Memoir on the Founding of the Journal

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The appearance of the Industrial Relations Law Journal in 1976, according to the editor of its first issue, was "a tangible indication of the enormous student interest in labor law." That was an accurate statement when it was written. In the mid-70s labor law—"traditional" labor law—was a popular subject at Boalt. It was taught regularly by two regular rank faculty, Professor Jan Vetter and me. Between us I think that it is fair to say that more than half of each graduating class had taken the course, a record that few non-bar courses could match. And they included the best and the brightest. Almost all of the faculty hired since then who are Boalt graduates had taken labor law.

Even so, it came as a surprise to me when a few students, headed by Charles Pear, came to my office in the spring of 1974 and proposed that the first scholarly journal concerned exclusively with labor law be established as a student-edited journal at Boalt.

I was enthusiastic and agreed to serve as faculty advisor. I suggested that it would be a good idea to establish a National Advisory Board consisting of distinguished persons in the labor relations field. Their names would add prestige to the journal, even if they gave little or no actual advice. And those same people might be the source of articles that would help to establish the fledgling journal's reputation. They accepted the suggestion and the names I offered and added some more. Most of those solicited to be members of the Board agreed to serve and three of them actually contributed articles to the first volume of the journal.

Interest there clearly was. Funding, however, was the first and major problem. I suggested that one source of funds might be the Section of Labor Law, as it was then called, of the American Bar Association. I had recently served as Secretary to the Section and I thought the Council of the

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Section would recognize the need for a truly scholarly journal in the labor law field. So Pear and I appeared before the Council in Honolulu in August asking for funding. Foolishly, they turned us down. (I say foolishly because later the Section came to recognize its mistake and in 1985 began to publish "The Labor Lawyer," edited by Professor Robert Rabin and the students at Syracuse.) The students nevertheless persisted and obtained funding from a variety of sources, including the California Law Review and the Law School. The first issue of the Journal appeared in the spring of 1976 published jointly with the Law Review, but after most of its progenitors had graduated.

Times have changed since then. There was a time when the protection of employee rights was assumed to be accomplished primarily through the mechanism of collective bargaining, and traditional labor law was the focus of scholarly attention. Today that is no longer the case. Instead we have erected a panoply of statutory protections for employees dealing with many of the issues which had traditionally been assumed to be the concern of collective bargaining. Traditional labor law is no longer taught by a regular member of the faculty, but a whole new and exciting field, employment law, has opened up. The ABA Section of Labor Law is now the Section of Labor and Employment Law.

The Journal has changed with the times, as did the ABA. The Industrial Relations Law Journal is now the Berkeley Journal of Employment and Labor Law and is financially solvent. Its continuation and expansion of focus is a tribute to the students who continue to maintain a consuming interest in the law governing the relationship between employers and employees and a desire to produce a work of genuine scholarship concerned with that subject.