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Article 1

First Annual Philip D. Reed Memorial Issue

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Abstract

Philip Dunham Reed, to whose memory this inaugural issue of Volume 14 of the Fordham International Law Journal is dedicated, was a leading industrialist, patent attorney and international corporate executive during the great epochal periods of this century: the boom of the twenties, the Great Depression, World War II, and the post-war reconstruction.

HISTORY OF THE *FORDHAM* *INTERNATIONAL LAW JOURNAL**

This year marks the sesquicentennial anniversary of the founding of Fordham University. In honor of this occasion Dean John D. Feerick has asked each of the law school journals to review its history. For the *Fordham International Law Journal*, it has seemed at times a long, difficult challenge to survive and then to prosper. The *Journal* owes much of the success of its early development to Professors Joseph C. Sweeney and Ludwig A. Teclaff, its faculty advisors, Dean Joseph McLaughlin, and to Professors Helen Hadjiyannakis-Bender, Barry E. Hawk, and Constantine N. Katsoris. The *Journal's* current status reflects the quality of the students who comprise its past and present.

The eminent Professor Sweeney recalls that the *Journal* was born from a fortuitous calendar change by the University. The International Law Society was founded in 1966, sponsored its first team for the Jessup Competition in 1968, and occasionally held luncheons with guest speakers. The Society also gained prominence for holding the best Christmas egg nog party in New York. In 1976, however, the calendar changed, so that examinations were given before Christmas instead of in January. No students would be around, therefore, to enjoy the traditional festivities. Professor Sweeney credits the quick-thinking Jason Eyster with deciding to pursue more scholarly pursuits—the birth of Volume 1, Book 1. The initial goal of the *Journal* was to provide students the opportunity to write on issues and developments in international law. The seventy-five page inaugural issue of the *Fordham International Law Forum*, as the *Journal* was known for its first three years, included three student pieces and two book reviews. One stu-

* The *Journal* would like to thank Professor Marjorie A. Martin for all of her help in compiling this History. Professor Martin would like to thank everyone who contributed their thoughts and recollections to this history, including Professor Joseph C. Sweeney, James P. Eyster, Susan C. Eisenhower, James T. Tynion III, Arlene Daffada Ashton, Eric L. Gilioli, Stephen R. Reynolds, James K. Noble, William F. McCoy, Rosanne M. Thomas, Joseph A. Burke, Benjamin H. Tahyar, Ellen C. Auwarter, Theresa I. Yard Panten, Ava M. Plakins, Carl L. Stine, Meg A. Mataraso, and Zdenka Seiner Griswold. She also thanks those members of the Fordham International Law Journal Alumni Association Board of Directors and John G. McCarthy who took time out to remind past Volumes to send in their contributions.

dent piece was authored by Jean Gerard, who remarkably soon after her graduation became the U.S. Ambassador to UNESCO.

The dedicated volunteers who published Volume 2 laid the foundation for expansion to two books. The boards of Volumes 2 and 3 also established a writing competition and created procedures for selecting and training student editors, soliciting and editing articles, and publishing a professional product.

The two books of Volume 3 were published in standard law journal format for the first time and included articles by outside legal scholars. Volume 3's board, which shared an office with the staff of the student-run *Advocate* newspaper in an oversized "closet," showed itself to be an early indicator (or perhaps pacesetter) for the legal society at large by having the *Journal's* first female editor-in-chief. (There have been five female editors-in-chief and three female managing editors in the *Journal's* history.) In 1980, the *Forum* received the Eugene H. Keefe Award, conferred annually by the student body on the person or persons who have contributed most significantly to the law school.

A student piece in Volume 4, written by Gary P. McCormack on the reinstated steel trigger price mechanism and its effects on import competition, received one of the 1981 Francis O. Deak Awards for the best student piece in a student-run international law journal. During that year, a student piece earned the first citation to the *Journal* by the U.S. Court of Appeals for the Second Circuit, and the law school granted the editors of Volume 4 the same recognition and status as the editors of the *Fordham Law Review* and the *Fordham Urban Law Journal*.

The work of Volume 5's board continued to add strength and credibility to the fledgling operation, both within the law school and among its readers. Volume 5 contained a student note by Marianna Maffucci on liberalization of international trade in the service area under GATT, which was awarded one of the 1982 Francis O. Deak Awards. Volume 5 also contained an article on maritime arbitration and the federal courts by the Honorable Wilfred Feinberg, Chief Judge of the U.S. Court of Appeals for the Second Circuit.

An exciting moment came for the board of Volume 6 in 1983 when it was able to move into larger quarters. With an eye to the future, the board's tireless efforts that year saw the acquisition of a Vydec computer system (the first such system acquired by any of the school's journals) to ease production. The board expanded the *Journal* to three books and drafted the new *Journal* Constitution. During this year, the *Journal* was listed in the Index to Legal Periodicals for the first time. Volume 6 also contained a note by Patrick J. Hynes on U.N. financing of the Law of the Sea Preparatory Commission, which won one of the 1983 Francis O. Deak Awards. The board of Volume 6 joined the *Fordham Law Review* and the *Fordham Urban Law Journal* to organize the Unified Writing Competition for the selection of staff members. Additionally, the boards of Volumes 6 and 7 founded the Fordham International Law Journal Alumni Association.

The board and staff of Volume 7 managed to survive in cramped (albeit temporary) quarters while the law school underwent expansion. Volume 7's editors implemented or refined much of the progressive philosophy of their predecessors on Volume 6, including acquiring a second Vydec computer, making the *Journal* the first of Fordham's journals to be fully automated. Perhaps as a result, the number of citations to the *Journal* by federal and state courts doubled that year. The editors of Volume 7, with the school's faculty and administration, also laid the groundwork for a symposium on European Community law and a corresponding fourth book.

Construction continued during the tenure of Volume 8's board. They saw the light at the end of the tunnel, however, in the form of options for a new office: a newly-constructed location on the fourth floor or a newly-renovated location in the basement, more aesthetically known as the "Garden Level." The board chose the latter to develop and maintain a visible, accessible profile at a very desirable hub—the intersection of the Career Planning Office, the new Cafeteria, and the new Student Lounge. That selection continues to be the *Journal*'s location.

The concerted efforts of the editors of Volumes 8 and 9 led to the *Journal*'s next technological revolution, the availability of Wang word processing in time for Volume 9. A student note in Volume 9 on compelled waiver of bank secrecy in the

Cayman Islands by Ellen C. Auwarter was awarded the 1986 Francis O. Deak Award.

The Volume 10 board was prodigious, publishing not only four books (including the inaugural issue dedicated to European Community law) but also the *Journal's* first supplement: "International Organizations: A Selected Bibliography" by Victor Essien, the law school's international law librarian. That first European Community law issue contained a highly controversial article on the state action doctrine in European Community competition law by Pierre Pescatore, former Judge of the Court of Justice of the European Communities, a vigorous response by Giuliano Marengo, legal advisor to the Commission of the European Communities, and an equally vigorous rejoinder by Judge Pescatore. The board of Volume 10 believes that this debate not only enhanced the *Journal's* reputation as a scholarly review, but has served as the foundation for fourteen other articles in this and other journals. Additionally, Volume 10 included a comment by Jacqueline O. LiCalzi on airline deregulation in the European Community that was awarded the Justice Robert H. Jackson Award—second prize in the national competition for best student writing in foreign law sponsored by the Washington Foreign Law Society.

The board of Volume 10 established the Editorial Advisory Board of noted professors, judges, and practitioners to aid in obtaining quality professional pieces. The board also reestablished the book reviews section to provide prominent scholars and practitioners with time constraints the opportunity to publish. Focusing on the needs of its staff, the board created the first handbook for new staff members and encouraged the writing of case comments to allow publication of student pieces other than notes. Volume 10 expanded the board to include a Book Reviews Editor, created the Senior Articles Editor position, and renamed the position of Commentary Editor to Notes and Comments Editor. The need to publish four books encouraged the board to acquire the *Journal's* first high-speed printer, a new copier, a third Wang computer, Westlaw (on which *Journal* pieces appeared for the first time), LEXIS, and an additional telephone line.

The board and staff of Volume 10 celebrated the *Journal's* Tenth Anniversary with alumni, faculty, and administrators at the first annual gala dinner at the Yale Club on March 27,

1987. The keynote speaker was the late Professor Willis L.M. Reese, Reporter for the Restatement (Second) of Conflict of Laws, and Columbia University's Charles Evans Hughes Professor of Law.

During the tenure of Volume 11's board the *Journal* was regularly mentioned in the *National Law Journal*'s "Worth Reading" column. The board increased the subscription base by thirty-three percent to over 500, including the library of the U.S. Supreme Court. One of the book reviews was written by Xi-Qing Gao, the first citizen of the People's Republic of China to pass the New York State bar examination, and the speaker at the *Journal*'s Eleventh Anniversary Dinner. Volume 11's editors encouraged students who had competed unsuccessfully in the Unified Writing Competition to submit manuscripts through a publishable notes program. Three students were subsequently invited to join the staff.

The editors of Volume 12 saw the strengthening of the *Journal*'s ties with the Court of Justice of the European Communities, publishing articles by two sitting judges of the Court. In adapting to the continually changing work patterns during their term, the editors created a "swing" position, currently the Articles and Notes Editor.

Volume 13's editors benefitted from a changing world order with Europe looking to 1992, the fall of communism in the Eastern bloc, and increased attention to Asian economies. In an effort to meet the challenge of the transforming international vista and the needs of the *Journal*'s readers while maintaining the *Journal*'s prominent position in the international legal community, the board of Volume 13 continued to broaden its spectrum of scholars as well as the scope of subjects. The board emphasized the impact of U.S. domestic law on the international arena rather than "international law" alone.

Volume 13's board acquired two new IBM computers, one partly from the *Journal*'s Alumni Association and one from the law school, as well as a laser printer. With the acquisition of two more IBM computers this year, the Wang computers are only a part of the *Journal*'s history. Volume 14's editors have also procured a second laser printer, a facsimile machine, and a new photocopier.

The *Journal* has grown from a group of nine people to an organization consisting of seventy-six students, working as editors, associate editors, members, and staff. The *Journal* today includes a Special Publications Editor, a position created by Volume 13's board to facilitate the *Journal's* work with the Fordham Corporate Law Institute and Professor Hawk.

The board of Volume 14 attributes to the efforts of prior volumes the *Journal's* popularity with professional authors and reputation for publishing regularly and on time. Volume 14 will contain several articles by prestigious authors, including one by Ole Due, the President of the Court of Justice of the European Communities in the Fifth Annual Issue on European Community Law. Furthermore, Book 1 contains a symposium of selected proceedings of the Sixth Annual Judicial Conference of the U.S. Court of International Trade.

The *Journal's* high regard by the legal community and its continuing relationship with its alumni seem to embody Fordham University's theme for this celebratory year: *Keeping Faith with the Future*. Recognition of this prominence is evident in several ways. In 1989, the annual Orlando Conseils Award was established by the law firm of Orlando Conseils (formerly Foyen & Peri), upon the initiative of William M. O'Connor, to recognize and reward the author of the *Journal's* best written student piece. In March 1990, with the facilitation of Lon M. Singer, the *Journal* became the beneficiary of a US\$200,000 endowment by the Philip D. Reed Foundation to sponsor an issue of the *Journal* in perpetuity. Most recently, the law firm of Marks Murase & White, under the coordination of Eric L. Gilioli, established the Marks Murase & White International Law Fellowship to assist a Fordham Law School student with an interest in foreign or international law through a grant of up to US\$5,000. Together, these contributions reaffirm the pursuit of excellence and creativity that the *Journal* represents.

The first fourteen years of the *Journal* have been challenging, but also very rewarding to those who have taken part in its growth. The current editors, associate editors, members, and staff thank the alumni who preceded them for their hard work and dedication and wish the best to future *Journal* editors and staff, who will make their own unique contributions to the *Journal's* rich tradition.