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SEVENTY-FIVE YEARS OF THE ANNUAL SURVEY

Each year, the newly inaugurated class of 2L staff editors receives packets with the *Annual Survey* “essentials”: our style guide, an overview of our production process, a picture book of the editorial staff members, and a copy of the late Professor Julius Marke’s 1992 retrospective, *The Annual Survey of American Law at Fifty*.¹

Professor Marke recalls the birth of a publication whose mission would be not so much ambitious as laughable today: an academic journal that summarizes in some detail “the significant trends in the more important branches of the law throughout the year.”² The original *Annual Survey* really did aim to provide a survey of the American legal landscape as it changed from year to year. With chapters titled “Criminal Procedure,” “Torts,” and “Election Law,” the journal endeavored to summarize changes in entire fields of law—in roughly twenty-page segments.³ There were, of course, specialists at the time, but the *Annual Survey*’s founder, Dean Vanderbilt, recognized that a generalist survey could be of use even to them.⁴

The world has changed. Not only has law continued to specialize, but it has grown. What is “important” to some is insignificant to others. Indeed, one might debate what “the more important branches of the law” even are these days. Illustratively, Congress enacted 115 public laws in 2015;⁵ that same year, administrative agencies promulgated over 24,600 new regulations.⁶ Prior to those regulations’ codification, an interested reader would have had to peruse more than 81,000 pages of the *Federal Register*.⁷ A motley

1. Julius L. Marke, *The Annual Survey of American Law at Fifty*, 1992/1993 N.Y.U. ANN. SURV. AM. L. 1.

2. *Id.* at 2 (quoting Arthur T. Vanderbilt II, *Foreword*, 1942 N.Y.U. ANN. SURV. AM. L. v, vi).

3. 1978 N.Y.U. ANN. SURV. AM. L. 1.

4. *See id.*

5. *See Public Laws*, CONGRESS.GOV, <https://www.congress.gov/public-laws/114th-congress/>.

6. *See* MAEVE P. CAREY, CONG. RESEARCH SERV. R43056, COUNTING REGULATIONS: AN OVERVIEW OF RULEMAKING, TYPES OF FEDERAL REGULATIONS, AND PAGES IN THE *Federal Register* 19 (2016).

7. FED. REG., *Federal Register Pages Published 1936–2015*, at 2, <https://www.federalregister.gov/uploads/2016/05/stats2015Fedreg.pdf>. Of course, this phenomenon was not unknown even in the nascent years of the *Annual Survey*. *See* *Fed. Crop Ins. Corp. v. Merrill*, 332 U.S. 380, 387 (1947) (Jackson, J., dissenting) (“If [a farmer] were to peruse [the *Federal Register*] as it is issued from time to time in order to make sure whether anything has been promulgated that affects his rights, he would never need crop insurance, for he would never get time to plant any crops.”).

crew of law school students could scarcely imagine reading all of that, let alone synthesizing it.

Student involvement marks another major change since Dean Vanderbilt's time: the *Annual Survey* is no longer professor-run, but student-run. Further, just like our sister journals at the Law School, we publish scholarly pieces from both faculty and students. We continue to distinguish ourselves among journals in a variety of ways. Apart from our unique history, we focus on usefulness to practitioners and judges, valuing practical insight over philosophical queries, though recognizing that the two often overlap. We have resisted the trend to specialize and instead welcome articles that span the scope of today's complex legal world, recognizing that each issue we publish will appeal to different readers. And we have continued, without interruption, the tradition started by Dean Vanderbilt to dedicate each volume to a remarkable figure in American law. We could not be prouder of this Volume's dedication to Justice Sonia Sotomayor of the United States Supreme Court.

What we remain proudest of is the rich place the *Annual Survey* occupies in the intellectual life of its members and indeed of the Law School. We continue to organize an annual symposium dedicated to a novel legal topic, we continue to question and develop our authors' legal theories, and we continue the vibrant intellectual conversations among ourselves—your editors—in response to today's changes and challenges in the law. Above all else, we will strive to continue these traditions for the next seventy-five years.

Alison Wall
Editor-in-Chief, 2016–2017

Leonid Grinberg
Editor-in-Chief, 2017–2018