

Annual Report

2016–17

New York University School of Law
Journal of Legislation and Public Policy

Dear Friend,

On behalf of the 2016–17 Executive Board, it is my pleasure to report that the *Journal of Legislation and Public Policy* has had an extraordinarily productive and successful year here at the NYU School of Law. In keeping with tradition, this Annual Report provides an overview of all that the Journal has achieved in the past year, as well as a glimpse of the 2017–18 Executive Board’s plans for the months ahead.

This year, the Journal continued to publish high-quality and timely scholarship with the aim of assisting practitioners, policymakers, judges, and scholars with their work. The Journal frequently is cited in judicial opinions, litigation documents, treatises, and legal publications. These citations are summarized later in this Report, and total 255 during the period from May 1, 2016 to April 30, 2017.

Notably, this year we published an essay by Jack Lew, former NYU Executive Vice President for Operations and then-U.S. Treasury Secretary during the Obama Administration, on the need for continued financial regulation. The Wall Street Journal reviewed the piece the day it was published and included a link to the Journal’s website. Earlier in the year, the Journal published an article by Bill Dauster, former Senate Majority Leader Harry Reid’s Deputy Chief of Staff, discussing the Senator’s filibuster reforms and the so-called “nuclear option” of eliminating the filibuster for Supreme Court nominees. These pieces provided an important scholarly backdrop for policymakers as they navigated recent political events, and proved to be prescient in their analysis.

In addition to publishing high-quality scholarship, the Journal underwent significant managerial and production changes. To align better the production process with the academic calendar, we held board elections at the beginning of the Spring term, rather than in March. This allowed for more hands-on training and mentorship between the old and new Executive Boards before the 2016–17 members graduated. We also used a particularly challenging article in our 20.1 issue to pilot a revised editorial process, described in greater detail within this Report.

In February 2017, we partnered with the Brennan Center for Justice to present a symposium on the ways in which *Miranda* and related law-enforcement issues have evolved in the 50 years since the seminal opinion was issued. We were excited to welcome the Bronx County District Attorney Darcel D. Clark to give the opening remarks, which were followed by a series of three moderated panel discussions. The practical nature of the topic and the relevance it held for practitioners’ daily work helped to draw and maintain a strong audience throughout the day. Recordings of the event are available on the Journal’s website and transcripts will be published this Summer on *Quorum*, the Journal’s online companion, alongside related material submitted by the event’s participants and attendees.

It was my personal pleasure and privilege to lead the Journal as Editor-in-Chief during this past year. I would like to thank each member of the *Legislation* masthead, particularly the twelve other members of the Executive Board, for their hard work and unflagging commitment. I would also like to thank Helen Hershkoff for her invaluable support and advice as our faculty advisor. I am sincerely excited for all that next year’s leadership has in store and have no doubt that the

2017–18 Annual Report will detail even greater plans and achievements as the new Executive Board guides the Journal into the future.

On Behalf of the Executive Board of 2016–17,

R. T. Winston Berkman
Editor-in-Chief
New York City
July 2017

Governance & Membership

This year the Executive Board was comprised of thirteen members. The remaining third-year students assisted as Articles Editors, Notes Editors, and Quorum Editors. Thirty-four second-year students joined *Legislation* as Staff Editors in August 2016 after completing NYU Law’s Writing Competition and Transfer Writing Competition over the summer.

Overall, the 2016 Journal admission cycle was a highly successful one. Managing Editor Adrienne Tierney served on the inter-journal Writing Competition committee, and participated in choosing the topic of Immigration/National Security for the Writing Competition. She provided many of the sources for the prompt packet that students were provided, ensuring the relevance of submissions to this Journal’s commitment to legislation and policy considerations. Sources included enacted and model legislation, judicial opinions, news stories, and economic and environmental reports.

Non-Production Standing Committees

Legislation’s committees exist to support its substantive work and provide staff editors with ample opportunities to be involved in the Journal’s projects beyond traditional production assignments. Committees perform both advisory and administrative functions. Our committees in 2016–17 were:

- Development Committee: Tasked with a wide variety of non-production operations, including but not limited to *Quorum* content review, social media management, alumni relations, and the enrichment of *Legislation* members’ law school experience.
 - Chair: Adrienne Tierney, Managing Editor
- Symposium Committee: Tasked with the execution of *Legislation*’s 2016–17 Symposium and the preparation of the 2017–18 Symposium Application.
 - Chair: Danielle Dobrusin, Senior Symposium Editor

The Executive Board amended the Journal’s bylaws to remove the Content and Social Committees as standing committees.

The Content Committee had previously reviewed and discussed each article submission as a group before giving recommendations to the Senior Articles Editor. This process, though collaborative, was unsustainable. The Journal focuses on publishing high-quality material aimed at assisting policymakers, practitioners, judges, and scholars with their work. For the most part, its readership is a different population than its authors, many of whom are navigating the complicated path to tenured professorship. As a result, the Journal risks losing desirable pieces to less well-regarded but flag-ship law reviews at other institutions. In addition to quality, speed is our competitive advantage; we strive to review pieces and make offers within a week of their submission to curb the loss of potential articles. The Content Committee structure did not allow for this rapid turnaround. The content selection process is now limited to the Editor-in-Chief and Senior Articles Editors—who were always participants—and individuals who express interest and the ability to work quickly. This ad hoc, leaner committee efficiently and effectively selected the material that the Journal published during its 2016–17 season. The Journal has also welcomed back previous authors who shared that they were impressed by their earlier experiences and wished to publish with us again.

The Social Committee’s central components—fostering camaraderie among the membership, planning social events and study breaks, and creating opportunities for mingling between class years—were effectively incorporated into the Development Committees roles and responsibilities.

Print Publications

This year, *Legislation* published three full issues. The Executive Board initially planned to publish four issues, but decided to use the fourth as a training issue for the new board during the masthead transition. This fourth issue is expected this Summer. In all, *Legislation* published ten academic articles, two essays, five student notes, and the transcript of our 2015 Symposium. Below, we provide synopses of the issues and the content contained therein.

Volume 19, Issue 3

Volume 19, Issue 3 memorialized and expanded on *Legislation*’s 2015 Symposium, “‘It Is So Ordered’: Social Change and the Campaign for Marriage Equality.” *Legislation* partnered with The Arthur Garfield Hays Civil Liberties Program to organize and host the Symposium on November 13, 2015.

The Symposium explored the broader significance of the U.S. Supreme Court’s decision in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), which held that the right to marry is fundamental and cannot be denied to same-sex couples. Specifically, the event analyzed and focused on the numerous issues beyond marriage access that continue to pose challenges in the lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA) community’s struggle for equal rights. The Symposium also evaluated the legal strategies that this and other civil rights campaigns have employed in their efforts to achieve social change. Finally, the event paid tribute to the late Professor Tom Stoddard, whose work influenced and shaped the legal landscape that made *Obergefell* possible. The Fall of 2015 was the twentieth anniversary of the establishment of the Hays Program’s Tom Stoddard Fellowship in the Rights of Lesbians and Gay Men, as well as

the anniversary of the founding of the Madison Society, the precursor to the Journal, in which Professor Norman Dorsen and Professor Stoddard were influential. Our Symposium recognized the path-marking work of these two great constitutional advocates on behalf of the LGBTQIA rights movement.

Issue 19.3 contains the day's keynote address by Andrew Tobias, journalist and author of *The Best Little Boy in the World*; transcripts of the event's two panels; and closing remarks by Roberta Kaplan, partner at Paul, Weiss, Rifkind, Wharton & Garrison, LLP. It also includes an essay by Tom Stoddard's husband, Walter Rieman, J.D. '84, partner at Paul, Weiss, Rifkind, Wharton & Garrison, LLP, in his late husband's memory. The issue also contains the following transcripts, article, and note:

- *The Next Chapter in the Struggle for LGBTQIA Equality* [Panel discussion]
 - Panelists: Steven R. Shapiro, Legal Director, American Civil Liberties Union; Melissa Murray, Interim Dean, University of California, Berkeley, School of Law; Kevin M. Cathcart, Executive Director, Lambda Legal; and Eliza Byard, Executive Director, Gay, Lesbian, and Straight Education Network.
 - The Symposium's first panel explored issues that continue to pose challenges for the LGBTQIA community that are now at the forefront of the movement for LGBTQIA rights. This included "second generation" issues that arise directly from marriage, including divorce, family rights, and enforcement of judgment; employment rights, such as pay and benefits disparities; additional gender-equality issues, such as equal rights for trans individuals; problems involving safety and equality in incarceration; and issues affecting equality of education, including bullying.

- *Achieving Results – Lessons from Civil Rights Movements* [Panel discussion]
 - Panelists: Burt Neuborne, Norman Dorsen Professor of Civil Liberties, NYU School of Law; Bebe Anderson, Vice President, U.S. Legal Program, Center for Reproductive Rights; Peggy Cooper Davis, John S. R. Shad Professor of Lawyering and Ethics, NYU School of Law; and Richard Blum, J.D. '89, Staff Attorney, The Legal Aid Society.
 - The Symposium's second panel contextualized the LGBTQIA movement as one of a number of attempts to use courts, legislatures, organizing, and other advocacy tools to achieve social change. The panel brought together experts on different social-change movements, including those for racial, gender, and economic equality, to examine how these other efforts have proceeded after the Supreme Court recognized or rejected broad constitutional principles. The panelists discussed the roles of litigation, legislation, and social change campaigns in each of these movements, and also evaluated how each of these strategies can be effectively leveraged to address the different issues the LGBTQIA community now faces.

Issue 19.3 also contains the following essay:

- *Tom Stoddard, Marriage Equality, and the Stoddard Fellowships: A Husband's Remembrance*
 - By Walter Rieman, J.D. '84, Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP

- In this essay, Walter Rieman honored his late husband’s life and work, including Tom Stoddard’s influential article, *Why Gay People Should Seek the Right to Marry*, published in 1989, which argued that fundamental aspects of equality prevented the state from denying two individuals of the same sex the right to marry. Rieman also highlighted Stoddard’s work as the Vice Chairman of the American Foundation for AIDS Research towards the end of his life.

Issue 19.3 contains the following article:

- *Challenge and Tradition*
 - By Peggy Cooper Davis, John S. R. Shad Professor of Lawyering and Ethics, NYU School of Law
 - In this article, Davis analyzes the tension between the role of the gay rights movement as challenging tradition of a wedding and the right to marry, which lends legitimacy to a patriarchal, puritanical institution that has policed intimate conduct and degraded non-conforming lifestyles. Davis argues that *Obergefell* should be seen as a human rights victory and celebration should rightfully proceed, but must be done constructively—in ways that further the cause of human freedom and dignity rather than strengthen patriarchy, puritanism, and bigotry. Davis also explores how traditional concepts of parenthood will adapt as same-sex and different-sex couples use adoption and reproductive technologies to welcome children into their homes.

Issue 19.3 also contains the following student Note:

- *Challenging the Levels of Generality Problem: How Obergefell v. Hodges Created a New Methodology for Defining Rights*
 - By Thomas A. Bird, J.D. ’16
 - This note discusses substantive due process jurisprudence following *Obergefell*, including how courts can define fundamental rights in the future. Drawing upon the parties’ dispute in *Obergefell*—whether the litigation was creating a new right to same-sex marriage or extending a more general right to marriage to a new demographic—the note highlights how the definition of a given right at issue is crucial to a litigation. Bird argues that Justice Kennedy’s opinion in *Obergefell* suggests an innovative way of addressing the “generality” problem in defining rights, which systematically favors broad constructions of rights in future litigation.

Volume 19, Issue 4

Issue 19.4 featured one essay, four full-length scholarly articles, and two student notes on an array of timely legal topics. 19.4 featured the following essay:

- *Eight Years After the Financial Crisis: How Wall Street Reform Strengthened Our Financial System and Laid the Foundation for Long-Run Growth*
 - By Jack Lew, United States Treasury Secretary under President Barack Obama
 - This essay reflects on the past eight years of financial regulation and advises the next administration not to rollback on Wall Street Reform.

- The day the essay was published in *Legislation*, it was reviewed in the Wall Street Journal. The review is available online at <https://www.wsj.com/articles/obama-administration-makes-closing-argument-before-trump-deregulatory-tide-1482955208>.

Issue 19.4 also contains the following articles:

- *The Senate in Transition or How I Learned to Stop Worrying and Love the Nuclear Option*
 - By William Dauster, former Deputy Chief of Staff for U.S. Senate Democratic Leader Harry Reid
 - This article explains Senator Reid's filibuster reform and discusses future reform, generally. In doing so, it both covers the history of the Senate filibuster and the specific events and decision-making that lead to Senator Reid's reform.

- *Proving Disparate Impact in Fair Housing Cases After Inclusive Communities*
 - By Professor Robert Schwemm, Professor of Law, University of Kentucky College of Law, and Dr. Calvin Bradford, a private consultant
 - This article explains how Fair Housing Act claimants and advocates should structure disparate impact claims. It responds to the Supreme Court's 2015 decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. ___ (2015), which allowed for such claims, and provides both in-depth legal and statistical support and models for future litigants.

- *Preventing the Abuse of Service Animal Regulations*
 - By Sande Buhai, Professor of Law, Loyola University College of Law
 - This article sheds light on distinctions between covered and not covered service animals and how disabilities advocates can structure claims of violations. It focuses on the Americans with Disabilities Act and the Individuals with Disabilities Improvement Act, as well as other relevant federal and state law, and concludes by offering policy solution to the issue of the abuse of service animal regulation.

- *Teenagers, Twenty Somethings, and Tax Inequality: A Proposal to Simplify the Age Requirements of the Dependency Exemption*
 - By C. Garrison Lepow, Professor of Law, Loyola University College of Law
 - This article explains the varying age for tax dependency and argues for a shift to a single age under the tax code. It provides a review of the existing discrepancies and argues for a uniform age for dependency in the tax code.

Issue 19.4 also contains the following student notes:

- *Judges Are (Not?) Politicians: Williams-Yulee v. The Florida Bar and the Constitutional Law of Redistricting of Judicial Election Districts*
 - By Alec Webley, J.D. '16

- This note assesses judicial districting for state judges' exclusion from Voting Rights Act's "one person one vote" requirement in a Law of Democracy context.
- *Cybersecurity: Getting Beyond Technical Compliance Gaps*
 - By Rebecca Weinstein, J.D. '16
 - This note explores risk management standards as potential tools in determining cybersecurity liability.

Volume 20, Issue 1

Issue 20.1 featured five full-length scholarly articles and two student notes on an array of timely legal topics. Issue 20.1 also contains the following Articles:

- *Taxi Regulation in the Age of Uber*
 - By Katrina M. Wyman, Professor of Law, NYU School of Law
 - This article discusses what policymakers should do to respond to innovations in the taxi industry, such as Uber and other e-hail apps. Wyman argues that taxis and Uber-style vehicles should be regulated as a unit because they are substitute goods, that regulation should be less onerous than traditional taxi regulation, and that the government does not owe compensation to existing market participants for the loss of value to their taxi medallions.
- *Electoral Integrity in Campaign Finance Law*
 - By Daniel I. Weiner, Senior Counsel, Brennan Center for Justice at NYU School of Law, and Benjamin T. Brickner, Associate, Manatt, Phelps & Phillips, LLP
 - This article highlights four criteria for judging whether elections have integrity with particular relevance to money in politics: representation, participation, competition, and information. The article goes on to consider the impact that adopting these criteria would have on the viability of a range of policies, including contribution and spending limits, public financing, and disclosure.
- *Speech v. Conduct, Surcharges v. Discounts: Testing the Limits of the First Amendment and Statutory Construction in the Growing Credit Card Quagmire*
 - By Clay Calvert, Professor, University of Florida; Rich Schumate, Graduate Research Fellow, Marion B. Brechner First Amendment Project, University of Florida; Stephanie A. McNeff, Graduate Research Fellow, Marion B. Brechner First Amendment Project, University of Florida; & Stephenson Waters, Graduate Research Fellow, Marion B. Brechner First Amendment Project, University of Florida.
 - This article examines First Amendment speech concerns and related issues of statutory construction raised by anti-surge statutes that prohibit merchants from imposing “surcharges” on credit card purchases, but allow them to offer “discounts” to cash-paying customers. The article uses the split of authority created by the November 2015 opinion of the U.S. Court of Appeals for the Eleventh Circuit in

Dana's Railroad Supply v. Florida and the September 2015 decision by the Second Circuit in *Expressions Hair Design v. Schneiderman* as a timely springboard for analyzing these issues. In the Fall of 2016, the Supreme Court granted *cert* to hear *Expressions Hair Design*. In the Spring of 2017, it remanded the case back to the Second Circuit to address the topic discussed in this article.

- *Workplace Wellness: Social Injury*
 - By Elizabeth A. Brown, Assistant Professor, Department of Law, Taxation, & Financial Planning, Bentley University
 - This article reassesses workplace privacy and discrimination protections in light of recent trends in workplace wellness programs and the data they make available to employers.

- *Why Negligence Per Se Should be Abandoned*
 - By Barry L. Johnson, Professor, Oklahoma City University School of Law
 - This article argues that the tort system should abandon negligence per se and adopt a case-by-case analysis. In doing so, he reviews the history of the per se scheme and discusses why he believes it rests on shaky grounds. He concludes by discussing the Third Statement of Torts, which is in favor of negligence per se, and by restating his argument against this system.

Issue 20.1 also contains the following student notes:

- *Bringing Theory to Practice: Using Optimal Tax Analysis to Guide Real-World Transfer Program Reform*
 - By Christopher James Murray, J.D. '16
 - This note discusses the need to shift to an optimal marginal tax rate and the policy challenges such a move would propose.

- *Closing the Black Fiscal Hole: Alternatives to the "Spend It or Lose It" Policy for Agency Discretionary Spending*
 - By Leonard Yoo, J.D. '17
 - This note analyzes the federal government's "spend it or lose it" budget policy and discussing alternative policy approaches.

The Production Process

Legislation's production process saw substantial changes this year under the leadership of Editor-in-Chief Winston Berkman, Managing Editor of Production Eric Phillips, and Senior Executive Editor David Cohen, as well as with significant input from the Journal's Executive Editors. For example, the 2016–17 Board created a two-stage process that segmented source gathering and substantiation from Bluebooking. This separate stage for source gathering and substantiation avoided the issue of multiple Staff Editors being assigned to substantiate from the

same source by assigning substantiation based on source, not footnote number, thus achieving greater efficiency with Staff Editor assignments. In addition, for select articles, the 2016–17 Board piloted the creation of master source chart in the correct Bluebook format. Once created, the list served as a reference key for Staff Editors completing their Bluebooking assignments and ensured consistency in source citations, which can be particularly challenging in long, heavily cited pieces.

***Quorum*: Legislation’s Online Companion**

In keeping with *Legislation*’s mission to provide timely and practical scholarship to inform public debate on important issues, *Quorum* aims to publish shorter articles than the print journal at an accelerated production schedule. With a shorter production schedule and lower word counts, *Quorum* provides a valuable outlet for faculty, practitioners, and students to address present-day legal controversies as they unfold, while maintaining the rigor and substance of traditional legal scholarship.

While *Quorum* is currently indexed on LexisNexis, this year the Journal worked with Israel Rodriguez in the Office of Student Affairs to license the publication with WestLaw as well. This is an ongoing process that requires amending *Legislation*’s existing contract with WestLaw, and will be completed during the tenure of the 2017–18 Executive Board.

Spring 2017 Symposium

The *Journal of Legislation and Public Policy* and the Brennan Center for Justice partnered to host a Symposium entitled “The Future of *Miranda*: Police Practices and Power in the Modern Legal Landscape” at NYU School of Law on February 13th, 2017. The Symposium proceeded from the Supreme Court’s 1966 decision in *Miranda v. Arizona*, which fundamentally altered law enforcement procedure in the United States. Through three separate panels, this Symposium explored the ways in which *Miranda* and related law-enforcement issues have evolved in the 50 years since the decision was issued.

Opening remarks were delivered by Darcel D. Clark, Bronx District Attorney.

The first panel was called *Understanding Coercion: Developments in Neuroscience and Social Sciences*. This panel examined a body of scientific developments that have unfolded in the decades since the Court decided *Miranda* that bear on the topics of bias and coercion in police interrogations. Drawing on these data, panel participants highlighted the most relevant developments in neuroscience and the social sciences, examined the ways in which these insights relate to different aspects of police conduct, and analyzed the implications for the laws that currently govern law enforcement practices. The panel concluded with an analysis as to how the data might be used to develop evidence-based attempts at reform in this area. Speakers included: Stephen Schulhofer, Robert B. McKay Professor of Law, NYU School of Law (moderator); Dr. Laura Smalarz, Assistant Professor of Psychology, Williams College; Dr. Eric Drogin, Program in Psychiatry and the Law, Harvard Medical School; and Karen Newirth, J.D. ’02, Senior Staff Attorney, Strategic Litigation Unit, Innocence Project.

The second panel was called *Interrogating Youth: Juvenile Waiver of Miranda Rights*. This panel briefly traced the history of the constitutional rule and highlighted the principles that it illustrates, thereby locating the potential tension between law enforcement and individual rights within the federal constitutional framework. The panel then explored the ways in which policing and interrogation have evolved around *Miranda* while focusing on the issue of juvenile waiver of *Miranda* rights. Speakers included: Chantá Parker, J.D. '06, Special Counsel for New Initiatives, Innocence Project (moderator); Marsha Levick, Deputy Director and Chief Counsel, Juvenile Law Center; Kristin Henning, Director, Juvenile Justice Clinic, Georgetown University Law Center; and Kate Rubin, Director of Policy and Strategic Initiatives, Youth Represent.

The final panel was called *State of the Court: The Supreme Court and the Reality of Criminal Justice*. This panel sought to understand how the Supreme Court incorporates (or doesn't incorporate) the realities of the criminal justice system into its decisions. The discussion began by focusing on *Miranda* and related cases including *Montejo*, *Salinas*, and *Berghuis*. The panel then applied this framework to examine how the Court incorporates criminal justice realities in Fourth Amendment cases, while specifically focusing on *Riley*, *Strieff*, and *Heien*. Speakers included: Ames Grawert, J.D. '09, Counsel, Justice Program, Brennan Center for Justice (moderator); Ting Ting Cheng, Staff Attorney, Brooklyn Defender Services; and Timothy Koller, Executive Assistant District Attorney, Richmond County, NY.

Videos of the symposium are available on the Journal's website.¹

Upcoming Symposia (Fall 2017 & Spring 2018)

During the 2017–18 Academic Year, *Legislation* will host two panel-style symposia, both of which will explore how anticipated changes in federal programs—specifically, tax and affordable housing reforms—are likely to impact poor and low-income Americans. In these two events, the Journal aims for our panelists to reflect and comment on developments at the national level, to consider the roles that states and localities can play in addressing inequality, and to debate which policy responses would be both feasible and effective in the current political environment.

The first event, which will take place during the Fall 2017 Semester, will be a panel discussion anticipated revisions by the Trump Administration and Congress of the tax code, and their effects on how poor and low-income Americans can build financial assets, both to save for near-term needs and for retirement. *Legislation* will partner with NYU's distinguished tax faculty to examine the question of what can be done to encourage low-income workers to save and to support them in their efforts to do so.

For the second event, which will be held during the Spring 2018 Semester, *Legislation* will collaborate with NYU's Furman Center for Real Estate and Urban Policy to co-host a panel discussion on affordable housing. Specifically, the panel will explore the regulatory and policy

¹ <http://www.nyujlpp.org/the-future-of-miranda-police-practices-and-power-in-the-modern-legal-landscape/>

reforms that could have the greatest effects on making more affordable housing units available to poor and low-income people.

Each of the symposia will span a half-day, and likely will consist of remarks from a single, four-member panel of experts, followed by an opportunity for the audience to engage the panelists in a question-and-answer session. The Journal anticipates that by focusing on tax reform and affordable housing, these symposia will make an important contribution to the continued work of mitigating the severity of poverty and of reducing disparities among social classes.

Citation Statistics

Legislation was cited in 255 secondary sources during 2016–17. See below for some highlights of the law journals in which we were cited.

Akron Law Review	Minnesota Law Review
American Business Law Journal	Mississippi Law Journal
American Criminal Law Review	Nevada Law Journal
Arkansas Law Review	New Criminal Law Review
Boston College Environmental Affairs Law Review	New York University Law Review
Boston College Law Review	North Carolina Journal of Law & Technology
Brooklyn Law Review	North Carolina Law Review
California Law Review	Northwestern Journal of Technology & Intellectual Property
Cardozo Law Review	Notre Dame Journal of Law, Ethics & Public Policy
Catholic University Law Review	Notre Dame Law Review
Columbia Business Law Review	Ohio State Law Journal
Columbia Journal of Gender and Law	Oklahoma Law Review
Columbia Law Review	Pepperdine Law Review
Communication Law and Policy	Pepperdine Law Review
Creighton Law Review	Pepperdine Law Review
Denver Law Review	Review of Litigation
Duke Journal of Constitutional Law & Public Policy	Rutgers Computer and Technology Law Journal
Emory Law Journal	Santa Clara High Technology Law Journal
Family Court Review	Santa Clara Law Review
Federal Communications Law Journal	Scholar: St. Mary's Law Review on Race and Social Justice
Fordham International Law Journal	Seattle University Law Review
Fordham Law Review	Seton Hall Law Review

George Mason Law Review	SMU Law Review
George Washington Law Review	SMU Science and Technology Law Review
Georgetown Journal of Legal Ethics	Southwestern Law Review
Georgetown Law Journal	Stanford Law and Policy Review
Harvard Civil Rights-Civil Liberties Law Review	Stanford Law Review
Harvard Law & Policy Review	Syracuse Law Review
Harvard Law Review	Texas Law Review
Harvard National Security Journal	Theoretical Inquiries in Law
Hastings Law Journal	Touro Law Review
Health Matrix: Journal of Law-Medicine	U.C. Davis Law Review
Houston Law Review	UCLA Law Review
Howard Law Journal	University of Chicago Legal Forum
Indiana Law Journal	University of Illinois Law Review
Journal of Gender, Race and Justice	University of Pennsylvania Journal of Constitutional Law Online
Journal of Technology Law & Policy	Wake Forest Journal of Law and Policy
Journal of Transnational Law & Policy	Wake Forest Law Review
Kansas Journal of Law & Public Policy	Washington Law Review
Kentucky Law Journal	Washington University Journal of Law & Policy
Law and Contemporary Problems	Washington University Law Review
Lewis & Clark Law Review	Western New England Law Review
Loyola of Los Angeles Entertainment Law Review	Western State Law Review
Loyola of Los Angeles Law Review	William & Mary Bill of Rights Journal
Marquette Law Review	Wyoming Law Review
Maryland Law Review	Yale Journal of Law & Feminism
Michigan Law Review	Yale Journal on Regulation

Legislation also was cited 120 times in texts and treatises, five times in Restatements, in the Wall Street Journal, and in one court case (Joe Sanfelippo Cabs, Inc. v. City of Milwaukee, 839 F.3d 613 (7th Cir. 2016)).

Awards and Achievements

Each year the Journal awards two honors to graduating 3L members.

The first is the Flora S. and Jacob L. Newman Prize, awarded to the graduating *Legislation* member who has written the most outstanding note published in the Journal. This year, the recipient for best note was Ava Ferenci for her piece “Quasi-State Actor: How the Application of State Action Doctrine Can Solve a Regulatory Gap in New York City Charter Legislation.” Ava’s note will be published this Fall in Volume 20, Issue 2.

The second Journal award is the Thomas Stoddard Award, given to the graduating member who made the greatest contribution to the Journal. The winner of the 2017 Thomas Stoddard Award was David Z. Cohen, the Journal’s 2016–17 Senior Executive Editor.

Next Steps

Each of the thirteen members of the 2016–17 Executive Board has secured employment for next year. We are excited to share some of their plans here.

Winston Berkman, Editor-in-Chief, will represent low-income student borrowers who have experienced predatory lending in connection with for-profit schools as a fellow with the Project on Predatory Student Lending at Harvard Law School's Legal Services Center.

Eric Phillips, Managing Editor of Production, will work as an attorney in the Legal Counsel Division of the New York City Law Department, which advises the Mayor, other elected officials, and City agencies on issues concerning all areas of municipal law.

David Cohen, Senior Executive Editor, will work as a first-year litigation associate at O'Melveny & Myers in New York.

Ivette Sanchez, Senior Notes Editor, will be an associate in the Health Care group in Ropes & Gray's New York office.

Anne Kolker, Senior Articles Editor, will be focusing on U.S. trade laws and policies as a first-year associate in the International Trade group at Akin Gump in Washington, DC.

Liz Organ, Senior Quorum Editor, will join Goodwin Procter's New York City office as an associate, focusing on litigation and financial-services regulatory advising.

Josh McCollum, Executive Editor, will join Arnold & Porter Kaye Scholer in Houston, TX, where he will practice with the firm's general litigation group.

Leonard Yoo, Executive Editor, I will be working as a bankruptcy associate at Weil Gotshal in New York City.

Final Note

Dear Reader:

It is with great pride and much enthusiasm that the 2017–18 board guides the *Journal of Legislation and Public Policy* into its twenty-first year of publication at NYU School of Law. In keeping with previous years, we at the Journal look forward to continuing our tradition of publishing practical and well-reasoned scholarship while also launching a series of new programs aimed at benefiting both our readers and current student membership.

While we finish up production on Issue 20.2, expected to go to print this summer, we are excited to announce that we have already filled one issue for the coming Fall, and are actively selecting pieces for our Winter issue. Alongside articles by academics and practitioners, these issues will contain student notes written by members of the journal community at NYU. In keeping with the Journal's broad scope, we have selected pieces that touch on a range of timely topics, including an article by one of the founding partner of Boies, Schiller & Flexner LLP on gun control legislation, and a note by our outgoing Editor-in-Chief on the constitutional right to sexual intimacy and the Federal Drug Administration's policy against allowing blood donations by men who have sex with men.

This spring, the Journal will host two half-day symposia dedicated to analyzing and predicting how the Trump Administration's policies will affect poor and low-income Americans. In the fall, the Journal will team up with NYU Law's distinguished tax faculty for a panel discussion on the President's plans for tax reform and the impact it may have on poor and low-income Americans' ability to save for their futures. Then, in the spring, the Journal will co-sponsor a panel discussion with the Furman Center focused on policies affecting access to affordable housing.

We are excited to announce that our efforts to transform *Quorum*, the Journal's online companion, are already underway. This summer alone, we expect to publish several pieces from scholars and students on a range of topics. Notably, we are highlighting a policy debate on gun control legislation, with two pieces from distinguished scholars on both sides of the issue. We also expect to recruit a greater portion of our 3L membership to serve as *Quorum* Editors, a job which will involve in part regular publication of commentary on the areas of policy and law that intrigue them personally and that hold implications for society-at-large. *Quorum* will also support longer-term initiatives, such as legislation tracking, conceived by our membership.

The 2017–18 board is grateful to its predecessors for the immeasurable time and effort that each member contributed and to Professor Helen Hershkoff for her tireless support as our faculty advisor. We look forward to guiding the Journal into its twenty-first year and to making important contributions to the areas of law and public policy.

On behalf of the Executive Board of 2017–18,

Katherine DuBois
Editor-in-Chief
New York City
July 2017