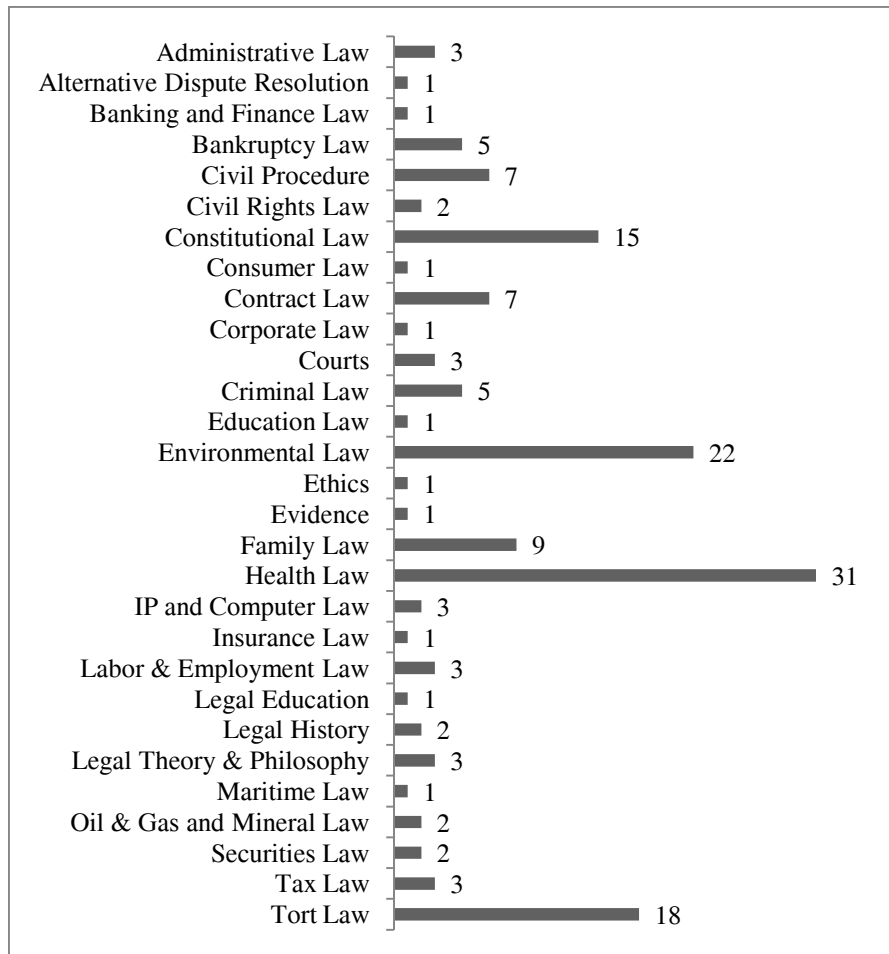
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THEMED ISSUES AND BOOKS PUBLISHED**HEALTH LAW THEMED ISSUES***Inaugural Health Law Issue*

25 HOUS. L. REV. 471 (1988) (6 articles)

Health Care Quality in the Age of Cost Cutting

26 HOUS. L. REV. 1 (1989) (7 articles)

Health Care for an Aging Society

26 HOUS. L. REV. 777 (1989) (5 articles)

Mental Health in the 1990s

28 HOUS. L. REV. 1 (1991) (6 articles)

Legal and Ethical Issues Raised by the Human Genome Project

29 HOUS. L. REV. 1 (1992) (5 articles)

OTHER THEMED ISSUES AND BOOKS PUBLISHED*Uniform Marital Property Act Symposium*

21 HOUS. L. REV. 595 (1984) (8 articles)

Jim M. Perdue, *The Law of Texas Medical Malpractice*

22 HOUS. L. REV. 1 (1985) (14 chapters)

James B. Sales, *Product Liability Law in Texas*

23 HOUS. L. REV. 1 (1986) (10 chapters)

*Rethinking Tort and Environmental Liability Laws:**Needs and Objectives of the Late 20th Century and Beyond*

24 HOUS. L. REV. 1 (1987) (19 articles)

John T. Montford and Will G. Barber, *1987 Texas Tort Reform:
The Quest for a Fairer and More Predictable Civil Justice System*

25 HOUS. L. REV. 245 (1988) (3 articles)

Special Issue: Managing Liability from Hazardous Waste

25 HOUS. L. REV. 715 (1988) (14 articles)

Robert P. Schuwerk and John F. Sutton, Jr., *A Guide to the Texas
Disciplinary Rules of Professional Conduct*

27A HOUS. L. REV. 1 (1990) (8 articles)

Cathleen C. Herasimchuk, *Texas Rules of Evidence Handbook*

30 HOUS. L. REV. 1 (1993) (11 chapters)

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MOST PUBLISHED AUTHORS

1. G. Sidney Buchanan (6 articles)
- T2. Will G. Barber, John T. Montford, Irene M. Rosenberg, and Mark A. Rothstein (3 articles each)
- T6. David R. Dow, Stanford E. Gaines, Peter Linzer, Donald W. Stever, and Patricia A. Tidwell (2 articles each)

MOST CITED ARTICLES

1. *“Off to the Races”: The 1980s Tort Crisis and the Law Reform Process*
Joseph Sanders and Craig Joyce
27 HOUS. L. REV. 207 (1990) (83 citations)
2. *Patenting Transgenic Human Embryos: A Nonuse Cost Perspective*
Dan L. Burk
30 HOUS. L. REV. 1597 (1993) (46 citations)
- T3. *Competency to Consent to Treatment: The Distinction Between Assent and Objection*
Bruce J. Winick
28 HOUS. L. REV. 15 (1991), and
Invasion of Privacy in the Private Employment Sector: Tortious and Ethical Aspects
Frank J. Cavico
30 HOUS. L. REV. 1263 (1993) (36 citations)
- T5. *1987 Texas Tort Reform: The Quest for a Fairer and More Predictable Texas Civil Justice System (Part 1)*
John T. Montford and Will G. Barber
25 HOUS. L. REV. 59 (1988), and
Progress on Attorney’s Fees: Expanding the “Loser Pays” Rule in Texas
Gregory E. Maggs and Michael D. Weiss
30 HOUS. L. REV. 1915 (1993) (32 citations)

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LONGEST ARTICLES

1. *The Surviving Significance of the Unitary Executive*
Frank B. Cross
27 HOUS. L. REV. 599 (1990) (133 pages)
2. *1987 Texas Tort Reform: The Quest for a Fairer
and More Predictable Texas Civil Justice System (Part 2)*
John T. Montford and Will G. Barber
25 HOUS. L. REV. 245 (1988) (117 pages)
3. *Texaco, Pennzoil and the Revolt of the Masses:
A Contracts Postmortem*
Michael Ansaldi
27 HOUS. L. REV. 733 (1990) (116 pages)
4. *1987 Texas Tort Reform: The Quest for a Fairer
and More Predictable Texas Civil Justice System (Part 3)*
John T. Montford and Will G. Barber
25 HOUS. L. REV. 1005 (1998) (107 pages)
5. *Race-Conscious Employment Programs in the
Post-Brennan Era: An End to Falsely
Remedial Preferences*
Marc Rosenblum
28 HOUS. L. REV. 993 (1991) (101 pages)

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**LONGEST “BOOKS” BY
SINGLE OR JOINT AUTHORS³**

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)⁴
(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)

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

Volume 23, Issue 1 is dedicated to Jon Ty Phillips.

Volume 25, the 25th Anniversary issue,
is dedicated to Newell H. Blakely.

A Tribute to Thomas Gibbs Gee
appears at 28 HOUS. L. REV. 737 (1991).

A Tribute to Alvin B. Rubin
appears at 28 HOUS. L. REV. 943 (1991).

The Second Edition of the Texas Rules of Evidence Handbook
is dedicated to Newell H. Blakely and Cathleen C. Herasimchuk.

3. Excluded from this category are works of similar length, such as Cathleen C. Herasimchuk et al., *Texas Rules of Evidence Handbook*, 30 HOUS. L. REV. 1 (1993), in which, although the work may have had a coordinator or supervising editor, particular chapters or articles clearly were authored by separate individuals.

4. 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).