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Introduction

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INTRODUCTION

“It is emphatically the province and duty of the judicial department to say what the law is.”¹

- Marbury v. Madison

It has been centuries since Chief Justice John Marshall wrote those famous words in *Marbury v. Madison*. The nation has changed in so many ways since 1803, and there is perhaps no better window into the soul of America than through the thousands of opinions handed down by, what Chief Justice Marshall called, the “judicial department.” In saying “what the law is,” the judiciary has never failed to fill onlookers with the full range of emotions: from hope to despair, from vindication to rejection. These sentiments can be traced through opinions and writings from the founding era, through slavery and reconstruction, through two world wars and the civil rights movement, through globalization and the push and pull of modern political parties. While not infallible, and not without its faults, the judiciary has never ceased to be a bastion of intellect, where the keepers of justice seek to fulfill their “duty” and dispense their reasoned judgment.

It is the goal of this Issue to provide the reader with an opportunity to look backwards at what the courts have done; understand the current milieu and where the courts currently stand; and press onwards with a better appreciation of what the judiciary is and can become. The Articles provide the reader with profiles of Supreme Court Justices, an analysis of worldview in the judicial confirmation process, commentary on judicial speech, and even explore the conflict between the pursuit of liberty and the rule of law. In addition, this Issue provides the reader with a look into a more technical area of the law, pertaining to how the United States Court of Appeals for the Fourth Circuit should procedurally resolve motions to compel arbitration. It is my hope that you will find this Issue both challenging and enlightening.

In conclusion, I would be remiss at this juncture not to recognize the members of the Volume 11 Editorial Board, as well as our Senior and Junior Staff, and our Faculty Advisors, Professor Tory Lucas and Judge Paul Spinden. I consider it one of my life’s greatest honors to have been

1. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

entrusted to serve as your Editor-in-Chief. I hope that you know how much your time, energy, and dedication has meant to me.

Wesley A. Vorberger
Editor-in-Chief