

Editorial Section

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THE EDITOR'S PAGE

Not since Judge Oppenheimer discussed the problems facing the Maryland attorney in the area of administrative law has the REVIEW offered the Bar a critical and incisive treatment of the subject. Mr. Cohen's article up-dates Judge Oppenheimer's, discusses new legislation and cases, and poses fine questions for the Bench and Bar.

Sometimes we launch what appears to be an analysis of fundamental problems. It is this which supports two student comments, one in the last issue on the right to counsel and one in this issue on post-conviction remedies in Maryland. The former comment concluded that the political processes of contemporary federalism had been engrafted onto state judicial procedures because of an unjustified adherence by the Supreme Court to an obsolete decision *Betts v. Brady*, and because of the states' unwillingness to stay abreast of relevant teachings of the Court in other cases. The latter comment suggests that the inevitable result of *Fay v. Noia* is not to create in the federal judiciary a power tantamount to that of a court of appeals for review of state criminal matters but, rather, that if the states discard concepts of waiver which are unacceptable by federal constitutional standards, they will be able to remain the final arbiters, for all practical purposes, of their criminal proceedings. The thrust of both comments is that the breakdown in federalism is in large part the states' responsibility, but that the power to correct the imbalance in the federal system lies with the states themselves.

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