

## Limitations to the District of Columbia Right of Initiative

Appellate litigation before a Court of Appeals is a component of litigation which requires a special expertise. Preparing a concise and persuasive brief which focuses the legal issues, combined with a thorough preparation for oral argument (and inevitable questioning by the Judges) are the cornerstones of an affective appeal. Mark Policy is well-recognized as an effective appellate counsel. Hessey v. Board of Elections & Ethics is an example. In that case, through the initiative process (by which voters make laws directly), proponents attempted to place on the ballot a proposed statute which would have imposed fees and tax surcharges and directed how the resulting revenues would be spent. Mr. Policy represented opposing registered voters, the Apartment and Office Building Association of Metropolitan Washington and the Washington D.C. Association of Realtors, Inc. before the District of Columbia Court of Appeals to limit the scope of the right of initiative as it applies to fiscal management of the District of Columbia. This initiative would have been a precedent for opening the District of Columbia budget to financial ruin by special interest groups. By an in-depth presentation of the complex District of Columbia budget process and the limits of the then little explored initiative process in his brief, and a one sentence statement of why this initiative was prohibited (which the Court adopted), Mr. Policy stopped this overreaching initiative in a unanimous decision by the Court of Appeals.