

Boston College Law Review

Volume 57
Issue 6 *Electronic Supplement*

Article 14

4-29-2016

Front Matter

Boston College Law Review
Boston College Law School

Follow this and additional works at: <https://lawdigitalcommons.bc.edu/bclr>

Recommended Citation

Boston College Law Review, *Front Matter*, 57 B.C. L. Rev. (2016), <https://lawdigitalcommons.bc.edu/bclr/vol57/iss6/14>

This Front Matter is brought to you for free and open access by the Law Journals at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Law Review by an authorized editor of Digital Commons @ Boston College Law School. For more information, please contact abraham.bauer@bc.edu.

BOSTON COLLEGE LAW REVIEW

Volume LVII

2016

E. Supp.

COMMENTS

ANNUAL SURVEY OF FEDERAL EN BANC AND OTHER SIGNIFICANT CASES

WHAT ALL THE FUSS ISN'T ABOUT: THE EIGHTH CIRCUIT'S MISAPPREHENSION OF APA PURPOSES IN <i>HAWKES CO. V. U.S. ARMY CORPS OF ENGINEERS</i> <i>Marnee Rand</i>	1
PRISONER DENIED SEX REASSIGNMENT SURGERY: THE FIRST CIRCUIT IGNORES MEDICAL CONSENSUS IN <i>KOSILEK V. SPENCER</i> <i>Hana Church</i>	17
IMPLIED CLASS WARFARE: WHY RULE 23 NEEDS AN EXPLICIT ASCERTAINABILITY REQUIREMENT IN THE WAKE OF <i>BYRD V. AARON'S INC.</i> <i>Tom Murphy</i>	34
DEATH IS NOT THE END: THE SECOND CIRCUIT ALLOWS POSTHUMOUS DIVISION OF PENSION BENEFITS IN <i>YALE-NEW HAVEN HOSPITAL V. NICHOLLS</i> <i>Thanithia Billings</i>	51
PERMITTED TO SUFFER FOR EXPERIENCE: SECOND CIRCUIT USES "PRIMARY BENEFICIARY" TEST TO DETERMINE WHETHER UNPAID INTERNS ARE EMPLOYEES UNDER THE FLSA IN <i>GLATT V. FOX SEARCHLIGHT PICTURES, INC.</i> <i>Michael A. Hacker</i>	67
A NEW CHAPTER IN ANTITRUST LAW: THE SECOND CIRCUIT'S DECISION IN <i>UNITED STATES V. APPLE</i> DETERMINES HUB- AND-SPOKE CONSPIRACY PER SE ILLEGAL <i>Erin Garrity</i>	84

IMMIGRANT RIGHTS IN JEOPARDY: A DENIAL OF CONSTITUTIONAL PROTECTION IN <i>DE LA PAZ V. COY</i> <i>Chris Modlish</i>	104
AN UNSEALED PACKAGE: THE NINTH CIRCUIT CREATES A CIRCUIT SPLIT WHEN INTERPRETING FDA REGULATIONS ON FOOD LABEL NUTRIENT CONTENT CLAIMS IN <i>REID V. JOHNSON & JOHNSON</i> <i>Danielle M. Haikal</i>	124
THE SKY IS NOT FALLING, TODD NEWMAN: THE NINTH CIRCUIT ENDORSES A MEASURED READING OF <i>NEWMAN</i> 'S DEFINITION OF PERSONAL BENEFIT FOR INSIDER TRADING LIABILITY IN <i>UNITED STATES V. SALMAN</i> <i>John L. Potapchuk</i>	139
DISTRIBUTION TO UNDO EXCESS: THE NINTH CIRCUIT LOOKS TO AN EQUITABLE APPROACH TO APPORTION THE COSTS OF ENVIRONMENTAL CLEANUP IN <i>AMERIPRIDE SERVICES INC. V. TEXAS EASTERN OVERSEAS INC.</i> <i>Sean A. Feener</i>	160
“VIRTUAL CERTAINTY” IN A DIGITAL WORLD: THE SIXTH CIRCUIT’S APPLICATION OF THE PRIVATE SEARCH DOCTRINE TO DIGITAL STORAGE DEVICES IN <i>UNITED STATES V. LICHTENBERGER</i> <i>Stephen LaBrecque</i>	177
<i>TURKMEN V. HASTY</i> : THE SECOND CIRCUIT HOLDS HIGHEST RANKING LAW ENFORCEMENT OFFICIALS ACCOUNTABLE FOR POST-9/11 POLICIES INFRINGING ON CONSTITUTIONAL RIGHTS <i>Sonja Marrett</i>	194
LEAP OF FAITH: DETERMINING THE STANDARD OF FAITH NEEDED TO VIOLATE THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING FOR DELAWARE LIMITED LIABILITY COMPANIES <i>Pat Andriola</i>	212

Copyright © 2016 by Boston College Law School

The *Boston College Law Review* (ISSN 0161-6587) is published five times per year: January, March, May, September, and November; the *E. Supp.* is published annually. Both are published by Boston College Law School, 885 Centre Street, Newton Centre, Massachusetts 02459.

Except as otherwise expressly provided, the copyright holder grants permission to those who wish to make copies of Comments published in the *E. Supp.* for educational use, provided that 1) copies are distributed at or below cost, 2) the author and source are identified, and 3) proper notice of copyright is affixed to each copy. **This electronic supplement is to be cited as B.C. L. REV. E. SUPP.**

BOSTON COLLEGE LAW REVIEW

Volume LVII

May 2016

E-Supp

Jennie Davis Wilusz
Editor in Chief

Emily Andersen
Managing Editor

Sarah Smith
Managing Editor

Patrick Venter
Managing Editor

Robert Rossi
Executive Articles Editor

Christian Vareika
Executive Articles Editor

William Clark
Executive Notes Editor

Erika Schutzman
Executive Comments Editor

Alice Huang
Symposium Editor

John Quinn
Symposium Editor

Articles Editors

Mary Pat Brogan
Cole Goodman
Clare Hanlon

Reed Harasimowicz
Jennifer Lichtman
James Lobo

Daniel Ruben
Ethan Rubin
Margaret Strauss

Senior Editors

Patrick Argenio
Jonathan Bard
Jovalin Dedaj
Gregory DiCiancia

Matthew Feuerman
Brian Fleming
John Giampa
Noah Johnson

Michael Jones
John Kalogriopoulos
Michael Shea
Chris Skall

Staff Writers

James Adams
James Bor
Thanithia Billings
Hana Church
Maria Colella
Danielle Crinnion
Matthew DeSilva
Sean Feener
Erin Garrity
Nicholas Green
Michael Hacker

Danielle Haikal
Michael Hanify
Liam Holland
Patrick Kessock
Stephen LaBrecque
Adam Levitsky
Robert Linnoila
Jacob Love
Sonja Marrett
Christopher Modlish
Joshua Moore
Thomas Murphy

Catherine O'Neill
Michael Patnode
Alexander Plushanski
Alexander Porter
John Potapchuk
Marnee Rand
Brian Shaud
Maria Stracqualursi
Charanya Viswanathan
Amelia Wirts
Laura Zapata-Kim

Daniel Lyons
Faculty Advisor

Patricia McCoy
Faculty Advisor

David Olson
Faculty Advisor

Nick Szydłowski
Webmaster

John Gordon
Director, Law Review Publications

Patricia Dickerson
Library Liaison

BOSTON COLLEGE LAW SCHOOL

ADMINISTRATION

WILLIAM P. LEAHY, S.J., B.A., M.A., M.Div., S.T.L., Ph.D., President
MICHAEL J. LOCHHEAD, B.S., M.B.A., Executive Vice President
DAVID QUIGLEY, M.A., Ph.D., Provost, Dean of Faculties
VINCENT D. ROUGEAU, A.B., J.D., Dean
MARIS ABBENE, B.A., J.D., Associate Dean for Academic, Career & Student Services
FILIPPA MARULLO ANZALONE, A.B., M.S.L.S., J.D., Associate Dean for Library & Computing Services,
Professor of Law
JESSICA CASHDAN, B.A., M.A., Executive Director of Advancement & Associate Dean
JOSEPH P. LIU, B.A., J.D., LL.M., Associate Dean for Faculty, Professor of Law
JOHN P. STACHNIEWICZ, A.B., M.A., Associate Dean for Finance & Administration
PAUL R. TREMBLAY, B.A., J.D., Associate Dean of Experiential Learning, Clinical Professor of Law
TRACEY WEST, B.A., J.D., Associate Dean for External Relations, Diversity & Inclusion
HEATHER HAYES, B.A., J.D., Assistant Dean for Career Services
RITA C. SIMPSON, B.A., Assistant Dean for Admissions & Financial Aid
FREDERICK M. ENMAN, S.J., B.A., J.D., Special Assistant to the Dean for Students
JOHN A. GORDON, B.S., J.D., Director of Law Review Publications
JOAN MANNA, B.A., M.A., Operations Manager

FULL-TIME FACULTY

RICHARD ALBERT, B.A., B.C.L., J.D., LL.M.,
Assistant Professor of Law
ALEXIS ANDERSON, B.A., M.A., J.D., Associate
Clinical Professor of Law
FILIPPA MARULLO ANZALONE, A.B., M.S.L.S.,
J.D., Professor of Law
PAULO BARROZO, LL.B., M.Jur., Ph.D., LL.M.,
S.J.D., Associate Professor of Law
SHARON BECKMAN, A.B., J.D., Associate
Clinical Professor of Law
MARY SARAH BILDER, B.A., A.M., J.D., Ph.D.,
Professor of Law
ROBERT M. BLOOM, B.S., J.D., Professor of Law
E. JOAN BLUM, A.B., J.D., Associate Professor of
Legal Reasoning, Research & Writing
MARK S. BRODIN, B.A., J.D., Professor of Law
GEORGE D. BROWN, A.B., J.D., Robert Drinan,
S.J. Professor of Law
R. MICHAEL CASSIDY, B.A., J.D., Professor of
Law
MARY ANN CHIRBA, B.A., M.P.H., Sc.D., J.D.,
Professor of Legal Reasoning, Research &
Writing
DANIEL R. COQUILLETTE, A.B., B.A., M.A.,
J.D., J. Donald Monan, S.J. Professor of Law
SCOTT T. FITZGIBBON, A.B., J.D., B.C.L.,
Professor of Law
FRANK J. GARCIA, B.A., J.D., Professor of Law
JANE K. GIONFRIDDO, B.A., J.D., Professor of
Legal Reasoning, Research & Writing
KENT GREENFIELD, A.B., J.D., Professor of Law
DEAN M. HASHIMOTO, A.B., M.S., M.P.H.,
M.D., J.D., Associate Professor of Law
FRANK R. HERRMANN, S.J., A.B., M.Div., J.D.,
Associate Professor of Law
INGRID M. HILLINGER, A.B., J.D., Professor of
Law
MARY HOLPER, B.A., J.D., Associate Clinical
Professor; Director, Immigration Clinic
KARI E. HONG, A.B., J.D., Assistant Professor of
Law
RENEE M. JONES, A.B., J.D., Professor of Law
DANIEL KANSTROOM, B.A., J.D., LL.M.,
Professor of Law
M. CATHLEEN KAVENY, A.B., M.A.,
J.D., P.Phil., Ph.D., Darald & Juliet Libby
Professor of Law
ELISABETH KELLER, B.A., M.A., J.D., Associate
Professor of Legal Reasoning, Research &
Writing
THOMAS C. KOHLER, B.A., J.D., LL.M.,
Professor of Law
JOSEPH P. LIU, B.A., J.D., LL.M., Professor of
Law
DANIEL LYONS, A.B., J.D., Associate Professor of
Law
PATRICIA A. McCOY, B.A., J.D., Liberty Mutual
Insurance Professor of Law
RAY D. MADOFF, A.B., J.D., LL.M., Professor of
Law
JUDITH A. McMORROW, B.A./B.S., J.D.,
Professor of Law
ALAN D. MINUSKIN, B.A., J.D., Associate
Clinical Professor of Law
DAVID OLSON, B.A., J.D., Associate Professor of
Law
LYNNISE E. PANTIN, B.A., J.D., Associate
Clinical Professor of Law
VLAD PERJU, LL.B., LL.M., S.J.D., Associate
Professor of Law
ZYGMUNT J.B. PLATER, B.A., J.D., LL.M.,
S.J.D., Professor of Law
BRIAN J.M. QUINN, B.S.F.S., M.P.P., J.D., M.L.S.,
Associate Professor of Law
JAMES R. REPETTI, A.B., M.B.A., J.D., William J.
Kenealy, S.J. Professor of Law
DIANE RING, A.B., J.D., Professor of Law
JAMES STEVEN ROGERS, A.B., J.D., Professor of
Law
EVANGELINE SARDA, B.A., J.D., Associate
Clinical Professor of Law
FRANCINE SHERMAN, B.A., J.D., Associate
Clinical Professor, Director, Juvenile Rights
Advocacy Project
NATALYA SHNITSER, B.A., M.A., J.D., David &
Pamela Donohue Assistant Professor of Law
MARK SPIEGEL, A.B., J.D., Professor of Law
JUDITH B. TRACY, B.A., J.D., Associate Professor
of Legal Reasoning, Research & Writing
PAUL R. TREMBLAY, B.A., J.D., Clinical
Professor of Law
CATHARINE WELLS, B.A., M.A., Ph.D., J.D.,
Professor of Law
DAVID A. WIRTH, A.B., A.M., J.D., Professor of
Law
ALFRED C. YEN, B.S., M.S., J.D., Professor of
Law
KATHARINE G. YOUNG, B.A., LL.B., S.J.D.,
LL.M., Associate Professor of Law