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ANNUAL REPORT 2024-2025

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- Bloomberg Law
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A NOTE FROM OUTGOING EDITOR-IN-CHIEF, ANNE MILLS

To our Editors:

It's hard to believe the year is coming to a close. When I think back to where we started and where we are now, I'm in awe of what we've accomplished together, not just as a journal, but as a community. Serving as Editor-in-Chief of the Journal of Legislation and Public Policy has been the greatest privilege of my time in law school.

This year, we expanded the Journal's reach and impact in meaningful ways. We published five outstanding student notes from JLPP authors across a wide range of subject areas, including housing law, tech and AI, space law, environmental law, and antitrust. Congratulations to Jacob Leiken, Jake Dow, Nick Hardiman, Becca Kahn, and Dan Fisher, who published not one, but two notes in a single calendar year.

For the first time, we hosted three symposia in one school year. Each one brought together scholars, practitioners, and students for conversations that mattered. Thank you to Becca Kahn and Dan Fisher for making those events possible.

We also launched a new partnership with Bloomberg Law, helping us expand our footprint in legal scholarship and build a stronger, more inclusive community through sponsored events and increased visibility. Many thanks to Miranda van Dijk and Brenda Mendez, our Membership & Diversity Editors, and to Miche Jean, our Bloomberg Law representative, for helping to bring this partnership to life. I hope it continues to grow in the years ahead.

As I hand the Journal over to next year's leadership, I do so with immense pride and optimism. I'm thrilled to see what Volume 28 will accomplish under the guidance of Morgan Munroe and our newly elected board. This year has shown me that when talented, committed people come together around a shared purpose, there is truly no limit to what they can achieve. To every editor, thank you for your hard work, your generosity, and your belief in this Journal. I will carry the lessons, friendships, and memories from JLPP with me long after law school ends. I can't wait to cheer you on from afar.

–Anne Mills, Volume 27 Editor-in-Chief

I. CITATIONS

The Journal was cited in three judicial opinions from June 1, 2024 to June 1, 2025:

- *People v. Johnson,* 2024 IL App (1st) 230172-U, ¶ 103, 2024 WL 4880387, at *17 (Ill. App. 1 Dist. 2024), citing Naomi E.S. Goldstein, Emily Haney-Caron, Marsha Levick & Danielle Whiteman, *Waving Good-Bye to Waiver: A Developmental Argument Against Youths' Waiver of Miranda Rights*, 21 NYU J. Legis. & Pub. Pol'y, 1, 31 (2018).

- *Atlantic Housing Partners L.L.L.P. v. Brevard Cnty.*, 2024 WL 4235770, at *6 (M.D. Fla. 2024), citing Robert G. Schwemm, *Segregative-Effect Claims Under the Fair Housing Act*, 20 N.Y.U. J. Legis. & Pub. Pol'y 709, 738 (2017).

- *Miehle-Kellogg v. Cnty. of Suffolk*, 2024 WL 5120017, at *10 n.4 (E.D.N.Y. 2024), citing Hon. Mark C. Dillon, *An Overview of Tolls of Statutes of Limitations on*

Account of War: Are They Current and Relevant in the Post-September 11th Era?, 13 N.Y.U. J. Legis. & Pub. Pol'y 315, 354 (2010).

In the same period, the Journal was cited in 384 secondary sources, including 280 citations in law reviews and journals and 79 citations in texts and treatises. The Journal was also cited in five Supreme Court briefs, eight Court of Appeals briefs, and five state court briefs.

II. PRINT PUBLICATIONS

A. Volume 27, Issue 1

Issue 27.1 features three full-length scholarly Articles and two student Notes:

Invisible Agencies: Transparency, Oversight, and Accountability in the Carceral State

Article by Erin E. Braatz, Associate Professor of Law, Suffolk University Law School

Edited by Jake Dow, J.D., N.Y.U School of Law

Abstract

Legal scholarship on the carceral state tends to focus on managing inputs into that system—criminalization, policing, and prosecution—with attention to the practice of incarceration limited to the constitutional protections afforded (or denied) prisoners. It thus largely fails to address the actual structure of the carceral state and the experience of those incarcerated. At the same time, prison departments take deliberate steps to ensure that their activities are not visible either to the voting public or the legislative branch, creating distinct challenges for scholars seeking to fill this gap.

This Article addresses one necessary precondition for any meaningful agency oversight—transparency—and examines what it currently means and what it could mean in the carceral context. In the framework of the administrative state generally, transparency is lauded as a valuable form of accountability and legitimacy. Through a detailed analysis of one prison department, this Article reveals the uniqueness of prison departments as administrative agencies and argues that in this context transparency mechanisms that have been developed for the administrative state writ large are inadequate given the extreme marginalization of the carceral population.

While increasing the transparency of carceral spaces is a valuable goal, on its own it will not guarantee meaningful accountability or oversight. Rather, scholars of the carceral state should give greater attention to agency governance so that the practices of prison departments are visible to those capable of holding them accountable and that there are actual mechanisms for ensuring accountability. Focusing on techniques of oversight and accountability offers the best approach for improving prisoners' access to basic constitutional protections and providing some measure of human dignity.

Shaping Preferences with Pigouvian Taxes

Article by Gary M. Lucas, Jr., Senior Associate Dean and Professor of Law, Texas A&M University School of Law

Edited by Don Chen, J.D., N.Y.U School of Law

Abstract

A Pigouvian tax is a tax that is imposed to correct an externality, which arises when a person engages in behavior that harms others. Pigouvian taxes are popular among academics—with prominent legal scholars and economists arguing for their imposition on myriad harmful goods and activities, like carbon emissions and alcohol. Policymakers have been receptive to at least some of these arguments as evidenced by taxes recently imposed on or proposed for a variety of externality-generating goods, including guns, plastic bags, and sugary drinks.

The conventional economic rationale for Pigouvian taxes assumes that they affect behavior by increasing the prices of taxed goods and not by altering people's underlying preferences for them. For example, a carbon tax reduces driving by making gasoline more expensive, but it otherwise leaves people's desire to drive unchanged. In other words, people would resume their previous level of driving if the carbon tax went away. This conclusion follows from the standard assumption in economics that people's tastes and preferences are fixed and determined exogenously to public policy.

Challenging that standard analysis, I argue that Pigouvian taxes can in fact shape preferences and that policymakers should consider using them for that purpose. For instance, a carbon tax might cause more people to take the train or ride a bike and, through repeated or habitual behavior over time, to develop a taste for these alternative modes of transportation—a taste that would make driving less attractive, separate from the increase in gas prices.

This Article is the first to examine in detail the psychological mechanisms through which Pigouvian taxes can alter preferences. I argue that, because preferences are malleable, the harm to individual consumers resulting from Pigouvian taxes will often be smaller than economists claim. Moreover, I show that malleable preferences dramatically expand the scope for and potential benefits of Pigouvian taxes. For example, they create the possibility that socially beneficial behaviors encouraged by the taxes—such as the installation of solar panels by homeowners—will become contagious and spread through the population. This social multiplier effect results from changes in social norms or from psychological processes like the mere exposure effect. I conclude that preference shaping can cause Pigouvian taxes to be much more effective in achieving public policy goals than legal scholars and economists have traditionally assumed—a point that I illustrate in a variety of contexts, including environmental law, gun policy, and public health policy.

Congress's Power to Investigate Crime: Did Trump Kill *Kilbourn*?

Article by David Rapallo, Associate Professor of Law and Director of the Federal Legislation Clinic, Georgetown University Law Center

Edited by Asher Zlotnik, J.D., N.Y.U School of Law

Abstract

Can Congress investigate crime? Targets of congressional investigations have tried to argue for decades that the Constitution grants Congress no authority to investigate illegal conduct, but instead vests this power exclusively in the executive and judicial branches. Former President Donald Trump was one of the most recent litigants to make this claim, repeatedly invoking a Supreme Court case from 1881, *Kilbourn v. Thompson*, despite the fact that the Court condemned this opinion decades ago as “severely discredited.” In contrast, Congress has successfully asserted its own constitutional authority to investigate all types of activity—including illegal conduct—not to prosecute the offenders, but to inform legislation and fulfill its various other legislative branch responsibilities.

This Article sheds light on this recurrent debate by tracing its evolution across three historical periods. Since *Kilbourn* is central to the claims of targets of congressional investigations, the Article begins with a reexamination of that case. It unearths surprising new details about Congress’s original investigation and shows how the Court devalued Congress’s investigative function, mischaracterized Congress’s contempt power as judicial in nature, and adopted an approach that would require Congress to yield to other branches’ parallel investigations. Second, a review of more than 100 subsequent court decisions tracks the dismantling of *Kilbourn*’s premises over time. It shows how the Court corrected its errors, recognized Congress’s investigative power as derived from its legislative branch authority rather than having judicial origins, and approved numerous congressional investigations while parallel criminal inquiries were ongoing. Third, this Article examines Trump’s extensive but ultimately unsuccessful campaign before courts of all levels—including the Supreme Court—to resuscitate *Kilbourn* to block Congress from investigating his alleged crimes. In response to the question of whether Congress may investigate crime, this Article concludes that the answer is undoubtedly yes. Rather than bringing *Kilbourn* back to life, Trump’s efforts had the opposite effect, creating a surfeit of new precedents that solidified Congress’s authority.

<u>Priced Out of Paradise: The California Coastal Act’s Role in Exacerbating California’s Housing Supply Crisis</u>

Note by Jake Dow, J.D., N.Y.U. School of Law (2025)

Edited by the Notes Team, led by Senior Notes Editor Miranda van Dijk, J.D., N.Y.U. School of Law

Abstract

This Note explores the relationship between California’s severe housing supply crisis and the exploitation of its environmental laws to obstruct housing development. The California

Environmental Quality Act (CEQA) has come under heightened scrutiny for the ways it is used to challenge residential development. However, comparatively little attention has been paid to how the California Coastal Act of 1976—which created the California Coastal Commission as a specialized land use regulator for the coast—has also contributed to the state's housing shortage and affordability issues.

This Note examines the California Coastal Act and the California Coastal Commission—reviewing their history, structure, and legal authorities—and evaluates the ways this regulatory model has contributed to the state's housing crisis by limiting housing development in some of California's most economically productive and affluent areas. The Commission's unique regulatory structure grants it near absolute control over coastal development, combining broad discretionary permitting powers with extensive appellate jurisdiction, further reinforced by the Coastal Act's requirement for liberal statutory construction. The Commission's plenary land use authority extends over California's Coastal Zone, an area containing roughly one million people.

While the Coastal Act was well-intentioned in its attempt to protect the state's coastline, substantial evidence indicates it has served exclusionary ends and contributed to an increasingly more affluent and demographically homogeneous Coastal Zone. Ironically, a statute that commendably mandated maximal public access to the coast has been wielded as a tool to prevent people from residing within it. Moreover, the Act enables housing to be blocked for reasons completely unrelated to environmental protection. Despite growing recognition of the role of the coastal land use regulatory regime in exacerbating California's housing crisis, legislative reform efforts have faced tough resistance, with even modest proposals to harmonize coastal-specific rules with statewide housing laws failing to pass.

This Note also analyzes two of the rare judicial decisions to consider the structural conflicts between the Coastal Act, which grants the Coastal Commission broad discretion over coastal development, and California's housing enforcement laws, which aim to limit discretion in rejecting housing proposals. In 2016, *Kalnel Gardens, LLC v. City of Los Angeles* initially subordinated statewide housing laws to the Coastal Act but was overturned in part by the legislature with respect to the Density Bonus Law. In 2024, *New Commune DTLA v. City of Redondo Beach* partially affirmed the applicability of the Housing Accountability Act's "Builder's Remedy" in the Coastal Zone, albeit with significant limitations. These cases highlight a stark contrast: while recent reforms have curtailed municipalities' power to block certain housing development, the Coastal Commission retains such authority within the Coastal Zone. This creates a de facto exemption for some of California's most desirable areas; the Coastal Act serves as a regulatory haven for coastal NIMBYism. The Note argues that California's courts and policymakers have been too deferential to the Coastal Act, undermining efforts to mitigate the housing crisis and risking the entrenchment of the coast as a state-sanctioned gated community under the misleading guise of environmental conservation.

<u>Antidiscrimination Laws are Not Takings</u>

Note by Nathan S. W. Lee, J.D., N.Y.U. School of Law (2024); Lee is a Fellow at the ACLU of Hawai'i

Edited by the Notes Team, led by Senior Notes Editor Miranda van Dijk, J.D., N.Y.U. School of Law

Abstract

Following the Supreme Court's decision in *Cedar Point Nursery v. Hassid*, litigants and scholars have begun to argue that laws meant to prevent housing discrimination are takings under the Fifth Amendment. This theory of property law, if recognized by the courts, would provide expansive and unprecedented power to private property owners to discriminate against others and hamstring the government's power to protect its citizens. Plaintiffs in a recent lawsuit, *Yim v. City of Seattle*, advanced this very argument in protest of Seattle's renter protection laws. While their petition for certiorari was denied in 2024, *Yim* may be a harbinger of future legal actions that seek to allow discriminatory behavior under the veil of Fifth Amendment protections. This Note makes four arguments as to why such an interpretation of the Takings Clause is inappropriate. First, there is a powerful originalist case against regulatory takings that suggests the Court erred when expanding regulatory takings in cases like *Cedar Point* and *Penn Central Transportation*. Second, existing doctrine is clear that antidiscrimination legislation is distinguished from physical takings and does not amount to regulatory takings requiring compensation. Third, *Heart of Atlanta Motel* remains good law and supports the argument that takings cannot be used to reward a property owner's prejudiced or discriminatory practices when they advertise their property to the public. Finally, the extension of the takings doctrine contemplated here is contrary to the goals of government and the constraints of living in a multicultural society. The rights of property owners are not absolute, and the choice to rent property to the public necessarily comes with restrictions. The Note concludes that antidiscrimination housing regulations are not takings under the law as it exists now, nor is it desirable to change the interpretation of the takings doctrine to reward discriminatory housing practices.

B. Volume 27, Issue 2

Issue 27.2 features four full-length scholarly Articles and two student Notes:

<u>(Un)Lawful Orders</u>

Article by Anthony J. Ghiotto, Teaching Assistant Professor and Director of Anderson Center for Advocacy and Professionalism, University of Illinois College of Law; Fellow, National Institute of Military Justice

Edited by Jake Dow, J.D., N.Y.U. School of Law

Abstract

In *Trump v. United States*, the United States Supreme Court held that the President has absolute criminal immunity for acts performed within his conclusive and preclusive constitutional authority, and that he has, at least, presumptive immunity from prosecution for all his official acts. Writing in dissent, Justices Sotomayor and Jackson warned that the majority's holding would permit the President to execute his political rival or stage a coup and that he may do so

under the protection of criminal immunity. What other checks then remain to keep the President from using the military as his primary instrument to engage in such criminal and authoritarian conduct?

Normatively, the military should be the final check on the President engaging in such conduct. The fact that the President may have his own personal criminal immunity for ordering either the assassination of his rival or a coup does not make these orders lawful. And while military members have a legal obligation to follow lawful orders, they have a similar obligation to disobey unlawful orders. Consequently, should the President order the military to execute his political rival or to seize the structures of government to maintain power, the military should disobey these orders. But this check assumes that the orders are in fact unlawful, and that the military members understand what makes an order lawful or unlawful.

This Article's thesis is that military members currently lack the tools necessary to determine whether such an order is lawful or unlawful. By using Justice Sotomayor's hypothetical of the President ordering SEAL Team 6 to execute his rival as a case study, the Article addresses how a President may assert that such an order is either consistent with his own constitutional authority or at least supported by a delegation of congressional authority. Such a legal justification gives the order the gloss of lawfulness. When subsequently received by military officers, this gloss of legality is difficult to overcome because the legal standard for determining whether an order is lawful is overly legalistic and vague. This inaccessibility leaves military officers to rely upon their own legal understandings or that of their judge advocates. Particularly problematic is that these military members face significant consequences—legal, professional, and personal—if they are wrong. When coupled with the fact that military members and judge advocates are ill-suited for making these complex legal determinations, military members are incentivized to follow presidential orders accompanied by the gloss.

<u>New York's Constitutional Guarantee of Environmental Rights</u>

Article by Katrina Fischer Kuh, Haub Distinguished Professor of Law, Elisabeth Haub School of Law at Pace University; Nicholas A. Robinson, Gilbert & Sarah Kerlin Distinguished Professor of Environmental Law Emeritus in the Elisabeth Haub School of Law at Pace University; and Scott Fein, Senior Counsel, Whiteman Osterman and Hanna, LLP., and Senior Advisor and Fellow, Rockefeller Institute of Government's Center for Law and Policy Solutions

Edited by Avery Bernstein, J.D., N.Y.U. School of Law

Abstract

New York is embarking on the interpretation and implementation of potentially transformative constitutional reform, the addition of Article I, § 19 to New York's Bill of Rights, which provides that "Each person shall have the right to clean air and water, and a healthful environment." To ensure the fulsome and effective implementation of Article I, § 19, and give effect to the intent of the legislators and voters who adopted it, it will be important to provide substantive guidance to courts, government actors, and litigants in the interpretation and

application of the new constitutional text. In Pennsylvania and other states, early crabbed judicial interpretations sapped similar environmental rights provisions of their value for decades. We can avoid this fate in New York by educating courts about the history and meaning of and mechanisms to operationalize Article I, § 19. This Article is the first effort to memorialize the process and sociopolitical context that produced Article I, § 19. As New York courts seek to honor the intent of legislators and voters when interpreting constitutional text, understanding this history will be central to judicial interpretation. The Article also explains how this history, in conjunction with relevant doctrinal analysis, firmly establishes that Article I, § 19 is self-executing and protects fundamental rights, and offers concrete guidance as to how courts, litigants, and government actors can raise and evaluate claims under Article I, § 19. Effective implementation of Article I, § 19 in New York has national significance. In 2023, nine states contemplated adding environmental rights to their constitutions. Many are looking to New York to understand the potential value of rights-based approaches to protecting the environment in state constitutions.

Curbing the Bench-to-Practice Pipeline

Article by Anthony Marcum, Clinical Teaching Fellow, Federal Legislation Clinic, Georgetown University Law Center

Edited by Isaac Buck, J.D., N.Y.U. School of Law

Abstract

Most federal judges leave the court at an advanced age and as the capstone of their legal careers. But a new trend of younger judges resigning early from the bench and moving to lucrative positions in private practice has emerged. Additionally, despite reaching retirement age, many retired judges are also jumping to the private sector for final, substantial paydays.

This once discrete worry has turned into a regular occurrence. In my review, nearly 40% of recently outgoing Article III judges moved to private practice.

No rules regulate this practice. Currently, federal judges can take lucrative private sector positions right after leaving the bench. This is not the case for other judicial employees or officials across the federal government. Instead, these public servants—including Members of Congress—must follow a myriad of post-employment rules and restrictions. And state judges and common-law judges in other countries face similar post-employment restrictions.

This Article argues that policymakers—whether in Congress or within the judiciary itself—should appreciate the problems of a bench-to-practice pipeline and consider new rules to regulate judicial postemployment opportunities. In the end, I offer two modest reforms: a brief cooling-off period before federal judges enter private practice and new limits on using judicial titles and honorifics after leaving the bench.

State of the Student: Prioritizing Parental Discretion in School Absence

Article by Maryam Franzella, Associate Professor of Legal Writing, Maurice A. Deane School of Law at Hofstra University

Edited by Charlotte Kahan, J.D., N.Y.U. School of Law

Abstract

The federal government has made chronic absence a key criterion in evaluating the success of public school districts, and states have adopted it as a benchmark. Monitoring chronic absence, which encompasses excused and unexcused time away from school, rather than truancy, is rooted in the belief that any absence from school is unfavorable, regardless of the underlying reasons or situations. Congress has also established a threshold for the number of school days that can be missed without causing substantial learning setbacks; that threshold is generally calculated as a percentage of an academic calendar of around 180 days in most jurisdictions—a calendar established a century ago.

Even though a chronic absence benchmark does not differentiate between excused and unexcused absence, many school districts enforce strict regulations regarding the justification for a child's absence from school, monitoring the reasons behind it and limiting the list of accepted justifications. This intrusion into families' private lives outside of the school environment infringes upon fundamental constitutional rights to privacy, freedom of movement, and the upbringing of children. As a result, many families face legal issues, sometimes due to a lack of awareness regarding what constitutes an unjustified absence or other factors within and beyond the confines of the school environment.

Chronic absenteeism has worsened significantly, particularly since the COVID-19 pandemic began, reflecting a demand, or need, for greater time and location flexibility. This Article makes a case for policy changes that provide families with increased autonomy over their time by improving transparency around absence laws and encouraging families to use their allotted time off from school. To promote the overall well-being of students, which may indeed improve attendance, local governments must shift their focus to ensuring that students meet minimum required school attendance, instead of attempting to further limit that time or control how they are using their time outside of school.

<u>Hurricane Katrina's Folk Devils: How Misinformation Fuels Violence, Displacement, and Capital</u>

Note by Haley Wen, J.D., City University of New York School of Law (2025), A.B., New York University (2019)

Edited by the Notes Team, led by Senior Notes Editor Miranda van Dijk, J.D., N.Y.U. School of Law

Abstract

This Note examines the extent to which mischaracterization of violence in New Orleans following Hurricane Katrina facilitated criminalization and displacement of the Black, urban poor during the city's reconstruction. Media depictions of a city fallen into chaos caused by roving gangs of wild criminals, bolstered by law enforcement and state and local officials, resulted in a moral panic targeting the city's most vulnerable residents. Thus, the city diverted resources from search and rescue operations and supply distribution to enacting violence and terror on largely Black, poor hurricane survivors. This also gave cover to white vigilantes to inflict racist violence on their Black neighbors with impunity. This moral panic further facilitated the reconstruction of New Orleans to serve elite interests and erode public services. Twenty years later, the most vulnerable New Orleans residents still feel the gap in public services. Ultimately, the story of Katrina reveals how easily elites and market forces can hijack disasters to serve their own interests by amplifying and targeting vulnerable minority groups. These lessons take on new urgency given the destruction caused by Hurricane Helene and the increasing likelihood that future natural disasters will compound these problems through greater frequency and higher intensity.

<u>The UAP Disclosure Act: Implications for Congressional Oversight and Public Awareness of Unidentified Anomalous Phenomena</u>

Note by Addison Yang, J.D., N.Y.U. School of Law (2024)

Edited by the Notes Team, led by Senior Notes Editor Miranda van Dijk, J.D., N.Y.U. School of Law

Abstract

In recent years, numerous former United States government officials and service members have publicly attested to their observations of unidentifiable craft with beyond next-generation capabilities, now referred to as unidentified anomalous phenomena ("UAPs"). Former national security officials have also testified to Congress that defense and intelligence authorities have long been aware of advanced non-human entities on the planet and have even retrieved crashed UAPs in operations not previously disclosed to elected officials. These public testimonies have sparked renewed governmental interest in addressing UAPs, leading to the introduction of the UAP Disclosure Act ("UAPDA") in July 2023. This Note will argue that this unprecedented legislation, which, if enacted, would establish significant congressional oversight over UAP-related activities and operations, demonstrates that senior members of Congress take the substance of these claims seriously.

C. Volume 27, Issue 3

Issue 27.3 features four full-length scholarly Articles and two student Notes:

<u>(De)Funding Family Separations</u>

Article by Josh Gupta-Kagan, Clinical Professor of Law, Columbia Law School

Edited by Don Chen, J.D., N.Y.U. School of Law

Abstract

Federal foster care funding exists in tension with foundational family law principles. The law protects family integrity: the state may only separate parents and children in extreme cases, and, when it does, the state must work to reunify families. Yet the federal funding system directs billions of federal dollars to support CPS agencies and pay subsidies to foster parents, adoptive parents, and guardians. It does so via an open-ended entitlement, so that the more families a state separates, the more federal funds it receives. This system makes it relatively cheaper for CPS agencies to take custody of children, incentivizes states to support the permanent destruction of families and creation of new ones through terminations of parental rights and subsequent adoptions, and diminishes state courts' role in checking state agency power by enlisting them in efforts to maximize federal funding.

The federal funding system also incentivizes families to agree to parent-child separations as a condition of aiding kinship caregivers and encourages foster parents to seek permanent destruction of families and new permanent custody arrangements. The federal funding system's history and operation demonstrate how it serves to divert public benefits from parents to CPS agencies and kinship and non-kinship foster parents, adoptive parents, and guardians. Any reforms need to enable parents to receive necessary public benefits—which an increasing body of research shows limits child maltreatment and CPS agency involvement—and provide aid to kinship caregivers without requiring family separation or incentivizing family destruction.

This Article proposes a range of reforms to align financial incentives with the law's commitment to family integrity and thus push the system towards separating families only when necessary. First, it proposes a set of incremental reforms to limit the worst incentives of the present system. Second, it proposes a mechanism to provide support to kinship caregivers without requiring the separation of parents and children. Third, it advocates a fundamental rethinking of the federal funding system: Congress should repeal the open-ended entitlement nature of the federal funding system and direct similar funds to states to invest in efforts to prevent child maltreatment and prevention activities or foster care costs.

<u>Repairing the Reference Canon</u>

Article by Edward A. Hartnett, Richard J. Hughes Professor for Constitutional and Public Law and Service, Seton Hall University School of Law, and Adjunct Professor, New York University School of Law

Edited by Avery Bernstein, J.D., N.Y.U. School of Law

Abstract

Interpretive canons had a big year at the Supreme Court, as might be expected of a court that claims to be textualist. While some of those canons are well known, a less well-known canon, the reference canon, played an important role in a major decision under the Armed Career Criminal Act, *Brown v. United States*.

The current iteration of the reference canon distinguishes between a law that makes a reference to some other general law and a law that makes a reference to some other specific law. It treats a general reference as a dynamic one, including subsequent amendments to the target law. But it treats a specific reference as a static one, not including subsequent amendments to the target law. In effect, under the specific branch of the reference canon, the target law is trapped in amber.

The reference canon is best understood as a textual canon rather than a substantive canon. It is an aid in determining the meaning of a text, not a device to push the law in a favored direction because of some other value—external to the text—thought to be particularly important. To be justifiable, it should match the ordinary understandings of those who write and read that text.

It may be that treating a referenced law as if it had been cut and pasted into a new law made sense in the past, based on the historical practices of the writers and readers of enacted law. And perhaps the distinction between general and specific references likewise made sense in the past. But neither treating references as static rather than dynamic nor the distinction between general and specific references makes sense any longer, at least as applied to the United States Code and the Federal Rules. Moreover, if taken seriously, the current iteration of the reference canon threatens to wreak havoc, particularly on the Federal Rules. With the Court giving the reference canon renewed attention, it is time to repair the canon before it does serious damage.

This Article describes the use of canons of interpretation by the Supreme Court in its 2023 term, showing that, across a wide range of cases, the justices invoke and rely on these canons. It then focuses on the reference canon and explains how the Court's use of the reference canon risks serious problems for the United States Code and the Federal Rules. After placing the current iteration of the reference canon in historical context, it suggests both ways to limit its potential for harm and appropriate repairs.

<u>An Empirical Exploration of a Jury Veto</u>

Article by Stephen E. Henderson, Judge Haskell A. Holloman Professor of Law, The University of Oklahoma; Vanessa A. Edkins, Professor Emerita, Florida Institute of Technology; and Matthew L. Jensen, W.P. Wood Presidential Professor of Management Information Systems and Co-Director, Center for Applied Social Research, The University of Oklahoma

Edited by Charlotte Kahan, J.D., N.Y.U. School of Law

Abstract

Among the many contemporary dissatisfactions with American criminal justice are longstanding concerns relating to the scarcity of jury trials and the resulting lack of democratic oversight and control in the adjudicative process. A novel solution has recently been proposed in the form of a 'jury veto': perhaps a jury could be empaneled, prototypically if not exclusively by defense request, that would be empowered to select between the judicially-imposed sentence and a prosecutorial and defense alternative. We conduct the first empirical exploration of such a structure and find reason to believe it could lessen the disconnect between the American framing

vision of citizen control and the current reality. In particular, we find sentencing preferences different from prevailing norms and resilient to the form of conviction (i.e., guilty plea versus trial verdict), but predictably influenced by anchoring, framing, and adjustment. This suggests a veto could improve criminal adjudications but will require careful structure, and we describe how further study of both citizen pools and legal actors could continue to probe this novel device.

<u>1031 Offramps: Incentives for Small Investors to Sell Single-Family Rental Homes</u>

Article by Jack Wroldsen, Associate Professor, California Polytechnic State University, San Luis Obispo, Orfalea College of Business

Edited by Asher Zlotnik, J.D., N.Y.U. School of Law

Abstract

It has never been so expensive to purchase a single-family home. Multiple interrelated causes contribute to the affordability crisis, such as historically low interest rates that suddenly spiked higher, ongoing net population growth, a decade of historic underbuilding of starter homes in the aftermath of the Great Recession, and Wall Street's unprecedented new business model of purchasing single-family rental homes ("SFRs") in concentrated areas across the country.

Yet, while those contributing causes ebb and flow over time, a more structural and long-lasting factor has remained unexamined in the current crisis: the lock-in effect that arises from Section 1031 of the Internal Revenue Code. The 1031 lock-in powerfully impacts the single-family home market because, on the one hand, Section 1031 incentivizes investors to buy SFRs, and, on the other hand, it strongly disincentivizes investors from selling SFRs before death.

This Article proposes both short-term and long-term solutions to the 1031 lock-in effect in the single-family home market. The proposed solutions, or 1031 offramps, are designed not only to alleviate the immediate price and supply pressures in the starter home market but also to prevent the 1031 lock-in from reoccurring in the single-family home market. Whereas existing proposals seek to disincentivize large corporate buyers from purchasing single-family homes and converting them into SFRs, this Article's proposals are unique in their quest to affirmatively incentivize small "mom and pop" investors to sell SFRs. Because small investors own the large majority of SFRs, incentivizing them to sell is an important strategy to increase the supply of single-family homes available for sale to first-time homebuyers seeking to pursue the American dream of homeownership.

<u>The Right to Climate Action</u>

Note by Dan Fisher, J.D., N.Y.U. School of Law (2025)

Edited by the Notes Team, led by Senior Notes Editor Miranda van Dijk, J.D., N.Y.U. School of Law

Abstract

A handful of state constitutions include "Green Amendment" provisions that guarantee the right to a healthful environment. In a few prominent cases, courts have vindicated procedural environmental rights under these provisions, such as the right to a fulsome environmental review process or to local control over environmental matters, but they have consistently rejected substantive environmental rights claims demanding the state government prevent or ameliorate specific environmental harms. Consequently, the tangible outcomes of Green Amendment litigation are underwhelming, and the basic promise offered by these provisions remains unfulfilled.

In this Note, I develop another constitutional claim under what I call the right to climate action. In essence, the right to climate action is the freedom to bring about the world that Green Amendments prescribe. I argue that land use ordinances violate this right by hindering the development of clean energy infrastructure and multifamily housing near public transit. In doing so, I demonstrate a new, somewhat counterintuitive, role for constitutional environmental rights as tools for deregulation. By lending their strength to property rights, environmental rights can help pave the way for the green transition.

<u>Expanding the Native American Graves Protection and Repatriation Act to the U.S. Territories</u>

Note by Pai Liu, J.D., Temple Beasley School of Law (2025)

Edited by the Notes Team, led by Senior Notes Editor Miranda van Dijk, J.D., N.Y.U. School of Law

Abstract

The U.S. Native American Graves Protection and Repatriation Act ("NAGPRA") protects cultural objects and human remains of federally recognized Indian tribes, Native Hawaiians, and Native Alaskans. However, NAGPRA does not apply outside the fifty states, meaning indigenous people in the U.S. Territories are not covered by this landmark legislation. The indigenous people of the five inhabited Territories—Guam, Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, and American Samoa—face similar issues regarding dispossession of human remains and cultural property to those faced by indigenous people within the fifty states. NAGPRA is structured largely on the government-to-government relationship between the federal government and Indian tribes, a relationship which does not exist between the federal government and the indigenous people in Hawaii and the Territories. This note proposes amendments to NAGPRA that would extend its application to the U.S. Territories, modeled on the framework that exists currently in Hawaii.

D. Volume 27, Issue 4

Issue 27.4 features three full-length scholarly Articles and two student Notes:

<u>A Democratic Delegate's Duty</u>

Article by Joseph Crupi, Scholar-in-Residence, Library of Congress

Edited by Isaac Buck, J.D., N.Y.U. School of Law

Abstract

Under the rules of the Democratic National Committee, convention delegates pledged to a presidential candidate "shall in all good conscience reflect the sentiments of those who elected them." This provision contains several ambiguities, and interpretative decisions made by delegates could determine the outcome of a presidential nominating contest. However, no scholarship in law or political science has provided interpretive guidance to the Democratic delegates who must apply the rule. This Article fills that gap, analyzing the text and purpose of party rules to clarify the scope of a delegate's obligations. Drawing on this analysis, the Article argues that delegates have a duty to represent the evolving views of their voters. To determine how voters' views may have changed after a primary election, delegates might consider both direct evidence, such as opinion polls and statements by individual voters, as well as indirect evidence, such as political similarities between candidates and candidate endorsements. The Article then considers how a delegate's duty would apply in various challenging scenarios, including the Democratic Party's 2024 presidential nominating process. In 2024, delegates likely acted in accordance with their duty to voters by nominating Vice President Kamala Harris, though many delegates appear to have voted for the vice president for reasons that were inconsistent with their obligations under party rules. Finally, the Article makes recommendations for amending the Democratic National Committee's rules to eliminate potential sources of controversy.

<u>Fixing Shelter Animal Overpopulation: Using Pet Food Registration Fees to Fund Statewide, Low-Cost Spay/Neuter Programs</u>

Article by Christy H. DeSanctis, Associate Professor of Law, University of New Mexico School of Law

Edited by Drew Harrington, J.D. Candidate at N.Y.U. School of Law (2026)

Abstract

At the outset of 2024, animal shelters and rescue facilities throughout the United States reported the most crowded conditions in decades, citing numbers that would be even higher if they only had more space. The crisis is the result of a precipitous drop in adoptions after a boom during the pandemic, coupled with persistent economic concerns and the rising costs of inflation, including in the cost of veterinary care. Tragically, over six million dogs and cats enter shelters every year awaiting forever homes, though too few find them, as nearly two million of these adoptable animals are euthanized each year. These numbers do not take into account homeless, non-sheltered animals, which include uncontrolled populations of feral cats and free roaming dogs in many states.

This Article addresses the tragic and seemingly intractable problem of companion animal overpopulation by focusing on a realistic and attainable solution: increased access to free or low-cost spay and neuter surgeries for cats and dogs. States previously have tried numerous options for raising funds devoted to low-cost spay/neuter programs, with little to no success. More recently, five states have passed virtually identical legislation that increases pet food registration fees—already mandatory for selling pet food in every state but Alaska—precisely for this purpose. In addition to imposing a surcharge on the registration fees with which pet food manufacturers already must comply, estimated to generate approximately one million dollars a year, this legislation establishes a grant fund within the state's Department of Agriculture that exclusively provides funding for municipal shelters and other rescue organizations to offer free or low-cost spay/neuter surgeries to many communities, especially those in need.

While the grant programs in early adopting states, such as Maryland, have been wildly successful in reducing shelter euthanasia rates, the program in New Mexico is the subject of ongoing litigation challenging its constitutionality under the Equal Protection Clause and Commerce Clause of the U.S. Constitution. As well, newly proposed federal legislation concerning the labeling and marketing of pet food products presents a preemption plot-twist, as pet food manufacturers have demonstrated ambivalence about both the increased fees imposed by this legislation and the current patchwork of state laws in this arena. This Article addresses each of these constitutional challenges and concludes not only that increased state pet food registration fees pass constitutional muster under the Equal Protection Clause, Commerce Clause, and Supremacy Clause, but that this proposed funding mechanism for increased access to free or low-cost spay/neuter services has significant promise and long-term viability. Moreover, this funding method will save taxpayers millions of dollars in sheltering and euthanasia costs and, even if pet food manufacturers pass the increased fee on to consumers, will increase the cost of pet food by merely one dollar per pet per month. Finally, the sheer number of animal lives saved alone is enough to advocate for replicating the success of pet food fee-funded spay/neuter programs in every state.

<u>Benign Code Words, Invidious Results: A Modern Housing Discrimination Practice</u>

Article by Allison F. Pincus, Federal Programs Director, State of Connecticut Department of Economic and Community Development

Edited by Andrew Bolibol, J.D. Candidate at N.Y.U. School of Law (2026)

Abstract

The code words realtors and homeowners use to advertise homes perpetuate discrimination and lead to inequitable access to housing in violation of the Fair Housing Act (FHA). Realtors' and homeowners' use of neutral-on-its-face language to describe real estate does not explicitly discriminate based on race, but in fact this practice yields disparate treatment and creates a disparate impact against racial minorities as compared to white homebuyers. Whether intentionally or unintentionally, realtors often drive home seekers to choose or not choose a particular house with advertising language that signals racial preference.

Realtors' and homeowners' use of code words in real estate advertising, while facially neutral, works to undermine the Fair Housing Act's goals. This Article provides a detailed examination of home sellers' use of code words in the context of housing discrimination, emphasizing both the legal history and the evolution of housing discrimination. Congress passed the FHA as an attempt to rein in historical wrongful discriminatory housing practices and to level the playing field for minorities so that all Americans would have equal access to opportunity through housing choice. Realtors' use of code words causes harm by reinforcing who is desirable or undesirable within a community. The use of code words in real estate advertising causes a disparate impact on protected classes and should be deemed unlawful under the Fair Housing Act.

Do No Harm: Combatting Health Care-Related Immigration Enforcement and Surveillance to Ensure Patient Retention

Note by Myles Hagood, J.D., N.Y.U. School of Law (2025)

Edited by the Notes Team, led by Senior Notes Editor Miranda van Dijk, J.D., N.Y.U. School of Law

Abstract

Immigration rules and regulations fluctuate in terms of priorities and goals, but deportation always remains a scary possibility for immigrants and their loved ones. This Note seeks to analyze the ways in which this fear leads immigrants and their families to avoid essential health care services, the legal tools that can protect immigrant health from this avoidance, and the resulting legal considerations of establishing such "health sanctuary" policies. In contrast to the substantial legal discussion regarding the restriction or provision of health benefits to immigrants, this sociological barrier to health care represents a small subsection of the legal literature. Improving health outcomes for undocumented immigrants requires accessible, immigration-enforcement-free health care centers. Consequently, this Note presents several legal interpretations and strategies that encourage health care use and discourage immigration-related enforcement and surveillance in health care centers.

Against Federal Preemption of State Unemployment Regimes: Eliminating Waiting Periods for Striking Workers

Note by Peter Rawlings, J.D., N.Y.U. School of Law (2024)

Edited by the Notes Team, led by Senior Notes Editor Miranda van Dijk, J.D., N.Y.U. School of Law

Abstract

The recent uptick in strike activity is a promising sign for the labor movement. However, participation in strikes often entails significant hardship for workers obliged to go without a paycheck. States can and should alleviate this problem by providing unemployment benefits to

striking workers. Some states already provide such benefits, but these regimes impose weeks-long waiting periods before strikers may collect. While there is little dispute that these existing schemes are permissible, state legislation that substantially shortens or eliminates waiting periods could face a legal challenge that it is preempted by federal labor law. Confronted with such a statute, employers would likely argue that a state's immediate provision of benefits to striking workers wrongfully tilts the playing field in favor of employees in collective bargaining. This Note seeks to head off this argument, explaining why existing National Labor Relations Act preemption doctrine should not preclude states from providing immediate unemployment benefits to striking workers.

III. *QUORUM*: LEGISLATION'S ONLINE COMPANION

Recognizing Legislation's mission to provide timely and practical scholarship on important legal issues, *Quorum* publishes short pieces online on a variety of topics from differing viewpoints. *Quorum* focuses on scholarship by JLPP editors and alumni, but accepts submissions from scholars, students, practitioners, and advocates outside of the NYU Law community. Senior Online Editor Jacob Leiken supervised content generation and production, working with two third-year *Quorum* editors.

During the 2024-2025 school year, *Quorum* published eight new pieces (including our two Legislation Competition winners, separately described in Section V):

- *Taking an Industry in Tow: The Role of the New York Attorney General in Enforcing State Towing Laws*
    - Grace Getman, J.D., N.Y.U. School of Law (2025)
    - This piece recommends the New York Attorney General follow the example of other attorneys general and take a more active role in addressing scofflaw towers.

- *State Environmental Lawsuits Reveal the Growing Power—and Partisanship—of State Attorneys General*
    - Sarah J. Morath, Professor of Law, Associate Dean for International Affairs, Wake Forest University School of Law
    - This piece outlines ongoing climate change litigation by state AGs, which, unlike early multi-state AG efforts, is split along partisan lines, with the division coming to a head in *City and County of Honolulu v. Sunoco LP*.

- *Return to Sender: A Call to Repeal the Dormant Comstock Act to Protect Reproductive Rights*
    - Anne Kathryn Mills, Editor-in-Chief, N.Y.U. Journal of Legislation and Public Policy Vol. 27, J.D., N.Y.U. School of Law (2025)
    - This piece summarizes the looming threat of the long-dormant Comstock Act and urges the lame duck Congress to repeal it.

- *Lawfully Present in an Undocumented Body: Defining the "DACA Status" & A Legal Analysis of Defense Against Removal Through Equitable Estoppel*
    - Cinthia Zavala Ramos, J.D., N.Y.U. School of Law (2025)

    - This piece explores the potential of equitable estoppel as a way of arguing against the removal of DACA recipients.

- *Safety Off: Section 230 and the Immunization of Illegal Firearm Sales on the Internet*
    - Jodi Lessner, J.D., N.Y.U. School of Law (2025)
    - This piece argues that a minimalist interpretation of the protections provided by Section 230 of the Communications Decency Act would allow plaintiffs to hold gray market firearm marketplaces accountable.

- *Death for Death: A Constitutional Analysis of South Carolina's Prenatal Equal Protection Act*
    - Charlotte Kahan, J.D., N.Y.U. School of Law (2025)
    - This piece analyzes the constitutionality, or lack thereof, of a recent South Carolina bill which proposed making capital punishment a possible sentence for people who receive abortions.

IV. INTELLECTUAL LIFE

During the school year, the Journal brings together leading academics, legal practitioners, and students to discuss a current cutting-edge issue in the law. For the first time, the Journal hosted three symposia in an academic year. Each event focused on a distinct policy challenge, renewable energy development in New York, federal prison reform, and inclusive urban housing, fostering robust interdisciplinary dialogue about viable paths forward.

These events would not have been possible without the exceptional leadership of our Senior Intellectual Life Editors, Becca Kahn and Dan Fisher, who spearheaded planning and execution. Their efforts allowed the Journal to engage meaningfully with the broader legal and policy community and further our mission of elevating impactful public law scholarship.

A. September 2024

On September 25, 2024, the Journal convened a symposium titled "Renewable Realities: A Discussion About New York's Progress to Net Zero." The symposium was a moderated discussion of New York's progress toward its decarbonization goals under its historic 2019 Climate Act and the current hurdles to accelerating renewable energy development in the state.

The event had experts discuss the hurdles currently slowing renewables development in the Empire State and explored solutions for accelerating its progress toward a carbon-free future. It was sparked by the following events:

In 2019, New York enacted the Climate Leadership and Community Protection Act (CLCPA), a historic law that set an ambitious decarbonization timeline for the state: 70 percent renewable energy by 2030, 100 percent zero-emissions energy by 2040, and an 85 percent reduction in greenhouse gas (GHG) emissions by 2050.

Last year, the New York State Energy Research and Development Authority (NYSERDA) and the Department of Public Service (DPS) released a draft progress report finding that the state will likely miss its first deadline under the CLCPA and should push back the 2030 goal date to 2033 or 2035. The overarching question that this symposium sought to answer was: Can New York get back on track?

Speakers included Matthew Eisenson, Senior Fellow, Renewable Energy Legal Defense Initiative; Justin Gundlach, Senior Advisor for Policy Implementation, New York Department of Public Service; Marguerite Wells, Executive Director, Alliance for Clean Energy NY; and John Dempsey, CEO, Bluepoint Wind. The Moderator was Elizabeth Stein, State Policy Director, Institute for Policy Integrity. The event was held in person and also had a Zoom option.

B. November 2024

On November 18, 2024, the Journal hosted its second event titled "How a Bill Becomes a Law: Federal Prison Reform in the 118th Congress." It was hosted in partnership with the Brennan Center for Justice and Law Women.

In recent history, Congress passed two of the most significant reforms to the Federal Bureau of Prisons in decades: the Federal Prison Oversight Act and the Prison Camera Reform Act. The genesis of this bipartisan productivity traces to a chilling public record created years prior by reporting from the Associated Press and a series of bipartisan Congressional investigations into dysfunction, corruption, and abuse in Bureau facilities across the country.

The symposium was a moderated panel about federal prison reform in the recent Congress with key figures behind the reforms. Attendees gained insights into the interactions between press, advocacy, and Congress that created a new bipartisan consensus surrounding federal prison reform.

Speakers included Kevin Ring, former President of Families Against Mandatory Minimums, Vice President of Criminal Justice Advocacy, Arnold Ventures; Sara Schaumburg, former Chief Counsel, Office of Senator Jon Ossoff (D-GA), Vice President of Advocacy, Communications, and External Affairs at Arnold Ventures; Michael Sisak, Associated Press, Reporter, NYC law enforcement and courts; Daniel M. Eisenberg, former Senior Counsel & Deputy Staff Director, U.S. Senate Permanent Subcommittee on Investigations, Associate, Emery Celli Brinckerhoff Abady Ward & Maazel LLP. The moderator was Hernandez Stroud, Senior Counsel in the Justice Program at the Brennan Center for Justice.

A happy hour sponsored by Bloomberg Law followed the discussion.

C. April 2025

On April 10, 2025, the Journal held its final symposium of the year, "Building the Inclusive City: A Conversation about the Future of Urban Housing." It was hosted in partnership with Law Women and the American Constitution Society.

The broad theme of the event was: How do we increase housing supply while responding to concerns about gentrification, displacement, and tenant's rights? This symposium explored pressing issues at the intersection of state and local housing policies, development, and market regulation. Experts from academia, policy, advocacy, and state government engaged in a discussion on responsible development and pro-housing strategies.

Speakers at the event included Dani Isaacsohn, OH State Representative, Democratic Caucus Whip; RuthAnne Visnaukas, New York State Homes and Community Renewal Commissioner; and Tara Raghuveer, Tenant Union Federation Director. The panel was moderated by Matt Murphy, Executive Director of NYU Furman Center.

Additionally, winners of the annual JLPP Legislation Competition were announced at the event in an effort to align the Journal's initiatives. A happy hour sponsored by Bloomberg Law followed the discussion.

V. 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 Journal decided to connect the topic of the competition with the April 2025 symposium. As stated above, the Journal held its April symposium on the nation's housing shortage and affordability crisis. Accordingly, the competition invited NYU Law students to propose state or local policies that address housing supply, tenant protections, and affordability challenges.

The competition received a record number of entries; it nearly doubled the previous record of last year's competition. The winner and runner up were revealed at the symposium.

This year's winner, John Overstreet, received a cash prize, and was published on *Quorum*, JLPP's online journal. John proposes a state-level reform to expand housing supply without provoking intense political opposition. This year's runner-up, Kendra Neumann, also received a cash prize and publication in *Quorum*. Kendra discusses the need for right to counsel in eviction cases, protection from eviction without cause, and prohibition on source of income discrimination. John received his Juris Doctor as a member of the Class of 2025, and Kendra is a Juris Doctor candidate in the Class of 2027.

VI. Awards & Achievements

Each year, the Journal recognizes the contributions of our members at our annual end of year celebration. We gather together as a community to celebrate our achievements over the last year with good food and camaraderie. We also celebrate our Journal members who really went above and beyond the call of duty to help make our publication and intellectual community something special.

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. Anne Mills was this year's recipient.

The Flora S. and Jacob L. Newman Prize is awarded to the graduating student who has written the most outstanding Note for the Journal. Dan Fisher received the award this year, in recognition of his outstanding piece, *New York's Green Amendment Dilemma*, published in Issue 4 of Volume 26. Dan's Note addresses a novel and urgent question about how the implementation of New York's "Green Amendment" may actually slow down renewable development and how to deal with the tradeoffs of Green Amendment litigation and rapid renewables development. Dan had another exceptional Note in Issue 3 of Volume 27, making him one of the few student authors in recent memory to publish twice in a single year. But even beyond his writing, Dan has been a force behind the scenes: along with Becca, he made it possible for the Journal to host three symposia this year, an unprecedented accomplishment, and was a constant, steady presence at nearly every Journal event.

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 we gave the award to Becca Kahn. We chose Becca because she was instrumental, alongside her co-chair Dan Fisher, in enabling JLPP to have three symposia in one year for the first time. She also stepped up beyond her Intellectual Life role by co-authoring an Article in Issue 4 of Volume 26 (published Summer 2024), helping to streamline the production process, and actively recruiting 1Ls to join the Journal—bringing some to social events as early as last fall and helping to drive submissions for our legislation competition to a record high. Beyond her tangible contributions, Becca has been a consistently kind and welcoming presence, and we couldn't be happier to honor her with this award.

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 year, we were pleased to give the award jointly to our two Membership and Diversity Editors, Miranda van Dijk and Brenda Mendez. The Journal decided to award them together because they were able to put on an unprecedent number of events, created a lasting partnership with Bloomberg Law, recruited an outstanding 2L class, and overall made this Journal flourish with community. Miranda's dedication, flexibility, and excellence have left a lasting mark on the Journal. She served not only in two dual formal roles Membership & Diversity Editor and a Senior Notes Editor, Miranda also stepped up to take on an additional Notes Editor role—reflecting both the demands of our small class and her unwavering commitment to the success of her peers. Brenda's extraordinary leadership and generosity have made her a cornerstone of the Journal this year. She took on three roles as well in the Journal, the highly demanding Managing Editor role, the Treasurer role, and Co-Membership & Diversity Editor, always stepping in wherever help was needed. She brought clarity, warmth, and efficiency to every part of the editorial process, and her ability to balance countless responsibilities with grace and her unwavering support for her peers have set a standard for excellence.

The Article III Standing Award honors a third-year student on the Journal whose contributions were reliable and consistent. The winner of this year's award was Charlotte Kahan. Charlotte has exemplified the spirit of dedication and excellence that this award seeks to recognize. As a meticulous and highly effective Executive Editor, she has gone above and beyond in her service to the Journal. She has attended every board meeting—often volunteering to take notes—and has consistently stepped up to take on additional responsibilities, such as assisting at the CLE table during our symposium.

The Letter and Spirit of JLPP Awards recognize second-year staff editors with exceptional contributions to the editing work and culture of the Journal, respectively. This year's Letter of JLPP Award winner is Katherine Guyot. This award recognizes the editor whose work exemplifies the letter of the law: careful, thorough, and exact. Through unwavering attention to detail and a deep respect for rules and standards, Katherine ensured that the Journal's work remains precise, professional, and exceptional. Her commitment to getting it right, every time, sets a standard for us all. We look forward to great scholarship in our online publication through her leadership as Senior Online Editor next year. This year's Spirit of JLPP Award winner is Abe Nelson. This award honors the editor who best embodies the spirit of the law: the purpose, camaraderie, and collective mission behind everything we do. Through positivity, generosity, and an unshakeable dedication to the Journal's community, Abe lifts those around him and reminds us why our work matters. His spirit defines the culture of JLPP at its very best.

VII. 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. This is where the Editors on the Volume 27 Board will be working:

- Anne Mills (Editor-In-Chief): Law Clerk, Judge Harvey Bartle III, Eastern District of PA (Philadelphia, PA)
- Nick Hardiman (Managing Editor): Associate, Quinn Emanuel Urquhart & Sullivan, LLP (New York, NY)
- Nina McKay (Managing Editor): Skadden Fellow, ACLU Voting Rights Project (New York, NY)
- Brenda Mendez (Managing Editor): NYU PILC Fellow, Texas RioGrande Legal Aid (El Paso, TX)
- Avery Bernstein (Executive Editor): Associate, Cravath, Swaine & Moore LLP (New York, NY)
- Isaac Buck (Executive Editor): Assistant District Attorney, Manhattan District Attorney (New York, NY)
- Don Chen (Executive Editor): NYU PILC Fellow, California Housing Defense Fund (Oakland, CA)
- Jake Dow (Executive Editor): Associate, Skadden, Arps, Slate, Meagher & Flom LLP (Washington, DC)
- Charlotte Kahan (Executive Editor): Associate, Selendy Gay PLLC (New York, NY)
- Asher Zlotnik (Executive Editor): Associate, Sidley Austin LLP (New York, NY)
- Miranda van Dijk (Senior Notes Editor): NYU PILC Fellow, Texas Civil Rights Project (Austin, TX)
- Jacob Leiken (Senior Online Editor): Associate, Hausfeld LLP (New York, NY)

- Dan Fisher (Senior Intellectual Life Editor): Associate, Vinson & Elkins LLP (New York, NY)
- Becca Kahn (Senior Intellectual Life Editor): Associate, Cooley LLP (New York, NY)
- Jack Bolen (Senior Articles Editor): Staff Attorney, Legal Aid Society, Criminal Defense Project (New York, NY)

FINAL NOTE FROM INCOMING EDITOR-IN-CHIEF, MORGAN MUNROE

Thank you for taking an interest in our Journal and reading our annual report! It is dedicated readers like you who make the experience of editing the Journal so fulfilling. We would also like to extend our gratitude to our faculty advisor, Professor Helen Hershkoff, and to NYU School of Law for their ongoing support of the Journal.

NYU JLPP had a banner year last year, one that demonstrates our growing impact in the field of government lawyering and policymaking. We once again published four issues, continuing a tradition resurrected in Volume 26 and allowing us to cover a wide array of timely topics and legal reforms. We also hosted three engaging symposia, an increase from our previous schedule of two per year. All of these achievements are due to the dedication and excellence of the outgoing Board. They truly went above and beyond to make the Journal an intellectual powerhouse as well as a rewarding community for all of the editors. Their passion for the subject matter of the Journal, as well as for the editing process itself, was infectious, setting a high bar for our incoming Board to meet.

But looking at the new team of editors we have assembled, I am confident we will be able to meet it. We are welcoming the largest class of 2L Staff Editors in the Journal's recent history, a class that is full of bright young lawyers committed to public policy issues. With such a large, strong team, Volume 28 promises to be one of the most exciting and impactful editions yet. We will use our increased staff power to bring the Articles and Notes published in the Journal into conversation with our online forum *Quorum*, our symposia, and more in order to build a vibrant community among our editors, authors, and readers and create an ongoing dialogue about the most pressing legal issues facing our country in these unprecedented times.

On a more personal note, I am proud to be the first openly transgender Editor-in-Chief of the Journal. With the increasing legislative and policy attacks on LGBTQ+ Americans and other minority groups sweeping the nation, it is more important than ever to make sure the voices of those who are underrepresented and oppressed are heard. I am dedicated to making the Journal one such space, where we as a society and legal community can face these issues head on.

Thank you once again for your support of and engagement with the Journal! We have exciting plans for the year to come, and we look forward to sharing them with you as we build and strengthen our community.

Warmest regards,
Morgan Munroe
Incoming Editor-in-Chief