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**NEW YORK UNIVERSITY
JOURNAL OF LEGISLATION
& PUBLIC POLICY**

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Dear Friend,

In the 2013–14 Academic Year, the *Journal of Legislation and Public Policy* elected to reformat its Annual Report to cover not a calendar year, but to cover the work of an individual Executive Board. We believe this new format will allow each Report to cover the Journal's work in more detail, as each Report will be prepared entirely by the outgoing Board responsible for all work described therein.

Not wanting to shortchange the incredible work done by the Journal in the 2012–13 Academic Year, however, we present to you this Supplement. Herein, we follow up on the projects and initiatives presented in the 2011–12 Annual Report, and summarize the scholarship published in Volume 15 and 16.

Thank you, as always, for your support of the Journal.

The Executive Board

Projects

The 2012-13 Executive Board, under the leadership of Paul Brachmann, tackled several projects outside the ambit of regular publication.

Robert Dahnke, Senior Symposium Editor, led a full redesign of the Journal's website and digital presence, including the standardization of the Journal's digital archives. *Legislation's* new virtual home features a more easily searchable archive of back issues, and a "back end" which makes discovering *Legislation's* work easier for those who search for our material through Google or similar search engines. The redesign also laid the groundwork for the integration of *Quorum*, the Journal's online companion, discussed in more detail in the full 2013 Annual Report. The Executive Board also notes that, frankly, the new website just looks better.

Eli Fuchsberg and **Tamara Marshall**, in their capacities as Senior Notes Editors, designed and piloted a Note Writing Program—the first of its kind for the Journal. The aims of the program were both to connect students with faculty members writing in students' areas of interest, and to formalize the process by which *Legislation* solicits, edits, and accepts student writing for publication. The program led to several strong candidate pieces for publication during the 2012-13 Academic Year, and was continued by the Executive Board in 2013 under the leadership of **Samantha Rubin**.

Britton Kovachevich and **Julia Bell**, Managing Editors for the 2012-13 Academic Year, designed, solicited content for, and launched *Quorum*, the Journal's online companion focused on publishing short, timely legal scholarship. Their model publication schedule was adopted with modifications by the 2013 Executive Board, and perfected into a one-month beginning-to-end schedule by the 2014 Executive Board, allowing the Journal to focus on releasing high-quality *Quorum* comments without sacrificing the regular editorial work which goes into the Journal's print pieces. This project has greatly expanded *Legislation's* ability to publish new and interesting work that does not meet the length expectations of print Articles, and continues to grow under the leadership of **Sean Petterson**, the Journal's first dedicated Senior Quorum Editor.

Publications

This year, *Legislation* published four full issues—adding a summer issue to its rotation for the first time since the Journal’s inception. Of these books, two presented the fruits of events and symposia supported by the Journal and its staff over the past year. In all, *Legislation* published nineteen academic articles by scholars, practitioners, and judges, and eight notes by current or recently graduated members of the editorial staff. Below, we provide synopses of the issues we’ve published, and the content contained therein.

Volume 15, Issue 3

Volume 15, Issue 3 opens with remarks delivered by Second Circuit Court of Appeals Judge Robert A. Katzmann upon receipt of the Learned Hand Medal from the Federal Bar Council. Following those remarks, the issue includes an essay by NYU Law Professor Samuel Estreicher, *The Roosevelt-Cardozo Way: The Case for Bar Eligibility After Two Years of Law School*, which argues for revisions to New York bar rules to support an expedited entry into the legal profession for law students.

The issue also contains four articles on various topics. In *Funding the People’s Right*, Julian Darwall (NYU ’12) and NYU Professor Martin Guggenheim explore the problems that prevent courts from ordering state legislatures to increase funding for indigent defense and propose a solution. In *Associational Rights and Standing: Does Citizens United Require Constitutional Symmetry Between the First Amendment and Article III?*, Glenn D. Magpantay, a director at the Asian American Legal Defense and Education Fund and Adjunct Associate Professor at Brooklyn Law School, argues that expanding the associational speech rights discussed in *Citizens United* to the First Amendment right to petition the government for redress could cure standing limitations that bar public interest organizations from advocating on behalf of disenfranchised persons.

In *Race and Representation: Racial Disparities in Legal Representation for Employment Civil Rights Plaintiffs*, Northwestern J.D.–Ph.D. candidate Amy Myrick, Northwestern Professor of Sociology and Law Robert L. Nelson, and Northwestern Associate Professor of Sociology and Law Laura Beth Nielson evaluate the racial disparities in pro se employment discrimination filings and propose policy solutions. In *Collaborative Technology Improves Access to Justice*, Michael J. Wolf, Senior Dispute Resolution Specialist at the Federal Labor Relations Authority, discusses the valuable impact the internet and collaborative technology has for improving the prospects of those without legal representation.

The issue also features two student notes. In *Seeking Justice for America’s Forgotten Victims: Reforming the Foreign Sovereign Immunities Act Terrorism Exception*, Ilana Drescher (NYU ’12) addresses the difficulties of enforcing judgments under the FSIA terrorism exception and proposes a legislative solution modeled after the 9/11 Victim Compensation Fund. In *Doomed to*

Repeat: Why Sequestration and the Budget Control Act of 2011 Are Unlikely to Solve Our Solvency Woes, Christopher Dodge (NYU '13) explores the history of sequestration in Congress and analyses the implementation of the Budget Control Act of 2011.

Volume 16, Issue 1

Volume 16, Issue 1 was an unthemed issue, and contained five Articles:

Placing "REINS" on the Regulations: Assessing the Proposed REINS Act, an Article by Jonathan H. Adler, Johan Verheij Memorial Professor of Law at the Case Western Reserve University School of Law, discussed a proposal to limit delegation of regulatory authority. The author finds that the proposed law is likely to enhance accountability but would not substantially limit regulatory activity. *A Rose by Any Other Name: Why a Parens Patriae Action Can be a "Mass Action" Under the Class Action Fairness Act*, an Article by Enrique Shaerer, Associate at Munger, Tolles & Olson LLP, analyzed a circuit split over whether an action brought by a state on behalf of its citizens is a mass action for purposes of determining diversity jurisdiction in the federal courts.

A Uniform Perpetuities Reform Act, an Article by Scott Andrew Shepard, Assistant Professor at John Marshall Law School, proposed a uniform act which would abolish the traditional rule of perpetuities and replace it with a rules based on equitable trusts. *The REINS Act and the Struggle to Control Agency Rulemaking*, an Article by Jonathan R. Siegel, Professor of Law and Davis Research Professor at George Washington University Law School, analyzed the constitutionality of the REINS Act and found that it is constitutional but it bad policy because Congress lacks the time and expertise to vote responsibly on every major regulation.

Constraining the Federal Rules of Civil Procedure through the Federalism Canons of Statutory Interpretation, an Article by Margaret S. Thomas, Assistant Professor of Law at Louisiana State University Paul M. Hebert Law Center, argued that a proper reading of the Rules Enabling Act and the Erie Doctrine restrict a court's ability to undermine state policymaking by when such policy decisions are made through rules which are nominally procedural in nature.

The issue also contained a student Note written by Paul Brachmann (NYU '13), the Journal's Editor-in-Chief for the 2013-14 Academic Year.

Volume 16, Issue 2

Volume 16, Issue 2 contains an assortment of material based around *A Celebration of Baseball Unionism*, arising out of a panel discussion hosted by the Center for Labor and Employment Law at the N.Y.U. School of Law entitled "A Celebration of Marvin Miller & Baseball Unionism: The Rise and Role of the Major League Baseball Players Association." The panel was one of the Law School's most well-attended events for the academic year, and *Legislation* was delighted to publish the event's collected remarks—how often does an academic journal get to dedicate fifty pages to baseball, after all?

The materials include: *Along Comes the Players Association: The Roots and Rise of Organized Labor in Major League Baseball*, by Ross E. Davies, Professor of Law at George Mason University, which provides a historic account of labor's role in baseball; *Reflecting on Baseball and the MLPA*, Remarks by Marvin Miller, Former Executive Director of the Major League Baseball Players Association; *Roundtable Discussion on Marvin Miller, the MLPA, and Baseball*, an edited transcript of the panel discussion featuring Samuel Estreicher, Ross E. Davies, Charles Korr, Murray Cass, Arthur R. Miller, Richard Moss, Marvin Miller, Michael Weiner, and Michael Boland; and *Marvin Miller's Lasting Legacy*, an Essay by Michael Weiner, Executive Director of the Major League Baseball Players Association, discussing the enduring imprint that Marvin Miller left on baseball, its union, and its players.

Additionally, Volume 16, Issue 2 contains three standalone articles and an essay, along with two student Notes:

Labor Law Reform Again? Reframing Labor Law as a Regulatory Project, an Essay by Cynthia Estlund, Catherine A. Rein Professor at N.Y.U. School of Law, which argues that good regulatory design could address challenges posed by collective labor relations;

Bretton Woods 1.0: A Constructive Retrieval for Sustainable Finance, at Article by Robert Hockett, Professor of Enterprise-Organizational, Finance-Regulatory, and International Economic Law at Cornell Law School, which "retrieves" John Maynard Keynes's original plan for the International Monetary Fund and proposes an updated plan along the same lines to address today's unsustainable trade and financial order;

Trying the Carrot and Sparing the Stick: An Incentive based Reform Proposal for NLRB Elections. Voluntary Recognition, and Withdrawal of Recognition, an Article by the Honorable Nicholas M. Ohanesian, Administrative Law Judge for the Social Security Administration, which proposes to prevent certain unilateral acts by employers.

Vote of Confidence: Crawford v. Marion County Election Board, Voter Identification Laws, and the Suppression of a Structural Right, an Article by Richard W. Troffer, Associate at Tannenbaum, Helpern Syracuse & Hirschtritt LLP, which reviews evidence which indicates that photo identification laws represent an undue burden which would not satisfy strict scrutiny.

Student Notes were written by Justin Roller (NYU '13) and Matthew Robinson (NYU '12, Senior Articles Editor 2011-12).