



JULIA F. BELL &
BRITTON A. KOVACHEVICH

FOREWORD:
AN INTRODUCTION TO *QUORUM*

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Authors: Julia Bell and Britt Kovachevich are the 2012–13 Managing Editors of the *New York University Journal of Legislation and Public Policy*.

Julia Bell is a J.D. candidate 2013, New York University School of Law; B.A. 2007, University of Chicago. Britt Kovachevich is a J.D. candidate 2013, New York University School of Law; M.A. 2010, Stanford University; B.A. 2009, Stanford University.

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FOREWORD: AN INTRODUCTION TO *QUORUM**Julia F. Bell***Britton A. Kovachevich***

Welcome to the *New York University Journal of Legislation and Public Policy Quorum*!

Quorum is a new, online companion to our journal, which will be published as an annual volume. *Quorum* is designed to be a forum for productive debate, a place where our readers can comment on articles, discuss recent developments, and share their thoughts and opinions in a briefer—and more informal—fashion than printed law journals can achieve. As dialog in the media—and in academia—becomes increasingly instantaneous and digital, we believe that law journals can and must continue to be facilitators of ongoing discussions and critiques of the law, keeping pace with ongoing and democratic debate rather than standing well outside of it.

In the Foreword to the inaugural volume of *Legislation*, our founders stated: “We believe this journal will fill that void [of practical scholarship] by providing a forum for timely, practical scholarship, thus contributing to a greater understanding of the legislative process and the lawyer’s role within it.”¹ Today, debate and consensus build, cohere, collapse, and reform at an ever-increasing rate. Modern technology has accelerated the pace of conversation and given a voice to a greater number of advocates with a wider spectrum of viewpoints. Today’s law and policy makers have better, faster, and easier access to more diverse information than ever before. This is an unmistakably positive development, but it is one that requires us to adapt as well. If we are to continue to be faithful to our founding mission to provide timely and practical scholarship to inform public

* Managing Editor, *New York University Journal of Legislation and Public Policy*. J.D. Candidate 2013, New York University School of Law; B.A. 2007, University of Chicago.

** Managing Editor, *New York University Journal of Legislation and Public Policy*. J.D. Candidate 2013, New York University School of Law; M.A. 2010, B.A. 2009, Stanford University.

¹ Steven Davis & Sean O. Burton, *A Journal of Legislation and Public Policy at New York University*, 1 N.Y.U. J. LEGIS. & PUB. POL’Y i, i–ii (1997).

debate on important issues, we must bring legal scholarship into modern, concise, and technology-driven discourse. *Quorum* is our answer to that challenge.

Quorum's shorter form and emphases on readability, quick publication turn-around, and contemporary, practical content will allow us to report on ever-changing legal and political considerations. *Quorum* is also a means of ensuring that many and diverse voices have the opportunity to be heard. It will increase our capacity to publish the works of scholars, practitioners, judges, and students in various forms, allowing more and more varied opinions to be articulated. This can only enhance and enliven the debates taking place in *Legislation* today.

Our inaugural content in *Quorum* provides a poignant example of the capacity of this medium. In *The Two-Year Law Degree: Undesirable But Perhaps Unavoidable*,² Professor Stephen Gillers offers his response to Professor Samuel Estreicher's essay *The Roosevelt-Cardozo Way: The Case for Bar Eligibility After Two Years of Law School*,³ published last December in *Legislation*'s print edition. With this contribution, Professor Gillers joins a lively debate over the fate of the third year of law school, which has played out in law schools across the country as well as in the *New York Times*,⁴ *The Economist*,⁵ and the *ABA Journal*.⁶ *Quorum* provides an avenue for Professor Gillers to add his competing perspective in direct and prompt reply to Professor Estreicher and other proponents of the two-year law degree.

Quorum will also continue to foster debate over the proposed Regulations from the Executive in Need of Scrutiny (REINS) Act with a forthcoming contribution from Professor Sally Katzen, former Administrator of the Office of Information and Regulatory Affairs. In our upcoming issue of *Legislation*, Pro-

² Stephen Gillers, *The Two-Year Law Degree: Undesirable But Perhaps Unavoidable*, 2013 N.Y.U. J. LEGIS. & PUB. POL'Y QUORUM 4.

³ Samuel Estreicher, *The Roosevelt-Cardozo Way: The Case for Bar Eligibility After Two Years of Law School*, 15 N.Y.U. J. LEGIS. & PUB. POL'Y 599 (2012).

⁴ E.g., Daniel B. Rodriguez & Samuel Estreicher, Op-Ed., *Make Law Schools Earn a Third Year*, N.Y. TIMES (Jan. 17, 2013), <http://www.nytimes.com/2013/01/18/opinion/practicing-law-should-not-mean-living-in-bankruptcy.html>; Bill Watson, Letter to the Editor, *How Much Law School is Enough?*, N.Y. TIMES (Jan. 25, 2013), <http://www.nytimes.com/2013/01/26/opinion/how-much-law-school-is-enough.html>; Sarah Howland, Letter to the Editor, *One Year of Law School*, N.Y. TIMES (Jan. 27, 2013), <http://www.nytimes.com/2013/01/28/opinion/one-year-of-law-school.html>.

⁵ E.g., *Reforming America's legal education: The two-year itch*, ECONOMIST (Feb. 2, 2013), <http://www.economist.com/news/business/21571213-could-law-schools-be-ready-change-their-ways-two-year-itch>.

⁶ E.g., Debra Cassens Weiss, *Two-year law school was a good idea in 1970, and it's a good idea now, prof. tells ABA task force*, A.B.A. JOURNAL (Feb. 9, 2013), <http://www.abajournal.com/news/article/two-year-law-school-was-a-good-idea-in-1970-and-its-a-good-idea-now>.

fessors Jonathan Adler⁷ and Jonathan Siegel⁸ argue that the REINS Act—of which Professor Katzen has been an outspoken critic—is a constitutional exercise of legislative intrusion on the regulatory authority of the Executive Branch. In her response to Professors Adler and Siegel, Professor Katzen (with Julian Ginos, a second-year student at NYU Law) counters that under existing separation of powers jurisprudence, the REINS Act is far from “perfectly constitutional,” as Professors Adler and Siegel assert it to be.⁹

We also intend for *Quorum* to capture meaningful scholarship from our fellow students that might otherwise have gone unrecognized. Every semester, students produce original research and insightful analyses that do not or cannot take the shape of formal, long-form academic Notes or Articles, and therefore do not fit within traditional means of academic publication. There is no doubt, however, that students address groundbreaking legal issues and develop novel ideas that deserve to be heard and considered by a wider audience. We hope that *Quorum* can make this possible.

Certainly, *Quorum* owes its existence to the efforts of every member of the *Legislation* staff.¹⁰ But we offer particular thanks to our fellow members of the 2012–13 Executive Board, who were instrumental in dreaming *Quorum* into being and refining the concept along the way. Looking to the future, we also thank the incoming members of the 2013–14 Executive Board, whose enthusiasm for carrying this project forward has been a continued source of inspiration. Last but not least, we are incredibly grateful to our faculty advisor, Professor Helen Hershkoff, who has been both stalwart in her support of the journal and its members, and full of brilliant and insightful ideas that have helped to make this ambitious new idea into a promising reality.

Finally, to you, the reader: thank you, and enjoy!



⁷ Jonathan H. Adler, *Placing “REINS” on Regulations: Assessing the Proposed REINS Act*, 16 N.Y.U. J. LEGIS. & PUB. POL’Y 1 (2013).

⁸ Jonathan R. Siegel, *The REINS Act and the Struggle to Control Agency Rulemaking*, 16 N.Y.U. J. LEGIS. & PUB. POL’Y 131 (2013).

⁹ *Id.* at 173.

¹⁰ A few among us, however, must be singled out for praise, owing to their invaluable contributions. Our Editor-in-Chief, Paul Brachman, has worked tirelessly to transform *Legislation* into a twenty-first century law journal, overseeing its rapid advance into the world of online content. We must also congratulate Eric Messinger, one of our incoming Senior Notes Editors and the future custodian of *Quorum*. He has articulated a brilliant vision for the publication, and we feel certain that he will propel it forward during this year of development, expansion, and experimentation. Finally, we thank Varun Jain, Alex Levy, Charlotte Slaiman, and James Wright for their brave and selfless willingness to serve as *Legislation*’s inaugural *Quorum* Editors. We expect them not only to excel in these positions, but to define them for years to come.