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## Beyond the Ivory Tower

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# FOREWORD

## BEYOND THE IVORY TOWER

*John G. Douglass \**

Symbols can send mixed messages. The ivory tower is such a symbol. In the modern age, the term first gained popularity as a pejorative: a shorthand for the perceived detachment of universities from the real needs of real people in a real world.<sup>1</sup> But the ivory tower brings to mind other images as well: images that suggest quiet reflection and independent judgments made by neutral thinkers after careful study. A university is a universe of ideas where exploration is welcome, whether or not the practical application of an idea is apparent in the short run.

The University of Richmond campus is, quite literally, a garden surrounded by a forest. We have some lovely towers at Richmond: red brick mostly, flecked with some touches that hint at ivory. Our campus is a place where the academic discipline of law is cross-fertilized by contributions from economists, historians, psychologists, chemists, and even musicians. We nurture quiet reflection. We extol the exploration of ideas. But “detachment” is not part of our vocabulary. Instead, “engagement” is the watchword of our academic enterprise across the university as a whole and throughout the law school in particular.

For one thing, the University of Richmond School of Law (“Richmond Law”) is wired to a wide audience. Our faculty contributes daily to dialogue with scholars across the nation and around the globe. Within the year, Richmond Law faculty mem-

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1. See RANDOM HOUSE UNABRIDGED DICTIONARY 1017 (2d ed. 1993).

bers will have lectured on tax policy in Vienna and on global warming in Beijing. One faculty member advocates for women's rights in the Islamic world. Another has advised European Union officials on international environmental policy. Still another has assisted in drafting constitutions for emerging democracies. Others file briefs in the Supreme Court of the United States and in the courts of the Commonwealth of Virginia. Each of them has a scholarly voice that reaches well beyond our campus.

Our students join in the dialogue as well. They produce and edit one of the nation's best regarded law reviews and the oldest online law journal in America, as well as specialized journals in global law and business and in public interest law. This year, they produced Richmond's first law journal article to appear in both English and Spanish.<sup>2</sup> In a matter of months, Richmond Law students will have published in a prominent California law journal<sup>3</sup> and in one of the nation's most widely read electronic resources on the Supreme Court.<sup>4</sup>

Equally important, for decades Richmond Law faculty and students have been deeply and continuously engaged as public-interest advocates in the Richmond community and the Commonwealth of Virginia. In our growing clinical programs, our faculty and students serve children with disabilities who seek services in the public schools. They represent juveniles charged with offenses and serve as guardians for neglected and abused children. They comb criminal case files for evidence of wrongful conviction. Through our new Harry Carrico Center for Pro Bono Services, Richmond Law students draft wills for police and firefighters, serve immigrants who are attempting to obtain citizenship, and seek protective orders for victims of domestic abuse. Our faculty and students have a long record of contribution to the Virginia legislative process, offering position papers on draft leg-

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2. See Glenda Labadie-Jackson, *Through the Looking Hole of the Multi-Sensory Trademark Rainbow: Trademark Protection of Color Per Se Across Jurisdictions: The United States, Spain and the European Union*, 7 RICH. J. OF GLOBAL L. & BUS. 91 (2008); Glenda Labadie-Jackson, *Un Arco Iris de Lentes con los Que Mirar: La Protección del Color Único como Marca en los Estados Unidos, en España y en la Unión Europea*, 7 RICH. J. OF GLOBAL L. & BUS. 111 (2008).

3. The UCLA Journal of Environmental Law and Policy will publish Katharine E. Kohm, Comment, *Shortcomings of the Cartagena Protocol: Resolving the Liability Loophole at an International Level*, 27 UCLA J. ENVTL. L. & POL'Y (forthcoming Feb. 2009).

4. See Posting of Jon Goodrich to SCOTUSblog, <http://www.scotusblog.com/wp/scotus-wiki-preview-carciere-v-kemphorne/> (Sept. 16, 2008, 16:04 EST).

isolation, conferring with members of the General Assembly, and testifying at committee hearings. At about the time this issue goes to print, we will start a new chapter in our history of community engagement by opening a family law clinic at a location in the heart of the city.

For Richmond Law faculty and students, the academic pursuits of teaching and learning mesh continuously with the real world of lawyers as advocates, advisors, counselors, and policy makers. It could hardly be otherwise for the only law school in a vibrant state capital, which is home to more courts than any city in the nation outside of Washington, D.C.; to a Federal Reserve Bank; and to several of the nation's largest and most prominent law firms. The City of Richmond offers our students a laboratory rich in opportunities to learn and test the professional skills of lawyering. The Virginia bench and bar offer willing partners to guide students in that learning.

Law reviews, like law schools, can offer an essential bridge between the academic and the practical. Like dozens of *Annual Surveys* before it, this year's issue of the *University of Richmond Law Review Annual Survey of Virginia Law* combines the best of the ivory tower and the real world. It brings the work of law professors together with the work of practitioners and judges, all equally devoted to the advancement of knowledge and the advancement of the legal profession. The *Annual Survey* is an aid to reflection on the law, the law's origins and rationale, and what our law could be. In equal measure, it is a tool for the practice of law: a volume that appears on desks of Virginia judges and practitioners as often as anything short of the Virginia Code itself.

This issue includes works by an experienced jurist, by distinguished members of the Richmond Law faculty, and by respected public servants and practitioners recognized as leaders in their areas of specialization. Judge Frederick G. Rockwell, III brings the voice of judicial experience to his thoughtful perspective on the history, rationale, and efficacy of Virginia's drug courts. Professor Peter Swisher, a national expert on tort and insurance law, combines his expertise with years of experience in legislative advocacy to argue for General Assembly action to protect Virginia consumers against defective products. Professor Carl Tobias offers an examination of judicial selection in Virginia, an examination rooted in a scholarly review of history but intensely relevant to an issue of vital current importance. Richmond Attorneys Pa-

trick McSweeney and Wesley G. Russell, Jr. examine a landmark decision of the Supreme Court of Virginia that invalidated the taxing power of a regional transportation authority. Jeffrey McMahan, Richmond Law Class of 2008, recounts the history of Virginia's efforts to address claims of judicial misconduct and offers a proposal for reform. And, as always, the many able authors of the annual survey section illuminate the year's most important legislative acts and judicial opinions in areas critical to Virginia practitioners.

Louis Brandeis once wrote of the law's "happy combination of the intellectual with the practical life."<sup>5</sup> That combination, he suggested, makes lawyers uniquely well suited to resolve private conflicts while keeping sight of the larger goals of justice and the public good.<sup>6</sup> That same combination, I believe, lies at the heart of a rewarding life in the law. As Dean of the University of Richmond School of Law, it is my privilege to commend to you this *Annual Survey of Virginia Law* as a work reflecting the best of that "happy combination."

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5. Louis D. Brandeis, *The Living Law*, 10 ILL. L. REV. 461, 469 (1916).

6. *See id.*