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## Editor's Comments

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*William & Mary Law School*

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## EDITOR'S COMMENTS

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This issue marks the beginning of a new era for the *Administrative Law Review*. With this issue, the law school at the College of William and Mary becomes the home of the *Review* and I become its new editor-in-chief. We appreciate the opportunity offered us by the ABA Section of Administrative Law and Regulatory Practice.

Our vision is that the *Administrative Law Review* should be nothing less than the most authoritative and consulted voice of administrative and regulatory law. Here commentators should exchange views on the pressing issues of administrative law. Practitioners should share practical insights into this extremely complex and dynamic field. Those in associated disciplines, particularly economics and political science, should use these pages to communicate with the legal profession. It is an ambitious vision but one that, with the help of our friends, we can make a reality.

This issue is a sample of the possibilities. Paul Verkuil, the current section chair, provides a transition between administrative law of the 1980s and that of the 1990s; his prospective essay takes us into the future of administrative law. As you will see, the future is fruitful and exciting but nonetheless somewhat daunting.

The articles by William Shepherd and Louis Fisher demonstrate the natural conjunction between administrative law and both economics and political science. The Shepherd article confronts the current operating idea that even imperfect markets somehow correct themselves and hence government intervention is unnecessary. In this article, he questions the support, both empirical and conceptual, for this idea. He reinvigorates a basic administrative law debate because the conclusion that government action can make a difference is fundamental to the vitality of the administrative process.

The Fisher article discusses the struggles between congress and the executive. In particular, it analyses the law and policy of executive "gag orders." In this context, he confronts the more general aspects of the power conflicts between the two political branches. These conflicts, of course, have profound effect on the processes of government so important to administrative law.

Publication of Bernard Schwartz's article reflects a commitment to reach beyond our national boundaries just as the Shepherd and Fisher articles reflect a commitment to reach beyond intellectual boundaries. The Schwartz article demonstrates how much American administra-

tive law can learn from its counterparts on the other side of the Atlantic. For generations English law has all but denied the existence of administrative law. Today, as the British news magazine *The Economist* recently observed, England is experiencing an "administrative law explosion." The Schwartz article explains how we now might learn from recent developments in English administrative law.

The need to shake off geographic boundaries grows rapidly each year. As evidenced by the financial market, the near future portends regional relationships that will unite the people and organizations of the world in ways beyond contemplation a few years ago. The place of administrative law in this worldwide reorganization is evident. Administrative law dominates the legal profession in European countries and in the Common Market. As the rigid national boundaries soften, administrative law will become a dominant international legal force and, in order to participate, American lawyers must become familiar with other administrative law systems. The *Review* will provide a forum for exchange of ideas with administrative law commentators and practitioners in these other systems.

Still the *Review* must recognize the many administrative law systems within our national boundaries. The states are evolving varied and creative administrative law ideas. The 1981 Model APA has propelled state administrative law to a position equal to or, in many areas, more advanced than federal law. Unfortunately this issue does not reflect the intense commitment to state administrative law. That commitment, however, will be demonstrated in future issues.

For all this, these ideas and experiences have no purpose unless they have impact on the development of the law. Therefore, the cornerstone of the *Review's* mission must be a firm commitment to practitioners, both in and out of government. Administrative law practitioners are some of the most sophisticated and eclectic in the profession and the *Review* must generate materials of use to these practitioners.

Richard Leighton offers just the first example of our commitment to practitioners. His article demonstrates the new opportunities for effective use of demonstrative evidence. Recent technological advances provide new persuasive techniques that cannot be ignored by modern practitioners, especially ones engaged in administrative law practice. This article is an example of the kind of creative thinking about practice problems that we hope to present in the *Review*.

Our vision then is to offer an essential resource for the broad spectrum of the administrative and regulatory law profession. So, it begins.

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