

William and Mary Law Review

Alumni Newsletter

Volume 52

2010-2011

The Year in Review

Volume 52 Editor-in-Chief Matt Kapuscinski

Once again, the *William and Mary Law Review* enjoyed a tremendously successful year. The six issues of Volume 52 consist of over 2,100 pages of legal scholarship, including 24 articles and 10 student notes. In addition, we hosted an intellectually engaging Symposium dedicated to “Constitutional Transformations: The State, the Citizen, and the Changing Role of Government” and we officially joined the online website Legal Workshop. Continuing the legacy established by our alumni, the staff of the *Law Review* showed an impressive dedication to preserving our reputation for outstanding editing and professional customer service. Through each step of the editing process – from cite-checking to lead editing to bookproofing – I was amazed by the thorough work and tireless effort of our staff.

Outside of the *Law Review* office, the members of the Class of 2011 have reached milestones in their personal and professional lives. Many of their accomplishments are detailed in these pages. They will enter the legal workforce in private practice, public interest, military service, and judicial clerkships. I am proud of the Volume we have produced and the things we have accomplished together. Working with this team has been a privilege, and I wish everyone the best in their future endeavors.

In particular, the Executive Board – Justin, Virginia, Garrett, and Hughes – has done an extraordinary job. Their devotion to the *Law Review* has made our success possible, allowing us to select interesting and influential scholarship, provide thoughtful edits and suggestions to our authors, publish each issue in a timely fashion, and select and train our new staff members. I would



The Volume 52 Executive Board: Hughes Bates, Matt Kapuscinski, Virginia Brown, Garrett Urban, and Justin Sorrell

like to thank them for their support, encouragement, and friendship over the last year. As in past years, our administrative assistants, Beckie Pasipanki, Andrea Raines, and Denise Ward proved to be the most invaluable members of our team. I would like to thank them for their patience, flexibility, and positive attitudes – we would be nowhere without their wisdom and expertise. To the staff of Volume 53, I know you will continue the strong tradition of the *William and Mary Law Review* and maintain our status as one of the top twenty legal journals in the country. I have no doubt that the coming year will be just as successful for you as this year was for us.



The William & Mary Law School is the oldest law school in the United States. Established in 1779, upon the appointment of George Wythe as the first professor of Law and Police, the Law School operated continuously until the beginning of the Civil War in 1861. During that time, William & Mary Law School educated some of the more prominent names in American history, such as Thomas Jefferson, John Marshall, James Monroe, and Henry Clay. After remaining closed for sixty years, the Law School re-opened in 1921, and has since become one of the top-ranked law schools in the United States. The *William and Mary Law Review* is one of five law journals published by the students of William & Mary Law School. Each year, its members produce six issues of quality legal scholarship.

The Year Ahead

Volume 53 Editor-in-Chief Jeff Bozman

The Law Review is in the capable hands of Jeff Bozman, the Editor-in-Chief of Volume 53. A native of Hampton Roads, he is a graduate of the Woodrow Wilson School of Public Affairs at Princeton University. Jeff spent four years as an officer in the Marine Corps before enrolling at William & Mary.



Jeff Bozman

Welcome to Volume 53!

Greetings from the editors and staff of Volume 53. As the incoming Editor-in-Chief, I have the privilege of sending good news from your alma mater. Our publication process is underway, and we look forward to delivering another volume of superior legal scholarship.

In February, we enjoyed the opportunity to host eleven of the nation's leading constitutional law scholars at our annual Symposium. Kevin Crennan, the Symposium Editor, spearheaded a terrific weekend that showcased the customer service for which the *Law Review* is widely admired. We anticipate an equally successful Symposium in February 2012. Titled "Law Without a Lawmaker," its panelists will examine the nature and development of trans-jurisdictional law.

Two initiatives highlight the *Law Review's* use of technology to maximize efficiency and expand our readership. First, we will celebrate our first anniversary of full membership in the Legal Workshop, an online forum that hosts condensed versions of our most intriguing articles. Second, we will transition to a paperless cite-checking system that promises to yield benefits in terms of both fiscal and environmental sustainability.

Your *Law Review* has thrived under Matt Kapuscinski's leadership during the past year. Please join me in expressing heartfelt thanks to him and the outstanding staff of Volume 52. I remain grateful for the honor of serving on the *Law Review*, working with such a talented group of law students, and continuing the traditions of excellence that all of you established.

A Message From the Faculty Advisor

Greetings from William & Mary Law School! I am now in my third year here at the Law School, having spent the previous six years teaching at St. John's University Law School in New York. This is my first year as the *William and Mary Law Review's* faculty advisor. Although my colleagues at the Law School are first rate, I've been most impressed with the quality of the students here at William & Mary. I am particularly fortunate to work with the students on the *Law Review*. In truth, they need very little advising. The *Law Review* continues to maintain its tradition of timely publication of cutting-edge legal scholarship. The *Law Review's* rank among journals speaks for itself. As well, the *Law Review* enjoys a splendid reputation in the legal academy. On several occasions, I have heard from colleagues at other schools that the *Law Review* is professionally managed—and that its editors are sticklers on deadlines! I very much enjoyed working with Matt Kapuscinski, the outgoing Editor-in-Chief, and expect great things from Jeff Bozman, the new Editor-in-Chief, and the incoming editorial staff.

The Law School has had a tremendous year. Tara Grove, who teaches federal courts and civil procedure, will be joining the faculty from Florida State University in the fall of 2011. As always, the Law School hosted countless lectures, symposia, and other events this past year. These events featured prominent scholars from across the country, as well as noted practitioners and lawmakers, who engaged our community on a variety of topics.

The *Law Review* recently hosted a symposium, "Constitutional Transformations: The State, the Citizen, and the Changing Role of Government," and will publish contributions from some of the top legal academics on subjects ranging from federalism, to free speech, to the nature of constitutional rights. We look forward to making symposia of this caliber a regular feature of the *Law Review*, and have already started planning next year's symposium.

Sincerely,
Professor Timothy Zick
Professor of Law

Alumni Profile: *David Lannetti*

By Stephanie Bitto

Most first year law students find law school a stressful and daunting endeavor. After graduating from the U.S. Naval Academy and spending time on a nuclear submarine during his nineteen-year career in the United States Navy, however, David Lannetti, Volume 40 Executive Editor and a 1999 graduate of the Law School, was not going to be frazzled by a little thing like law school.

After retiring from the Navy in 1996, Lannetti took the advice of his wife, an attorney, and applied to the William & Mary Law School. Lannetti, who had completed his Masters in Management from Troy State University and spent time as a property manager while in the Navy, applied only to William & Mary based on its proximity to Norfolk, where he lived with his wife and five children. He viewed a second career in the law as an opportunity to “advocate from different perspectives,” a contrast to the single-perspective Naval nuclear power approach to which he was accustomed. Lannetti greatly enjoyed his time at William & Mary, in part due to the different viewpoints offered by the Law School’s diverse student body. Lannetti was able to add his own unique contribution to the William & Mary community as he balanced raising five children, at times even bringing them along to school, with his *Law Review* and Moot Court commitments—all the while excelling academically.

These different perspectives were highlighted most particularly within the “close group” of the *Law Review* staff. A bond formed at least in part due to the extensive time spent in the minimal office space that the *Law Review* was then allocated. Lannetti also has very fond memories of Administrative Assistant Beckie Pasipanki, with whom he worked closely as the *Law Review*’s first Executive Editor. He recalls not only her tireless devotion, which we continue to appreciate today, but also her

love of NASCAR and Jeff Gordon. His time on *Law Review* was valuable in developing personal relationships, but as he recalls, “*Law Review* also taught me to enjoy writing.”

This appreciation of writing was a credit to Lannetti not only at William & Mary, where he was the recipient of numerous awards,



David Lannetti '99

but also in his professional life. Lannetti is a partner at Vandeventer Black LLP in Norfolk, where his practice focuses on bankruptcy, creditors’ rights, construction, and government contracts law. He also serves as a General District Court Substitute Judge and a Norfolk Circuit Court Commissioner in Chancery. His continued passion for writing has resulted in publication in multiple journals and magazines. As the true embodiment of a citizen lawyer, Lannetti has extensive civic and community involvement, including serving on the Board of Directors for the Norfolk Sister Cities Association, Special Olympics Virginia (Southeastern Virginia), and Tidewater Council Boy Scouts of America. He and his wife are also certified foster parents. Additionally, he has been an active member of several professional organizations, including the 850-member Norfolk & Portsmouth Bar Association, of which he is currently the Immediate Past-President.

Lannetti’s career brought him back to William & Mary in 2003 when he was asked to serve as an adjunct professor and offer a Remedies class to second- and third-year students. Although the class is offered at eight thirty on Friday mornings, it consistently has enthusiastic enrollment. He credits this fact to the practical nature of the course and the emphasis of the subject on the Virginia bar exam. William & Mary students, however, praise Lannetti’s teaching style, effectiveness, and demeanor for the course’s continued success.

Constitutional Transformations:

The State, the Citizen, and the Changing Role of Government

A William and Mary Law Review Symposium

In February 2011, the *Law Review* and the Institute of Bill of Rights Law hosted its annual Symposium. This year's topic, "Constitutional Transformations," brought a weekend of diverse and engaging presentations to the Law School.

Following opening remarks by Vice Dean Eric Kades and Professor Neal Devins, Professor Laura Heymann began by hosting a panel on "Technology in a Democratic Age." The panelists touched on technology's impact on issues ranging from civil liberties to the way we assess and debate social policies. Next, Professor Devins presided over a discussion on "Constitutional Sovereignty and the Politics of Presidential Powers." Finally, one of William & Mary's newest faculty members, Professor Allison Orr Larsen, led a panel on "The Intersection of Politics and Interpretation."

Attendance on Saturday was robust, despite the early hour. Professor Michael Steven Green energetically moderated a panel on "Contractual Civil Procedure and The Current State of Federalism." To round out the Symposium, Professor Timothy Zick led the final discussion on "Individual Rights."

Papers from the Symposium will be published in Volume 53 of the *William and Mary Law Review*. Speakers included:

John O. McGinnis, *Northwestern University Law School*

Paul M. Schwartz, *University of California, Berkeley School of Law*

Jide Nzelibe, *Northwestern University Law School*

John C. Yoo, *University of California, Berkeley School of Law*

Edward L. Rubin, *Vanderbilt University Law School*

Frederick Schauer, *University of Virginia School of Law*

Helen Hershkoff, *New York University School of Law*

Gillian E. Metzger, *Columbia Law School*

Amy L. Wax, *University of Pennsylvania Law School*

Robin L. West, *Georgetown University Law Center*

Christopher S. Yoo, *University of Pennsylvania Law School*



Above: Professor Frederick Schauer, Professor Allison Orr Larsen, and Professor Edward L. Rubin

Below: Professor John C. Yoo, Professor Neal Devins, and Professor Jide Nzelibe

Student Accomplishments of Note

The *Law Review* is proud that its members maintain successful personal and professional lives outside of the Wolf Law Library. Here is a sampling of Volume 52's many accomplishments from the last year.

Births

Administrative Assistant Andrea Raines and her husband welcomed Benjamin David Raines to the world on November 1, 2010.

Kate Dafoe (3L) and her husband John Krampien welcomed Claudia Jean Krampien to the world on December 4, 2010. Kate took her Federal Income Tax and First Amendment finals on December 17 and 20, respectively.

Weddings

Matt Kapuscinski (3L) married Tricia Kapuscinski on April 10, 2010.

Lindsay Raymond (3L) married Andrew Raymond on May 15, 2010.

Johanna Orleski (3L) married Douglas Orleski on August 14, 2010.

Bill Leinen (3L) married Whitney Leinen on August 14, 2010.

Shannon Debus-Horn (3L) married Paul Horn on August 15, 2010.

Shanda King (3L) married Matthew Davis on March 11, 2011.

Engagements

Brandon Boxler (3L) and Jill Fasching were engaged on May 21, 2010.

Cara Boekeloo (3L) and Rob Ott (3L) were engaged on October 4, 2010 after a courtship that bloomed while both were serving on the Articles Committee.

Lindsey Welter (2L) and Carl Davis were engaged.

Brad Reed (2L) and Liza Toher were engaged on March 7, 2011.

Moot Court

Brandon Boxler, Stephen Barry, and Chris Healy (3Ls) won Region IV of the 2010 National Moot Court Competition and were also awarded Best Brief. Stephen Barry was named the Best Oral Advocate of the Competition.

Brandon Boxler and Stephen Barry won the National First Amendment Moot Court Competition. Stephen Barry was the runner-up for Best Oralist.

Matt Kapuscinski (3L) and Chris Healy won the John J. Gibbons National Criminal Procedure Moot Court Competition at Seton Hall University School of Law. Chris Healy was named Best Oralist for both the preliminary rounds and the final round of the competition.

Michael Warwick (2L) and Chris Brennan (2L) were semi-finalists in the 2011 Ruby Vale Corporate Law Moot Court Tournament at Widener Law School.

A three-person team including Karla Baker (3L) and James Evans (2L) reached the semi-final round at the 2011 American Bar Association Moot Court Regional Tournament in Washington, D.C. A two-person team including Tom Ports (2L) also reached the semi-final round. James Evans was named Best Oral Advocate of the tournament.

Trial Team

Rustin Mangum (3L) and Johanna Orleski (3L) won the Stetson National Pretrial Tournament.

Lindsey Welter (2L) placed second at both the ABA Labor and Employment Trial Advocacy Competition and the Capitol City Challenge Mock Trial Competition.

Publications

Brandon Boxler (3L) published *Judicial Gatekeeping and the Seventh Amendment: How Daubert Infringes on the Constitutional Right to a Civil Jury Trial* in the Richmond Journal of Law and the Public Interest.

Brandon Boxler will publish "Going Green" the Wrong Way: How Governments Are Unconstitutionally Delegating Their Legislative Powers in Pursuit of Environmental Sustainability in a forthcoming issue of the Legislation and Policy Brief.

Amy Paul (3L) will publish *Rethinking Oil Spill Compensation Schemes: The Causation Inquiry* in a forthcoming issue of the Loyola Maritime Law Journal.

Other

Shanda King (3L) was selected as the 2011-2012 Drapers Scholar. The scholarship includes full tuition plus a living stipend to obtain an LL.M. degree from the Queen Mary College at the University of London.

Meredith McCoy (2L) was a member of the nine-person William & Mary Law School team that took home prizes in the Virginia Redistricting Competition in March 2011. The goal of the competition, which engaged fifteen teams from Virginia schools, was to draw new electoral maps for Virginia's U.S. Congressional seats, the Virginia State Senate, and the Virginia House of Delegates. The Law School team won Best Congressional Map and came in second in the category for Best Competitive Senate Map.

Blake Christensen (2L) was awarded one of TowneBank's first Alvin P. Anderson Scholarships this fall.

Several staff members will serve on the Honor Council in the coming year: James Evans, Dominique Church, Tom Ports, and Will Versfelt (all 2Ls).

This year, Virginia Brown, Hannah Carrigg, Alison Graab, Shanda King, Katherine O'Keefe, and Justin Sorrell (all 3Ls) served as Legal Skills Teaching Assistants. Next year's crop includes Laura Carini, Brendan Clegg, Caitlyn Cotter, and Jess Strock (all 2Ls).

Class Notes: 3L Destinations



Hannah Carrigg, Brandon Murrill, John Annand, Justin Sorrell, Perry Cooper, Garrett Urban, Shanda King, Matt Kapuscinski, and Hughes Bates take a break during the Volume 53 Editorial Board Selection.

Karla Baker
Comitz | Beethe
Scottsdale, Arizona

Joe Bargnesi
Latham & Watkins
Washington, D.C.

Stephen Barry
Hon. Judge Henry E. Hudson
U.S. District Court for the Eastern
District of Virginia

Latham & Watkins
Washington, D.C.

Cara Boekeloo
Hon. Magistrate Judge Beth Gesner
U.S. District Court for the District of
Maryland

Brandon Boxler
Hon. Judge Edward Earl Carnes
U.S. Court of Appeals for the Eleventh
Circuit

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Washington, D.C.

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Alston & Bird
Atlanta, Georgia

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Hon. Magistrate Judge Theresa Carroll
Buchanan
U.S. District Court for the Eastern
District of Virginia

Vinson & Elkins
Washington, D.C.

Kevin Crennan
Circuit Court for the City of Richmond
Richmond, Virginia

Kate Dafoe
JAG Officer
United States Army

Shannon Debus-Horn
Staff Attorneys' Office
U.S. Court of Appeals for the Eleventh
Circuit

Matthew Flyntz
Atomic Safety and Licensing Board
Panel
U.S. Nuclear Regulatory Commission
Rockville, Maryland

Stephanie Forbes
Hon. Judge Jane Grall
New Jersey Superior Court, Appellate
Division

Alison Graab
Sutherland Asbill & Brennan
Washington, D.C.

Cameo Kaisler
Office of the Chief Counsel
Pension Benefit Guaranty Corporation
Washington, D.C.

Melissa Kessler
Paul, Hastings, Janofsky & Walker
Washington, D.C.

Shanda King
LL.M, Queen Mary College
London, United Kingdom

Michael Knierim
Baker Botts
New York, New York

William Leinen
Ward Greenberg Heller & Reidy
Rochester, New York

Rustin Mangum
Knobbe Martens Olson & Bear
Irvine, California

Brandon Murrill
Congressional Research Service,
American Law Division
Washington, D.C.

Johanna Orleski
Hunton & Williams
Richmond, Virginia

Amy Paul
Ropes & Gray
Washington, D.C.

Lindsay Raymond
Christian & Barton LLP
Richmond, Virginia

Justin Sorrell
Greenberg Traurig
Tampa, Florida

Garrett Urban
Hon. Judge Rebecca Beach Smith
U.S. District Court for the Eastern
District of Virginia

Norfolk Southern Corporation
Norfolk, Virginia

The Articles of Volume 52

The Articles Committee had its busiest year to date in 2011, reviewing 2,596 submissions. In the end, the *Law Review* will publish twenty-four Articles on a wide variety of issues, including tax havens, the role of error in antitrust analysis, the intersection of the Copyright Act and the First Amendment, and judicial sentence modification. A sampling of the novel and engaging scholarship of Volume 52 follows.

The *Law Review* is proud to publish *Rejecting Refugees: Homeland Security's Administration of the One-Year Ban to Asylum*, an empirical study authored by Philip G. Schrag, Andrew I. Schoenholtz, Jaya Ramji-Nogales, and James P. Dombach. The authors studied never-before released data of the effect of a law that bars asylum for any refugees who fail to apply for asylum within one year of entering the United States. Finding that since 1998 Homeland Security has rejected as many as 21,000 refugees that would otherwise have gained asylum, the authors recommend repealing the one-year ban. This groundbreaking Article was featured in the *New York Times* in September 2010.



The Volume 52 Articles Committee. Back: Matt Myer, Matt Kapuscinski, Rob Ott
Front: Brandon Murrill, Shanon Debus-Horn, Cara Boekeloo, and Hughes Bates

In *Lawmakers as Lawbreakers*, Ittai Bar-Siman-Tov, an Associate-in-Law at Columbia University Law School, examines “the law of Congressional lawmaking”—the self-policed rules that govern the legislative process. In light of the federal courts’ refusal to enforce Congressional rules, Bar-Siman-Tov explores instances where members of Congress have broken their own rules with impunity. He concludes that the safeguards intended to ensure Congressional compliance with Congressional rules in fact “motivate lawmakers to become lawbreakers.”

In *The Supreme Court's Post-Racial Turn Towards a Zero-Sum Understanding of Equality*, University of Colorado Law Professor Helen Norton assesses the Supreme Court’s understanding of racial equality in our society. Using *Ricci v. DeStefano* as a vehicle, she asks whether the Justices believe the United States has achieved a “post-racial” society where race is no longer a significant factor. According to Norton, we have not yet reached Justice Scalia’s zero-sum understanding of equality, where any government attention to race is subject to heightened scrutiny. Instead, she argues that “opportunities remain for shaping [the Court’s] turn in ways that might avoid a collision between antidiscrimination commitments.”

In *Mismatch: The Misuse of Market Efficiency in Market Manipulation Class Actions*, Brooklyn Law Professor Charles Korsmo analyzes the “fraud on the market” doctrine as applied to Securities Exchange Act plaintiffs bringing claims of material misrepresentations or omissions and claims of trade-based market manipulation. He argues that, although courts currently require plaintiffs bringing either claim to demonstrate an efficient market, plaintiffs alleging market manipulation should not be required to do so. Apart from being a rising star in legal academia, Professor Korsmo also boasts a resume that includes acting credits in such titles as *Dick Tracy*, *What About Bob?*, *Hook*, and *Can't Hardly Wait*.

Finally, in *Government Property and Government Speech*, Duke Law School Professor Joseph Blocher examines the intersection of speakers’ First Amendment rights to speak in the public forum and the government’s right to engage in expressive conduct. Though the government generally may not exclude speakers from First Amendment expression in a traditional public forum, it may do so when it claims that its regulations are a form of expressive conduct, which are exempt from constitutional review. To close this troubling loophole, Professor Blocher urges that we conceive of the government’s property rights not through a formal legal understanding, but rather through a social conception.

The Scholarship of Volume 52

ISSUE ONE (OCTOBER 2010)

Articles

Aya Gruber, *A Distributive Theory of Criminal Law*

Alan Devlin & Michael Jacobs, *Antitrust Error*

David Gilo & Ariel Porat, *Viewing Unconscionability Through a Market Lens*

Helen Norton, *The Supreme Court's Post-Racial Turn Towards a Zero-Sum Understanding of Equality*

Notes

Brandon Murrill, *The Business of Suing: Determining When a Professional Plaintiff Should Have Standing to Bring a Private Enforcement Action*

Katherine B. O'Keefe, *Protecting the Homeless Under Vulnerable Victim Sentencing Guidelines: An Alternative to Inclusion in Hate Crime Law*



ISSUE TWO (NOVEMBER 2010)

Articles

Mark R. Patterson, *Standardization of Standard-Form Contracts: Competition and Contract Implications*

Samuel P. Jordan, *Local Rules and the Limits of Trans-Territorial Procedure*

Cecelia Klingele, *Changing the Sentence without Hiding the Truth: Judicial Sentence Modification as a Promising Method of Early Release*

David S. Olson, *First Amendment Based Copyright Misuse*

Notes

Justin C. Sorrell, *Rehabilitative Employees and the National Labor Relations Act*



ISSUE THREE (DECEMBER 2010)

Articles

Philip G. Schrag, Andrew I. Schoenholtz, Jaya Ramji-Nogales & James P. Dombach, *Rejecting Refugees: Homeland Security's Administration of the One-Year Bar to Asylum*

Ittai Bar-Siman-Tov, *Lawmakers as Lawbreakers*

Viva R. Moffat, *The Wrong Tool for the Job: The IP Problem with Non-Competition Agreements*

Adam H. Rosenzweig, *Why are There Tax Havens?*

Notes

William R. Leinen, *Preserving Republican Governance: An Essential Government Functions Exception to Direct Democratic Measures*

ISSUE FOUR (MARCH 2010)

Articles

Mitchell N. Berman & Ian P. Farrell, *Provocation Manslaughter as Partial Justification and Partial Excuse*

Charles R. Korsmo, *Mismatch: The Misuse of Market Efficiency in Market Manipulation Class Actions*

Steve Thel & Peter Siegelman, *You Do Have to Keep Your Promises: A Disorgement Theory of Contract Remedies*

David I. Walker, *Suitable for Framing: Business Deductions in a Net Income Tax System*

Notes

Brandon L. Boxler, *What To Do with Daubert: How To Bring Standards of Reliable Scientific Evidence to the National Vaccine Injury Compensation Program*

Garrett D. Urban, *Causing Damage Without Authorization: The Limitations of Current Judicial Interpretations of Employee Authorization Under the Computer Fraud and Abuse Act*

ISSUE FIVE (APRIL 2010)

Articles

Joseph Blocher, *Government Property and Government Speech*

Sharona Hoffman, *The Importance of Immutability*

Michael J. Kaufman & John M. Wunderlich, *Toward a Just Measure of Repose: The Statute of Limitations for Securities Fraud*

Charles A. Sullivan, *Plausibly Pleading Employment Discrimination*

Notes

John R. Annand, *A Coordinated Approach to Growth Control in Northern Virginia*

Stephanie Gaylord Forbes, *Sex, Cells, and SORNA: Applying Sex Offender Registration Laws to Sexting Cases*

ISSUE SIX (MAY 2010)

Articles

Michael J. Burstein, *Rules for Patents*

Tom Ginsburg, James Melton & Zachary Elkins, *On The Evasion of Executive Term Limits*

Andrew S. Gold, *A Moral Rights Theory of Private Law*

Angela Littwin, *The Affordability Paradox: How Consumer Bankruptcy's Greatest Weakness May Account for its Surprising Success*

Notes

Kevin G. Crennan, *The Viability of Certification in Federal Appellate Procedure*

Alison Graab, *The Smart Grid: A Smart Solution to a Complicated Problem*

The Notes of Volume 53

Each year, students submit many excellent notes for consideration by the Notes Committee. Congratulations to the following authors whose notes have been selected for publication in Volume 53 of the *William and Mary Law Review*.

Christopher Robert Brennan, *Katz Cradle: Holding onto Fourth Amendment Parity in an Age of Evolving Electronic Communication*

Dominique J. Church, *Neuroscience in the Courtroom: An International Concern*

James E. Evans, *The "Flesh and Blood" Defense*

Kaitlin C. Gratton, *Desperate Times Call for Desperate Measures: Reclassifying Drug Possession Offenses in Response to the Indigent Defense Crisis*

Katherine A. Peebles, *Negligent Hiring and the Information Age: How State Legislatures Can Save Employers from Inevitable Liability*

Nathan R. Pittman, *Unintentional Levels of Force in Section 1983 Excessive Force Claims*

Adam R. Prescott, *On Removal Jurisdiction's Unanimous Consent Requirement*

J. Brandon Sieg, *Tort, Not Contract: An Argument for Re-Evaluating the Economic Loss Rule and Classifying Building Damage as "Other Property" When It Is Caused by Defective Construction Materials*



The Volume 53 Articles Committee: Emily Riggs, Andrew Hass, Chris Brennan, Sam Zimmerman, Dan Carrico, Tom Ports, and Katy Gratton

Jessica C. Strock, *Setting the Terms of a Break-Up: Why the FTC's Divestiture Policy Should Prevail*

Samuel L. Zimmerman, *Understanding Confidentiality: Program Effectiveness and the Freedom of Information Act Exemption 4*

The Nation's Top Law Journals

The *William and Mary Law Review* continues to be well regarded by the legal academy and the judiciary. Our most recent law review ranking, compiled by Washington & Lee, places the *Law Review* as the twentieth-ranked journal based on the number of citations to the *Review* in legal scholarship and judicial opinions.

1. Harvard Law Review
2. Columbia Law Review
3. The Yale Law Journal
4. Stanford Law Review
5. New York University Law Review
6. Virginia Law Review
7. California Law Review
8. University of Pennsylvania Law Review
9. Michigan Law Review
10. The Georgetown Law Journal
11. Texas Law Review
12. UCLA Law Review
13. Northwestern University Law Review
14. Cornell Law Review
15. Minnesota Law Review
16. The University of Chicago Law Review
17. Fordham Law Review
18. Notre Dame Law Review
19. Vanderbilt Law Review
20. **William and Mary Law Review**
21. Duke Law Journal
22. Iowa Law Review
23. Boston University Law Review
24. North Carolina Law Review
25. Harvard Journal of Law & Technology

WILLIAM AND MARY LAW REVIEW

VOLUME 52

2010-2011

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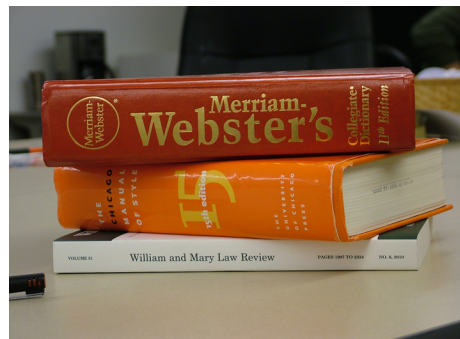
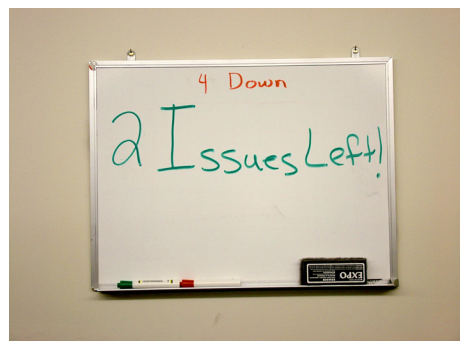
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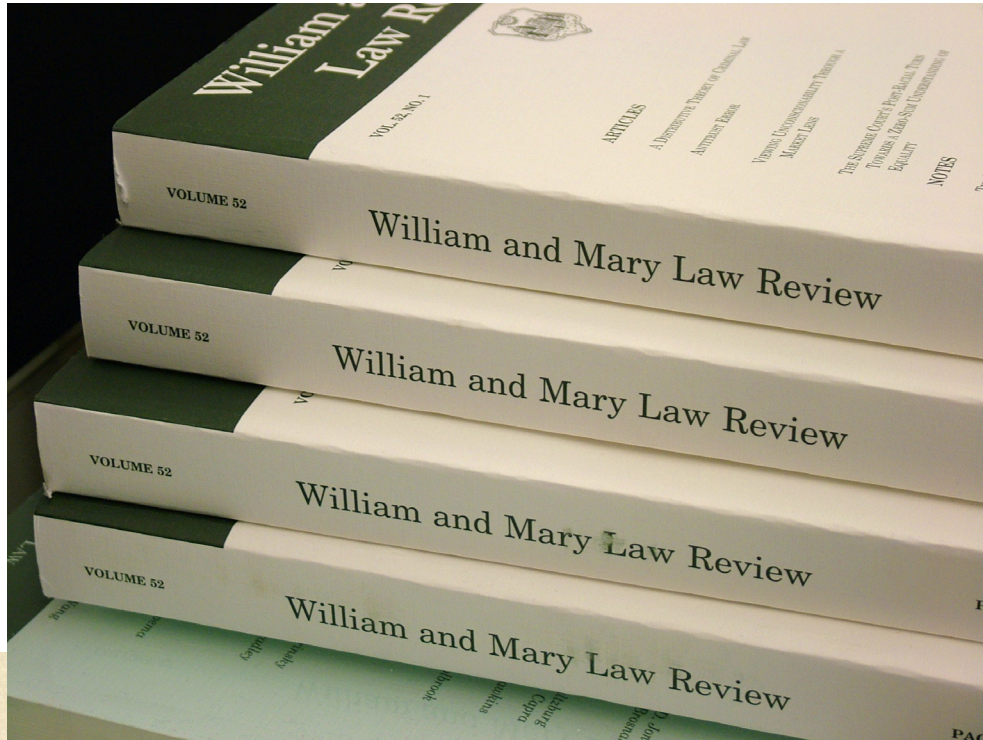
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