Front Matter

Boston College Law Review

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

Recommended Citation

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 nick.szydlowski@bc.edu.
ESSAYS

THE INTERDEPENDENT RELATIONSHIP OF A FREE PRESS AND AN INDEPENDENT JUDICIARY IN A CONSTITUTIONAL DEMOCRACY
Robert J. Cordy .............................................................. I.-1

THIRD-PARTY FUNDING IN INVESTMENT ARBITRATION: MISAPPROPRIATION OF ACCESS TO JUSTICE RHETORIC BY GLOBAL SPECULATIVE FINANCE
Tara Santosuosso & Randall Scarlett ........................................ I.-8

COMMENTS

ANNUAL SURVEY OF FEDERAL EN BANC AND OTHER SIGNIFICANT CASES

CATEGORIZING WAYNE’S WORLD: THE PUBLIC FORUM DOCTRINE AND PUBLIC ACCESS CHANNELS
Michael Molstad ....................................................................... II.-1

SURVIVAL OF THE TRADEMARK LICENSE: IN RE TEMENOLOGY AND CONTRACT REJECTION IN BANKRUPTCY
Avery Minor ............................................................................... II.-17

IS TROLLING TRUMP A RIGHT OR A PRIVILEGE?: THE ERRONEOUS FINDING IN KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY V. TRUMP
Lauren Beausoleil ....................................................................... II.-31

DUTY OR NO DUTY? THAT IS THE QUESTION: THE SECOND CIRCUIT REASSERTS THAT A VIOLATION OF ITEM 303’S DUTY TO DISCLOSE CAN ESTABLISH LIABILITY UNDER SECTION 10(B)
Rebecca Rabinowitz .................................................................. II.-47

“GOOD FAITH” TRADEMARK INFRINGEMENT: THE NINTH CIRCUIT’S APPROACH TO THE TEA ROSE-RECTANUS DOCTRINE
Roya Tabibi ............................................................................... II.-65

THE EFFECT OF THE INTERNET ERA AND SOUTH DAKOTA V. WAYFAIR ON THE UNITARY BUSINESS RULE
Phillip Popkin ............................................................................. II.-82
A TRAGEDY OF NOVELTY: IS FOR-CAUSE REMOVAL PROTECTION FOR THE CONSUMER FINANCIAL PROTECTION BUREAU’S SINGLE DIRECTOR A FATAL FLAW?

Logan Hovie .................................................................................................................. II.-100

WHEN THE SAME WORDS MEAN DIFFERENT THINGS: VARJABEDIAN V. EMULEX CORP., AND THE REQUIREMENTS OF SECTION 14(E) OF THE EXCHANGE ACT

Isaac Lederman .............................................................................................................. II.-120

SIZE MATTERS: FORCE AND SIZE DISPARITY IN CASES OF AGGRAVATED SEXUAL ABUSE

Janine Hanrahan ............................................................................................................. II.-136

POLICING CYBERSPACE: THE UNCERTAIN FUTURE OF DATA PRIVACY AND SECURITY ENFORCEMENT IN THE WAKE OF LABMD

Julia Whall ..................................................................................................................... II.-149

TO BE PHYSICALLY PRESENT OR NOT TO BE PHYSICALLY PRESENT: THE USE OF VIDEOCONFERENCES DURING FELONY PROCEEDINGS

Meaghan Annett ........................................................................................................... II.-165

ADA LITIGATION CANNOT REASONABLY ACCOMMODATE PER SE RULES

Meg Ziegler ................................................................................................................. II.-180

HEADS I WIN, TAILS YOU loose: THE “EXPENSE” OF A DE NOVO REVIEW OF USPTO DECISIONS

Sarah Murphy ............................................................................................................... II.-197

U.S. CITIZENS DETAINED AND DEPORTED? A TEST OF THE GREAT WRIT’S REACH IN PROTECTING DUE PROCESS RIGHTS IN REMOVAL PROCEEDINGS

Caroline Holliday ........................................................................................................... II.-217

HOUR LATE ON YOUR BAIL, SPEND THE WEEKEND IN JAIL: SUBSTANTIVE DUE PROCESS AND PRETRIAL DETENTION

Coleman Gay .................................................................................................................. II.-237

NARROWING IN ON THE PROBLEM: A COMPONENT-LEVEL ANALYSIS OF “HYBRID” MEDICAL DEVICES

Jillian Friedmann ........................................................................................................... II.-258

PUBLIC OR PRIVATE? THE SPLIT OVER FIRST AMENDMENT PROTECTION OF UNION SPEECH BY PUBLIC EMPLOYEES

Meredith McCaffrey ..................................................................................................... II.-274
THE NINTH CIRCUIT ENTERS THE CLASS CERTIFICATION FRAY:
SALI’S REJECTION OF EVIDENTIARY FORMALISM AND ITS
IMPLICATIONS
Jessica Bachetti .................................................................II.-292

DIGGING DEEP: THE CLEAN WATER ACT’S APPLICABILITY TO
GROUNDWATER DISCHARGES
Justin Rheingold ...............................................................II.-311

A MEANINGFUL OPPORTUNITY FOR RELEASE: GRAHAM AND
MILLER APPLIED TO DE FACTO SENTENCES OF LIFE WITHOUT
PAROLE FOR JUVENILE OFFENDERS
Anton Tikhomirov .........................................................II.-332
Boston College Law School publishes the Boston College Law Review (ISSN 0161-6587) eight times per year: in January, February, March, April, May, June, October, and November. In addition, the Review publishes an electronic supplement, the E. Supp., once per year. Editorial and Business Offices: Boston College Law Review, 885 Centre Street, Newton Centre, Massachusetts 02459. Telephone: (617) 552-8557; email: bclr@bc.edu. Periodical-class postage paid at Boston, Massachusetts and additional mailing offices. POSTMASTER: Send address changes to Boston College Law Review, P.O. Box 465, Hanover, PA 17331.

Current subscription: $70.00; single issues: $10.00 (plus $10.00 for foreign mailing for both).

Print issues from the current and previous years’ volumes are available upon request. Back issues of volumes 1–53 may be obtained from William S. Hein & Co., Inc. Warehouse, 24 East Ferry St., Buffalo, New York 14209–1987, (716) 882–2600. (Back issues in electronic format are available at HeinOnLine http://heinonline.org/). Please direct requests for issues from volume 54 onward to Sheridan Press, 450 Fame Avenue, Hanover, PA 17331, (717) 632–3535.

Address changes should be sent at least 45 days before the date of the issue with which it is to take effect. The post office will not forward copies unless subscribers provide extra postage. Claims for missing issues will be honored for one year from the date of publication only. Direct subscription queries, claims, and address changes to:

Boston College Law Review
P.O. Box 465
Hanover, PA 17331
(717) 632–3535 (ask for Subscriber Services)
Fax: (717) 633–8920
Email: pubsve.tsp@sheridan.com
ADMINISTRATION

WILLIAM P. LEAHEY, 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
DIANE RING, A.B., J.D., Associate Dean of Faculty
RENEE M. JONES, A.B., J.D., Associate Dean of Academics
MARISS ABBENE, B.A., J.D., Associate Dean of Students
FILIPPA MARULLO ANZALONE, A.B., M.S.L.S., J.D., Associate Dean for Library & Computing Services
JUDITH A. McMORROW, B.A./B.S., J.D., Associate Dean of Experiential Learning & Global Engagement
HEATHER HAYES, B.A., J.D., Interim Associate Dean for Finance & Administration
TRACEY WEST, B.A., J.D., Associate Dean for External Relations, Diversity & Inclusion
KAREN DOHERTY, Assistant Dean for Academic & Student Services
SHAWN McSHAY, B.A., Assistant Dean for Admissions & Financial Aid
JENNIFER PERRIGO, B.A., J.D., Interim Assistant Dean for Career Services
JOHN A. GORDON, B.S., J.D., Director of Law Review Publications

FULL-TIME FACULTY

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., Founders 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
CHERYL S. BLATT, B.A., J.D., Assistant 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
JEFFREY M. COHEN, B.A., M.St., J.D., Assistant 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
CLAIRE DONOHUE, B.S., J.D., M.S.W., LLC, Assistant Clinical Professor of Law
DANIEL FARMBAN, A.B., J.D., Assistant Professor of Law
SCOTT T. FITZGIBBON, B.A., J.D., B.C.L., professor of Law
FRANK J. GARCIA, B.A., J.D., Professor of Law
KENT GREENFIELD, A.B., J.D., Professor of Law
HIBA HAFIZ, B.A., M.A., 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 HOPPER, B.A., J.D., Associate Clinical Professor; Director, Immigration Clinic
KARTE 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
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
RAY D. MADOFF, A.B., J.D., LL.M., Professor of Law
PATRICIA A. MCCOY, B.A., J.D., Liberty Mutual Insurance 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
SHU-YI OEI, A.B., M.T.S., J.D., Assistant Professor of Law
DAVID OLSON, B.A., J.D., Associate Professor of Law
LYNNNE 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
VINCENT D. ROUGEAU, A.B., J.D., Dean & Professor of Law
EVANGELINE SARDI, 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
PAUL R. TREMBLAY, B.A., J.D., Clinical Professor of Law
MAUREEN VAN NESTE, A.B., M.P.A., J.D., Assistant Professor of Legal Reasoning, Research & Writing
CATHERINE WELLS, B.A., M.A., M.P.A., J.D., Assistant Professor of Law
RYAN WILLIAMS, B.A., J.D., Assistant 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., L.L.M., Associate Professor of Law