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Introduction

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The University of the District of Columbia Law Review

Volume 6

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INTRODUCTION

Dimone G. Long¹

I am truly proud to introduce this monumental issue of the University of the District of Columbia Law Review, which takes a progressive approach at addressing legal issues that will assist in reshaping advocacy in the new millennium. This edition of the University of the District of Columbia Law review is unique in that it explores an array of legal doctrines from domestic violence to bankruptcy law, while keeping true to the Law Review's firm commitment to grappling with issues in public interest law.

THE ARTICLE

The first article is from an outside author, Larry Cunningham, who is currently a Law Clerk for the Honorable Claude M. Hilton of the U.S. District Court for the Eastern District of Virginia. Mr. Cunningham explains how lawyers who commit crimes face two punishments: a court sentence and a disciplinary review by the state bar association. If a lawyer is charged with a crime of "moral turpitude," then the lawyer is automatically disbarred. Thus, the Court's decisions are crucial to the career of the lawyers before them. The District of Columbia Court of Appeals has struggled to define "moral turpitude" through interpretation of D.C. statutes. Mr. Cunningham argues that despite the criticism given to the D.C. Court of Appeals' approach in defining moral turpitude, the Court's response to this issue has evolved over the past 30 years into an organized and routine system. This article describes the court's efforts, through analysis of dozens of cases, to create a comprehensible, organized response system.

THE COMMENTS

Additionally, four students from the University of the District of Columbia School of Law have submitted comments that focus on reshaping advocacy in the

¹ Dimone G. Long is the current Editor-in-Chief of the University of the District of Columbia Law Review.

new millennium. In her thought-provoking article entitled, "Capital Punishment: 21st Century Lynching," Serena Hargrove presents a riveting examination of the disproportionate impact the death penalty has on African American defendants. She begins by showing the comparisons between 19th century lynching and the implementation of capital punishment. She goes on to identify how the prejudices of those in the legal profession work to the disadvantage of African American males. Furthermore, she points out how Congress has failed to adequately rectify this problem over the years and takes the initiative to suggest some remedies that may enable defendants to challenge racially discriminatory practices.

Ms. Hargrove's comment is followed by Angela Killan's in-depth look at domestic violence in the District. Ms. Killian advocates a new response to domestic violence in an effort to curb such abuse in, "Mandatory Minimum Sentences Coupled With Multi-Facet Interventions: An Effective Response to Domestic Violence." Her comment not only describes the history of domestic violence and the District of Columbia's response to such violence, but she also critically evaluates this response, and offers her suggestions on ways to improve the District's response in a way that will be effective in stopping the spread of domestic violence.

Steven Boretos presents the next article entitled, "Indications of Excessive Incarceration in the United States," which examines criminal statutes and public sentiments that have led to the United States being ranked first in the world in prison population. Mr. Boretos's explanations for these high numbers include racial discrimination and public policies that have been instituted over the past few years, such as the "War on Drugs" and "Zero Tolerance". Mr. Boretos forces the reader to question whether tougher laws are the answer to solving our overloaded prison system, or whether tougher laws are already too severe for certain types of criminals. He advocates more social and rehabilitation programs as alternatives for certain criminals as the answer to this recent phenomenon.

In the last student comment, Jim Neher discusses new and innovative ways at reshaping advocacy in bankruptcy law in his informative comment, "Rethinking the Discharge of Pre-Petition Attorney Fees in Chapter 7 Bankruptcy: A Debtor Oriented Perspective," Mr. Neher examines a provision in the Bankruptcy Code that the majority of the courts have interpreted to mean that when a petitioner files a Chapter 7 bankruptcy, unpaid attorney's fees for pre-petition work are discharged. He shows the fallacy in this interpretation and advocates that the minority view, which does not allow for discharge of attorney's fees unless they are in excess, is a better solution for both attorneys and clients, as well as maintains Congress's intent when Congress enacted the Bankruptcy Act. He concludes that such a system would provide an incentive to more attorneys to represent persons in bankruptcy cases.

THE NOTE

Also, we are delighted to include an extraordinary note entitled, "Black Plaintiffs and Class Action Employment Discrimination lawsuits in Corporate America" authored by Michael Green a third year law student in the District of Columbia who is presently employed with the District of Columbia Criminal Justice Forum. In this note, Mr. Green highlights the influx of class action lawsuits that have surfaced in the United States and the jury awards and settlements that have resulted for black plaintiffs in recent years. He suggests that systematic discrimination exists in the workplace and determines that this type of discrimination serves as a tool that prohibits blacks from taking advantage of certain employment opportunities in corporate America.

CONCLUSION

These authors have touched on merely a few advocacy issues that deserve reshaping in the name of justice, equity and a better society. It is my hope that this volume will enlighten readers on problems in our own backyard and across the nation, such as advocacy for bankruptcy proceedings and the spread of domestic violence in the District, however, it is my wish that this volume also serves as a catalyst for readers to consider other legal issues that might need a new vision or alternative approaches. Together, we can strive towards reshaping legal advocacy in the new millennium.

