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Twenty-Five Years Of Excellence:
*Dickinson International Law Annual
Dickinson Journal Of International Law
Penn State International Law Review*

Mark W. Podvia*

The International Law Annual’s first publication marked success for those who believe that International law is a viable part of the Dickinson School of Law. We hope that as the Annual takes its place among the more prestigious journals in the field, it will exemplify the high calibre of scholastic achievement found at Dickinson.

—1983 Res Ipsa Loquitur

The Penn State International Law Review is now a well-respected academic journal in the field of international and comparative law. However, had it not been for the work of the law students who began the publication as the Dickinson International Law Annual, and other students whose dedication kept the succeeding Dickinson Journal of International Law in print, the publication might not exist today. Law school faculty and alumni have aided the publication’s development, but it has truly been a student effort.

“We had an idea, and it came to be a reality,” said Benjamin Folkman, Class of 1982, who served as the first Editor-in-Chief of the Dickinson International Law Annual in 1982.2 “I’m amazed that it is still going on. I think it’s great!”3

“Steve [Busterna]4 and I studied in Italy after our first year. We had

3. Id.
4. Mr. Busterna, Class of 1982, served as a Managing Editor of the Dickinson

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friends in the M.C.L. program and we were interested in international law. We joined the International Law Society, which previously hadn’t done much, and built it up. Then we heard that there were international journals being published by other schools, so during our second year we began to solicit articles for a symposium and journal. There were a number of people who helped bring this together."

Mr. Folkman said that the Law School was “half-hearted in its support, for the journal, but they approved it.” He credited Professor (later Dean) John A. Maher for his efforts to gain faculty approval for the proposal.

“He is too kind,” reported Dean Maher. “I was merely a spear carrier in an evolution he and Professor Kelly led in their respective spheres. Deferring entirely to Ben, I may have helped shape student arguments on the theory that they’d ultimately be before the faculty.”

Those arguments prevailed; the first issue of the Dickinson International Law Annual was published in 1982. The publication began with a symposium issue containing articles dealing with “trends in foreign investments in the United States.” The issue was designed to serve as “a practice-oriented working manual for attorneys whose foreign clients are interested in investment in the United States.” The faculty advisors for the new publication were the late Joseph B. Kelly and the late William J. Keating.

The articles published in the first issue were Introductory Notes: General Counseling for Foreign Investment by Stanhope S. Browne, The Foreign Investment in Real Property Tax Act of 1980 by Lisa B. Petkun, United States Taxation of Foreign Direct Investment by Alan G. Choate,

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5. The Dickinson School of Law’s program for foreign-trained lawyers, founded in 1968, originally awarded the degree of M.C.L. (Master of Comparative Law). Those completing the program now receive the degree of Master of Laws (LL.M.).

6. Telephone Interview with Ben Folkman, supra note 1.

7. Id.

8. E-mail from John A. Maher, Dean and Professor Emeritus, Dickinson School of Law, to the author (Jan. 3, 2007) (on file with the author).

9. Id.

10. The first issue of the Dickinson International Law Annual contained 155 pages of text, significantly less than the 998 pages of text contained in the four issues that comprise volume 23 of the Penn State International Law Review. It was the first international law review to be published in Pennsylvania; the University of Pennsylvania Journal of International Economic Law was then being published as the Journal of Comparative Business and Capital Market Law while the Temple International & Comparative Law Journal would not begin publication until 1985.


12. Id. The symposium—the First Annual Dickinson International Law Symposium—had been jointly sponsored by the Law School’s International Law Society and Continuing Legal Education Office.

The Annual evolved in the Dickinson Journal of International Law during the 1983-1984 academic year. The first issue of Volume 2 was published in the Fall of 1983 under the original title, with Fernando A. Alonso serving as Editor-in-Chief. In the Spring of 1984, a new editorial board headed by Editor-in-Chief Linda T. Cox published a second issue under the new title. The Dickinson Journal of International Law was numbered and paginated consecutively with the preceding Annual.

The 1984-1985 academic year brought a new Editor-in-Chief, Patricia M. Wilson (now Patricia M. Richards), and a reinvigoration of the Journal:

The summer before my senior year it was discovered that we had no articles on hand to edit for possible publication beyond those of our students. Given that we were planning on publishing three issues, this was a little startling. The only thing I could think to do was to reach out to other schools on the outside chance that they had excess articles on hand. We were all totally amazed when the mail started rolling in. We received boxes and boxes from other international law journals of their excess articles. The University of Texas was particularly well supplied and I recall their "gifts" as being some of the best.

"Pat was just what was needed at that stage of the Journal's development, recalled Dean Maher. "She was, and I suspect continues, entirely prospective in perspective—where are we and how do we progress?"

Ms. Richards later recalled working very closely with Dean William Wilks, who she said was "very supportive of the Journal." It was she who successfully argued "that the Editor-in-Chief of the Journal should have parity with the Dickinson Law Review Editor-in-Chief in terms of

14. E-mail from Patricia M. Richards, Director, Federal Government Affairs, Marathon Oil Corporation to the author (Nov. 9, 2006) (on file with the author).
15. E-mail from John A. Maher, Dean and Professor Emeritus, Dickinson School of Law, to the author (Jan. 4, 2007) (on file with the author).
16. Id.
17. E-mail from Patricia M. Richards, supra note 11.
full tuition waiver. I know that I was the first to receive this and assume
that it continues to this day.”

Ms. Richards has particularly fond memories of the time that she
spent working with Professor Kelly:

As mentioned, Dean Wilks was a wonderful supporter, as was
Professor Keating. And it would be hard to adequately capture the
importance of Professor Maher’s guidance and unwavering support
for the Journal as it grew. However, without question, some of my
most interesting and unique experiences grew out of the relationship I
developed with Professor Kelly. I always enjoyed dropping by to
visit with him and felt very comfortable with his own quirky style of
dealing with students. In that regard, one of my very favorite
memories of my entire law school experience happened one evening.
It may have been during Thanksgiving recess when no one was
around much, or maybe it was just some other late evening. I
stopped by to consult with him on some Journal related matter (or
maybe I just needed a break and went up to see if he was in).
Anyway, he was and somehow we started chatting about the Journal,
law school, families, etc., and he happened to mention that he had a
deceased twin brother who had been in his law class. When I said
that I had a lot of brothers, two of whom happened to also be in law
school that year but at different schools, and that I really envied him
having his own brother in the same class he suddenly jumped up and
asked me to follow him. The next thing I knew we were in the
library where he started digging through old law reviews until he
found the one from his senior year. He pulled it out and proudly
showed me their two names. It was the most charming moment in
the world—he was so clearly warmed by the thought of his late
brother and so clearly enjoyed the nostalgia of thinking back to that
time. At the time I felt like I’d been given a small and very important
gift—his sharing something so personal and his explaining in his own
way why he cared about the Journal and its editors.

Noreen M. Tama succeeded Ms. Richards as Editor in Chief during
the 1985-1986 academic year. Her goal was “getting the journal
established as a stable, on time, on track publication.” Unlike her
predecessor, who began with no articles, Ms. Tama reported that “we
attracted a number of outside submissions.”

A 1985 Law School Brochure detailing the *Dickinson Journal of

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18. *Id.* The tuition waiver is no longer awarded to editors.
19. Professor Kelly graduated from the University of Cincinnati College of Law.
20. *Id.*
21. Telephone Interview with Noreen M. Tama, Counsel, Exxon Mobil Corporation,
in Fairfax, Va. (June 23, 2006).
22. *Id.*
International Law included the following commentary by Dean William L. Wilks:

The Dickinson Journal of International Law . . . is becoming a widely respected academic legal journal addressing issues of public and private international law . . . . The Journal is now in its fourth successful year. Despite the fact that Carlisle is located in a landlocked position on a non-navigable stream, the study of international and comparative law is a serious pursuit at The Dickinson School of Law. We are extremely proud of the progress our dedicated students have made in developing the Dickinson Journal of International Law into a truly professional publication.

The Spring 1987 issue of the Journal, was dedicated to Dean Wilks "on the occasion of his retirement as dean of The Dickinson School of Law." It was the publication's first dedication:

His ten years as dean have been marked by a nobility of purpose whereby his actions have always added to the dignity of the school and to its reputation for academic excellence. We on the staff of the Journal are particularly grateful to him. The Journal owes its very existence to his constant support during its founding in 1981.

The Journal took on a new look beginning with volume 6, with a dark blue shade replacing the light blue of previous issues. Other changes were also made, as explained by Bernard M. Rethore, Editor-in-Chief during the 1987-1988 academic year:

We changed the table of contents to include a short summary of the salient points of the article, and redesigned the masthead. We also added a preface by the Editor in Chief.

The next biggest change that we instituted, were forwards by leading members of the legal community to precede student comments. Our intent was to elevate the student comment to a more authoritative, consequential piece of legal writing. In our first issue, we had forwards ranging from Senator Paul Simon (a Presidential hopeful that year) to John Milo Bryant (Assistant Chief Immigration Judge).

Last, the Journal increased its publications from twice to three times a year. Even though the Journal had a terrible history of being late to

25. Id.
26. The forwards have since been discontinued.
publication, the staff worked very diligently to have its three issues out on time and not have the next year’s staff saddled with finishing its work.

Considering the ambitious changes we tackled that year, I was extremely impressed how many things the staff was able to accomplish. They also worked to build a lot of operational infrastructure to streamline processes and make it easier for following staffs.27

In the Fall of 1987 the Journal’s editors prepared a Report to Stakeholders that was distributed to trustees, faculty, staff and subscribers. The Report included a plan for the future:

The Journal’s overall goal is to continue to grow successfully in the expanding field of international law. To meet this goal, we are accelerating our offensive for growth as a world class periodical. We have made a major commitment to the principle of excellence—we will meet that commitment by continuing major programs in the area of quality, timely articles, and embarking on new ones aimed at providing a flexible legal resource. Successful implementation of these programs will be essential if we are to serve the field of international law and achieve our highest potential as a legal periodical.28

The Winter 1988 issue of the Journal, the first such issue to be published, was dedicated to Professor Joseph B. Kelly, who had advised the Journal from its inception. The dedication, written by distinguished international law scholar Col. Zane E. Finkelstein, read in part as follows:

Professor Kelly inspires imagination. Pick it up! Turn it over! Examine it from more than one perspective! Ignore the fancy facade! Peer around it! Find the essence of the problem! “Law,” he once opined with infectious vigor, “is not an end in itself. It is a means for addressing humanity.” He seeks to locate, create and encourage strong, fresh, happy, healthy, imaginative minds. The “great gradual glacier of despair” he rejects.

One need not espouse evolution or creationism to believe that disappointment in the monkey led God to establish man. His judgment is now before the Bar. Fear not. “Ready for the defense,

27. E-mail from Bernard M. Rethore, Graves & Rethore, P.C., to the author (June 5, 2006) (on file with the author).
Your Honor—Professor Joseph Burns Kelly, Dickinson School of Law.”

The 1987-1998 school year also saw the establishment of three student awards under the sponsorship of Sandor Yelen, Class of 1956. Articles Editor Elizabeth A. Whittle was the first recipient of both the William L. Wilks Award, "presented to the editor whose contribution to the Journal earns the commendation of fellow Board members," and the Joseph B. Kelly Award, "presented to the editor whose dedication and enthusiasm has won the respect and friendship of the staff." The Sandor Yelen Award, given “to the staff member whose conscientious performance of staff duties is deemed outstanding by the Editorial Board,” was awarded to Kerry E. Voss. In addition, Elizabeth A. McDonald received the Richard Reeve Baxter Award, “presented to the student publishing the most outstanding Comment.”

With the publication of Volume Six, the Journal reached maturity. Three issues were published each year thereafter, with the exception of Volume Nine—published in 1991—which contained only two issues. Each issue contained informative articles written by individuals who were well-known in the field of international and comparative law, as well as quality student-written comments and occasional notes and book reviews.

Having begun with a symposium issue, it is not surprising that the proceedings of several major symposia were included in the Journal. Among these were the proceedings of six of the annual Cambridge International Symposia on Economic Crime, held at Jesus College, University of Cambridge, England.

“Our superb Editor, Nancy Walsh, closed the deal with Dr. Barry Rider, then first lay Dean of Jesus College, to run selected papers from the EcoCrime Symposia,” reported John Maher. “She did a
magnificent job *per se*, setting the place for her successors.”

Beginning with Volume 18, the proceedings of a series of symposiums on the internationalizing of legal education were included in the publication.

“The leading figures in legal education were involved in these programs,” explained Professor Louis Del Duca. “The literature that was produced is an invaluable source of commentary on this field. It is a goldmine of material on the need to globalize legal education and the techniques that will be required. It is very exciting! We are entering a new era in legal education.”

Serving as an editor or member of the student staff of this publication has always provided a wonderful learning experience for law students. Jennifer (Bogar) Hipp, who served as Managing Editor during the 1999-2000 academic year, later recalled her time with the *Journal*:

> Overall, my experience strengthened my writing and research skills as a student and, later, as a practicing attorney. While serving as member and then Managing Editor of the Journal was quite a bit of work and a large time commitment, I appreciate and value the opportunities those commitments presented.

> I had the pleasure of working with Stuart Kreindler, who was the Editor-in-Chief of the *Journal*. Stuart’s work ethic and eye for detail were critical in our producing a quality journal—one which we and our fellow Journal members are quite proud of, I’m sure.

In 1997 it was announced that the Dickinson School of Law, which had been the oldest independent law school in the nation, would merge with the Pennsylvania State University. Beginning with the Winter 1998 issue—Volume 16, number 2—the Penn State logo and the words “Penn State—The Dickinson School of Law” were added to the front cover. However, this was to be a temporary modification; in 2001 the *Dickinson Journal of International Law* became the *Penn State*
Alfred Villoch, III, Editor-in-Chief during the 2001-2002 school year, explained the reason for the title change:

Tim Kepner and I attended the National Conference of Law Reviews in 2001. The conference was held in Baltimore, Maryland. One of the seminars at the conference dealt with the benefits of changing the name of a journal to “law review.” Tim and I attended that seminar and thought it was naturally more prestigious to be associated with and publish in a “law review.” That night in our hotel room, we kept thinking Dickinson International Law Review. Tim and I were definitely interested in the “law review” name.

As a transplant from Tampa, Florida, I understood the national recognition of the name “Penn State” as many of my friends and family in Florida easily recognized Penn State but knew little about a school named Dickinson. With that in mind, I asked Tim if it would be absolutely crazy to change the name completely to Penn State International Law Review. He and I agreed that such a change would be highly unlikely, but we fantasized about the possibility anyway. We anticipated significant pushback from the faculty and alumni.

Once we got back to school, we ran the proposal by Lauren Carothers, who was the editor-in-chief of the Dickinson Journal of Environmental Law & Policy. She too thought it was a great idea but similarly anticipated significant pushback. We slowly introduced the idea to our members, and the response was surprisingly positive. My faculty contact and informal advisor was Larry Backer, who also thought the name change was a good idea. He and Peter Alexander thought that the faculty would probably vote for the proposal, which surprised me and Tim.

Tim and I organized the vote to change the International Law Review’s constitution and bylaws, and the rest is history. In short, the name was changed to capitalize on the national and international recognition of the name “Penn State” and to realize immediately the benefits associated with the name “law review.”

Along with the name change came a change in the publication’s official citation. It was Messrs. Villoch and Kepner who devised PENN ST. INT’L L. REV. as the citation for the publication.

42. Timothy J. Kepner, Class of 2002, served as Managing Editor of the Penn State International Law Review.
43. E-mail from Alfred Villoch, III, Buchanan Ingersoll, PC, to the author (May 9, 2006) (on file with the author).
44. This format was officially adopted by The Bluebook: A Uniform System of
Mr. Villoch praised Professor Larry Backer, who he said "helped us secure several articles, gave us support on the name change and was an excellent mentor and informal advisor to the International Law Review." He also recognized Scott Seufert and particularly praised Tim Kepner, who "managed the International Law Review exceptionally well, and was progressive enough to recognize and support the name change."

The first individual to be honored by the Penn State International Law Review was former Dean and Professor John A. Maher, "sailor, legal scholar, and statesman," who had helped to get the Annual into print years earlier. The dedication noted that "His insight, encouragement, and Irish humor will ensure his lasting place in the hearts of his students, his colleagues, and his friends. We would like to honor him, but his stature, his conduct, and his service have far exceeded our ability to do so."

The Dickinson School of Law of the Pennsylvania State University entered the 2006-2007 academic year with a split campus. For the first time in the Law School's history, classes were offered in both Carlisle and University Park, with advanced technology allowing for interaction between the two locations. This created new challenges for all of the Law School's organizations, including the International Law Review.

For the International Law Review, the transition to a split campus began in Spring 2006. Colleen R. Stumpf, an Articles Editor during the 2005-2006 academic year, recalls the impact the future change had on the outgoing Editorial Board:

The majority of discussions and decisions that were made during the spring semester revolved around the upcoming academic year with our members potentially being located at two separate campuses. We endeavored to position the International Law Review in a way that would enable it to take advantage of the changes that were taking place at the Law School.

The transition also has caused the current members of the International Law Review to make some adaptations. "We've had to change some of the things that we do," said current Editor-in-Chief

Citation in 2005.
45. E-mail from Alfred Villoch, III, supra note 38.
46. Scott C. Seufert, Class of 2002, served as Notes Editor of the Penn State International Law Review.
47. E-mail from Alfred Villoch, III, supra note 38.
49. Id.
50. E-mail from Colleen R. Stumpf, Quinn, Buseck, Leemhuis, Toohey, & Kroto, Inc., to the author (January 29, 2007) (on file with the author).
Ashley Galloway:\textsuperscript{51}

The comment writing process has been completely put online. We do most of the submissions through TWEN, all of the discussions between the mentor and the second-year student are conducted either via phone or internet and all of our meetings are broadcast to State College so that all our members can participate. We don't have any board members currently in State College but we do have Senior Editors and Associate Editors that are there, so we've tried to include them as much as possible. We have tried to use the technology that the school has implemented at Carlisle and at University Park to the benefit of the law review.\textsuperscript{52}

Ms. Galloway stated that "the entire board has been wonderful in the transition process. All of the Board members understand that we face many technical and structural difficulties with the dual campus. They are really putting a great effort into making sure that everything functions smoothly."\textsuperscript{53}

Three special events were held to mark the 25th Anniversary of the International Law Review. The first of these, a panel discussion entitled "The Finality and Enforceability of International Arbitration Awards in Latin America," was held on December 15, 2006 at Tillar House, the Washington, D.C. home of the American Society of International Law.\textsuperscript{54} The program was co-sponsored by the Penn State International Law Review, the American Society of International Law, and the Coalition for Peace and Ethics.\textsuperscript{55}

The discussion featured Thomas E. Carbonneau, the Samuel P. Orlando Distinguished Professor of Law at the Dickinson School of Law.\textsuperscript{56} Joining him on the panel were Oliver J. Arnas of the law firm of Thacher Proffitt & Wood, Ronald E.M. Goodman, of the law firm of Winston & Strawn, Jonathan C. Hamilton of the law firm of White & Case, and Mary Helen Mourra, the editor-in-chief of the Latin American Arbitration Report.\textsuperscript{57} Professor Larry Catá Backer served as moderator.\textsuperscript{58}

"Many students from Dickinson participated," reported Ms.

\textsuperscript{51} Interview with Ashley Galloway, Editor-in-Chief, Penn State International Law Review (January 24, 2007).
\textsuperscript{52} Id. "TWEN" is the abbreviation for The West Education Network, an on-line courseware service provided by Westlaw.
\textsuperscript{53} Id.
\textsuperscript{54} 25\textsuperscript{th} Anniversary Panel Discussion, http://www.dsl.psu.edu/journals/international/panel.cfm (last visited 25 January 2007).
\textsuperscript{55} Id.
\textsuperscript{56} Id.
\textsuperscript{57} Id.
\textsuperscript{58} Id.
Galloway.\textsuperscript{59} “It was a very successful event.”\textsuperscript{60}

This was followed by the Law Review’s first “webinar,” a web-based seminar. It focused on careers in international law and, like the symposium, was co-hosted by the American Society of International Law. Ms. Galloway credited Symposium Editor Daniel F. Olejko and Executive Editor Jason L. Reimer for the success of these events.\textsuperscript{61}

The third celebratory event was held on April 14, 2007, at Harrisburg’s Crowne Plaza Hotel. Editors and staff—both past and present—along with members of the Law School faculty and friends, gathered to celebrate the anniversary. Dr. Jeffrey D. McCausland, Director of the Leadership in Conflict Initiatives at Dickinson College, and Col. John Agoglia, Academic Dean of the U.S. Army War College, spoke on “Establishing a Rule of Law in a Failed State.” However, the true highlight of the evening was the presentation of a special 25\textsuperscript{th} Anniversary Award to Professor Louis Del Duca, one of the men who did so much to aid the publication since its inception.

Since 1982, the Dickinson International Law Annual, the Dickinson Journal of International Law and the Penn State Law Review have published more than 500 articles, comments, notes, book reviews and other items covering more than 14,000 printed pages. A website maintained by the Washington and Lee University School of Law Library ranks the Penn State International Law Review 61\textsuperscript{st} out of 109 international and comparative law reviews and journals published in the United States.\textsuperscript{62} According to the Washington and Lee website, the International Law Review was cited 329 times by other journals between 1999 and 2006.\textsuperscript{63}

Recent action by Penn State’s Board of Trustees could serve to further elevate the stature of the Penn State International Law Review. On January 19, 2007, the Board approved the creation of a new School of International Affairs as a part of the Law School.\textsuperscript{64}

“The International Law Review is looking forward to the implementation of the School of International Affairs,” said Ms. Galloway, “because it will offer greater access to a wider variety of article submissions. It will include more international law and policy as opposed to strictly international law. I think that it will appeal to a

\textsuperscript{59} Interview with Ashley Galloway, \textit{supra} note 46.
\textsuperscript{60} \textit{Id.}
\textsuperscript{61} \textit{Id.}
\textsuperscript{63} \textit{Id.}
broader audience.\textsuperscript{65}

The future of this student-run publication may be bright indeed. \textit{Literae scriptae manent}.\textsuperscript{66}

\textsuperscript{65} Interview with Ashley Galloway, supra note 46.

\textsuperscript{66} Written words last.