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Foreword

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FOREWORD

Wendy Collins Perdue *

In the Foreword to the first issue of the *University of Richmond Law Notes*—the predecessor to the current *University of Richmond Law Review*—Dean William Muse articulated the modest aspiration that the *University of Richmond Law Notes* would “be of some value to the lawyers of Virginia.”¹ Ten years later, the *University of Richmond Law Notes* became the *University of Richmond Law Review* and with that change came an expansion in the aspirations for the publication. Service to the profession and in particular to the lawyers in Virginia remained an important objective, but in addition the new *Law Review* was “dedicated to excellence in legal scholarship.”²

The dual commitments of service to lawyers of the Commonwealth and scholarly excellence were evident in the first issue of the *University of Richmond Law Review*. That issue included a section summarizing recent Virginia legislation, along with a set of notes analyzing recent Virginia court decisions, fulfilling the goal of being of service to lawyers in Virginia. At the same time, the issue included three articles addressing issues of broad relevance beyond the confines of Virginia, including an article on negligence by the great torts scholar, Robert E. Keeton.³

Those dual commitments continues to this day. The *University of Richmond Law Review’s Annual Survey of Virginia Law*

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1. William T. Muse, *Foreward*, 1 U. RICH. L. NOTES 2, 2 (1958).

2. *Foreward*, 3 U. RICH. L. REV., at vii, vii (1968).

3. Robert E. Keeton, *Basic Protection and the Future of Negligence Law*, 3 U. RICH. L. REV. 1 (1968).

provides a hugely valuable service for the judges and lawyers of Virginia and is now the most widely circulated issue of the *Law Review*. But the *Law Review* is also regularly publishing articles of broad interest nationally and internationally. This is apparent from data on downloads from the scholarship repository. In a single day in October 2022, articles published in the *University of Richmond Law Review* were downloaded by readers in over twenty states as well as readers in Canada, England, France, Germany, the Netherlands, Iraq, India and Pakistan!

This most recent issue reflects this wonderful tradition. In addition to the *Annual Survey of Virginia Law*, this issue includes three articles that may be of broad interest. First is Professor Eisen's Article on energy justice—a topic of growing national and international significance. This thoughtful Article examines the various efforts—successful and unsuccessful—that were undertaken in the wake of COVID-19 to assist lower-income Virginia residents and assure that they are not cut off from critical utility services. While Virginia is the focus of this article, it provides a fascinating case study and may provide lessons for other states and for scholars interested in the dual issues of energy justice and clean energy policies.

The second article addresses the standard for preliminary injunctions in Virginia. Judge Raphael's analysis focuses on British equity practice at the time of U.S. independence as well as early Virginia precedents. He concludes that the approach to preliminary injunctions adopted by the Fourth Circuit Court of Appeals is not consistent with this early equity practice. This conclusion is obviously relevant to preliminary injunctions in Virginia state courts. But with the Supreme Court of the United States increasingly defining the scope of *federal* equity practice by reference to practices in the Court of Chancery in 1789,⁴ Judge Raphael's conclusion could be relevant beyond Virginia.

The third article, co-authored by Christopher J. Sullivan, a former Editor-in-Chief of this Law Review, and Justin A. Ritter addresses another topic of wide national interest—non-competition agreements. The Article argues that a bar on non-compete agreements encourages business formation and entrepreneurial enterprises by providing workers with more flexibility and businesses

4. See *Grupo Mexicano de Desarrollo, S.A. v. All. Bond Fund, Inc.*, 527 U.S. 308 (1999).

with a more robust pool of employees. It then examines the current state of Virginia law on non-competition agreements and concludes that the law in this area is unreasonably unpredictable. The authors propose a legislative solution and even include the text of a model statute—a model that could easily be adopted in other states beyond Virginia.

Congratulations to editors and staff on another outstanding issue of the *University of Richmond Law Review*.