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TRANSPLANTING THE *JOURNAL* TO ACADEMIA WITHOUT SEVERING THE ROOTS

S. Alan Medlin*

This year, the *Real Property, Trust and Estate Law Journal* enjoys the rare opportunity to celebrate two auspicious anniversaries together. In April of 1966, the Real Property, Probate and Trust Section launched the inaugural issue of the *Journal*, which is now in its fiftieth year. Beginning with the Spring 1990 issue, which was Volume 25, Number 1, the *Journal* formally commenced its affiliation with the University of South Carolina School of Law, the home of the *Journal's* student editorial board for the last twenty-five years.

The original purpose of the *Journal* was to serve as a medium for the compilation and dissemination of committee reports, including a "review of significant decisions, legislation and literature," as well as "advance news and materials related to the annual convention," materials from "talks and panel discussions at the annual meeting," the occasional "presented papers from regional meetings," plus "other matters deemed to be of value to Section members."¹ The Section did not anticipate that materials in the *Journal* would be ordinarily available elsewhere and thus "expected that it will become a regular reading habit for lawyers whose practice touches real property, probate and trust law."² Provided as a benefit of Section membership, the *Journal* was otherwise available "only at a premium price."³

The *Journal's* first editor in 1966 was P. Philip Lacovara of New York, who had recently retired after nearly 30 years as editor of *Trusts and Estates*.⁴ The Section observed that it was "singularly fortunate to obtain the benefit of his knowledge and experience to launch the *Journal*."⁵ At the time, the Section served approximately 10,000 members.⁶

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¹ *The New Journal – and Its Editor*, 1 REAL PROP. PROB. & TR. J. ii (1966).

² *Id.*

³ *Id.* at iii.

⁴ *See id.* at ii.

⁵ *Id.* at iii.

⁶ *See History of Section of Real Property, Probate and Trust Law*, 8 REAL PROP. PROB. & TR. J. 529, 530 (1973).

For twenty-two years, the *Journal* maintained its primary purpose, serving as the house publication organ for committee reports and resources. Over that time, however, the *Journal* evolved to include articles in a form typically found in law reviews. The last issue serving the *Journal's* original purpose, as evolved, was Volume 22, Number 2 in Summer 1987.⁷ This was the last issue produced under the able editorship of Professor Jean A. Mortland of Capital University Law School.⁸

The next issue, Volume 22, Number 3, commenced a new era for the *Journal*. Section leadership had decided to create a bi-monthly magazine, *Probate and Property*, which would publish short practical articles along with Section news and information, including some material produced by the committees. Under the creative genius of its founding editor, Robert P. Wilkins, *Probate and Property* undertook some of the services to members previously provided by the *Journal*. With the magazine serving as a successor in part to the *Journal's* historical function, the Section had different aspirations for the *Journal*. The *Journal* became the publication for scholarly law review articles. However, Section leadership envisioned the scholarly treatment of probate and property topics with a practical application to the member practitioners. As I have heard often at editorial board meetings, the *Journal* continues to aspire to be the first source for members researching issues arising in their practices.

The Section asked Professor Jeffrey N. Pennell to helm this transformation of the *Journal*. With his unmatched intellect and skill set, Jeff was the logical choice to undertake that daunting yet exciting task. Not only would Jeff have to explain to committee chairs and members that their reports and materials would no longer necessarily have a place in the *Journal*, he had to spearhead the initiative to solicit and review articles of academic journal quality. Jeff undertook his herculean task with a staff of three editors, including himself. Assisting Jeff as associate editors during his tenure as editor-in-chief were Jeffrey A. Schoenblum, Peter W. Salsich Jr., and myself.

It quickly became apparent that one critical function of the Section's new law review had to be provided by a student editorial board. Only pervasive quality student participation could undertake and ensure the proper cite and authority checking crucial to the academic integrity of the *Journal's* articles, any of which might contain hundreds of footnotes and thousands of citations. Thus, the last step of transforming the *Journal* to

⁷ See 22 REAL PROP. PROB. & TR. J. 303 (1987).

⁸ See *id.*

the Section leadership's aspiration of becoming the leading scholarly publication for the two subject areas practiced by its members was to create an affiliated student editorial board. Jeff and I approached Section leadership to propose and explain the need for student involvement. The Section approved the proposal, and the *Journal* embarked on its final step in becoming a recognized topnotch law review in 1990 by affiliating with USC Law, which would house the student editorial board. I succeeded Jeff as editor-in-chief.

With the students came the advent of the two-step process that first involves students and then professional editors, who are experts in the probate and property fields, to ensure that the highest quality articles are published. The students perform the labor and time intensive tasks of spading, which confirms that authors' citations are substantively accurate and in proper technical form—although the *Journal's* citation style originally followed the *Chicago Manual of Style*, known as the Maroon Book, the style soon evolved into the even more familiar *Harvard Manual of Style*, famously known as the *Bluebook*. The students also make suggestions about style and substance. The student editorial process involves numerous students, whose tasks funnel up a pyramidal scheme, from spading by second year student members, to successive edits by third-year student editors, to the ultimate final student edit by the student editor-in-chief. After the student edit is complete, the article undergoes a second level edit from the professional editorial board—first by associate editors who are practitioners in either the probate or property subject matter of that article and then one final edit by the professional editor-in-chief. Whether at the student or professional level, the editors maintain continual communication with the authors.

With the addition of student editorial involvement, the *Journal* was quickly able to realize the goal of becoming a topnotch academic publication with one of the largest subscriber bases in the country, based on a Section membership of approximately 34,000 at that time.⁹

The creation of the student editorial board required the formulation of the editorial process from scratch. Countless hours, and much trial and error, went into the organization of the student members and the formation of the editing procedure. By the beginning of the third year of the student board, the editing process had generally coalesced into essentially the same form as today, with constant refinement along the way. But

⁹ See Amy Oxley, Alice M. Noble-Allgire & William Drennan, *Probate & Property Turns 25: A Look Back on a Quarter-Century of Death and Dirt*, PROB. & PROP., Jan.-Feb. 2012, at 11.

the addition of students to the *Journal* involved not only the need to create and perfect the methodology of editing, but also resulted in the salutary benefit of creating a team of hard workers with a dedicated purpose of striving to be the best. That teamwork afforded a bonding opportunity for the students, who have often expressed their *Journal* relationship as belonging to a family—the same feeling of camaraderie that the professional editors enjoy.

Creating the student editorial process involved both broad and detailed planning. We were helped immeasurably by two law school traditions: the *South Carolina Law Review* students—who donated substantial time, effort, and advice to us—and the iconic Nancy Shealy. Nancy knew everything about putting a law journal together. She had been the law review assistant ever since I could recall—even back to the time when I was a law review student. Although Nancy had been promoted to the head of the law school's support staff by the time the *Journal* student editorial board started, she and the law school agreed that she could serve as our support person, which was a critical and invaluable move.

It is difficult today to imagine just how important Nancy's expertise and mastery of a manuscript was to us. Back then, Microsoft Word was relatively new, and most lawyers used the more familiar WordPerfect for word processing. Because of a lack of reliable editing functions in word processing programs and the instability of email platforms, student and professional editors alike used pencil to mark up one hard copy of an article, which worked its way up the editorial chain and to the author for approval. Once the final pencil editing process was complete, Nancy would convert the editorial changes—typically numbering in the hundreds and sometimes thousands—and code the file.

More problematically, producing camera-ready copy at the editorial board level was virtually unheard-of. Reliable formats, such as PDF, were in the nascent stage of development. Instead, we had to send coded files to the printer, which would convert those files into page proofs and return them to us for galley proofing. The proofing process was laborious, and the galleys were often replete with errors. The coding was equally laborious as well as non-intuitive—for example, to signal italics we had to place carats (< >) around the italicized word. Other codes were even less intuitive. The difficulty of the proofing end stage was exacerbated by a result no editor would want to envision because the coding process meant that sometimes mistakes were made at the printer's stage. Imagine having to proof not only for the editorial board's mistakes but

also for new mistakes arising at the printer during the galley production process.

Of course, as technology advanced, the process improved and became much more facile. Reliable versions could be transferred by email in PDF format from editors to authors and to the printer. Nevertheless, the editing process for student and professional editors remains painstakingly careful.

Teamwork was essential for the effective transformation of the *Journal* and its continued success. Teamwork existed within and among the Section, the professional editors, and the student editors. I relied completely on everyone involved in the process. The Section provided the resources necessary for success. The professional editors worked tirelessly and skillfully to solicit, review, accept, and ultimately perform substantive edits on the articles. The students were similarly tireless in their spading, cite-checking, and editing. And teamwork begat close friendships at all levels of the process.

I was blessed to have Amy Morris Hess and Rena C. Sepowitz as our initial Associate Editors: Rena for real property articles and Amy for probate and trust articles. By the time an article had worked its way through the student editing process and the expert edits of Amy and Rena, my job—conducting the final edit—was comparatively the proverbial walk in the park. Critically important was the solicitation and acquisition of law review quality articles. I was equally blessed to have two masterful Acquisitions Editors: Alan J. Robin for real property articles and James R. Wade for probate and trust articles. In 1993, we added two Associate Acquisition Editors: David H. Kremer for real property and Clifton B. Kruse Jr. for probate and trust. Robert M. Wilcox agreed to serve as Managing Editor, which I realized I desperately needed. Fortunately for the *Journal* and for me, Rob never refuses an opportunity to serve, and his tenure was marked with his usual professional excellence and the lifting of much weight from my shoulders.

Importantly, the *Journal* could not succeed without the students. From the inception of the student editorial board, the student staff has performed at a consistently high level, ensuring the accuracy and academic quality necessary for a topnotch law journal. I am confident that the students have never let the Section down, and I am certain they have always made me proud, year in and year out. While I was the professional editor-in-chief, the student editors-in-chief were, in order, Mike Brittingham, Rob Moseley, Jeff Kull, and Lorri Shealy. All were outstanding, as were their colleagues on the student staffs, and as all their successor student editors-in-chief and staffs have continued to be.

I was succeeded as professional editor-in-chief by my dear friend and colleague at USC Law, Robert M. Wilcox, who is now the law school's Dean. Rob was succeeded by our dear friend Amy Hess, a distinguished professor at the University of Tennessee School of Law. Although Amy spent a considerable amount of time visiting us at USC Law, including stints as a visiting professor, the *Journal* decided to create the position of Resident Editor at the law school to serve as a liaison with the student board. Rob, James R. Burkhard, and I served in that position from time to time, and Amy L. Milligan, a *Journal* alumnae who is now a legal writing professor at the law school, is the current Resident Editor. Amy Hess was succeeded as editor-in-chief by another dear friend, Robert C. Paul, who was the first practitioner to serve in that position since the introduction of the student editorial board. Bob was succeeded by our dear friend and colleague Jim Burkhard, who served longer than any other editor-in-chief since the *Journal's* transformation. (The continued reference to dear friends might seem redundant, but those relationships underscore the camaraderie and family feeling that comes with service on the *Journal*, on both the student and professional editorial boards.) Jim was succeeded by the current editor, Alexander Arpad, the second practitioner to serve in that capacity, and Al is a welcome member to our *Journal* family of friends.

I was truly blessed to have a role in the evolution of the *Journal*, and I look forward with excitement and pride as the *Journal* continues its tradition of excellence into the future. I welcome the future members of the *Journal* family. I know they too will embark on an incomparable adventure and share the lifelong experience of being in the *Journal* family. My enduring gratitude goes to all who have made this possible: the Section members, the professional editors, and the student staff. It has been, and will continue to be, a gift to me and the others fortunate enough to be a part of this wonderful opportunity.