



NEW YORK UNIVERSITY

# Journal of Legislation & Public Policy

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ANNUAL REPORT 2021-2022

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## A NOTE FROM OUTGOING EDITOR-IN-CHIEF, ALISON GE

These past two years have been a whirlwind. The 2Ls started law school in the middle of a global pandemic, and the 3Ls have spent over half of law school navigating zoom classes, hybrid events, remote internships, and seemingly endless uncertainty. Despite all of these challenges, I have been constantly in awe of our journal community and the resilience, kindness, and strength through adversity everyone has demonstrated over the past two years.

The members of the Journal have overcome challenges that have at times seemed insurmountable and produced incredible things, including two symposia, several episodes of the podcast, our online journal Quorum, and three issues of our printed publication. While I could

spend pages and pages highlighting those achievements (and I will), first and foremost, I want to take the space to acknowledge the people that make this Journal so special and express my immense appreciation for how the Journal community has shown up for each other.

Our community has shown up in little ways, like studying for classes together and sharing advice, outlines, and other resources. The strength of our people and community has been evident every time someone pitched a new idea or proposed a new podcast topic or suggested a social outing. I was moved by the excitement and enthusiasm of the new board and the ideas they brought with them. I also saw the resilience and support of our Journal community every time someone has needed help with something—whether it was outreach for the Journal or producing a podcast episode or dealing with a tricky source or citation or supporting the symposium. I will always treasure the people—who have made this Journal (and law school) a more supportive and friendly place.

Thank you to all the Journal editors. I'm so proud of what we've built together, and I'm so excited to see what next year's board and editors will do!

—Alison (Qizhou) Ge, Volume 24 Editor-in-Chief

## I. CITATIONS

Over the last year, *Legislation* was cited in five federal court and two state court opinions:

- *United States v. Bell*, No. 3:19-CR-31-CWR-LGI-1, 2022 WL 2541280 (S.D. Miss. July 7, 2022), citing Angela J. Davis, *In Search of Racial Justice: The Role of the Prosecutor*, 16 N.Y.U. J. LEGIS. & PUB. POL'Y 821, 832 (2013).
- *Labega v. Joshi*, 270 A.3d 378 (N.J. Super. Ct. App. Div. 2022), citing Barry L. Johnson, *Why Negligence Per Se Should Be Abandoned*, 20 N.Y.U. J. LEGIS. & PUB. POL'Y 247, 249 (2017).
- *M.W. through Moore-Watson v. Rankin Cnty. Pub. Sch. Dist.*, No. 3:19-CV-107 HTW-LGI, 2022 WL 340688 (S.D. Miss. Jan. 5, 2022), citing William Moran, *The Idea Demands More: A Review of FAPE Litigation After Endrew F.*, 22 N.Y.U. J. LEGIS. & PUB. POL'Y 495, 500–01 (2020).
- *State v. Wood*, 310 Neb. 391 (2021), citing Emily J. Groendyke, *Ake v. Oklahoma: Proposals for Making the Right a Reality*, 10 N.Y.U. J. LEGIS. & PUB. POL'Y 367 (2007).
- *Sw. Fair Hous. Council, Inc. v. Maricopa Domestic Water Improvement Dist.*, 17 F.4th 950 (9th Cir. 2021), citing Robert G. Schwemm & Calvin Bradford, *Proving Disparate Impact in Fair Housing Cases After Inclusive Communities*, 19 N.Y.U. J. LEGIS. & PUB. POL'Y 685, 698–99, 703–06 (2016).
- *Sw. Fair Hous. Council, Inc. v. Maricopa Domestic Water Improvement Dist.*, 9 F.4th 1177 (9th Cir.), *withdrawn and superseded on denial of reh'g en banc*, 17 F.4th 950 (9th Cir. 2021), citing Robert G. Schwemm & Calvin Bradford, *Proving Disparate Impact in Fair Housing Cases After Inclusive Communities*, 19 N.Y.U. J. LEGIS. & PUB. POL'Y 685, 698–99, 703–06 (2016).
- *River Cross Land Co., LLC v. Seminole Cnty.*, No. 6:18-CV-1646-ACC-LRH, 2021 WL 2291344 (M.D. Fla. June 4, 2021), citing Robert G. Schwemm,

*Segregative-Effect Claims Under the Fair Housing Act*, 20 N.Y.U. J. LEGIS. & PUB. POL'Y 709, 712-13 & n. 16 (2017).

*Legislation* was cited in 329 secondary sources from June 2021 until June 2022, including 277 citations in law reviews and journals and 50 citations in texts and treatises. *Legislation* was also cited in eleven Supreme Court briefs, fifteen Court of Appeals briefs, and seven State court briefs.

## II. PRINT PUBLICATIONS

### A. *Volume 24, Issue 1*

Issue 24.1 features four full-length scholarly Articles and one student Note:

#### COVID-19 Vaccine Mandates for University Students

Article by Dorit R. Reiss, LLB, Ph.D., Professor of Law, James Edgar Harvey Chair in Litigation, University of California – Hastings College of Law; and John DiPaolo, J.D., General Counsel and Secretary, University of California – Hastings College of the Law.

Edited by Hannah Rauch, J.D. NYU Law

This Article discusses COVID-19 vaccine mandates by universities, exploring the legal limits imposed upon universities in how they implement potential mandates. The Article explores religious freedom and federal disability law in particular, and concludes by providing policy recommendations for practitioners.

#### Investigative vs. Mandatory Reporting: Weaponizing Title IX Against Journalists

Article by Genelle I. Belmas, Associate Professor at the William Allen White School of Journalism and Mass Communications at the University of Kansas; and Harrison M. Rosenthal, Attorney and Ph.D. candidate at the William Allen White School of Journalism and Mass Communications at the University of Kansas.

Edited by Matthew Lewis, J.D. NYU Law

In 2019, NPR and ProPublica published a series of articles about faculty sexual assault coverups at the University of Illinois. Administrators responded by requiring journalists at the NPR station at Springfield to be “responsible employees” under federal Title IX rules—eliminating the confidentiality that assault survivors might need before telling journalists their stories. This Article discusses the nascent problem and offers both legal and extra-legal solutions to the potential impact on student journalists.

#### When Litigants Cry Wolf: False Reports of Child Maltreatment in Custody Litigation and How to Address Them

Article by Louise Feld, Esq., Writing and Policy Attorney at The Children’s Law Center; Victoria Glock-Molloy, Esq., Staff Attorney in the Disabilities Law Program at Delaware Community Aid Society, Inc.; & Rachel Stanton, Esq., Senior Appellate Attorney at The Children’s Law Center.

Edited by Mary Trainor, J.D. NYU Law

To better understand the impact of false child maltreatment allegations in custody and visitation cases, this Article documents the interviews of attorneys and social workers at The Children’s Law Center (CLC), a not-for-profit law firm in New York City that represents children in custody, visitation, family offense, and other Family Court proceedings. The interviews investigated the impact of intentionally false reports of child abuse and neglect on their clients and cases, and analyzed their responses for common themes and insights. To remedy harms found, the authors propose including the false reporting of child abuse and neglect as a family offense for which one can seek an order of protection; permitting confidential, rather than anonymous, reporting of child maltreatment allegations; and improving child protective agencies’ practices and procedures for conducting investigations, so that unnecessary interventions are minimized.

#### Exposing Police Misconduct in Pre-Trial Criminal Proceedings

Article by Anjelica Hendricks Quattrone Research Fellow at the University of Pennsylvania Carey Law School.

Edited by John Murchison, J.D. NYU Law

This Article brings forward a unique argument: police misconduct records should be widely accessible and usable for pre-trial criminal proceedings. Existing scholarship focuses on how these records can be used to impeach officer credibility at trial, however, this Article identifies several other pre-trial matters, such as motions for line-ups, motions to suppress, and motions to dismiss that bear upon the conduct of law enforcement and thus should benefit from examining law enforcement misconduct records. The Article goes on to critique the primary roadblocks preventing access to records in time for pre-trial matters, and concludes by offering suggestions on how we can begin to dismantle these barriers.

#### Deconstructing the U.S. Policy of Indicting Malicious State Cyber Actors

Note by Peter G. Machtiger, J.D., New York University School of Law; A.B., Harvard College.

Edited by Margaret Shields, J.D. NYU Law

This Note starts with an overview of how, historically, U.S. indictments of foreign state actors, state-sponsored actors, and unrecognized state actors have played out. The Note then moves into the author's own methodology and the factors the Note looks at from the publicly available indictments before ending in the author's recommendations for U.S. policy. These recommendations include confining U.S. indictments to specific actors and activities (the author

in fact includes a 3-step framework that the author recommends using when determining if an indictment should be issued) and other policy recommendations that would address malicious state cyber activity.

*B. Volume 24, Issue 2*

Issue 24.2 features three full-length scholarly Articles and two student Notes:

Rescuing Roe

Article by Gary J. Simson, Macon Chair in Law and Former Dean of the School of Law at Mercer University and Professor Emeritus of Law at Cornell University; and Rosalind S. Simson, Associate Professor of Philosophy and Affiliated Faculty in Women’s and Gender Studies at Mercer University

Edited by Mary Trainor, J.D. NYU Law

This Article is written in light of the recent *Dobbs* Supreme Court decision. The authors seek to defend *Roe* by adopting philosopher Judith Thompson's reconceptualization of abortion to be a refusal to continue to provide the life-sustaining services essential for the fetus's health and growth. Then, it follows, that a pregnant woman is not morally obligated to sustain unborn life as the human right to life does not include a right to whatever services one needs for continued life. Working under this framework, this Article includes a brief discussion of *Dobbs* and laws similar to those in *Dobbs*, a response to critics of *Roe*, an analysis of the government's interest in protecting potential life, and an application to state constitutional provisions.

Disability Reparations and the Modernization of the Community Reinvestment Act of 1977

Article by Regina Kline, Esq., Founder and CEO of SmartJob LLC and former Senior Counsel to the U.S. Assistant Attorney General for Civil Rights; Michael Morris, J.D., Founder of National Disability Institute; Nanette Goodman, M.S., Research Director at the Burton Blatt Institute at Syracuse University; and Peter Blanck, Ph.D., J.D., University Professor & Chairman Burton Blatt Institute (“BBI”) at Syracuse University.

Edited by Matthew Lewis, J.D. NYU Law

This Article gives historical context to the Community Reinvestment Act of 1977 (“CRA”) and financial institutions’ treatment of people with disabilities, and it examines ways in which banks may now direct resources to the LMI disability community as restorative justice— akin to a “disability stimulus package”— to offset their systemic failure to serve people with disabilities. We propose that a modernized CRA framework can help define community-development activities, focus evaluation of bank performance on activities likely to repair the harm that has resulted from the exclusion of the LMI disability population from the financial system, and compensate the population for lost economic opportunity.

### Conciliation Obfuscation

Article by Alex Reed, Associate Professor of Legal Studies, Terry College of Business, University of Georgia

Edited by Hannah Rausch, J.D. NYU Law

This Article examines whether and to what extent the EEOC may issue a new conciliation rule consistent with the Congressional Review Act (CRA). It includes a synopsis of the Supreme Court's 2015 decision in *Mach Mining v. EEOC*, a description of the intervening procedural and political developments in 2021 that led to the promulgation of the rule, and a summary of the CRA generally and as applied to the rule. The Article concludes with an analysis of three possible methodologies for how the Commission might go about reissuing its conciliation rule in a manner consistent with the CRA. Ultimately, this Article demonstrates that while the EEOC retains discretion to issue a new rule, it is effectively precluded from doing so given the expansive effect of the CRA's salt-the-earth provision.

### Ascertaining the President-Elect: Problems and Suggested Reforms

Note by Rachel Baron, J.D., 2021, New York University School of Law; Legal Fellow, American Oversight

Edited by Margaret Shields, J.D. NYU Law

This Note focuses on the presidential transition and the ascertainment process by which the government begins to formally transition from one administration to another. It evaluates the areas for potential manipulation and discretion within the ascertainment process and suggests reforms to the Presidential Transition Act of 1963. As a part of this discussion, the note evaluates the two major delayed ascertainments: 2000 and 2020. Ultimately, the Note proposes making three major changes: increasing the independence of the individual who ascertains the results, codifying a three-factor test for ascertainment not to be determined until at least 5 AM EST the following day, and ensuring both candidates have access to needed information and resources if a winner cannot be ascertained within seven days of the election.

### Manifesting a Better Destiny: Interest Convergence and the Indian Claims Commission

Note by Patrick Derocher, J.D., 2021, New York University School of Law; Associate, Arnold & Porter Kaye Scholer LLP.

Edited by John Murchison, J.D. NYU Law.

Interest Convergence and the ICC goes into a fairly comprehensive review of the brief existence of the Indian Claims Commission (ICC) - a statutorily created body designed to address Native peoples' claims against the government - and examines it through the lens of interest convergence theory, which was proposed by Prof. Derrick Bell and posits that "[t]he interest of

blacks in achieving racial equality will be accommodated only when it converges with the interests of whites.” The framework was developed in reference to Black Americans but has since been applied to other minority groups, although to a much more limited extent w/r/t to Native peoples. This Note introduces and discusses interest convergence, provides the necessary background and history of the Native-federal relationship, goes into the creation and organization of the ICC, and examines the nexus between the ICC and interest convergence as well as lessons learned about both.

### *C. Volume 24, Issue 3*

Issue 24.3 features four full-length scholarly Articles, and one student Note:

#### Parental Presence or Totality of Circumstances? An Assessment of Utah’s Juvenile *Miranda* Law & 50 State Survey

Article by Michelle Jeffs, J.D., assistant professor of Criminal Justice at Weber State University; and Sean Brian, J.D., Deputy County Attorney in the Weber County Attorney’s Office.

Edited by John Murchison, J.D. NYU Law

This Article provides an overview of recent juvenile *Miranda* comprehension research, relevant Supreme Court case law, and a survey of the 50 states’ juvenile *Miranda* laws. Using Utah as a case study, this Article then provides an analysis and recommendations for improvement. These recommendations include using research-supported efforts to facilitate comprehension such as simplified language in the *Miranda* waiver for juveniles, presenting each right separately, and presenting the rights in written form. Additionally, Utah’s statute would be benefited by a clarification of the appropriate remedy and a re-emphasis on the totality of circumstances analysis.

#### Do Law Titles Affect Their Favorability and Memorability? An Empirical Analysis of Tactically Titled Statutes

Article by Brian Sheppard, Professor of Law, Seton Hall Law; Andrew Moshirnia, Associate Professor & Director of Education, Business Law & Taxation, Monash University; & Charles Sullivan, Professor of Law, Emeritus, Seton Hall Law.

Edited by Matthew Lewis, J.D. NYU Law.

This Article dives into the naming of legislation, designing the first empirical study to investigate the impact of a name upon those exposed to the legislation. It finds that tactical titles have the power to change people’s opinions of underlying laws, however, this effect appears to be ideologically asymmetrical with different results among left-leaning and right-leaning participants. Furthermore, the study investigated memory, finding that participants were nearly twice as likely to remember the names of laws with acronym titles than generic titles. The Article records this study, giving the framework for how it was conducted, analyzing the results, and exploring the implications of the study for the practice of tactical titling.

## Does Law Matter? Defending the Value of Gender-responsive Legislation to Advance Gender Equality

Article by Dr. Ramona Vijayarasa, Senior Lecturer in the Faculty of Law at the University of Technology Sydney.

Edited by Mary Trainor, J.D. NYU Law.

This Article takes a deeper look at the lines between gender-responsive law reform and its effectiveness. Vijayarasa sets out the three potential roles that law plays in advancing women's rights: the Identifying Role, the Symbolic Role, and the Pluralistic Role. Then, Vijayarasa considers the power and potential of law reform from a women's rights perspective and grapples with the task of demonstrating the role of "good laws" in making a positive difference on women's lives. Finally, Vijayarasa extrapolates several explanations for their effectiveness and their limitations.

## Integrating Food into Local Climate Policy

Article by Katrina M. Wyman, the Sarah Herring Sorin Professor of Law at N.Y.U. School of Law and Co-Faculty Director of N.Y.U. Law's Guarini Center on Environmental, Energy and Land Use Law; & Emma Dietz, J.D. candidate 2024 at N.Y.U. School of Law.

Edited by Margaret Shields, J.D. NYU Law

This Article argues that local governments are well-positioned to add food policy more squarely to their climate policy toolkit and, perhaps in so doing, to broaden the agenda of climate policy to incorporate more food policy measures. In addition, we endorse a modest, but potentially important, step which cities could take to help make the case for integrating food policy into climate policy: estimating, on a regular basis, the GHG emissions from food procured by city governments for city-funded facilities such as schools, hospitals, homeless shelters, and jails. Better data on the contributions of city government-funded consumption of food to GHG emissions might help more people understand the climate costs of food choices and set the stage for more governmental efforts to reduce GHG emissions from agriculture and food as part of climate mitigation. More immediately, better data would provide a basis for cities to commit to reducing GHG emissions from their food purchases and tracking whether they are meeting these GHG reduction commitments.

## Failing Farmworkers: An Administrative Process Critique of the H-2A Temporary Agricultural Visa

Note by Gabriella Johnston, J.D., 2022, New York University School of Law.

Edited by Hannah Rausch, J.D. NYU Law



*Failing Farmworkers* reviews and analyzes the existing H-2A temporary agricultural visa program through an administrative process lens using Roger Cramton's criteria. This Note looks at the objectives of the program and the failure of the program to meet those objectives, proposing suggested reforms to improve the program and protect domestic and foreign workers better. It also presents a brief history of agricultural labor and the early iterations of the H-2A program before describing the current H-2A program.

### III. *QUORUM*: LEGISLATION'S ONLINE COMPANION

To continue *Legislation*'s mission to provide timely and practical scholarship on important legal issues, *Quorum* publishes short pieces on a variety of topics from differing viewpoints. Throughout the 2021-2022 school year, *Quorum* focused on expanding its footprint and author diversity by publishing on a bi-monthly basis.

*Quorum* expanded the role of 3L *Quorum* Editors by offering the option to publish their own writing or to solicit and edit an article from an outside author. This approach expanded content and author diversity, while ensuring continued engagement from the 3L Editors. *Quorum* also accepted submissions from a host of scholars, students, practitioners, and advocates outside of the NYU Law community. With these changes, *Quorum* readership and authorship expanded significantly.

On the 2021-2022 Executive Board, Senior *Quorum* Editor Sophia Mietus supervised content generation and production working with seven 3L *Quorum* editors. Sophia worked together with the Senior Articles Editor and Senior Notes Editor to offer publication on *Quorum* to pieces not accepted into the print edition. Sophia also redesigned the Journal website to improve the visibility of *Quorum*, Symposium, and the LawsFlaws Podcast.

During the 2021-2022 school year, *Quorum* published seventeen new pieces:

1. The Judiciary Accountability Act: Dismantling the Myth of the Untouchable Judge (Solicited)
  - Aliza Shatzman (Advocate)
  - Aliza Shatzman reviews the long-awaited Congressional response to workplace harassment, discrimination, and misconduct in the federal judiciary and deconstructs the judiciary's opposition to the measure.
2. Regulating Collegiate Athletics: Forging New Ground for the Institute-Athlete Relationship (Legislation Competition)
  - Madison Lahey (NYU Law)
  - Madison Lahey, the winner of the 2022 Legislation Competition, compares two competing Senate bills addressing equitable compensation for student-athletes.
3. Public Health Law and Policy in the Wake of NFIB v. OSHA: Probing Emerging Divides in the Supreme Court's View of Public Health (Solicited)
  - Ana Santos Rutschman & Ruqaiyah Yearby (Outside Scholars)
  - Professors Rutschman and Yearby explain and critique the majority's framing of occupational health as a basis for restricting the authority of the Occupational

Safety and Health Administration to issue emergency temporary rules to protect workers from the spread of COVID-19.

4. Credit Where Credit is Due: Why Congress Must Act Now to Prevent Americans from Being Financially Devastated by Medical Bills
  - Kaitlyn McMillan (NYU Law)
  - Kaitlyn McMillan makes a case for congressional action to reform the collection, repayment, and reporting of medical debt, casting it as a more effective intervention for stimulation of the economy and narrowing the racial wealth gap than student debt relief.
5. Infrastructural Control Does the Trick: Apple's Privacy Battles with Facebook and Tencent
  - Jingxian Zeng (JLPP)
  - Jingxian Zeng presents a comparison of Apple's battles with Facebook and Tencent over advertising data tracking to argue that current notions of privacy law rest on the misconception that the power of digital platforms is derived from their control over data, rather than their control over the infrastructure that collects and processes data.
6. Cyberspace Multiplier: Enhancing Domestic Cyberspace Resiliency with the National Guard
  - Mari Dugas (*Quorum* Editor)
  - Mari Dugas examines the unique capacity of the National Guard to address cyber incidents and reviews recent and proposed expansions to the authority of the National Guard in cyberspace.
7. Security Deposits: Potential Fixes to an Unfair System
  - Brian Canfield (*Quorum* Editor)
  - Brian Canfield explores three options to improve the fairness of the security deposit system, weighing both the interests of landlords and tenants in the all too common dispute over deductions.
8. Remedying FAPE Violations During Distance Learning with Compensatory Education
  - Toni Blanchard (*Quorum* Editor)
  - Toni Blanchard outlines the shortcomings of distance learning for students with disabilities covered by the Individuals with Disabilities Education Act, and the remedies that school districts must now grant such students despite continued funding and staffing hardships in public schools.
9. A Little More Sunshine: How to Improve the Sunshine Act in Light of Recent Speaker Program Fraud Cases
  - Nick Lussier (*Quorum* Editor)
  - Nick Lussier proposes an amendment to the Sunshine Act in light of three recent False Claims Act cases against pharmaceutical manufacturers.
10. Memo to President Biden on State and Local Fair Housing Enforcement
  - Charles S. Bullock, III, Charles M. Lamb & Eric M. Wilk (Outside Scholars)
  - The authors present, as a partial solution to housing discrimination, expanding HUD's FHAP program to improve enforcement effectiveness and efficiency and adopting new protected classifications tested at the state and local levels.
11. Hope for People Serving Life Without Parole in North Carolina: The Prison Resources Repurposing Act

- Clare Heine (NYU Law)
  - Claire Heine reviews North Carolina House Bill 697 to increase access to parole for incarcerated people serving life sentences.
12. Does Texas' New Congressional Map Violate the Voting Rights Act?
- Aaron Fisher (JLPP)
  - Aaron Fisher analyzes the effect of Texas' hyper-partisan redistricting plan on Latino voters under Section 2 of the Voting Rights Act.
13. Growing Pains for Hate Crime Statistics
- Kai Wiggins (Stanford Law)
  - Kai Wiggins reviews three recent efforts by the FBI to improve national hate crime statistics, each of which received little attention and poses several unresolved questions needing clarification from the current administration.
14. New York Election Laws: Better than Georgia's but not Foolproof
- Keyawna Griffith (Practitioner)
  - Keyawna Griffith provides a valuable critique of New York Election Law procedures that pose a credible threat to voting rights across the state and offers a startlingly simple legislative solution.
15. Valuing Native Culture: A Legislative Solution
- Lawrence Rosen (Outside Scholar)
  - Lawrence Rosen presents a federal legislative solution for the repatriation of objects of indigenous origin that accounts for varying cultural and legal conceptions of value and ownership.
16. Estimating the Empirical Likelihood of Becoming a "Public Charge"
- Mitra Akhtari, John Coglianese & Heather Sarsons (Practitioners)
  - The authors conduct an ex ante policy evaluation of the Trump Administration's public charge rule using artificial intelligence to recreate immigration official decision-making. The analysis concludes that the number of immigrants who should be evaluated as likely to become a public charge under the rule is zero.
17. An Incentive Perspective on U.S. Healthcare
- Danielle Teitelbaum (NYU Law)
  - Danielle Teitelbaum explores the current framework for U.S. healthcare to illustrate why past reforms have been insufficient and develop an incentive-based approach that finally puts patient wellness and autonomy first.

## IV. SYMPOSIA

Every year, the Journal provides a forum for engaging students, academics, and legal practitioners in thoughtful research and frank discussion of current legislative issues and public policy challenges. Above all, we aim to generate practical solutions for major national, state and municipal problems. During the 2021-2022 school year, the Journal hosted two symposia, one in the fall and one in the spring. Senior Intellectual Life Editors Asha McLachlan and Emma Farrow spearheaded all aspects of the symposia, from conception to planning to partner outreach to speaker engagement to thank-you gifts and follow-up.

### A. FALL 2021

On November 17, 2021, the Journal hosted a roundtable discussion on reproductive rights and abortion law. The discussion, titled “Analyzing Texas SB 8 and Looking Ahead to *Dobbs*,” was hosted in partnership with the Birnbaum Women’s Leadership Network and NYU If/When/How: Lawyering for Reproductive Justice. The panel was moderated by NYU Law Professor Melissa Murray and featured legal experts in the field in conversation with advocates on the ground in Texas, including Aziza Ahmed, Professor of Law, University of California, Irvine School of Law; Maleeha Aziz, Organizer, Texas Equal Action Fund and Storyteller, We Testify; Dr. Ghazaleh Moayed, OB-GYN in Texas, Board Member of Physicians for Reproductive Health and Texas Equal Access Fund; Julie Rikelman, Litigation Director, Center for Reproductive Rights; and Liz Sepper, Professor of Law, the University of Texas at Austin School of Law. A recording of the discussion is available here: <https://youtu.be/VtbiiI5q-Y>.

### B. SPRING 2022

On April 1, 2022, the Journal hosted a conference on “College Athletics and Employment Law: A Conversation About Intercollegiate Sports and the Aftermath of *NCAA v. Alston*” in partnership with the NYU Center for Labor & Employment Law and NYU Sports Law Association.

The first panel on “Gender in Collegiate Sports” was a discussion about what the NCAA has been and could be doing to minimize gender differences in compensation of college athletes, gender differences for name likeness and image (NIL) deals and appearances, and an assessment of Title IX and if and how it may be improved. The panel was moderated by Cameron Myler (NYU Tisch Institute for Global Sports) and featured panelists Richard Evrard (Bond, Schoeneck & King), Cary Joshi (Bailey Glasser), Jeanifer E. Parsigian (Winston Strawn), and Dr. Ellen J. Staurowsky (National College Players Association & Ithaca College).

The second panel, titled “Should Federal Action be Taken to Regulate Collegiate Athletics?,” featured a discussion of whether there should be federal legislation or re-characterization of elite college athletes, collective action of players, the NCAA's new constitution, and more. The panel was moderated by Prof. Jodi Balsam (Professor of Clinical Law, Director of Externship Programs, Brooklyn Law School) and featured panelists Alanna Hernandez (Wasserman), Jeffrey Mishkin (Skadden), Prof. Josephine (Jo) R. Potuto (NCAA Division I Committee on Infractions & University of Nebraska College of Law), and Iciss Tillis (Hall Estill).

## V. PODCAST

This past year, *Legislation* expanded the *LawsFlaws* podcast, which provides an additional venue for the journal to engage with contemporary, fast-changing legal and policy questions, and doing so through the popular and accessible mode of audio recordings and interviews. The podcast served as a vehicle to complement scholarship published in *Legislation* and *Quorum* and to uplift symposia speakers and other contributors. Through the podcast, editors were able to build on scholarship in our established programs and pursue more in-depth analysis and discussions with experts whose presence were well-suited to the interview setting.

Managing Editor Dan Lipkowitz and Staff Editor Teddy Rube were instrumental in making LawsFlaws available on both [Spotify](#) and [Apple Podcasts](#).

In the episode “Judicial Nominations And Confirmations With Professor John P Collins Jr.,” Managing Editor Dan Lipkowitz and Staff Editor Michael Beckwith sat down with Professor John P. Collins, Jr. to discuss the legal and political features of nominating and confirming federal judges. In particular, their discussion analyzed the nomination and confirmation strategies recently used by the Biden administration in comparison with its predecessors. The conversation concluded with a discussion of Supreme Court vacancies and how the nomination and confirmation of a Supreme Court justice differs from other federal judges. Staff Editors Jeryne Fish and Eli Wallach were also instrumental in preparing for and producing this episode.

In the episode “Made To Save,” Staff Editors Jamie DiMario and Teddy Rube sat down with Jalakoi Solomon and Salim Zymet from Made to Save, a grassroots initiative dedicated to ensuring communities of color disproportionately impacted by the pandemic have access to COVID-19 vaccines and accurate, timely information about public health resources. In particular, Jalakoi and Salim spoke about How Made to Save helped build a network of community organizations and activists to create trust in public health institutions during the height of the pandemic. They explained their strategy for using community messengers to effectively combat misinformation and help communities of color access and build public health infrastructure. And they discussed how their model of messaging and organizing can be used to address issues of misinformation and unequal resource distribution in other areas.

## VI. LEGISLATION COMPETITION

The Journal hosts an annual Legislation Competition open to NYU Law students. The competition promotes the intersection of law and legislation and encourages students to contribute scholarship that may affect policy change. This year, the competition was held alongside the Journal’s Spring symposium and focused on legislation advanced after the Supreme Court’s unanimous decision in *NCAA v. Alston*, where the Court held the NCAA’s rules restricting certain education-related benefits for student-athletes violated federal antitrust laws. Students were asked to compare, analyze, and balance the issues presented by three pieces of legislation proposing a more equitable compensation scheme, including the College Athletes Bill of Rights by New Jersey Senator Cory Booker, the College Athletic Economic Freedom Act by Connecticut Senator Chris Murphy of Connecticut and Massachusetts Representative Lori Trahan, and the College Athlete Right to Organize Act by Senator Murphy and Vermont Senator Bernie Sanders.

This year’s winner, Madison Lahey, was recognized at the Spring symposium, received a cash prize, and was published on *Quorum*, JLPP’s online journal.

## VII. AWARDS & ACHIEVEMENTS

Each year, the Journal recognizes the contributions of journal members at our annual banquet. While the banquet celebrates the work of all journal members, some editors were honored with specific awards for their unique contributions this year.

The Thomas Stoddard Award is awarded to the third-year editor who made the greatest contribution to the Journal. This award is a convocation award and is decided by all members of the Journal. This year's recipient was Managing Editor Daniel Martin, who worked tirelessly throughout the year to ensure that trainings, the production process, and community-building events ran smoothly. He was always ready to support any editor or troubleshoot any issues that arose.

The Flora S. and Jacob L. Newman Prize is awarded to the graduating student who has written the most outstanding Note for the Journal. This year's recipients were Quorum Editor Gabriella Johnston for her Note "Failing Farmworkers: An Administrative Process Critique of the H-2A Temporary Agricultural Visa" and Senior Articles Editor Samantha Yi for her Note "Waterlogged: How Agencies Respond to Judicial Indeterminacy on WOTUS."

The Helen Hershkoff Visionary Award is awarded to the graduating student who made an outstanding new and creative contribution to the Journal. This award is decided by all members of the Journal. This year's recipients were Senior Quorum Editor Sophia Mietus for her work spearheading *Quorum* and revamping the website and Managing Editor Dan Lipowitz for his spectacular leadership and work on the podcast.

The Editor of the Year Award is awarded to a graduating student who made exceptional and substantive contributions to any part of our production process. This award is decided by all members of the Journal. This year's recipient was Senior Notes Editor Carolyn Ye for her tireless work advocating for and improving student Notes.

The Staff Editor of the Year Award is awarded to a second-year student who made an outstanding contribution as a staff editor on the Journal. This award is decided by the outgoing board. This year's board decided to honor three staff editors for their exceptional work editing pieces and contributions to projects like the podcast: Jamie DiMario, Teddy Rube, and Michael Beckwith.

## VIII. JLPP OFF INTO THE WORLD

After graduation, Journal members go on to fill exciting roles at law firms, clerkships, government entities, public interest organizations, and much more. The following is where the editors on the Volume 24 board are working this year.

- Alison (Qizhou) Ge (Editor-In-Chief): *Litigation Associate*, Elias Law Group
- Lauren E. Castillo (Managing Editor): *Associate*, Weil, Gotshal & Manges
- Daniel I. Lipkowitz (Managing Editor): *Judicial Law Clerk*, U.S. District Court, Western District of North Carolina
- Daniel B. Martin (Managing Editor): *Judicial Law Clerk*, U.S. Court of International Trade

- Matthew R. Lewis (Executive Editor): *Associate*, Kirkland & Ellis
- John G. Murchison (Executive Editor): *Law Clerk*, Superior Court of the District of Columbia
- Hannah W. Rausch (Executive Editor): *Associate*, Cooley
- Margaret Shields (Executive Editor): *Associate*, Paul Hastings
- Mary Trainor (Executive Editor): *Associate*, Quinn Emanuel
- Samantha P. Yi (Senior Articles Editor): *Associate Staff Secretary*, The White House
- Carolyn Ye (Senior Notes Editor): *Associate*, Gibson, Dunn & Crutcher
- Sophia Mietus (Senior Quorum Editor): *Law Fellow*, NEA
- Emma Farrow (Senior Intellectual Life Editor): *Associate*, Paul Hastings
- Asha McLachlan (Senior Intellectual Life Editor): *Associate*, Davis Polk & Wardwell

## FINAL NOTE FROM INCOMING EDITOR-IN-CHIEF, LAURA BRAWLEY

Thank you for reading our annual report. As we reach the end, I want to share a brief word about the future of the Journal.

As you can see, NYU JLPP had a wonderful time last year. The new board is incredibly thankful for our outgoing board for not only producing a Journal filled with excellent scholarship but also fostering a strong community during what has been a somewhat strange time to be in law school. Despite the continued realities of the COVID-19 pandemic and their effect on legal education generally, NYU JLPP has continued to work with our wonderful authors to produce the Journal.

Going forward, we hope to continue to center the author experience. Our relationships with authors is the lifeblood of our Journal. Their scholarship allows our newest members to hone their critical reading and citation skills while their ideas challenge our members to think about the law in new and exciting ways. Ensuring that our authors have positive and successful experiences with the Journal is of the upmost importance to us.

To that end, during the 2022-2023 academic year we plan to revamp our transition procedures. As with any student-run journal, it can sometimes be difficult for students and those who work with us to effectively transition between one board and the next. NYU JLPP will institute formal procedures to effectuate a more seamless handoff.

Among these changes, we excitingly plan to select our board for the 2023-2024 year earlier. This will allow us to provide next year's leadership team with more training and more opportunities for shadowing this year's board. These changes will also help our editors select articles for upcoming issues more efficiently. This change will also allow us to begin planning our future symposia earlier.

We believe that these tweaks will ultimately benefit the authors we work with. Our next board will be well-prepared to begin working with authors to polish and print their work. Hopefully, these changes will also set the Journal up to be able to publish more scholarship in the future.

In the meantime, our Journal members are excited to begin to do more in-person trainings, symposium, and social activities together as we continue to build back our community after the pandemic.

I know I speak for all of our editors when I say we are so excited to work with all of our authors throughout the coming year. We are committed to making NYU JLPP a great journal for authors and students.

Warmest regards,

Laura R. Brawley, Incoming Editor-in-Chief of the N.Y.U. Journal of Legislation and Public Policy