

# FOREWORD

## CELEBRATING THE TWENTY-FIFTH ISSUE OF THE *ANNUAL SURVEY OF VIRGINIA LAW*

As the 2010–11 Annual Survey Editor and the 1985–86 Editor-in-Chief, we are proud to commemorate the twenty-fifth anniversary of the *Annual Survey of Virginia Law* with a look back at its history. The *Annual Survey* continues to be the most widely read of the four issues published by the *University of Richmond Law Review* each year. We attribute the *Annual Survey's* success to the combination of relevant and timely subject matter and adept and renowned authors. This foreword and the entire anniversary issue celebrate the subjects and authors that have made the last twenty-five years of the *Annual Survey* so enjoyable and successful. We hope the *Law Review* will continue this tradition of compiling and disseminating to the legal community a comprehensive critical analysis of recent developments in Virginia law for years to come.

The *Annual Survey* was conceived in the summer of 1985 under the reigns of Marguerite Ruby to serve three principal goals. First, we aspired to enhance the visibility, readership, and reputation of the *Law Review* with practitioners. Law reviews serve a myriad of constituencies, but at times practitioners can question the day-to-day relevance of such publications to their immediate needs and interests. Law reviews' in-depth analyses of cutting edge national and international legal trends and developments and the careful and thorough research that underlie such analyses serve an important mission, but at times can appear remote from the work of the practicing bar. By lending the same critical eye to annual developments in Virginia law, the *Law Review* can provide a valuable service to a wide cross-section of Virginia practitioners.

Second, the 1985 Editorial Board inaugurated the *Annual Survey* to take advantage of and showcase the particular expertise of leading professors, lawyers, judges, legislators, and regulators in the Commonwealth, many of whom we are fortunate to call University of Richmond alumni and faculty. While these individuals are renowned for their expertise in areas of national and international significance, they also have imprinted indelible marks on the judicial, legislative, and regulatory law of their local communities. The *Annual Survey* allows us to showcase their expertise and contributions.

Finally, the *Annual Survey* was created with a vision of providing closer and more intimate interactions between the Virginia legal community and our student members. Among its many missions, the *Law Review* is designed to provide a unique and valuable learning experience for law students. Because many *Law Review* authors reside hundreds or thousands of miles away, students ordinarily interact with them only by phone or e-mail. In contrast, students often are able to interact with *Annual Survey* authors in a much closer way because of their geographical proximity and, in some cases, current or past connection to the Law School.

With these goals in mind, the inaugural issue of the *Annual Survey* offered eight survey articles, covering foundational subjects including Civil Practice and Procedure, Criminal Procedure, Legal Issues Involving Children, and Wills, Trusts, and Estates. These have become the staples of the *Annual Survey* and an important part of many practitioners' continuing education. Due to the success of the *Annual Survey* issue, the *Law Review* expanded the editorial board to include a "Survey Editor" and increased in both size and readership.

As the *Annual Survey* matured, specialty topics sporadically emerged to supplement the foundational articles featured annually. These specialty topics are featured when legislative and judicial developments merit additional review. Examples include Administrative Law, Construction Law, Medical Malpractice Law, and, more recently, even such specialized subjects as Railroad Law and Animal Law.

The *Annual Survey* also routinely includes essays and student comments, which often analyze a particularly significant piece of legislation or judicial decision. For example, 2006 marked a new era for the pleading of civil actions in Virginia. Professor W. Hamilton Bryson wrote a commentary for the 2006 *Annual Survey* to discuss these changes and the history of common-law and equity pleading in Virginia.<sup>1</sup>

Consistent with the objectives of the 1985–86 Editorial Board, the *Annual Survey* continues to chronicle yearly developments in those subjects fundamental to legal practice. The *Survey* is penned by distinguished authors dedicated to their particular fields and willing to share that passion with our readers. We have been, and continue to be, proud to provide a means through which these authors can share their knowledge with practitioners throughout the Commonwealth and beyond.

The *Annual Survey* provides a forum for prominent voices. We are honored to provide a setting for Virginia attorneys, judges, and legislative and executive officials to share their knowledge and opinions. We are fortunate to feature both recurring and new authors, all of whom share a desire to increase their knowledge in a particular field and to share that knowledge with others.

We could not discuss the history of the *Annual Survey* without mentioning the outstanding contributions of two especially devoted *Survey* authors. Professor J. Rodney Johnson has contributed a Wills, Trusts, and Estates article twenty-four out of the last twenty-five years. He has been a leading expert in his field whose views and contributions are sought by legislators and practitioners throughout the Commonwealth and far beyond. His nearly annual contributions to this *Annual Survey* have added immeasurably to the Survey's success and credibility. Beyond this tangible contribution, his mentorship of *Law Review* members and editors for many years is deeply appreciated.

Professor Robert Shepherd, Jr. has shared an equally significant role in the history of the *Law Review*, as well as the entire Law School and the surrounding legal community. Professor Shepherd was a leading voice in children's advocacy and a renowned expert in family and juvenile law for decades until his

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1. See W. Hamilton Bryson, *Commentary: The Merger of Common-Law and Equity Pleading in Virginia*, 41 U. RICH. L. REV. 77 (2006).

untimely death in December 2008. He was not only an expert in analyzing and interpreting existing law, but was an active participant in shaping the law in collaboration with the Virginia General Assembly. In his twenty-three years as a member of the Law School faculty, he was a frequent contributor to the *Annual Survey* and offered his valuable guidance to the *Law Review* editorial board and staff. The 2009 *Annual Survey* was dedicated to his memory. We offer our thanks to both Professors Johnson and Shepherd for their remarkable contributions across the years.

The Law Review appreciates the contributions of all of the *Annual Survey* authors over these past twenty-five years. In addition to the contributions made by renowned professors and practitioners, we have been fortunate to publish articles authored by public officials charged with shaping the law. Past issues have included essays, articles, and forewords authored by Judges Thomas Horne, Frederick Rockwell III, Jane Marum Roush, Beverly Snukals, and Douglas Tice, Jr., and Justice Elizabeth Lacy. Past Governors James Gilmore and Mark Warner and current Governor and then-Attorney General Robert McDonnell each have contributed to the *Annual Survey*. We thank them and all past—and future—*Annual Survey* authors for sharing their time and talents with the *Law Review* and its readers.

We could not end this foreword without giving certain additional thanks. First, we thank the editorial boards in the intervening years between the inaugural and the current *Annual Survey* issues. It is tempting for each new editorial board, wishing to leave its own mark on the institution, to cast aside existing traditions and start fresh. Further, it can be a tall order to keep any tradition alive and vibrant for such a long period. We appreciate your efforts, perseverance, and dedication to the *Annual Survey*'s mission. Second, no *Law Review* issue, and certainly not the *Annual Survey*, could go to print without the innumerable behind-the-scenes contributions of Glenice Coombs, our Legal Publication Coordinator for the past several decades. Glenice has guided generations of *Law Review* members and editors and is the glue that holds the *Law Review* together.

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We look forward to twenty-five more years of the *Annual Survey*, to its continued growth in the community, and to the addition of new voices and subjects to continue to educate us all on Virginia law.

Marguerite R. Ruby,  
*Editor-in-Chief* 1985–86

Sarah Warren S. Beverly  
*Annual Survey Editor* 2010–11