

April 2019

## Front Matter

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, *Front Matter*, 49 Golden Gate U. L. Rev. i (2019).  
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# GOLDEN GATE UNIVERSITY LAW REVIEW

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VOLUME 49

MAY 2019

NUMBER 2

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## PREFACE

Welcome to Volume 49, Issue 2 of the *Golden Gate University Law Review*. The *Golden Gate University Law Review* is a student-run organization that publishes two issues each academic year: the *Ninth Circuit Survey* and the *Comments Edition*. The *Ninth Circuit Survey* issue features student-written Case Notes and Case Summaries focused exclusively on decisions of the United States Court of Appeals for the Ninth Circuit. The *Comments Edition* is a general interest edition, comprised of student-written Comments and outside Articles written by practicing attorneys, judges, and academics. The *Comments Edition* provides a forum for students and legal professionals to explore deeply relevant and contemporary topics in the broader legal landscape.

Since its establishment in 1969, *Golden Gate University Law Review* has been dedicated to publishing scholarly writing on a wide range of legal topics that contributes to the broader legal discourse on a state, national, and international level. This year's *Comments Edition* continues this tradition. In the recent years leading up to the publication of this issue, America has experienced some of the most controversial legal conversations in our nation's history, and this trying period has greatly influenced the development and focus of this *Comments Edition*.

The articles within this issue touch on many of the cornerstones present in the majority of the nation's current legal debates: the scope and limitations of the powers of the legislative, executive, and judicial branches of state and federal government. This includes analysis of the legislature's power to enact law and analysis of such law, the judiciary's power of statutory interpretation, the federal judiciary selection and confirmation process, and the presidential power to declare national monuments. Each focusing on a particularized legal topic, the articles evaluate the strengths and weaknesses of existing law and practice, and propose changes to ensure the fair and just administration of the law. The topics of these articles include: the legislative and judicial roles in making a joint child custody determination; legislation enacted to silence whistleblowers; the judiciary's role in interpreting laws passed by voter initiative; the Antiquities Act and the presidential power to unilaterally designate national monuments; and the recent appointment of Brett Kavanaugh to the United States Supreme Court bench, which discusses the selection and confirmation process for a United States Supreme Court justice. In addition, this publication includes a book review that evaluates a proposal for a restored historical jurisprudence that is concerned with

understanding social relations underlying the law by examining the historical and sociological evidence for them.

We would like to begin by thanking our outside article contributors, Professor Kevin P. Lee and Caroline Fredrickson, of the American Constitutional Society. We would also like to express our gratitude to: Dean Anthony Niedwiecki who has been an advocate for the journal and has provided us with continued support; Academic Dean Mark Yates for providing his guidance and expertise to *Golden Gate University Law Review*; Heather Varanini who has our deepest gratitude for her editorial and Bluebook assistance; and Professor Jennifer Babcock for her expert guidance and continued support as *Golden Gate University Law Review's* faculty advisor. Finally, we offer our sincerest thanks to each author for their articles, as these Comments represent the culmination of each authors' time, passion, and devotion to critical issues.

As the Editor-in-Chief and Managing Editor for the 2018-2019 year, we have been inspired by the hard work, dedication, and diligence of the 2018-2019 *Golden Gate University Law Review* Staff Writers, Associate Editors, and Executive Board Members who worked tirelessly to make this edition possible. A law review issue is never an individual effort, but instead the result of much collaboration. It is our distinct privilege to present this *Comments Edition* of the *Golden Gate University Law Review*.

Stephanie Nathaniel  
*Editor-in-Chief*

Nicholas Joy  
*Managing Editor*

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