

# Texas Law Review

Volume 75, Number 1, November 1996

## FOREWORD TO VOLUME 75

- A Law Review for Texas  
*Thomas R. Phillips* 1
- And Now We Are 75  
*Charles Alan Wright* 5
- Why Did We Do It?  
*Scott J. Atlas* 9

## ARTICLES

- The First Shall Be Last: A Contextual Argument for  
Abandoning Temporal Rules of Lien Priority  
*Ronald J. Mann* 11
- Verbal Completeness and Exclusionary Rules Under  
the Federal Rules of Evidence  
*Dale A. Nance* 51

## NOTES

- Substantive Justice and State Interests in the Aftermath of  
*Herrera v. Collins*: Finding an Adequate Process for the  
Resolution of Bare Innocence Claims Through State  
Postconviction Remedies  
*Michael J. Muskat* 131
- The Role of Nonuse Values in Natural Resource  
Damages: Past, Present, and Future  
*Judith Robinson* 189

**BOOK REVIEW**

**Hans Linde and the Elusive Art of Judging: Intellect and  
Craft Are Never Enough**

*Patricia M. Wald*

*reviewing* Robert F. Nagel's

**INTELLECT AND CRAFT: THE CONTRIBUTIONS OF  
JUSTICE HANS LINDE TO AMERICAN  
CONSTITUTIONALISM**

215



**SEVENTY-FIFTH ANNIVERSARY**

## Why Did We Do It?

Scott J. Atlas\*

Every lawyer who ever served on the *Texas Law Review* looks back with pride on his or her years of student law journal work. But after being told that *TLR* was celebrating its 75th anniversary, I found myself reflecting on an unexpected question: Why did we do it? Why would so many law students, most with excellent academic records and attractive work prospects, agree to spend two years of late nights and long weekends eating cold pizza and drinking tepid coffee, straining to find every last case on an obscure point of federal common law, or debating endlessly the relative merits of whether to include a comma before the "and" among items in a series? Why would we forsake our family and friends night after night, weekend after weekend, attempting to proof copy before a deadline in the ever-present hope that the *TLR* would appear on subscribers' desks before the end of the month appearing on the cover?

After two years of being a law review member, almost twenty years of serving on the Texas Law Review Association board, and twenty years of meeting with members of each new editorial board early in their term to convey some sense of the institution and its history and traditions, I ultimately answered my own question. I believe these reasons are shared by most former *TLR* editors.

First, we received enormous satisfaction from the final product. We appreciated our role as part of an undertaking that, after diligence and sacrifice, produced a thorough, thoughtful, and (relatively) error-free series of articles that collectively made a meaningful contribution to legal scholarship. We knew that some of our end product would help legal advocates fashion their arguments, judges decide their cases, and possibly even legislators reform the law. We took pride in knowing that few other student law journals are cited as often by judges and other legal publications. We hoped that *TLR*'s reputation for excellence would enhance the law school's already first-rate reputation and help attract top-notch faculty and students to Townes Hall.

Second, we enhanced our own skills. We recognized that our efforts on the *Review* would inevitably improve our analytical, research, writing,

---

\* Partner, Vinson & Elkins, L.L.P. B.A. 1971, Yale University; J.D. 1975, University of Texas. *Texas Law Review*, 1973-1975 (Editor in Chief, 1974-1975).

and editing skills. We understood that in the end, we would be better lawyers. We discovered that many potential employers recognized this and sought us out.

Third, we enjoyed being part of a community of talented and dedicated students working toward a common goal. When we accepted *TLR*'s invitation to join, each of us knew only a few other members. But we forged sturdy, trusting relationships through survival during adversity—tight printing deadlines, late nights, missing library materials, nearly completed articles pre-empted at the last minute by another publication, obscure reference materials that defied *Bluebook* classification, recalcitrant authors, exam taking after a semester of sporadic class attendance, the unrequited temptation created by the cheers from a nearby Longhorn football game, and even just a depleted supply of coffee.

Our friendships grew also through the fun we shared. *TLR* members played as hard as they worked, albeit sometimes in unusual games. Many a Saturday night was spent among members engaged in a heated game of ping pong, using several stacks of *Federal Supplement* for a net and paper plates or issues of *TLR* for paddles. Another memorable game, "Filing 498 F.2d," required members to reshelve completely Volume 498 of *Federal Reporter (Second Series)* from a position two-thirds of the way off the shelf; the players' only tool was a football, which had to be thrown from the far side of the room. Game playing occasionally provoked controversy. One night, several editors were playing a game called "Johnny Ball," which my grade-school children call "Two Square" and consists of players repeatedly bouncing a ball on the floor. This game continued so long that an irritated faculty member who officed directly below the *Review* unceremoniously confiscated the ball. Despite risks, these makeshift games engendered strong comradery and left us with many pleasant memories. Those who face and triumph over adversity forge strong bonds of friendship. Despite time and distance, many friendships formed in such circumstances last a lifetime.

Fourth, we embraced the opportunity to join an exclusive fraternity. Former *TLR* editors have gone on to distinguished careers in academia, the profession, and public service, including (but by no means limited to) the judiciary. They have engaged in many important and worthwhile projects. We found that members of this impressive group were (and are) always willing to lend a helping hand to younger ex-editors.

For all these reasons, our *Law Review* service remains one of the most enduring memories of law school and, indeed, one of the most enjoyable work-related tasks of our lives. That is why we joined, persevered with, and even enjoyed *TLR*.