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## Letter From The Editor-In-Chief

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# University of the District of Columbia

## Law Review

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Volume 11

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Dear Reader,

I am proud to present to you the 11th volume of the University of the District of Columbia Law Review. This volume was created following our Review's Spring 2007 symposium entitled "District of Columbia Democracy and the Third Branch of Government." It contains four essays that were produced from four members of the Council for Court Excellence, edited proceedings from four speakers at the symposium, as well as one additional, but related, Comment from the Publications Editor of the Review regarding democracy abroad.

The first essay is by Steven M. Schneebaum, a shareholder in the D.C. firm Greenberg Traurig LLP. Mr. Schneebaum discusses the legal and constitutional foundations of D.C.'s judicial branch. The Constitution gives Congress the exclusive authority to regulate the legislative functions of the district chosen to be the seat of the Nation's Capital. This authority includes the creation and supervision over all three branches of D.C.'s government. The Constitution does not set out how this feat is to be accomplished, and no model set forth by Congress has been without flaws. This is especially true for the judicial branch. Although Congress has delegated the power of the executive and legislative branches, it has retained control over D.C.'s judicial branch. Mr. Schneebaum proffers that because this power is reserved under Congressional discretion, a change could be made without a constitutional challenge.

The second essay is by Charles A. Miller of Covington and Burling LLP. Mr. Miller asks the very important question: Who should be appointing D.C. judges? Judges in the District of Columbia are chosen by the President of the United States from a list generated by the District of Columbia Judicial Nomination Commission and confirmed by the Senate. This process was put in place in 1973 with the creation of the D.C. Home Rule Act. The question presented asks if this is the best process for choosing D.C. judges. Mr. Miller argues that the appointment and approval powers should be handled locally.

The third essay is by John Payton, a partner at WilmerHale LLP. Mr. Payton explores the question of who should be prosecuting D.C. Code offenders. Presently, the vast majority of crimes committed under the D.C. Code are prosecuted by the U.S. Attorney for the District and not by a local prosecutor. Mr. Payton

outlines the pros and cons of D.C. having a local District Attorney and puts forth some of the logistical questions that would have to be answered should the prosecution of D.C. Code offenses be handled locally.

The fourth essay is by Peter R. Kolker from the Counsel on Court Excellence. Mr. Kolker examines the organization, budget, and funding for the D.C. local courts. The local D.C. courts are in the unique position of being funded completely by the federal government. Although this is a stable funding source, it precludes the local executive and legislative branches from allocating funds to the courts because they are completely under the budget of the federal government. There is a tension between how the local courts are organized and how they are funded.

In this volume, we have also provided remarks from several of our speakers from the symposium. Our keynote speaker, Congresswoman Eleanor Holmes Norton, commented on the District's need to control the entirety of its judicial system. The Honorable Gregory E. Mize spoke about the funding of the D.C. courts, and that from his viewpoint, the D.C. Courts are not "broken." He adds that while there is much to be proud of, there is also room for improvement. We have also provided remarks from Patricia M. Worthy, a professor at Howard University School of Law, and Daniel A. Rezneck, the Senior Assistant Attorney General for the District of Columbia. Ms. Worthy spoke to the selection process for the D.C. judiciary, and Mr. Rezneck provided a viewpoint from his own experience that the D.C. Court system is not broken.

To conclude volume eleven, we have a Comment from Suzanne M. Sable, a student of the David A. Clarke School of Law and Publications Editor of the University of the District of Columbia Law Review. Ms. Sable examines the historical and contemporary prejudices experienced by several of Japan's ethnic and minority groups at the hands of the Japanese government. She provides an historical overview of the groups discussed and lays out several recommendations that, if adopted, would serve to eliminate some, if not all, of the discrimination from which these groups have suffered for hundreds of years.

Before closing, I would like to thank the Council for Court Excellence, Wayne Turner, and Jason Hart for organizing the Spring 2007 symposium which lead to this journal. Additionally, I would like to express my sincerest appreciation to The District of Columbia Law Review editors, and in particular, the members of the Executive Board for their countless time and effort in producing this volume.

Again, it is my pleasure to present to you this volume of the University of the District of Columbia Law Review. Democracy and the judiciary is a topic of interest and concern to all D.C. residents. The works in this volume are thought provoking and will stimulate conversation on this topic far beyond what was cov-

ered at the symposium. I hope that you enjoy the essays, remarks, and Comment that constitute the 11th volume of our Law Review.

Sincerely,

A handwritten signature in black ink that reads "Charles G. Jeane". The signature is written in a cursive style with a long, sweeping horizontal line at the end.

Charles G. Jeane  
*Editor-in-Chief*

