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"Lest We Forget": The History of Mercer Law Review

by Charles R. Adams III*

Lord God of Hosts, be with us yet,
Lest we forget—lest we forget!

It was one of those rare, perfect, early fall afternoons that occasionally favors middle Georgia. The stultifying heat of the 1948 summer had finally broken, and outside the open windows in the newly-cleared attic space on the third floor of the Ryals Law Building, the sky was the deepening color of blue that holds the promise of cooler weather and falling leaves. Inside, the air was still, but the atmosphere was electric with energy and a measure of tension. The group of students assembled there, led by Bill Tyson,2 were about to try something new and different


I would like to thank the following Mercer law students who provided indispensable editorial and research assistance for this article: Jeffrey Robert Harris, R. Brent Hatcher, Jr., Lottie Bash, Kirby D. Geraghty, Jimmy E. White, Scott Michael Patterson, Justin S. Scott, and William B. Shearer III. Thanks are also due to Yonna Windham Shaw, not only for help with this article, but for a professional lifetime of invaluable assistance. Words cannot express what Yonna has meant to Mercer Law Review and a generation of its alumni, but I will give it the old college try at infra notes 73-77 and accompanying text.

The Fiftieth Anniversary Committee, whose names are included in the acknowledgements above, provided tremendous help in collating the numerous responses to questionnaires soliciting material for this article. See infra note 122. The responsibility for what has been included (or omitted), however, is mine alone.

1. Rudyard Kipling, "Recessional" (1897). See infra note 13.

2. William P. Tyson, a retired attorney at law in Springfield, Virginia, was the first Editor in Chief of Mercer Law Review.
in Mercer University Law School's seventy-five year existence—the inauguration of a Law Review. True, all of the “Ivy League” schools had flourishing law reviews with long-established traditions, but, in making this bold move on behalf of a small southern school like Mercer, Dean O'Neal and Professor Quarles were really stepping out in front of the pack. Up to that point, student-published legal writing in Georgia had been limited to “casenote” type contributions to the Georgia Bar Journal, and Mercer students, along with their counterparts at Emory University and the University of Georgia, had participated in this activity. But, in the view of Dean O'Neal, that wasn't enough. Something more was needed to single Mercer out and, as he related, “get the Law School back fully on its feet after the toils of World War II.”

It was certainly a promising group of men and women who made the long, weary climb up the stairs to the top of Ryals that day. Although law students were excused from Mercer's rigidly enforced chapel attendance policy—a fact which a few of the more mischievous among them would “rub in” with the undergraduate scholars by pitching pennies on the quadrangle as the underclassmen hurried—least some of those charged with such an awesome task as bringing a new publication into the world must have sought divine guidance. Tyson and his cohorts were serious-minded men and women: Many of them, like H.T. “Hank” O'Neal, had distinguished themselves on active military

4. F. Hodge O'Neal was Dean of Mercer Law School from 1947-1956.
5. James C. Quarles was Professor at Mercer Law School from 1947 to 1969, as well as Dean of Mercer Law School from 1956 to 1969. Professor Quarles was also the Law Review's Faculty Adviser longer than anyone else. See infra note 71. See generally Richard L. Cameron, Dean's Role Changes but Still Pivotal at Law School, MERCER LAWYER 8 (Winter 1998).
6. See Mercer Law Review: A Proud Tradition, MERCERIAN, at 5-6 (Fall 1982).
8. MERCERIAN, supra note 6, at 5.
9. This practice continued into the next decade. See Personal Interview with Manley F. Brown, infra note 47.
10. H.T. “Hank” O'Neal (no relation to the dean) was one of Georgia's greatest trial lawyers, and was a mentor to me and to many of the other people mentioned in this article. See, e.g., HARDY GREGORY, GEORGIA CIVIL PRACTICE v-vi (2d ed. 1997). Following his untimely death from cancer in 1983, the editors of Mercer Law Review dedicated the 1984 Annual Survey of Georgia Law to him. See infra note 87. The H.T. O'Neal Scholarship at Mercer Law School is also endowed in his memory.
duty before coming to law school; and others, like Patricia Beauchamp,\(^{11}\) had come from families connected with the burgeoning Army Air Depot out at the newly-named town of Warner Robins.\(^{12}\)

One thing all of them knew for sure: It would take hard work, and lots of it, for their venture to succeed. Dean O'Neal, Tyson, and several others had already made a lengthy automobile trip to LSU and "Ole Miss" to see for themselves how other law reviews were putting together their publications.\(^{13}\) Furthermore, the newly-assembled editorial team was the cream of the law school's academic crop, an elite group ranking within the top five percent of their class. They were the kind of scholars of whom Professor Karl Llewellyn would write about just a few years later in his masterpiece about legal education, The Bramble Bush:

> We have in law schools an aristocracy of a peculiar kind. We may almost say it is a perfect aristocracy. One achieves membership exclusively in terms of his performance. Membership carries honor, but the honor that it carries is the duty to work and slave and drive oneself as no other student is expected to. A perfect aristocracy, then, because continued membership is based on higher performance than is demanded of non-members. Now this law review is a scientific

\(^{11}\) Patricia Beauchamp "Pat" O'Neal was a fixture at the Mercer Law Library for many years. Following her graduation, she served as interim Director of Mercer Law Library during Jim Rehberg’s leave of absence in 1952-1953. She returned in 1978 and served until her retirement in 1996. Pat established a high standard of courteous, professional assistance to library patrons, coupled with unfailing good cheer, which continues to this day under the leadership of Patricia Cervenka and Suzanne L. Cassidy (Member, Mercer Law Review, 1979-1981; Associate Fifth Circuit Editor, 1981). Pat, seemingly without effort, made the transition from the era of card catalogs and doing everything by hand into the computer age, and she taught a whole generation of us not only how to do research like real lawyers, but also how to act like real ladies and gentlemen.

\(^{12}\) Telephone Interview with Patricia B. O'Neal, Macon, Georgia (Member, Mercer Law Review, 1949; Book Review Editor, 1950) (Fall 1998).

\(^{13}\) MERCERIAN, supra note 6, at 5; Tyson, supra note 7, adds that "Dean O'Neal and his wife were a dynamic, outgoing couple, who sang and joked a lot during the trip while we passengers sat in the back seat and tried to be dignified, not knowing how to join in." Those who remember student-teacher dynamics of the 1960s and 1970s know that today's law student represents one full rotation of the wheel.

Dean O'Neal's good humor was not inexhaustible, however. Edward T. Wright, co-casenote editor of the first Law Review and author of such legal best-sellers as EDWARD T. WRIGHT, WINNING COURTHOUSE STRATEGIES (1994), recalls the Dean's terse criticism of his first attempt at legal authorship: "That was an excellent casenote you wrote, Mr. Wright, but that Kipling poem at the end has to go." Questionnaire received from Edward T. Wright, retired attorney, Belleair Bluffs, Florida (Co-Casenote Editor, 1949) to Mercer Law Review (Fall 1998) (on file with Mercer Law Review). With fifty years of credibility behind it, the august Review can afford to loosen up a little. Note 1, supra and accompanying text are for you, Ed!
publication, on which in good part the reputation of the school depends. Here is a thing American. Here is a thing Americans may well be proud of. There is not so far as I know in the world an academic faculty which pins its reputation before the public upon the work of undergraduate students—there is none, that is, except in the American law reviews. Such an institution it is a privilege to serve. Such an institution it is an honor to belong to. And by virtue of the terms of tenure of office, of this you may be sure: to earn that honor is to earn an education. I hold out before you, then, as the goal of highest achievement in your first year, this chance to enter on real training in your second.\textsuperscript{14}

As these “academic aristocrats” surveyed the Law Review’s worldly possessions—a couple of desks, one long table, and some library chairs cadged from under the watchful eye of the school librarian, Jim Rehberg, a recent graduate on whose youthful shoulders the title of “Professor” had yet to settle\textsuperscript{15}—they likely felt more confused than noble. What were they going to accomplish in this venture? Would it succeed?

Now, let us fast forward a bit to the spring of 1949. Back from the printer is the first edition of \textit{Mercer Law Review}, bright orange covers and all.\textsuperscript{16} It had been a wonderful, rewarding, educational experience for everyone involved. “If there were any disagreements or unpleasant-ries, they couldn’t have been serious, because I can’t remember any,” remarks Bill Tyson from the vantage-point of half a century later. “My

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\item \textsuperscript{14} KARL LLEWELLYN, THE BRAMBLE BUSH 105 (1951) (emphasis in original).
\item \textsuperscript{15} Richard L. Cameron, \textit{Faculty History in the Eyes of the Beholder}, \textit{Mercer Lawyer} 13, 13 (Winter 1998). Professor Rehberg, who has probably taught more Mercer law students than anybody in history, served as Mercer Law School’s librarian from 1949-1954, assistant professor from 1954-1956, associate professor from 1956-1960, professor from 1960-1988, and as professor emeritus since 1988. The 1987 \textit{Georgia Survey} was dedicated to him. \textit{See infra} note 86 and accompanying text.
\item \textsuperscript{16} On the subject of the controversial orange covers, Frank C. Jones, one of the original editors, observed that “[b]ecause there were many other well established Law Reviews, an effort was made to achieve distinction through the form of cover that was used on the first two issues, including a bright orange color. This was a poorly conceived idea and it was soon dropped.” Questionnaire received from Frank C. Jones, Partner, King & Spalding, Atlanta, Georgia (Co-Casenote Editor, Mercer Law Review, 1949 and Editor in Chief, Mercer Law Review, 1950) to Mercer Law Review (Fall 1998) (on file with Mercer Law Review). \textit{¶} 3. Bill Tyson also characterizes as a “mistake . . . the color scheme we selected for the cover. Fortunately wiser heads later adopted a more traditional and dignified color and format.” \textit{See Tyson, supra note 7.}
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Covers over the years include currently a drawing of the “front” of the Law School (since Volume 40), the picture of the Law School from the clock tower side (Volume 30 - Volume 39), the picture of the Ryals Hall Building (Volume 24 - Volume 29), a plain grey cover (Volume 1, Number 2 - Volume 23), and the first “orange” cover of Volume 1, Number 1 in 1949). The present cover picture of the Law School is from an original print done by Warren L. Kirbo dated February 1979 (on file with Mercer Law Review).
colleagues on the staff of the law review made my job incredibly easy by their hard work and dedication and their unwavering cooperation and support.”

It can't have been all work, however. On February 21, 1951, Patricia Beauchamp became Mrs. Hank O'Neal, thus inaugurating on the first editorial board a long and flourishing tradition of law review marriages. Furthermore, the inaugural year was rounded out with a great

17. Tyson, supra note 7.

18. It would be most foolhardy to try to list all of the Mercer Law Review editors who have married each other, or the reasons therefor. "If I could put up with the way you handled Georgia Survey [in 1982], I figured the worst was over." Personal Interview with Cynthia Trimboi Adams, Chief Assistant Solicitor General, State Court of Bibb County, Macon, Georgia (Member, Mercer Law Review, 1981-1983; Managing Editor, 1982-1983) in Fort Valley, Georgia (August 5, 1998).

As a further illustration of the “romantic” side of Law Review life, the following story from Eugene L. Heinrich, Editor in Chief of Volume 6 (1954-1955), bears repeating in full:

When I was Editor, the Ryals Law Building was the entire structure of the law school. The Law Review had the use of an attic room totally “up under the eaves” of the building. The entire “staff” of the Law Review was about 3 or 4 students plus perhaps a few other article writers and a faculty adviser. We had no clerical or typing staff and did our own, with a borrowed typewriter or two. As a result, wives and girl friends of the “staff” were pressed into service to proofread, type, etc.

One night as deadline was fast approaching my wife and I were up in the attic working alone until about 1:00 a.m. or later. No other human being was in the entire building. When we came down to the ground level to leave by the main entrance door I found it locked—even from the inside! There were no lights in the building. If there was another door by which the building could be exited it could not be found in the pitch dark and I don't believe there was such a door at that time. In the southwest side or corner of the building, there was a large classroom with windows low enough to the ground and which could be manually opened from the inside.

I was outside in the shrubs just under the window catching my wife in my arms when the campus security man rounded the corner of the building and put his flashlight on us. I'll leave the rest to imagination. At that time it was not considered proper to even hold hands on the Mercer Campus.

"Victory Celebration Dinner," also commencing the equally durable tradition of the annual student-faculty Law Review Banquet. One and all took pride in the stream of accolades that poured in, including letters from such luminaries as Walter F. George, Georgia's Senior United States Senator for whom the law school was named, and Justice Hugo F. Black of the United States Supreme Court.

Perhaps the single most important tradition inaugurated in those early years, however, came about as a result of Frank Jones having attended a Law Review Conference in Oxford, Mississippi, during the 1949-1950 academic year. The town in which William Faulkner made himself legendary by turning liquor into literature inspired Jones to a very different, but equally serious, literary pursuit—the inauguration of the Annual Survey of Georgia Law. Jones was graduated in the Spring of 1950, however, leaving Mercer to begin his brilliantly distinguished career. The natural choice to take up this untried idea of a comprehensive review of twelve months of judicial decisions and legislation was the irrepressible Dublinite, Robert E. Hicks.

19. Tyson, supra note 7.
20. These banquets have run the gamut from the Lucullan to the lubricious. These days, they are held at River North Country Club and are very posh, "uptown" affairs. Back in the early 1980s, however, the tradition had evolved for the outgoing Georgia Survey Editor (who didn't have much to do in the spring) to plan the banquet. In 1983, I cut a deal to hold the banquet "downtown" at the "old" Macon Health Club, with all the ambiance that implies. There was dinner, followed by a dance. Unfortunately, I neglected to arrange with the caterer to stay around and clear the tables. The result was that towards the end of the evening, we were joined by some street people, who commenced to eat our leftovers. However, part of the "deal" had been a very well-stocked open bar, so those of us who were still there (which included a significant number of the faculty) weren't particularly troubled by the presence of these uninvited guests, since we all looked about the same at that point. Subsequently (probably the very next year), Yonna Shaw began to plan the event in conjunction with the Administrative Editor. In 1999, the Review's Administrative Editor, Kirby Geraghty, will have the daunting task of coordinating the 50th anniversary celebration in conjunction with the annual banquet.

21. The Review printed these and other congratulatory messages in its first edition, 1 MERCER L. REV. vi (1949), and they are reprinted in the historical appendix to this article. See infra pages 39-41.
22. Not everybody likes Faulkner. See Joseph E. Claxton, A Teacher's Afterthoughts: Southern Legal History 101, 5 J. OF S. LEGAL HIST. 137, 146 (1997). Mark Twain's observation about Richard Wagner's opera music, that "it's better than it sounds," may also be true of Faulkner's œuvre.
23. Frank C. Jones is a partner in the Atlanta law firm of King & Spalding. He was the second Editor in Chief of Mercer Law Review in 1949-1950. Mr. Jones was President of the State Bar of Georgia from 1968-1969, President of the Younger Lawyers Section from 1956-1957, and President of the American College of Trial Lawyers from 1993-1994.
24. Robert E. Hicks founded and was the senior partner in the Atlanta, Georgia firm of Hicks, Maloof & Campbell until 1998 when that firm merged into Long, Aldridge &
burst of youthful enthusiasm, Hicks decreed that "[t]he object [of the Survey] is to provide busy members of the Bench and Bar and law students with at least brief mention of every case decided by the Supreme Court and the Court of Appeals during the [survey] period . . . ."\textsuperscript{25} Although the volume of appellate litigation in the ensuing years\textsuperscript{26} has forced later editions to retreat somewhat from this lofty aspiration to engage in more of a winnowing process, \textit{Georgia Survey} remains without doubt the single most significant enterprise ever mounted by Mercer Law Review. There may be individual articles\textsuperscript{27} or editions\textsuperscript{28} that are noteworthy in themselves, but \textit{Georgia Survey} stands alone as a premier example of the application of legal scholarship to an exercise of immense benefit to practitioners, professors, members of the judiciary, and law students alike. Like every other human endeavor, \textit{Georgia Survey} has had its ups and downs,\textsuperscript{29} but, in the

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Norman, where he now serves as Senior Counsel. He was the third Editor in Chief of Mercer Law Review in 1950.
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\textsuperscript{25} \textit{Introduction}, 2 \textit{MERCER L. REV.} at iv (1950) (emphasis added).
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\textsuperscript{26} In 1950, the Georgia Court of Appeals published 2146 pages of opinions. See 80 Ga. App. 673 through 83 Ga. App. 134. During 1997, the same court published 5312 pages, which is roughly a 250% increase. See 224 Ga. App. 183 through 230 Ga. App. 75; see also Cynthia Trimbo Adams & Charles R. Adams III, \textit{Torts}, 45 \textit{MERCER L. REV.} 403, 457 (1993) (bemoaning the tendency of \textit{Georgia Survey} to "drown" in ink).
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\textsuperscript{27} As almost random examples, see Jay Alan Sekulow, James Henderson & John Tuskey, \textit{Proposed Guidelines for Student Religious Speech and Observance in Public Schools}, 46 \textit{MERCER L. REV.} 1017 (1995); Phillip Mullock, \textit{Professor Hall and the Ghostly \textit{Mens Rea}}, 13 \textit{MERCER L. REV.} 283 (1961) (cited by Manley Brown, \textit{see infra} note 47, as the most recondite article ever published by the Review).
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\textsuperscript{29} For example, an Editor's Note in the 1973 \textit{Georgia Survey} remarked somewhat sourly that "[t]here is a noticeable omission in this year's survey of an article on Contracts. This is due to the failure of an author to fulfill his commitment to the \textit{REVIEW} . . . ." \textit{Editor's Note}, 24 \textit{MERCER L. REV.} (1973).
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Also, the 1982 \textit{Georgia Survey} went somewhat over the top in its assimilation of the then-new \textit{Official Code of Georgia Annotated} ("O.C.G.A."). Although the compliers of the new Code had represented that it contained editorial changes only, it soon became apparent that this was not so, and that numerous substantive changes were made. See Charles R. Adams III, \textit{"Out of the Midst of the Fire"}: \textit{Vignettes from the Code of 1981}, 19 Ga. St. B.J. 130 (1983). This led us to adopt a cumbersome system of parallel citations with parenthetical notations about every change. Next year's board dropped this, however, and over the next several years, the present form of citation gradually evolved. Mercer Law Review wisely, however, ignores the \textit{Bluebook} in this instance, which for some reason known only to the denizens of Gannett House, mandates that the Code of 1981 be cited "\textit{GA. CODE ANN.}" To anyone with any knowledge of Georgia law, this perpetrates a fraud,
main, it stands as one of the most indispensable tools available to students of Georgia law, of whatever discipline.30 Frank Jones, Bob Hicks, and the other visionaries of that time are to be commended for the establishment of this valuable Georgia legal resource.

We really must resist the temptation to idolize these founders, however. In the spring of 1950, Bob Hicks and Professor Quarles journeyed to Columbia, South Carolina, to hear Professor Llewellyn speak at a law review conference. Faculty salaries being what they were in those days, and Bob's days of prosperity only a distant vision on the horizon, teacher and student shared an unairconditioned hotel room. Furthermore, Quarles borrowed twenty dollars from Hicks for spending money for the trip.

Envision the muggy darkness of a South Carolina springtime night. The window of this third-rate hotel room was open, in the vain quest for a breath of air. Inside, these two originators of Mercer Law Review were trying to sleep on lumpy mattresses, despite the din of a Beta Club convention which appeared to be taking place largely on the fire escape just outside. All pretense of sleep was abandoned in the next moment, however, when one of the conventioneers31 stepped through the open window into the room.

"Mr. Hicks," called Quarles, "are you awake?"
"Yes, sir."
"Do you mind getting up and letting me pay the $20? In case we are robbed during the night, I'd rather not still be owing you the money."32

How have the almost one thousand individuals who have been privileged to serve as members of Mercer Law Review attained that


30. There were three matters on which the questionnaire responses were virtually unanimous: (1) Georgia Survey is the most useful thing Mercer Law Review publishes (followed closely by the Eleventh Circuit Survey); (2) Yonna Shaw has been the most significant "member" of the Review over the years (see infra notes 73-77 and accompanying text); and (3) There wasn't anything very funny about being on Law Review (why did we ask that question, anyway?) (cf. Questionnaire received from Hon. Richard Mills, United States District Judge, Central District of Illinois (Member, Mercer Law Review, 1956-1957) to Mercer Law Review (Fall 1998) (on file with Mercer Law Review) ¶ 3: "A wonderfully pleasant and collegial time with my fellow staff members, but we were about rather serious business.").

31. Telephone Interview with Robert Hicks, see supra note 24 (Fall 1998). Hicks fails to specify the gender of the intruder.

32. Id. (The only one you will see in this article).
distinction? Aside from the one alumnus who griped in his questionnaire response that, like Groucho Marx, he “wouldn’t want to belong to a club that would have him as a member,”\textsuperscript{33} most respondents recalled their law review work as the most significant and challenging part of their legal education.\textsuperscript{34} The initial editors, of course, were hand-picked by Dean O’Neal.\textsuperscript{35} In the early years, apparently, membership requirements were less formal. Wallace Harrell, Editor in Chief in 1953, modestly recalls that “Jack Pippen who had been the Editor in Chief the year before simply asked me one day if I would take over for the next year and I agreed. If grades had been the criteria Leah Chanin, my dear friend and classmate, would have been the obvious selection.”\textsuperscript{36}

The conditions for membership on Mercer Law Review have evolved steadily over the years. At some point in the late 1960s, the faculty deeded over selection of the Editorial Board to the Law Review members; and later on, the annual writing competition was instituted, which allows students the opportunity to “audition” for Law Review, without regard to grades, by writing a sample casenote on a selected topic.\textsuperscript{37} Also, perhaps in keeping with the well-known observation to the effect that “the function of a good judge is to expand his jurisdiction to the maximum possible extent,”\textsuperscript{38} the size of the Law Review’s membership, both as a percentage of the class and in absolute numbers, keeps on

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\item \textsuperscript{33} I am invoking privilege about the source of this statement, both for his sake and mine. See O.C.G.A. \textsection 24-9-30 (1995).
\item \textsuperscript{34} “The attention to detail was extremely valuable in my training. It made me a more careful lawyer.” Questionnaire received from Dwight J. Davis, Partner, King & Spalding, Atlanta, Georgia (Member, Mercer Law Review, 1980-1982, Eleventh Circuit Survey Editor, 1981-1982) to Mercer Law Review (Fall 1998) (on file with Mercer Law Review). “Serving on the Editorial Board was a challenging, educational, and gratifying experience.” Questionnaire received from Joel Williams, Partner, Powell, Goldstein, Frazer & Murphy, LLP, Atlanta, Georgia (Co-Editor in Chief, 1966-1967), to Mercer Law Review (Fall 1998) (on file with Mercer Law Review). “The outstanding research and editing experience I had . . . triggered my future fondness for drafting and legal writing.” Mills Questionnaire, supra note 30. “[N]othing I have done since professionally has exceeded the pleasure I had working on the Mercer Law Review and associating with the talented, dedicated, and congenial people who were on the staff.” Tyson, supra note 7.
\item \textsuperscript{35} MERCERIAN, supra note 6, at 6.
\item \textsuperscript{37} MERCER L. REV. CONST. \textsection 1, \textsection 1 (adopted 1982).
\item \textsuperscript{38} Despite the numerical expansion of the Law Review and the availability of rapid electronic cite-checking capabilities, infra note 57 and accompanying text, the current editorial board was unable to locate the source of this quote. [Therefore, we will just have to take Professor Adams’ word for it—Editors.]
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Substantial evidence of scholastic ability, however, either through grades or writing, remains the bedrock criterion for membership on Mercer Law Review.

Like any normal child, Mercer Law Review experienced its share of growing pains in those early years. Frank McKenney, Editor in Chief in 1958-1959, gives the following picture of Law Review life in the Eisenhower era:

The law review office was in the west end of the attic of the Ryals Law Building on the Mercer campus. The rest of the attic, and a part of our office, was occupied with surplus books from the law library. The office was furnished with about five battered wooden desks. There was one old manual Royal typewriter. Bits and pieces of past articles, advance sheets, and scraps of galley proofs provided the decoration. A large closet in the right corner of the office contained the past editions of the review, arranged in a hip deep pile of packages, broken packages, and individual issues. It was the custom for board members to take a complete set of the back issues of the review when leaving.\(^{[40]}\) Constant rummaging through the closet had left this disorder.

There was a serious chess addiction among board members in 1958-59. We played in the law review office before class, after class, and between classes. At one point, a chess board was left set up at all times. Those not playing watched and kibitzed. Law review and school work suffered.\(^{[41]}\)

No more than modern-day Internet addiction, however, did the devotion to chess diminish the finished product. Indeed, during these years, Mercer Law Review matured with the publication of many substantive articles of lasting significance.\(^{[42]}\)

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39. This can be empirically verified by examining the masthead pages set forth in the historical appendix to this article, infra, at pages 43-97.

40. This fact, plus a fire in the Ryals attic in the 1960s, together with a disastrous flood in the attic of the current law school building in 1985, where back issues of the Law Review were stored, may account for the virtual unavailability of earlier numbers of the Review. See Shaw Interview, infra note 50.

41. Questionnaire received from Frank McKenney, Attorney at Law, Macon, Georgia (Member, Mercer Law Review, 1956-59; Editor in Chief, 1958) to Mercer Law Review (June 30, 1998) (on file with Mercer Law Review). Other outstanding alumni from these early years include: Max R. McElmurry (1951-1952); John W. Denney (1955); Philip R. Taylor (1955); Mitchell P. House, Jr. (1956-1957); and Paul E. Pressley (1959-1960). See Brown Interview, infra note 47. Of course, this kind of listing could go on forever, so to give a true sense of all the outstanding future lawyers who have served Mercer Law Review, every "masthead" page has been reprinted in the historical appendix to this article, infra at pages 43-97.

Another milestone from this era was the arrival, in 1959-1960, of the Review's first woman Editor in Chief, Joline Bateman Williams. Although women have played an integral role in Mercer Law Review since the very first edition, those who have served as Editors in Chief have consistently been among the most accomplished of the Law Review membership. Williams went on to serve as the Clerk of the Georgia Supreme Court for many years. The next woman Editor in Chief, Ruth West Garrett (1973-1974), became the first female senior partner at King & Spalding, and the third, L. Catherine Cox (1985-1986), was recently elected Georgia's Secretary of State.

In the early 1960s, Mercer Law Review began to shed its ad hoc existence and to acquire some sense of permanent identity. Manley Brown has made an extraordinary journey in life from Cullowhee, North Carolina to membership in the American College of Trial Lawyers, and his tenure as Editor in Chief in 1963-1964 was one of the significant stations along the way. Brown first recognized the need for a cumula-

43. See infra note 11 and accompanying text.
44. Larry S. Bryant relates the following anecdote, which once again calls into question all those pious assertions down through the years that Law Review is nothing but hard work:

For school year 1958-59 the Law Review Conference was at L.S.U. in Baton Rouge, Louisiana. All of the members of the editorial board, who wished, were invited to attend the convention at the expense of the law school. Because of the distance from Macon to Baton Rouge the expense allowance included an overnight stay for the return trip. Some of us decided that New Orleans was "on the way back to Macon" and traveled from Baton Rouge to New Orleans where we made our overnight stop. I was traveling with Ed Chapman, the editor in chief and Joline Williams, the incoming editor in chief. Early in our walking tour of the French Quarter Ed pled "illness" and returned to the car to spend the remainder of the evening. Joline and I had a merry time visiting the sights and sounds of New Orleans. (On second thought I have concluded that further comment about the evening would be difficult to set forth in writing. Overall the New Orleans experience was the funniest and most memorable that I had while serving on the editorial board.)

Questionnaire received from Larry S. Bryant, Partner, Bryant, Davis & Cowden, P.C., Atlanta, Georgia (Member, Mercer Law Review, 1959-1961; Student Editor, 1960-1961) to Mercer Law Review (Fall 1998) (on file with Mercer Law Review). See also Hicks Interview, supra notes 31-32 and accompanying text.

45. Manley Brown, see infra notes 46-47 and accompanying text, taught Garrett (now known as Ruth Tinsley West) in law school and recalls her as the "perfect law student." Brown Interview, infra note 47.

46. Manley F. Brown is a partner in the Macon, Georgia firm of O'Neal, Brown & Sizemore, P.C. and has been an Adjunct Professor in Trial Advocacy at Mercer Law School since 1972. He was Editor in Chief of Mercer Law Review from 1963-1964.
tive index of fifteen years' materials, and persuaded the law school administration to allow advertisement for new subscribers, which resulted in a substantial increase in the Review's circulation. The Georgia Survey published under Brown's editorship was also the first to contain a survey of every established topic.

Another significant event of the early 1960s was the acquisition of new "official" quarters for the Law Review. After spending a decade and a half stowed away in makeshift space beneath the eaves of Ryals, another office for the Review was included in the "ground" floor (actually the basement) of the newly-constructed Langdale Building, which also housed the law library. Although this journey ad terram per ardua somewhat reversed the usual aspiration, at last the Law Review had acquired its own home. Only the business end of the Review occupied these air-conditioned quarters, however. The "foot soldiers" continued to spade away in the sweltering purlieus of upper Ryals. Nevertheless, two years before the law school left the main campus for Coleman Hill in 1978, the editors traded comfort for convenience, and reconsolidated all the Law Review offices in the original space.

In addition to some much-needed air conditioning, the mid-1960s brought the first beginnings of the technology revolution to Mercer Law Review. John Laney is now a distinguished United States Bankruptcy Judge, with the resources of the federal government at his command, but it wasn't always so. He was Co-Editor in Chief in 1965-1966, and recalls:

47. Personal Interview with Manley F. Brown, see supra note 46 (Fall 1998). The Review published a cumulative thirty-five year index in 1984, and it will be time for another one after Volume 50. An index was published in 1970 that covered Volumes 1-20. A supplement was published in 1972 covering Volumes 21-23. A cumulative index, published in 1975 and covering Volumes 21-26, superseded the 1972 supplement. In addition to persons mentioned elsewhere in this article, Brown recalls the following outstanding alumni during and immediately following his years on the Law Review: Robert L. Swearingen, Jr. (Member, 1960-1962; Editor in Chief, 1961-1962); Harold F. McCart, Jr. (Member, 1961-1962); Clara Anne Whitesides (Member, 1962-1964); James E. Peugh (1965-1967; Co-Editor in Chief 1966-1967); and H. Terrell Griffin (Member, 1966-1968), although this list is certainly not exhaustive. See supra note 41.

48. The next time this happened was in 1982 with the addition of a long-overdue survey on Legal Ethics. See Editor's Note, 34 MERCER L. REV. 1 (1982) (listing all established survey topics).


At that time, copy machines were rare. The University Book Store still had a service for running off copies made by stencil. Some offices that I was familiar with had machines made by A.B. Dick, which literally "burned" copies of documents by some sort of heat process. The paper that was used did not preserve well and sometimes the machine would actually burn up the original if one wasn't careful.

One of our classmates in the Class of 1966 was Walter Warren, whose father practiced law in Leesburg, Florida. Walter's father donated the Law Review his "wet process" copier. Using this process the Law Review was able to make copies of documents, articles, etc. by use of some solution. The copies had to be hung out to dry, usually on something like a clothes line hung near the ceiling of the Law Review offices. After it dried, the paper looked sort of a gold color. If we tried to keep the copies, after a period of months the information that had been copied on to the paper began to come off, fleck by fleck.

These were still the days of mechanical typewriters and "carbon sets." During one year, at least, I had a part-time job in the ROTC Department of the University. It seemed that everything had to be typed on mechanical typewriters using carbon sets that had an original and six copies. Anytime an error was made, you had to erase the error on the original and six copies, taking care not to smear the carbon paper, or just start over again. I made too many errors in typing to start over again very often.51

Technology was indeed slow in coming to Mercer Law Review. When Yonna Shaw first came to work in 1974,52 multiple carbons and manual typewriters were still very much the order of the day. "Mrs. [Georgia] Albritton [holder during four decades of many law school positions, including Registrar53], had the first [electric typewriter], and we had the second one,"54 in the law school, Shaw recalls. In the spring of 1981, the Law Review also acquired, through the generosity of Bob Hicks,55 the very first "computer" in the building, a clunky old Radio Shack job that ran some antediluvian version of WordStar, but which was given its own private office and reverenced like the Lares and Penates of ancient Rome. "I sat there and cried," said Yonna. "I was so scared. The Law School had sent me to Darby Printing Company in

51. Laney Questionnaire, supra note 49.
52. See Shaw Interview, supra note 50.
53. Mrs. Albritton retired from Mercer Law School in 1995, having accumulated more than forty years' service to the University. See Job Responsibilities Diversify for Senior Staff, MERCER LAWYER 19, 19 (Winter 1998).
54. See Shaw Interview, supra note 50.
55. 1 MERCER L. REV. NEWS, No. 1, at 1 (1981). Hicks was by then a wildly successful practitioner in Atlanta. See supra note 24.
Atlanta for a day of training. When I came back, I brought the computer with me in the trunk of my car. All the other secretaries came and looked at it and they were scared to death. None of them wanted to touch it. I was on my own. Enter the Law Review suite today and see the VGAs aglow on every desktop, and the Law Review members electronically performing such tasks as cite-checking and Shepardizing in a fraction of the time it used to take, all on articles that are submitted originally on disk or over the Internet. Then, realize that this has largely happened in the last ten percent of Mercer Law Review's institutional life, and the extent of the "information revolution" really comes home to roost.

56. Shaw Interview, supra note 50. Although I am steadily falling behind the technology curve (I still like to look up my cases in "books"), in the spring of 1982, I was the young, energetic, newly-elected Georgia Survey Editor, and I actually understood much of what there was to know about the "word processor," as we called it in those days. A point was reached at which Yonna and I were the only two people on Law Review who had keys to the holy of holies that contained the machine (located behind an unmarked door in the Placement Office). Then Yonna inconsiderately went off on maternity leave to have her last child, Natalie; establishing me for one brief, shining moment as the sole person in control of the sole computer at Mercer Law School. Being no Bill Gates, however, see supra note 20, I failed to capitalize on this opportunity. Everything worked out fine, though. Associate Dean Joe Claxton, see infra note 72 and accompanying text, entreated with Yonna to cut many weeks off her maternity leave (these were the halycon days before the Family and Medical Leave Act of 1993), thus gaining his first (although definitely not his last) gray hairs. The law school acquired many additional computers (that's how they post assignments nowadays, for crying out loud!). I went on to other things, see supra note *, and so did Bill Gates, see NEW YORK TIMES; WALL STREET JOURNAL, et al.

57. Mercer Law Review personnel type no articles from scratch nowadays. The sole exception (of course) was portions of this article, which, because of the delay in receiving all the questionnaires, went directly from manuscript to page proof. Mercer Law Review can do anything when it has to! This transmogrification would have been impossible without the heroic efforts of the Law Review Administrative Secretary, Sheryl A. Smith, who made it all happen just like magic. Several Law Review members, however, commented that, with Sheryl, the extraordinary is ordinary.

Yonna and Sheryl, however, stress that the red carpet treatment afforded this article was because of its subject, not its author. Typically, it is the author's responsibility to submit the article in acceptable electronic form. In 1982, one of our Georgia Survey authors turned in a "manuscript" on several different sizes and colors of paper. The typing began at the very top left corner of the page and continued, without appreciable margins, single-spaced to the very bottom of the scrap of paper. This continued, without any footnotes to speak of, for page after turgid page. We really should have "canned" the article, but we had committed ourselves to cover every survey topic that year. See Editor's Note, 34 MERCER L. REV. 1 (1982). Somehow Yonna managed to keystroke the thing into the word processor, and then an heroic editorial team (whose names I wish I could recall), truly made a silk purse out of a sow's ear (even though I've also seen a few silk purses turned into sow's ears by overzealous editorial teams).
In 1996, the Law Review established a presence on the Internet with the creation of a web site.\(^{58}\) Initially, the site was developed by then first-year students Anne Tunnessen and Shannon Brett at the same time they created the law school’s first web site in the spring of 1996. In that nascent incarnation, the site only contained information on submitting articles, obtaining subscriptions, and several issues’ tables of contents.

Upon becoming a member of the Law Review in the fall, Tunnessen took over the site and developed it fully. By the end of that fall semester, the site contained the full text articles of one issue, complete with footnotes. In the following semester, she placed two years of full text articles on the site and established an interactive discussion format for the symposium issue for readers to comment on the articles. During that time, she also streamlined the process for publishing articles on the site by use of a series of “macro” programs, which enable students in later years without web experience to continue to place articles on the site electronically. Maintenance and improvement of the site now rests with each year’s Administrative Editor.

Not surprisingly, Mercer Law Review was the first in Georgia to have full text articles on its site, and in the fall of 1997, it had more full text issues online than any other law review in the country. The site now contains three volumes of full text articles and serves to advertise the upcoming symposia. Last year’s *Independent Counsel Statute, A Symposium* web site generated considerable interest, as well as purchases for the issue. Internet browsers can now read articles online, subscribe online, review the current masthead, search the subject index for Volumes 44 through 49, and connect to other electronic law journals from the site.\(^{59}\)

Like much of today’s technology, however, we are getting ahead of ourselves. In 1969, under the leadership of George T. Williams and others,\(^{60}\) the Law Review planned its first *Fifth Circuit Survey* edition,\(^{61}\) and in 1970, the first *Fifth Circuit Survey* was published, with Jeffrey B. Talley as its editor.\(^{62}\) Conceived as the companion to the

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\(^{58}\) The Law Review’s web site can be accessed at http://www.review.law.mercer.edu.

\(^{59}\) Plans are currently underway to update the web site with material from Volume 50, as well. Shaw Interview, *supra* note 50.

\(^{60}\) Executive Editors that year were Benjamin M. Garland and Gus H. Small, Jr. Ralph F. Simpson was (Georgia) Survey Editor. Each of these men have been distinguished alumni and prominent supporters of Mercer Law School.


\(^{62}\) O. Hale Almand, Jr. was Editor in Chief that year. The 1969-1970 editorial board also restored the position of “Managing Editor” as the second-in-command, and abolished
eminently successful *Annual Survey of Georgia Law,* which had then just passed its twenty-year milestone, the *Fifth Circuit Survey* became the other "bookend" of the Law Review, thus making Mercer Law Review one of the few legal journals to attempt two annual surveys. Following the 1981 Congressional breakup of the old Fifth Circuit, which was often referred to with varying degrees of humor as the "Supreme Court of the Confederacy," Mercer, naturally, cast its lot with the newly-formed Eleventh Circuit, which encompasses Alabama, Florida, the dual "Executive Editors" that had been in place for several years. Beginning in 1987, the Review had two "Managing Editors," and in 1991, this metastasized into a "Senior Managing Editor" and two "Managing Editors." There is no doubt that this additional staff enables today's Law Review to accomplish great things; for example (most) editions are "tighter" and go out sooner than in prior years. However, as one who is just behind the technology curve, see supra note 56, and who was so impressed with his own Managing Editor that he married her, see supra note 18, I can't help but think, in comparing today's editors with those of yesteryear, about the parallel someone once drew between Fred Astaire and Ginger Rogers: "Sure he's great, but she did everything he did, backwards and in high heels!"


64. Georgia Survey is published as number 1 each year; the federal survey (now covering the Eleventh Circuit; see infra note 67 and accompanying text) is the last number each year. It was added as number 3 beginning with its first publication in 1970. In 1975, a second lead articles edition was added as number 3 each year, and the federal survey became number 4.

65. One of the questions sent to all former members was "[w]hat is the value of Mercer Law Review to your practice?" *Questionnaire* ¶ 6. Those who practice in Georgia uniformly cited *Georgia Survey* as the most valuable component; those whose practice focuses primarily on federal law cited the *Eleventh Circuit Survey.* One curmudgeon just put "none" (at least s/he was honest). The most interesting response, however, came from Wilbur T. Fitzgerald:

"Though I no longer practice law, I recently used the *Mercer Law Review* to bolster my resume as an actor when I was in the running for a role as a trial judge in the Robert Altman film “The Gingerbread Man” – based on a John Grisham screenplay. Apparently it wasn’t enough that I had many roles playing lawyers to my credit, Altman wanted to know of any law school honors. It must have worked. I played “Judge Russo” opposite Robert Duvall and Kenneth Branagh."


66. As the old Fifth Circuit was called by former Mercer Law School Professor Ivan C. Rutledge.
and Georgia,\textsuperscript{67} and Loyola Law Review took over surveying the new Fifth Circuit.

Ironically, Mercer may have played at least a minor role in the movement to split the circuits. Richard W. Pierce, Editor in Chief in 1977-1978, recalls that "[f]or the Fifth Circuit Survey, Mitch Powell induced a Fifth Circuit Judge to write about the need to split the Circuit, which, as we all know, happened. Blame Mitch for that.\textsuperscript{68}

It could be argued that the publication of two annual survey editions necessarily slants Mercer Law Review's mission more in the direction of practitioners and judges and less towards the plane of pure academic theory. The substantial majority of those responding to the questionnaire, however (which, interestingly, included no full-time professors), were of the consensus that this is altogether a good thing. Certainly, when one considers the torrent of tendentious, jargon-laden drivel that passes for scholarship in many legal and other academic publications these days, one is grateful to Mercer Law Review and its editors for the publication of so much consistently useful material. "If it ain't broke, don't fix it!"

With the addition of the federal survey in 1970, and a second lead articles edition in 1975,\textsuperscript{69} Mercer Law Review substantially achieved its present, "grown-up" form. In the "Winter 1973" (actually Fall 1972) issue,\textsuperscript{70} the name of Joseph E. Claxton makes an innocuous first

\textsuperscript{67} 28 U.S.C. § 41 (1994). See, e.g., Thomas E. Baker, The Eleventh Circuit's First Decade Contribution to the Law of the Nation, 19 NOVA L. REV. 323 (detailing Judge Godbold's account of the transition). Marc Thomas Treadwell, prolific author of survey articles, was the last Fifth Circuit Survey Editor for Mercer Law Review in 1981, and the estimable Dwight J. Davis inaugurated the Eleventh Circuit Survey in 1982. Although Davis charitably expresses gratitude for the "privilege of explaining to lawyers the significance of the break up of the old Fifth Circuit," Davis Questionnaire, supra note 34, I recall that he and Alan Newman, Eleventh Circuit Editor in 1983, along with several others, spent dozens of hours and drank dozens of gallons of coffee determining the Byzantine complexities of what constituted precedent in the new Eleventh Circuit. Then Alan located a professor out in Texas whose life was consumed with little else, and obtained an article from him that solved the problem the same way they had. See Thomas E. Baker, A Primer on Precedent in the Eleventh Circuit, 34 MERCER L. REV. 1175 (1983).


\textsuperscript{69} See Questionnaire received from Peter Reed Corbin, Partner, Corbin & Duvall, Jacksonville, Florida (Member, Mercer Law Review, 1972-1975; Fifth Circuit Survey Editor, 1974-1975) to Mercer Law Review (Fall 1998) (on file with Mercer Law Review).

\textsuperscript{70} During the years of three numbers per year (Volumes 21 through 25 (1970-1974)), the Review was published winter, spring, and summer. Beginning in 1975, Georgia Survey, which had been published as the winter edition, moved back to fall, and, because the
appearance as faculty advisor.\textsuperscript{71} Professor Claxton has remained an invaluable supporter of Mercer Law Review for over a quarter of a century,\textsuperscript{72} but there is no doubt that his most significant contribution to the Review occurred very early in his tenure when, on September 2, 1974, he hired a young woman named Yonna Windham Shaw as Law Review "Secretary."\textsuperscript{73} This serendipitous act provided Mercer Law Review with the one person who has served, throughout nearly half its existence, as the institutional memory, most honest critic, gadfly, troubleshooter, personal and professional counselor, spiritual sheet anchor, and, in short, the heart and the soul of Mercer Law Review. In 1987, the editorial board recognized the immeasurable value of Yonna

\footnotesize{federal survey continued as the summer edition, what was really added was an additional book published in either winter or spring. As to the ability of various editorial boards to adhere to timely publication schedules, we will maintain a tactful silence in the spirit of I Corinthians 10:13. \textit{But see infra} note 76.}

\textsuperscript{71} Mercer Law Review has benefited greatly from the influence of outstanding faculty advisors over the years. Mostly, they have had the tact and good sense to leave the editors alone. Some of the more memorable advisors include James C. Quarles (1949-1958; 1963-1965), the founding advisor and indispensable guide to getting Mercer Law Review off to a good start, see Tyson, \textit{supra} note 7; Jones Questionnaire, \textit{supra} note 16; and MERCERIAN, \textit{supra} note 6, at 5-7. L. Ray Patterson made the meteoric rise from Editor in Chief (1955-1956) to faculty advisor (1958-1963) in less than two years. His record, however, was broken by Dupont K. Cheney, who went straight from Editor in Chief (1970-1971) to faculty advisor (1971-1972)! There were giants in the earth in those days.


\textsuperscript{72} In addition to taking public responsibility at every opportunity "for the admission of Charles R. Adams III to the Mercer Law School, an act for which mere remorse is not even a remotely adequate recompense to the Georgia Bar," \textit{Preface}, 5 J. OF S. LEGAL HIST. xiii, xiv (1997), Claxton inflicted his own personal, unique blend of angst and astuteness on Mercer Law Review as faculty advisor from 1973 to 1977, when he made the transition ("moved up" being too strong a term) to the position of Assistant Dean (1979-1985) and later Associate Dean (1985-1986), from whence, in those pre-email days, he bombarded us with an entire rain forest's worth of paper memos for some seven years. Now safely contained on the law school's third floor, Claxton spends his abundant spare time as Director of the Institute of Southern Legal History, a joint venture of Mercer Law School and the Georgia Legal History Foundation, Inc. Claxton also claims credit for being the father of the Law Review's current casenote format. Interview with Joseph E. Claxton, Professor, Mercer Law School (Faculty Advisor, Mercer Law Review, 1973-1977) in Macon, Georgia (November 9, 1998).

\textsuperscript{73} See Claxton Interview, \textit{supra} note 72. The Law Review Office Manager, Janice Chappell, retired that same year. She was primarily responsible for the billing and was also Professor Rehberg's secretary. Prior to Mrs. Chappell, Georgia Albritton maintained the Law Review billing records. Shaw Interview, \textit{supra} note 50.}
Shaw by dedicating the 1986 *Eleventh Circuit Survey* to her. Katherine Durant, editor of that edition, penned the following touchingly accurate tribute:

This issue of the *Mercer Law Review* is gratefully dedicated to Yonna W. Shaw, Business Manager of the *Mercer Law Review*. Undaunted in the face of pending deadlines, irritable printers, insistent authors, panicked editors, broken equipment, missing footnotes, and illegible editing, Yonna has faithfully served the Law Review for almost fourteen years. Each year, a new crop of anxious editors and members quickly learn to depend on Yonna's experience and knowledge, comforted in the assurance that, somehow, Yonna will “take care of it.” For your many years of service to the *Mercer Law Review*, we thank you, Yonna, and for the sake of future editors and members, we hope for many years of service to come.\(^7\)

Yonna is also a paradigm example of academic upward mobility. Promoted from secretary to Business Manager in 1978, she received her B.S. degree (cum laude) from Mercer University in 1998, and will begin studying for her Master's Degree at the Mercer School of Medicine in 1999. The administration, recognizing her extreme dedication and the additional duties of her position,\(^7\) promoted her to the position of Law Review Publishing Coordinator on November 2, 1998.\(^7\) As every incoming editorial board soon learns, Yonna is the opposite of the Queen of England: The Queen reigns but does not rule, whereas at Mercer Law Review, Yonna rules!\(^7\)

Yonna Shaw is also Mercer Law Review's only human link to its old quarters on main campus. By the mid-1970s, the Law Review, like the rest of Mercer Law School, was seriously out of space. The old attic headquarters in the Ryals Building had overflowed into a basement office in the Langdale Building. Although Joel Williams, Co-Editor in Chief in 1966-1967, had spearheaded the organization of the law review business offices and establishment of a separate library for the Review's previous volumes,\(^7\) space remained a problem.

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\(^7\) *Dedication*, 38 MERCER L. REV. x, xi (1987).

\(^7\) Yonna now uses desktop publishing to produce the *Law Review*. She is responsible for coordinating all special events, and directs the flow of work through the Law Review office. Shaw Interview, *supra* note 50.

\(^7\) It is anticipated that, much as Mussolini made the trains run on time, Yonna will impose more consistency on the publication schedules of *Mercer Law Review*, *The Journal of Southern Legal History*, and other publications that she manages. “We all work for Yonna, one way or another.” Claxton Interview, *supra* note 72.

\(^7\) And long may it be so.

\(^7\) See Williams Questionnaire, *supra* note 34.
The story of Mercer’s miraculous acquisition, under the leadership of Law Review alumnus Robert L. Steed, the magnificent Insurance Company of North America headquarters has been told many times. The renovation of this building included a ground-floor suite of offices for the Law Review, provided through the generosity of John Beverly Amos, in fond tribute to his good friend, Rev. G. Othell Hand. Like most vital organizations, however, the Mercer Law Review soon outgrew even its new quarters, although the arrival of electronic data processing seems to have enabled it to contract a bit.

79. Robert L. Steed was a member of Mercer Law Review from 1959-1961, and served as Casenote Editor from 1959-1960. Mr. Steed is a partner in the Atlanta law firm of King & Spalding.


81. John Beverly Amos was the Chairman of the Board of Directors and Chief Executive Officer of American Family Corporation and American Family Life Assurance Company in Columbus, Georgia. A life member of Mercer’s President’s Club, he provided not only financial support, but also strong leadership, having served on Mercer’s Board of Visitors for the Law School.

82. G. Othell Hand was senior vice president, director of motivation, and member of the Board of Directors of American Family Corporation of Columbus, Georgia. Rev. Hand’s portrait hangs in the Law Review’s main office, where it has observed some things I am sure the good reverend would not necessarily approve of.

83. Just four years after arrival in the new building, the Law Review “library” had spilled across the hall into part of what was then the suite housing Mercer’s “clinical” programs (where the Admissions Office is presently located). Professor Jack Sammons was, at the time, overseeing the clinic. I was in charge of the Law Review library. A conflict arose, over I can’t recall what. I acted like a perfect ass. Jack, as always, was a perfect gentleman, and the conflict was resolved. “Oh, to have the lightest license of a child, and yet be man enough to know its value.” CHARLES DICKENS, A CHRISTMAS CAROL, Stave 2 (London, 1843). The majority of Law Review editors I have been privileged to deal with exhibit far more maturity and professionalism than I did in that capacity. I therefore offer only one piece of avuncular advice, which is paraphrased from something I heard at camp meeting many years ago: When you make Law Review, you are at the end of your wanderings, but only at the beginning of your journey.

84. See supra notes 38-43 and accompanying text. Despite widespread availability of Lexis, Westlaw, and the various CD-ROM case reporting services, it has only been in the past decade that the Law Review abandoned the labor-intensive “listing and tearing” sessions for the survey editions. For years and years, as Peter Reed Corbin (Fifth Circuit Survey Editor, 1974-1975), recalls, “we gathered the cases for the articles by literally tearing the cases by hand from the [advance sheets—and I didn’t trust anyone else to do it right, so I personally tore all of the cases myself from the advance sheets, stapled them together, organized them, and had them sent to the authors.” See Corbin Questionnaire, supra note 69. Not so diligent as Mr. Corbin, I gathered a group of new members together for a Georgia Survey “listing and tearing” session in the spring of 1982. We were fortunate to have that year’s Evidence survey article being written by a former (1965-1967) member...
In addition to the well-deserved dedication to Yonna Shaw, other dedications down through the years include the following:

Volume 42, Number 1—In Memory of Professor Edgar H. Wilson. Professor Wilson's extraordinary career touched the lives of Mercer Law students over five decades. Fondly known as "Easy Ed" to his devoted followers, his easygoing nature marked a keen mind and outstanding abilities in many areas of public life. Holder of offices and honors too numerous to mention, he most directly influenced Mercer Law Review during his tenure as Law School Dean in 1972-1977. As Mercer Law Review said in its dedication, "[h]is unyielding devotion to public service and education will live on in the memories of his friends, colleagues, students, and family."85

Volume 41, Number 1—Dedicated to Justice Hardy Gregory. Gregory is one of Mercer Law Review's most distinguished alumni. He has written numerous articles for the Annual Survey of Georgia Law, and is, along with Justice Hugh P. Thompson, one of only two Law Review alumni to serve as a judge of an appellate court of last resort. Justice Gregory served as Associate Justice of the Supreme Court of Georgia from 1982-1990.

Volume 39, Number 2—In Memory of Dan J. Bradley. Dan Bradley was a 1967 graduate of Mercer Law School who was active on a national level with the Legal Services Corporation for many years.

Volume 39, Number 1—Dedicated to Professor James C. Rehberg.86

Volume 37, Number 3—Dedicated to National Criminal Defense College. The College has been associated with Mercer Law School since 1985 under the direction of Law Review alumna Deryl D. Dantzler.

Volume 37, Number 1—Dedicated to George E. Saliba, Editor in Chief in 1951.

of Mercer Law Review, Associate Justice Hardy Gregory of the Supreme Court of Georgia. Naturally we wanted to treat such a distinguished author with kid gloves, so I was horrified when the stack of "evidence" cases turned out to be about three times bigger than any other. Upon further scrutiny, however, I discovered that one well-meaning soul had gone through all the advance sheets and included every case in which the court had merely ruled that the "evidence supported the verdict." Later editorial boards were wise to discontinue this practice. If someone is supposed to know enough about an area of law to write a survey article, it is reasonable to assume that he will keep up with the cases on his own.

86. See supra note 15.
Volume 36, Number 1—Dedicated to H.T. O'Neal, Jr. and Sylvia G. Haywood, who taught as an adjunct professor both at the law school and on the undergraduate campus for many years.

Volume 35, Number 2 and Volume 34, Number 2—Symposium issues dedicated to Brainerd Currie.

Volume 33, Number 4—"William Augustus Bootle edition" with tributes by Griffin Bell and Lanier Anderson. To write about Judge Bootle's life, his achievements, and his relationship to Mercer Law School is a task far beyond the scope of this present article. A comprehensive oral history of Judge Bootle is planned for the Spring 1999 edition of the Journal of Southern Legal History.

Volume 33, Number 1—"Carl Vinson Memorial Edition," with tributes by Malcolm Moore, Sam Nunn, and Phil Landrum. Vinson, a 1902 graduate of Mercer Law School, served as a Georgia Representative to the United States Congress for fifty years.

Volume 31, Number 2—Law Day Dedication addresses by Hon. Griffin Bell, United States Attorney General, and Hon. Warren Burger, Chief Justice of the United States, on May 4, 1979, the occasion of the dedication of Mercer Law School's current facility.

Volume 28, Number 4—Dedicated to Griffin B. Bell with tributes by John R. Brown, N.E. Wilson, and Justin Stanley. Griffin Bell was graduated from Mercer Law School in 1948, so he missed by one year being involved in the organization of Mercer Law Review. He has, however, risen perhaps as high in the service of his school, his country, and his society as any of Mercer's many distinguished alumni. The occasion of the dedication was his tenure as Attorney General of the United States from 1977-1980. Judge Bell, now in private practice as a senior partner with King & Spalding in Atlanta, continues to be a good friend of Mercer Law Review, and a matchless supporter of the law school and indeed all things Mercerian!

87. See supra note 10 and accompanying text.
89. See infra note 99.
90. See generally Cameron, supra note 80.
91. The interview was conducted by two of Judge Bootle's former law clerks, Manley F. Brown, see supra note 46 and accompanying text, and Hon. Ed Lukemire, Judge of the Superior Court, Houston Judicial Circuit (Member, Mercer Law Review, 1978-1980; Georgia Survey Editor, 1979).
One of the most significant influences on the organization of Mercer Law Review was the tenure of Christopher Borden Paine as Editor in Chief in 1982-1983. Look at a shelf of Mercer Law Reviews. The spot where the letters on the spine switch from horizontal to perpendicular marks the point of impact of “Mr. Paine” (as we subordinates called him), and this typifies his lasting influence on the Review. Mr. Paine was to Mercer Law Review something like what the Great Fire was to London in 1666, both cleansing and terrifying. Yonna Shaw insists there was not a piece of paper in the Law Review offices at the time that Mr. Paine did not put his hands on. Indeed, he took advantage of Yonna’s maternity leave to completely reorganize the Review’s business files and alumni records, putting in place systems of record keeping that are still being followed today. Along with his predecessor, Ben Parrish, he brought us into the computer age, and he oversaw the cumbersome transition from the Georgia Code of 1933 to the

93. See infra note 99.
94. See WALTER GEORGE BELL, THE GREAT FIRE OF LONDON (1923).
95. See Shaw Interview, supra note 50.
96. See supra note 56.
97. There, I have finally split an infinitive in public, and I dare the editors to change it. I have encountered editors (at Mercer as well as elsewhere, but mostly elsewhere) who would have left the Gettysburg Address looking something like this: “Eighty-seven years ago, our parents established a new nation in North America, which they dedicated to the idea that everybody is equal. [Etc., etc.]” Mercer’s legal writing program, under the capable supervision of Professor Linda Edwards and others, however, is making giant strides towards producing a new generation of literate lawyers.
98. In fact, much of the material I am using to write this article literally has Chris Paine’s handwriting all over it.
99. Benjamin F. Parrish, Jr. led the 1981-1982 editorial board. One of the major accomplishments of that board was the creation of the Brainerd Currie Memorial Lecture Series, named in honor of one of Mercer’s most distinguished graduates. “He was graduated June 3, 1935, summa cum laude. During the four intervening decades only four graduates have attained that distinction.” William Augustus Booth, Brainerd Currie: Student, 28 MERCER L. REV. 436 (1977). By 1998 that total stands at seven. This lecture series was subsequently subsumed into a new symposium format published by Mercer Law Review. A complete list of Brainerd Currie lecturers who appeared under the Law Review’s sponsorship is as follows:
1983: William H. Rehnquist, Associate Justice, United States Supreme Court.
1984: William J. Brennan, Jr., Senior Associate Justice, United States Supreme Court.
100. See supra note 56.
Official Code of 1981,\textsuperscript{101} as well as the perplexing problem of precedent following the breakup of the old Fifth Circuit.\textsuperscript{102}

Mr. Paine’s greatest contribution, however (at least in potential), was the creation of the Mercer Law Review Endowment. Initial donors were all members of the Mercer Law Review class of 1983\textsuperscript{103} and the Endowment (which could use some more money) continues to be administered by the University for the benefit of Mercer Law Review. Most major law reviews have well-established endowments which enable them to operate without draining regular law school revenues,\textsuperscript{104} and as Mercer Law Review moves into its second half-century, it would certainly be fitting for its alumni and friends to revisit Mr. Paine’s fifteen-year-old legacy.\textsuperscript{105}

Probably every editorial board feels that it has written the final chapter on how to do law review, and those incompetent youngsters coming after will just mess things up.\textsuperscript{106} Part of the educational value of law review, of course, is precisely this process of “starting over from scratch” each year. Thus, every board has its innovations,\textsuperscript{107} and

\begin{itemize}
  \item \textsuperscript{101} See supra note 29.
  \item \textsuperscript{102} See supra note 67.
  \item \textsuperscript{103} See 2 MERCER L. REV. NEWS, No. 2, at 1 (1983). The Mercer Law Review News was another brainchild of the visionary 1981-1982 editorial board, see supra note 99. It was published sporadically through 1993, with the object of “the improvement of the Law Review Association through the strengthening of the relationship between student and alumni members.” Benjamin F. Parrish, Jr., Editor’s Notes, 1 MERCER L. REV. NEWS, No. 1, at 2 (1981).
  \item \textsuperscript{105} See infra notes 113-17 and accompanying text.
  \item \textsuperscript{106} I still have in my files an “Operations Manual” for Georgia Survey that I painstakingly put together in 1982-1983. After trying on and off for ten years to interest my successors in it, I finally gave up when Cindy most reasonably asked me whether I, as Georgia Survey Editor, would have welcomed such interference from Dan Brannan, my very capable predecessor. Brannan has become one of Mercer’s most durable survey authors, having written, along with various associates, a series of excellent Real Property survey articles for the past fourteen years. There is a burnout factor to being a survey writer that only the truly gifted and disciplined can survive. See R. Perry Sentell, Jr., Georgia Local Government Law: A Reflection on Thirty Surveys, 46 MERCER L. REV. 1 (1994), for the odyssey of one of the most gifted and disciplined survey writers of them all.
  \item \textsuperscript{107} One interesting “innovation” from several years ago was the publication of a five-year compendium of Domestic Relations survey articles in 1986. Apparently this wasn’t much of a moneymaker (Shaw Interview, supra note 50), but the concept is sound. One of the best ways to become familiar with an area of law is to go back and read the last five Mercer survey articles on the subject. Perhaps as the Law Review’s Internet offerings expand, see infra notes 118-19 and accompanying text, the ability to do this will increase.
\end{itemize}
makes its share of contributions and mistakes, but the important thing is, they get the chance to try! For example, the past decade at Mercer Law Review has witnessed co-hosting the National Conference of Law Reviews in 1993 with Emory University, the Federal Judicial Independence Symposium, the symposium on Choice of Law: How it Ought To Be, and the Independent Counsel Statute: A Symposium.

Despite the annual opportunities for creativity, however, no editorial board really writes on tabula rasa. Even Bill Tyson's fledgling group went to visit some other law reviews to see how it was done. There is an old saying to the effect that if we see farther than those who came before us, it is because we are standing on their shoulders. Thus, having reviewed in some fashion the story of Mercer Law Review up to now, it is perhaps appropriate to look ahead and pass along some of the challenges that our history, both long ago and recent, has set before us.

These are just a few of the tasks Mercer Law Review faces as it moves into its second half century:

• Above all, in this era of nationwide grade inflation, political correctness, and declining academic standards, Mercer Law Review must preserve, and indeed enhance, its tradition of intellectual excellence. “[E]arnestly contend for the faith which was once delivered to the saints.”

• Take steps to enhance the Review's (and the law school's) financial future by means of the Law Review Endowment.

• Future boards should consider reactivating the Mercer Law Review News and the Review alumni association with appropriate activities. A strong cadre of committed alumni could be one of Mercer Law Review's most valuable resources, in many respects. Although, admittedly, a certain percentage of alumni feel like the one respondent who stated that, when he graduated, he took a vow never to read another law

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108. See supra notes 16, 20, 29, 56, 57, 83, 84, and 97 and accompanying text.
112. See supra note 13 and accompanying text.
113. What follows is not mere ipse dixit, but is gleaned from comments contained in the questionnaire responses and the interviews conducted in preparation for this article. Of course, I didn't include anything unless I agreed with it!
114. Jude 3 (King James).
115. The current editorial board is attempting to reestablish the Mercer Law Review association and is planning a reunion dinner in the spring of 1999 honoring all former members.
most alumni consider their Law Review experience to be one of the most valuable parts of their legal education. If the questionnaire responses received and interviews conducted in connection with this article are any indication, there is a tremendous reservoir of goodwill towards Mercer Law Review among its alumni and friends that has been but seldom tapped.

*The editors should consider methods of making past, present, and future issues of the Review available electronically, and expanding the possibilities of giving subscribers interactive access and cross-linking to cited materials. More prosaically, preparation of a cumulative fifty-year index would appear to be almost de rigeur, and posting it to the Review's web site would be an excellent next step in the direction of electronic availability (in addition to a print version for us "cyber-challenged" types). Every law review is being faced with the challenge of adapting what is essentially a nineteenth-century legal tool to the demands of the twenty-first century. Although Mercer Law Review has already taken giant strides in this direction with the implementation of such modern conveniences as desktop publishing and electronic cite checking, as well as the establishment of a web site, these are merely matters of survival in today's world. The vision of Dean O'Neal and the others who founded Mercer Law Review all those years ago was to put Mercer out front. Remember, if you aren't the lead dog, the scenery never changes.

*Finally, don't hesitate to think big! Dean O'Neal, Professor Quarles, Bill Tyson, and the other founders thought big. Frank Jones and Bob Hicks thought big when they inaugurated the Georgia Survey. Manley Brown thought big when he compiled the first cumulative index. George Williams, Hale Almand, and Jeffrey Talley thought big when they inaugurated the Fifth Circuit Survey. When Joe Claxton hired Yonna Shaw, when Bob Hicks donated the first computer, when Ben Parrish started the newsletter and the Currie lecture series, when Chris Paine conceived the Endowment, and when Mary Patricia Sullivan hosted the National Conference of Law Reviews, they all were thinking big, in

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116. See supra note 33.
117. See supra note 34 and accompanying text.
118. See supra notes 58-59 and accompanying text.
119. See supra note 8 and accompanying text.
120. Mary Sullivan, Editor in Chief, 1992-1993 was consistently mentioned by her classmates responding to the Questionnaire as the most popular Editor in Chief. Under her leadership, Mercer co-hosted the National Conference of Law Reviews in 1993. See supra notes 108-09 and accompanying text. Laura L. Taylor, Editor in Chief, 1989-1990 has recently been graduated from Mercer Medical School. The tradition of excellence continues!
the grand tradition of Mercer Law Review. "Be thou diligent to know
the state of thy flocks, and look well to thy herds," enjoins Solomon,
"[f]or riches are not for ever: and doth the crown endure to every
generation?" Go forth and claim the crown!

The story of Mercer Law Review is spun from a host of smaller stories.
I have endeavored here to tell at least some of the more significant of
them, there are certainly many others that could be told. For what
has been omitted, I ask the reader to credit my intention, which was to
honor in some fashion an institution that has immeasurably benefited,
not just my own professional life, but the entire legal culture,
certainly of a state; most likely of a federal judicial circuit; and, dare we
say, of points far beyond.

Such is my song. But for the final verse, we must turn to a greater
bard, a veritable Homer on the subject of law review life in general. In
one of his lighter moments, Professor Karl Llewellyn, referred to earlier
in these pages as the author of The Bramble Bush, penned the
following lines, which furnish a fitting final tribute to the efforts of
everyone who has ever lifted a blue pencil or a Bluebook in furtherance
of Mercer Law School's noblest enterprise—Mercer Law Review:

121. Proverbs 27:23-24 (King James).

122. A word about the methodology employed in gathering information for this article
is in order. The Fiftieth Anniversary Committee, see note*, supra, mailed out a
Questionnaire to all former editorial board members. Responses ran the gamut from a six-
page, single-spaced letter, to the individual who simply returned his form with his name
written at the top. Most respondents, however, took the trouble to provide quite
substantive materials, and much of that material has been incorporated in this article.
Also, at least the following people were interviewed on a formal or informal basis: Cynthia
T. Adams; Manley F. Brown; Joseph E. Claxton; Robert E. Hicks; Patricia B. O'Neal; and
Yonna Windham Shaw. Finally, the Law Review's business files, and my own files
accumulated over almost twenty years of association with the Review, furnished much
interesting and helpful information. Of course, there is also the "best evidence" of Mercer
Law Review's accomplishments—the fifty years' worth of books on the shelf. These, too,
richly repay any time spent with them.

123. Law Review has made grown-ups out of far better persons than me. Many Law
Review alumni would echo the sentiment expressed by Bob Hicks, whose memorable trip
to Columbia, South Carolina with Professor Quarles is chronicled supra at notes 31-32 and
accompanying text. Hicks related that his Law Review "experience opened windows onto
a world of which I was previously unaware and, after graduation, opened doors I never
dreamed of passing through . . . . Serving as editor in chief . . . instilled in me a quest for
excellence which has remained with me till this day and [has] probably made me
dissatisfied with every sentence I've written since . . . ." Hicks Interview, supra note 31.

124. For example, one of the Review's subscribers is the University of Tasmania. Shaw
Interview, supra note 50. Truly, Mercer Law Review's reach is worldwide!

125. See supra note 14 and accompanying text.
Song of the Law Review

Oh, I was a bright law student,
My grades were good and high,
They said I'd make the Law Review,
And now I'd like to die.

My eyes they burn, my head is dead,
But still I struggle through;
You ain't read half what I have read
To do your work for you.

I have to read advance sheets
And show the faculty
The cases that they ought to read,
The points they ought to see.

Both courts and scholars listen
When I tell them so and thus;
You'll find me cited now as "Notes,"
Now as "Anonymous."

So workers of the Law School world,
While some strength still remains,
Arise, unite, demand a beer,
And slug 'em with your chains.\(^\text{126}\)

\(^{126}\) Karl Llewellyn, "Song of the Law Review" (1952).