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et al.: PREFACE
PREFACE

An Annual Survey of South Carolina Law may take on many forms. Originally, professors at USC School of Law and members of the South Carolina Bar penned the articles on recent developments in the law. Eventually, students assumed the duty of commenting on case law developments. As I explain below, the 1997 Annual Survey of South Carolina Law is a strange bird in this evolution.

First, this issue is early relative to past Annual Surveys. The incoming editorial board used to publish the Annual Survey as the first issue in every volume, usually in the winter after the year being surveyed. This year, the Annual Survey is the final issue of Volume 49. This earlier publication should establish constructive precedent in that the articles are more timely.

However, technology has surpassed even this improvement on the publication date of the Annual Survey. Recent case law is available in full text and in digested form much sooner than a scholarly journal could publish any article on the case. Therefore, second, this Annual Survey has abandoned the formula of noting and digesting cases in favor of more in-depth discussion of the policies underlying the emerging law of this state.

Third, the 1997 Annual Survey includes more than the opinions of the South Carolina Supreme Court and Court of Appeals. Students also wrote articles on a constitutional amendment, statutory changes, an opinion of the District of South Carolina, bills pending before the 112th General Assembly, and other current topics in the law. Our goal was to cover a broader spectrum of legal change and to address topics yet to be decided by the courts and the General Assembly. Our hope is that the articles can be of some benefit to those charged with the duty of making the law in this state.

Fourth, the 1997 Annual Survey also seeks to address controversial topics of interest to the legal community including the death penalty, abortion, adult entertainment, and video poker.

Fifth, this Annual Survey includes an addendum of previously published articles. Although these articles were written by Law Review members primarily for publication in the Annual Survey, they were published in books during the year because they were excellent scholarly writing on timely subjects. These articles are reprinted here only for your convenience.

Sixth, a few articles published in the 1997 Annual Survey relate to legal changes that occurred in 1996. We did not publish an Annual Survey of South Carolina Law in 1996 because student articles were written for focus editions instead. We have included a small number of articles on South Carolina law written on the law of 1996 because we believe they are still timely.

Finally, after that exhausting explanation, I hope you enjoy the Annual Survey of South Carolina Law of 1997.

Rodney Patton
Student Works Editor

