

INTRODUCTION

EARL WARREN*

The administration of justice would be a simple matter if it involved only the application of time-tested principles to static conditions. But conditions change. And the law—ideally the expression of the community's sense of justice—must change with them. Undirected change in the law, however, can be even more disruptive of the orderly functioning of society than blind reliance on the past, for the latter at least affords a degree of predictability. Change under a regime of law means ordered, purposeful change. And the quest for purpose entails debate.

The practicing attorney, if he does his job, must be a partisan advocate of his client's interests. The judge, in each case, must discover which of two competing interests should prevail. His touchstone is existing law. But as often as not in our rapidly changing times, the touchstone is inadequate. The statute was not enacted to meet unanticipated circumstances; the case-law development stopped one step short of providing an answer to today's burning question. And, always, a third party—the public—has an interest in the outcome. The narrow issue must be viewed from a multitude of perspectives. Our deliberative process could not hold the community's respect if it contented itself with the mere weighing of competing partisan interests. The process must also reflect the community's need for order, its desire to channel change into progress, and its aspiration to make the law more just. The litigants demand a solution of the particular problem, but the community demands an overview. The advocate and judge in meeting this second demand must often turn to the work of scholars.

For more than three-quarters of a century, turning to the scholars in our profession has meant turning to the student-edited law journals. In these publications, practicing lawyers and professors have recorded their views on the pressing issues of their times and student authors have often contributed fresh outlooks to problems which have bewildered the experienced attorney. A strong law review is a forum in which able minds subject existing legal principles to critical analysis within the context of changing conditions and in which imaginative alternatives to today's solutions are aired and tested through vigorous informal debate. As such, the virile law review is a repository of fresh ideas not only on the domestic issues with which our dynamic society must

*Chief Justice of the United States.

grapple, but also on the international problems which must be solved if we are to establish a peaceful community of nations. There are many such publications, and the Supreme Court looks upon them as its most responsible critics.

A new law review need not fear that the market is cornered. There is always room for new ideas and for a vehicle to get them before the public. My heartiest congratulations to the Editors of the *Creighton Law Review* as you add your publication to the ranks of those which have long served an invaluable function in the development of our jurisprudence. I wish your enterprise great success and hope it will become a leader among the national and regional law school publications.