

## FOREWORD

This issue marks an entry of *Law and Contemporary Problems* into the arena of judicial law reform. Our purpose is to draw attention to the problem of civil appellate jurisdiction as a persistent and ubiquitous difficulty which provides an occasion for creative thought and political energy.

With respect to the federal practice, the problem we here address has rarely been the subject of comprehensive or systematic thought. The law and the practice have evolved incrementally from one decade or century to the next, and scarcely ever has any scholar, judge, or law reformer considered the possibility of comprehensive reform. The Editors of *Law and Contemporary Problems* believe that now is an appropriate time to consider that possibility.

As a means to encourage such an effort, we have prepared a study of the present law which is presented in the format developed by the American Law Institute. The reason for selecting this format is to make it clear that what we are attempting in that central document is articulation of the existing law and practice in the federal courts, shorn of anachronisms, anomalies, and obscurities that are the product of two centuries of incremental adaptation. We hope that readers viewing this document will perceive an opportunity for simplifying and clarifying the controlling legislation.

As a predicate to consideration of our own Interlocutory Restatement, we have asked our distinguished colleague, The Honorable J. Dickson Phillips, to illuminate the internal political stakes and values which are reflected in the law of civil appellate jurisdiction.

In the next issue of *Law and Contemporary Problems*, we will continue to devote attention to this subject. It will include a series of comparative works which will demonstrate the endemic nature of the difficulty. These works may also be taken to suggest that the problem of civil appellate jurisdiction is a ripe issue for law reformers in the states and even perhaps in other countries. We will then conclude this double symposium with a few thoughts and reflections from scholars who have considered the present state of the federal law.

THE EDITORS