

THE "EMERGENCE" OF THE ALBERTA LAW REVIEW

THE HONOURABLE W. A. STEVENSON*

The Alberta Law Review is not a lineal descendant of the Alberta Law Quarterly. It arose, not unlike the Phoenix, from the ashes of the earlier publication.

I use the word "ashes" advisedly. On September 27, 1945 the then Professor Wilbur Bowker found the Decanal office which he was to occupy, full of copies of the last issue of Volume 5 of the Alberta Law Quarterly. Demobilized the day before and facing his first class the next morning, Professor Bowker had no time to sort out the affairs of the Law Quarterly and he and his good wife Marjorie (now Judge Marjorie Bowker) consigned the unwanted material not to the University incinerator but to the nether storage regions of Con Hall.

For all we know that issue, the index, is still somewhere in the University archives. It was never distributed. When Professor Bowker came to see what could be done in connection with the Law Quarterly he learned to his dismay that the only records of the publication consisted of a small cardboard box with a few receipts and miscellaneous notes. There was no subscribers' list. Had there been a subscribers' list there was no money to pay the postage in any event. It was true that some funds were held by the University "in trust". From time to time some subscribers sought the return of their advance subscription and the University refunded those subscriptions. The University had unpaid printing accounts which absorbed the balance. Dean Bowker recalls embarrassing inquiries from disappointed subscribers. To their credit the advertisers accepted the blow administered by the war effort and did not insist on specific performance of their contracts. Perhaps Dr. Alex Smith had initiated enough members of the profession into the defences to an action for specific performance to prevent mass litigation.

There were occasional suggestions from the student body that the Law Quarterly might be revived. As one might expect Dean Bowker did not greet this suggestion with any enthusiasm.

In 1954 a group of students headed by a young man with the right blend of scholarship and distinguished experience in journalism, Hugh Lawford, proposed the publication of a scholarly journal. The Dean did not want any revival of the Law Quarterly. He did not want to see the faculty giving promises it could not keep to advertisers or subscribers. He certainly feared the prospect of students departing leaving the Rutherford Library full of incomplete and undistributed law journals. He did want to encourage legal writing and pointed out that his faculty had more student contributions to the Canadian Bar Review than any other law school. He was not prepared, however, to endorse any scheme that exposed the faculty to the problems that followed the Alberta Law Quarterly. His first response to Hugh Lawford, with a cough and a grimace,

* Presently a Justice of the Court of Queen's Bench of Alberta. Justice Stevenson was an Associate Editor of the first edition of the Alberta Law Review (1954-55) and Editor-in-Chief of the 1955/56 and 1956/57 editions.

"Why Lawford I still hear from disappointed subscribers to the Alberta Law Quarterly".

Hugh Lawford, ably seconded by the late Bob Neve went back to the drawing boards. No advertisers! No subscribers! The solution was some form of universal subscribership paid by an advance lump sum contribution. In consultation with Dean Bowker a proposal was made to the Board of Governors. The Board was asked to fund the first issue which would be distributed, without charge, to all practicing lawyers and members of the judiciary. The Board was asked to provide "seed money" (a term not then used). The Board accepted the advocacy of Hugh Lawford and the Dean. It agreed to fund the first issue. It funded, in whole and in part, many more.

One of the sources of the original funding was the University's Research fund. Most of us felt that there was some kind of poetic justice in the use of that fund. One source of the fund was the moneys accumulated under the Ultimate Heirs Act, itself something of a tribute to the resourcefulness of lawyers and legislators. The University attached no strings to its financing other than setting the outer limits in terms of size and cost and requiring that the University itself do the printing.

The University print shop had already agreed to give the Review a favourable price. Hugh Lawford had not been editor of the Gateway without learning that the key to printing success lay with Mrs. Bella Donnan. Mrs. Donnan would see that the work was done, at a good price, subject to the understanding that the Review "would not get priority". It didn't; but Mrs. Donnan was true to her word by keeping the cost down.

That first editorial board agreed not to revive the Quarterly. Remembering well Dean Bowker's advice they didn't even dare describe the publication as an "annual". There were not going to be any allegations of breach of faith against a faculty sponsored legal publication. That anxiety was fully justified. The first issue was published about eight months behind schedule. The first editor and most of his board were not present to see the finished product. Articles didn't come in when they were supposed to. When they did come in they didn't get put into print right away. What is more the amateurs learned that they had to be "proof read". No law student would undertake that task once the moots were under way. The few students who remained in Edmonton over the summer months were destined to finish that first publication. This they did and the first Law Review was distributed in December of 1955. The Law Society provided a mailing list and the faculty provided the glue and the postage. The first Law Review, dedicated to the Honourable Frank Ford, was distributed to all the members of the profession in this province. Those early days were, if not fun, at least exciting. There was no continued assurance of contributors or staff. No one was prepared to predict a 25 year run. It was thought a little risky to predict the successful production of the next number. Wilbur Bowker told the students that they would bear the responsibility—the faculty would not. The students assumed that responsibility but as soon as any kind of help was needed it came from Wilbur Bowker. His name appeared as that of faculty adviser to the first issue. I think most of us associated with the early days of the Review would say that it owes its existence to the fact that "the Dean" insisted that there be no repetition of past failures. Great credit must also be given to the determination of Hugh Lawford and his first committee. Unsung

but much appreciated are the members of the Board of Governors and the first contributors who gave the commitments the students sought. It must be remembered that there are very few Law Reviews which are solely the responsibility of the student body. After those few early issues creaked off the presses and into the hands of the profession, the Law Society, when asked, made a contribution on behalf of its members and, like the University, was content to allow the students to exercise full responsibility.

I am delighted to see that large and healthy Phoenix, still cared for by students, flourishing.