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Introduction: A Good Idea

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INTRODUCTION: A GOOD IDEA

*Mark L. Movsesian**

With this volume, the editors of the *Hofstra Law Review* introduce a new section: “Ideas.” “Ideas” will serve as the vehicle for short pieces—from three to ten pages in length and having a minimal number of footnotes—on topics of interest to scholars and practitioners. There will be no subject-matter restrictions and no requirement that the pieces relate to one another. “Ideas” will not be a symposium, but a collection of brief observations on important legal questions. The editors hope to attract submissions from the academy and from prominent members of the bench and bar as well.

The inauguration of this section responds to a real need in legal scholarship. Law reviews today are dominated by lengthy articles with hundreds of footnotes. It is not all that uncommon for pieces to run a hundred pages or more. These articles are often worthwhile, but their sheer density may put off some authors—and readers—who are genuinely interested in legal ideas. One leading law review recently announced that it would give a preference to articles under fifty pages long, but there is value in even more abbreviated treatments of legal questions. A quick thought after class, an insight on reading a case, can be very helpful in stimulating discussion and debate.

To some degree, Internet blogs have begun to fill the need for short legal commentary. Blogs can be valuable additions to scholarly discourse, but they have their own drawbacks. They are ephemeral, they sometimes lack academic rigor, and they are easily lost in the vastness of

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the blogosphere. What is needed is a space for brief, but careful, treatments of legal subjects in a medium that readers can readily find and preserve.

“Ideas” will begin to fill that need. In some ways, the section represents a return to first principles. The earliest student-run law reviews, founded in the late nineteenth century, were relatively informal affairs. The *Harvard Law Review*, for example, which published its first volume in 1887, began life as a kind of academic reporter. Faculty essays shared the pages with school news, correspondence, and lecture notes. Lead articles were, by today’s standards, very brief and lightly footnoted. Typically they ran around twenty pages, often less. Even the most ambitious pieces were relatively short. For example, Warren and Brandeis’s famous article on the right to privacy, which appeared in volume four, was only twenty-seven pages long.¹

In providing a vehicle for short, stimulating commentary on legal issues, “Ideas” thus has a back-to-the-future quality about it. For this inaugural collection, the editors have selected a few comments from leading scholars. There is Daniel Farber on standing, Jonathan Macey on the Disney litigation, Ronald Rotunda on legal ethics, and our own new dean, Aaron Twerski, on liability for drug advertising. This is an auspicious start for an exciting idea in legal scholarship. The professors of Hofstra University School of Law congratulate the editors and wish them continued success.

1. Samuel D. Warren & Louis D. Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193 (1890).