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Lawyers, Scholars Debate Pro Sports

arrest propensity and time spent in college. Those who didn't go to college were arrested less than those that did."

McCann noted that only the NBA and NFL impose age restrictions, unlike NASCAR, Major League Baseball, and the National Hockey League. Marquette University professor J. Gordon Hylton then explained his theory for this phenomenon.

"These restrictions are not really about protecting athletes," Hilton said. "The only reasons they're on the books is that the NBA and NFL came into being [in the middle of the 20th century] as competitors with already well-established college sports. The age restrictions came in as a way of telling the world, 'We're not interfering with college sports.' These rules were all about dividing the market."

Philip Evans, president of the NBA-owned National Basketball Development League, gave an opposing view, discussing why the NBDL decided to impose an age restriction of 20 years old upon its founding.

"We created the league where, if you were a player 20 years old or above, we wanted to have a place for you to go with great officiating, great coaching, to let you develop your game," Evans said. "And also to have training in life skills and ways to develop as a person outside the game, and to prepare for life after basketball, which may come sooner for guys in our league

than for guys in the NBA. And it has been a tremendous success in that regard.

"Why 20? Why have an age limit at all? We thought that players who were 20 years of age—and I know it's somewhat an arbitrary number—would be more physically developed and mature than players who were 18 and 19. And we were giving a nod to college. We didn't want to have players skipping college and going straight to the league."

Forbes said that the high level of interest and participation will increase *VaSE's* presence in the legal community.

"I view the continuing success of this symposium as a means of becoming the top sports and entertainment law journal in the country," Forbes said. "For next year, we hope to expand the event to multiple days, and to market it to a national audience. The symposium thus serves our interests in two ways. First, we increase the discourse among students and practitioners in this field and provide a valuable educational tool. Second, we have a marketing vehicle to increase our name recognition nationwide, which should lead to a larger subscriber base and a greater pool of article submissions. In that sense, this symposium has already paid dividends, as several attendees sought subscription information and one speaker expressed an interest in submitting an article."

Legal Scholarship Goes Online

Tim McCarten '07
Features Editor

When *Virginia Law Review* recently revealed *In Brief*, its online companion, it joined the law journals at Yale, Harvard, Penn, and Michigan in a growing trend among the country's leading law reviews to publish original scholarship on the Internet.

But since the Internet age dawned more than a decade ago, why did it take so long for the nation's law journals to make this move?

Among the primary causes is that legal academic literature is most often controlled by law students. Although there are arguments as to the merits of whether this should be the case, it is beyond dispute that it has practical implications for the ability of law journals to adapt to changes in the marketplace.

Primary among these implications is the fact that law reviews' editorial boards must deal with the problems inherent in annual turnover and short periods of tenure. As a consequence, when the publishing industry changed—as it did upon the advent of online publication—student-led journals have been comparatively slow to adapt. Thus, despite the fact that most of the current generation of law students is very comfortable with technology, student-published legal literature has only recently ventured onto the Internet in a manner comparable to other kinds of publications.

But now that a handful of law journals have begun branching out onto the Internet, it appears that many others will follow. According to Jim Zucker, *Virginia Law Review's* Editor-in-Chief, his counterparts at the nation's other leading law reviews are almost uniformly planning the near-term launch of an online companion to their print journals.

Although Zucker claims that the *Law Review* didn't feel any pressure after the *Yale Law Journal* published the first online companion (*The Pocket Part*) in October 2005, he believes that past and current *Law Review* managing boards possessed a uniform sense that the fu-

ture of legal scholarship is online. Among other advantages, these boards recognized that online companions can truncate the publication process, which may take as much as a year from the point of an article's submission to its publication.

However, even once the board decided to construct an online companion, it took over a year of planning and development to publish *In Brief*. Publishing online, as the *Virginia Law Review* found, involves settling difficult questions as to the manner in which legal scholarship should proceed on the Internet. Indeed, other law journals that hope to establish an online companion are facing the very same questions. On this issue, however, there seems to be consensus among those involved with such publications that the Internet provides three basic routes for presenting scholarly content. These students simply differ on which is the proper approach.

First, online publications such as the *Harvard Law Review Forum* limit their web content to a simple extension of their printed pages. Material published in the *Forum* discusses articles that appeared in the current print issue of *Harvard Law Review*, and consists solely of brief, timely responses to those articles.

Second, and at the other end of the spectrum, is the legal blog. While no major law review has yet taken this route, law professors such as Yale's Jack Balkin and UCLA's Eugene Volokh advocate this approach. Indeed, other journals are known to be considering it. While legal blogs have the advantages of readership and speed of publication, many view this avenue as being insufficiently academic. As *Virginia Law Review's* Technology Development Editor Chris Yeung says, the main problem with blogs is that they "consist of unpolished ideas" that don't go through the standard editing and substantiation processes.

As an alternative to these two divergent approaches, *Virginia Law Review* has joined several other law reviews that have sought an intermediate route. Attempting to balance the speed with which a blog

can disseminate information and the academic weight that a traditional article carries, Yeung says that *In Brief* is designed to publish "more polished ideas at a quicker speed." Moreover, Zucker admits that publications like *Virginia Law Review* "can't compete with blogs" while also maintaining the degree of quality for which the legal community values them. Rather, he contends that a more balanced approach is the wiser course.

This intermediate approach also allows journals to be flexible about the type of content they publish online. For example, while the content of Harvard's *Forum* remains closely tied to its printed journal (the format of which appears largely the same), *In Brief's* first issue features an essay by Professor Chris Sprigman with images, multimedia, and links to external sources. In this respect, Yeung believes that such additional creative opportunities will provide scholars with another incentive to publish their work in an online companion.

In the near term, Yeung says that *In Brief* will publish online once a month during the academic year and that it has already selected essays for the next few issues. For those issues, *In Brief* has solicited the help of professors to write the pieces that it will use. After that, however, Zucker and Yeung anticipate that *In Brief's* editors will be able to select its content from a pool of essays that professors, UVA students, and practitioners submit. Indeed, after only two weeks online, Zucker reports that several authors have already submitted essays through the *In Brief* website.

So if the future of legal scholarship is online, what will happen to the traditional printed *Law Review* page? According to Zucker, the move online may make printed law reviews little more than "brand-name repositories" of scholarship that is accessible elsewhere. Even so, he believes that academic literature's move to the Internet will only enhance the quality of legal scholarship.

A Law Weekly Apology

Last week's SBA Notebook was written by then-President, Adam Wolk. In it, he urged people to vote in the SBA elections and discussed the importance of the SBA to the school. Some took it as more self-important than they were used to reading, and thought it sounded a bit preachy.

Please rest assured that Wolk didn't intend to preach to the student body. In fact, what he wrote was a draft that he realized should not run precisely because it sounded preachy. Through an oversight by a member of the *Law Weekly* staff (namely, John Kabealo), we printed Wolk's first draft, rather than a subsequent version that was funny, lighthearted, and, dare we say it, inspirational. In short, it was quintessentially Wolk.

In all seriousness, it is difficult at times for people to put their thoughts and feelings into print for public consumption, and although Wolk himself has laughed off our oversight, we feel it important to attempt to mitigate the effect of our mistake. We appreciate everything Wolk has contributed to the *Law Weekly* as well as the Law School community at large, and apologize for our oversight.

John Kabealo
Editor-in-Chief

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UVA Law, JAG School Cooperate in Extramural Advocacy

problems," Gordon said. "They spend about 30 to 40 hours with us over the last 10 days before a competition, and usually attend the competitions with the participants. Granting [academic] credit to the JAGs cements our relationship permanently, and is a big boost to recognize the efforts that these coaches make."

Major Coombs, who was instrumental in arranging for coaches to get credit, reflected on the importance of the new, officially established program.

"The relationship had been an informal one," Coombs said. "Its annual existence was due to the requests for help by UVA Law School students, former [JAG School] faculty donating their time to supervise the program, and members of the Graduate Course volunteering to be coaches."

"Unlike in previous years,"

Coombs continued, "we now have a faculty member from the UVA Law School as part of the program. The authorization of LL.M. credit is a big step in cementing our relationship with UVA," he added, conveying his hopes that the two schools will continue to strengthen their ties in the future.

Gordon similarly expressed a robust, positive vision for the Extramural Advocacy Team/JAG School alliance, in light of its recent evolution.

"We believe this is a groundbreaking arrangement that will pay incredible dividends, not just in terms of our teams' successes this year, but also in ensuring a legacy of competitive UVA teams for years to come," Gordon predicted. "All of the best appellate teams have coaches, and this step was necessary for our advancement as an extramural program."



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Published weekly on Friday except during holiday and examination periods and serving the Law School community at the University of Virginia, the *Virginia Law Weekly* (ISSN 0042-661X) is not an official publication of the University and does not necessarily express the views of the University. Any article appearing herein may be reproduced provided that credit is given to both the *Virginia Law Weekly* and the author of the article. Advanced written permission of the *Virginia Law Weekly* is also required for reproduction of any cartoon or illustration.

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