



---

Fall 9-1-2015

## Masthead and Front Matter

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlulr>



Part of the [Law Commons](#)

---

### Recommended Citation

*Masthead and Front Matter*, 72 Wash. & Lee L. Rev. (2015).

Available at: <https://scholarlycommons.law.wlu.edu/wlulr/vol72/iss4/1>

This Prefatory Matter is brought to you for free and open access by the Washington and Lee Law Review at Washington and Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Law Review by an authorized editor of Washington and Lee University School of Law Scholarly Commons. For more information, please contact [christensena@wlu.edu](mailto:christensena@wlu.edu).

# WASHINGTON AND LEE LAW REVIEW

---

Volume 72

---

*Editor in Chief*  
STEPHEN R. HALPIN III

*Executive Editors*  
KRISTA CONSIGLIO  
MEG E. SAWYER

*Managing Editors*  
JONATHAN L. CAULDER  
MICHAEL E. EVANS

*Senior Articles Editors*  
DAVID L. JOHNSON  
R. GARRETT RICE

*Symposium Editor*  
PAUL M. WILEY

*Online Development Editors*  
ALEXANDER D. FLACHSBART  
KRYSTAL B. SWENDSBOE

LAUREN A. BROWN  
JOHN C.C. BYRNE II  
AMANDA L. CECIL  
MICHAEL G. FINNELL

*Lead Articles Editors*  
AUSTIN L. LOMAX  
GEORGE M. MACKIE V  
TARA L. MACNEILL  
BRENDAN P. MCHUGH

KATHERINE L. MOSS  
DANIEL R. NAPIER  
KATHERINE C. SKILLING  
ANDREW T. SQUIRES

*Staff Editors*  
JOSHUA M. DEAL  
CRAIG N. HARING  
LINDSEY K. JONES  
ADAM C. WENDEL

*Faculty Advisor*  
CHRISTOPHER B. SEAMAN

*Administrative Assistant*  
LISA A. GEARHEART

# WASHINGTON AND LEE LAW REVIEW

---

Volume 73

---

*Editor in Chief*

JENNIFER L. COMMANDER

*Executive Editors*

CHARLOTTE W. RHODES  
BROOKE A. WEEDON

*Managing Editors*

KERRIANN E. LAUBACH  
CLAIRE L. LEONARD

*Senior Articles Editors*

ALEXANDRA L. KLEIN  
LOREN K. PECK

*Symposium Editor*

CHRISTINA L. TACORONTI

*Online Managing Editors*

ALYSON M. COX  
EMILY E. TICHENOR

J. ZACHARY BALASKO  
BRITTANY A. DUNN-PIRIO  
JOHN R. FITZGERALD

*Lead Articles Editors*

JULIANNE C. FREEMAN  
KELTON P. FRYE  
KRISTA M. HAAB

PAUL C. JUDGE  
ELAINE D. MCCAFFERTY  
MICHAEL J. McMILLIN

*Online Lead Articles Editors*

BORIS BINDMAN  
PAUL K. KEITH

*Staffwriters*

ANN M. ANDERSON  
LUCAS M. BARTA  
ANN S. COX  
KIERSTY M. DEGROOTE  
MITCHELL D. DILES  
JENNA M. LORENCE  
ANDREA I. MARSHALL  
DANIEL J. MARTIN  
LAUREN A. MICHNICK  
LEANNA C. MINIX

D. MCNAIR NICHOLS JR.  
BRENT M. PHIPPS  
KEVIN RICKERT  
WILLIAM C. SIMMERSON  
JAMES E. SIMON  
ASHLEY C. SLISZ  
PETER M. SZEREMETA  
ARTHUR R. VORBRODT  
CLINTON T. WILLIAMS  
JESSICA A. WINN

*Faculty Advisor*

CHRISTOPHER B. SEAMAN

*Administrative Assistant*

LISA A. GEARHEART

***Administration and Faculty, Washington and Lee School of Law 2015–2016***

***Washington and Lee University***

---

**KENNETH P. RUSCIO, B.A., M.P.A., Ph.D.**  
*President of the University*

***Deans and Administrative Department Heads***

---

**BRANT J. HELLWIG, B.S., J.D., LL.M.**  
*Dean and Professor of Law*

**SAMUEL W. CALHOUN, B.A., J.D.**  
*Associate Dean for Academic Affairs and Professor of Law*

**PAUL ROLLINS, B.A., J.D.**  
*Associate Dean for Administration & Student Affairs*

**ELIZABETH BRANNER, B.A., M.B.A.**  
*Assistant Dean for Law School Advancement*

**CLIFF JARRETT, B.A., J.D.**  
*Assistant Dean for Career Strategy*

**PETER T. JETTON, B.A., M.A.**  
*Director of Communications*

**MARY Z. NATKIN, B.A., J.D.**  
*Clinical Professor of Law and Director of Academic Success*

**CAROLINE OSBORNE, B.A., J.D., LL.M., M.S.L.S.**  
*Assistant Dean for Legal Information Services and Professor of Legal Research*

***Emeritus Faculty***

---

**DENIS J. BRION, B.S., J.D.**  
*Professor of Law, Emeritus*

**WILLIAM S. GEIMER, B.S., J.D.**  
*Professor of Law, Emeritus*

**EDWARD O. HENNEMAN, B.A., J.D.**  
*Associate Professor of Law, Emeritus*

**TIMOTHY S. JOST, B.A., J.D.**  
*Professor of Law, Emeritus*

**FREDERIC L. KIRGIS, B.A., J.D.**  
*Law Alumni Association Professor of Law, Emeritus*

**LEWIS H. LARUE, A.B., LL.B.**  
*Professor of Law, Emeritus*

**ANN MACLEAN MASSIE, B.A., M.A., J.D.**  
*Professor of Law, Emerita*

**ANDREW W. MCTHENIA, JR., A.B., M.A., LL.B.**  
*Professor of Law, Emeritus*

**JAMES M. PHEMISTER, B.S., J.D.**  
*Professor of Law, Emeritus*

**JOSEPH E. ULRICH, B.A., J.D.**  
*Professor of Law, Emeritus*

***Permanent Faculty***

---

**DAVID BALUARTE, B.A., J.D.**  
*Assistant Clinical Professor of Law and Director, Immigrant Rights Clinic*

**C. ELIZABETH BELMONT, B.A., J.D.**  
*Clinical Professor of Law and Director, Community Legal Practice Center*

**JOHANNA E. BOND, B.A., J.D., LL.M.**  
*Professor of Law*

**Administration and Faculty, Washington and Lee School of Law 2015–2016**

**DAVID I. BRUCK, B.A., J.D.**

*Clinical Professor of Law and Director, Virginia Capital Case Clearinghouse*

**CHRISTOPHER M. BRUNER, A.B., M.Phil., J.D.**

*William Donald Bain Family Professor of Corporate Law and Director, Frances Lewis Law Center*

**ROBERT T. DANFORTH, B.A., J.D.**

*Professor of Law*

**NORA V. DEMLEITNER, B.A., J.D., LL.M.**

*Dean and Roy L. Steinheimer, Jr. Professor of Law*

**MARK A. DRUMBL, B.A., M.A., J.D., LL.M., J.S.D.**

*Class of 1975 Alumni Professor of Law and Director, Transnational Law Institute*

**MICHELLE L. DRUMBL, B.A., J.D., LL.M.**

*Clinical Professor of Law and Director, Tax Clinic*

**JOSHUA A.T. FAIRFIELD, B.A., J.D.**

*Professor of Law*

**JILL M. FRALEY, B.A., J.D., LL.M., J.S.D.**

*Associate Professor of Law*

**SUSAN D. FRANCK, A.A., B.A., J.D., LL.M.**

*Professor of Law*

**MARK H. GRUNEWALD, B.A., J.D.**

*James P. Morefield Professor of Law*

**MARGARET HOWARD, A.B., J.D., M.S.W., LL.M.**

*Law Alumni Association Professor of Law*

**MARGARET HU, B.A., J.D.**

*Assistant Professor of Law*

**LYMAN P.Q. JOHNSON, B.A., J.D.**

*Robert O. Bentley Professor of Law*

**JOHN D. KING, B.A., J.D., LL.M.**

*Associate Clinical Professor of Law and Director, Criminal Justice Clinic*

**TIMOTHY C. MACDONNELL, B.A., J.D., LL.M., LL.M.**

*Associate Clinical Professor of Law and Director, Advanced Administrative Litigation Clinic (Black Lung)*

**RUSSELL A. MILLER, B.A., J.D., M.A., LL.M.**

*Professor of Law*

**DAVID MILLON, B.A., M.A., Ph.D., J.D.**

*J.B. Stombock Professor of Law*

**JAMES E. MOLITERNO, B.S., J.D.**

*Vincent Bradford Professor of Law*

**BRIAN C. MURCHISON, B.A., J.D.**

*Charles S. Rowe Professor of Law and John W. Elrod Law Alumni Faculty Fellow for Teaching*

**KISH PARELLA, B.A., M.PHIL., J.D., LL.M.**

*Assistant Professor of Law*

**DOUG RENDLEMAN, B.A., M.A., J.D., LL.M.**

*Robert E.R. Huntley Professor of Law*

**VICTORIA SHANNON SAHANI, B.A., J.D.**

*Assistant Professor of Law*

**CHRISTOPHER B. SEAMAN, B.A., J.D.**

*Associate Professor of Law*

**JOAN M. SHAUGHNESSY, B.A., J.D.**

*Roger D. Groot Professor of Law*

***Administration and Faculty, Washington and Lee School of Law 2015–2016***

**SARAH K. WIANT, B.A., M.L.S., J.D.**

*Professor of Law*

***Visiting and Extended Faculty***

---

**MELINA CONSTANTINE BELL, B.A., J.D., M.P.H., M.A., Ph.D.**

*Associate Professor of Philosophy and Associate Professor of Law (by courtesy)*

**MICHAEL BUCHHANDLER-RAPHAEL, LL.B., LL.M., LL.M., S.J.D.**

*Visiting Assistant Professor of Law*

**ALBERT V. CARR, B.A., J.D.**

*Visiting Professor of Law*

**KEVIN L. COPE, B.A., J.D., LL.M.**

*Visiting Assistant Professor of Law*

**DAVID EGGERT, B.A., J.D.**

*Visiting Professor of Law*

**DANIEL EVANS, B.A., B.S., J.D.**

*Visiting Professor of Law*

**JUSTICE DONALD W. LEMONS, B.A., J.D.**

*Distinguished Professor of Judicial Studies*

**TODD C. PEPPERS, B.A., J.D., Ph.D.**

*Visiting Professor of Law*

**THOMAS H. RICE, B.A., J.D.**

*Visiting Professor of Law*

**JONATHAN SHAPIRO, B.A., J.D.**

*Visiting Professor of Law*

**CHRISTOPHER J. WHELAN, LL.B., Ph.D.**

*Visiting Professor of Law*

***Adjunct and Extended Faculty***

---

**JONATHAN M. APGAR, B.A., J.D.**

*Professor of Practice*

**NEIL V. BIRKHOFF, B.A., J.D., LL.M.**

*Adjunct Professor of Law*

**JOEL BLECHER, B.A., M.A., Ph.D.**

*Assistant Professor of Religion and Adjunct Professor of Law*

**BRYAN A. BONNER, B.A., J.D.**

*Professor of Practice*

**KELLY BROTZMAN, B.A., M.A., Ph.D.**

*Adjunct Professor of Law*

**R. EDWIN BURNETTE, JR., B.A., J.D.**

*Professor of Practice*

**DAVID B. CARSON, B.A., J.D.**

*Professor of Practice*

**JOHN H. CRADDOCK, JR., B.S.E., J.D., LL.M.**

*Professor of Practice*

**MICHELLE CRADDOCK, B.S., J.D.**

*Professor of Practice*

**DAVID DEJONG, B.A., J.D., LL.M.**

*Professor of Practice*

**CHARLES DORSEY, B.A., J.D.**

*Professor of Practice*

**HANS PETER DYKE, B.A., J.D.**

*Professor of Practice*

**KELLY L. FAGLIONI, B.A., J.D.**

*Professor of Practice*

***Administration and Faculty, Washington and Lee School of Law 2015–2016***

**C. REID FLINN, B.A., J.D.**

*Adjunct Professor of Law*

**ANDREW FOX, B.A., M.S., J.D.**

*Professor of Practice*

**LETHIA C. HAMMOND, B.A., J.D.**

*Adjunct Professor of Law*

**PATRICK R. HANES, B.A., J.D.**

*Professor of Practice*

**JARED HEMBREE, B.A., J.D.**

*Adjunct Professor of Law*

**JERALD HESS, B.A., J.D.**

*Professor of Practice*

**TRICIA A. HOEFLING, B.S., J.D.**

*Professor of Practice*

**TIMOTHY KEEFER, B.A., J.D.**

*Adjunct Professor of Law*

**TOYJA KELLEY, B.A., J.D.**

*Professor of Practice*

**CHARLES T. KOTUBY, B.A., J.D., LL.M.**

*Professor of Practice*

**REX LAMB, B.A., J.D.**

*Professor of Practice*

**GARREN LAYMON, B.S., J.D.**

*Professor of Practice*

**MATTHEW LIGHT, B.A., J.D.**

*Professor of Practice*

**TIMOTHY LUBIN, B.A., M.T.S., Ph.D.**

*Adjunct Professor of Law*

**JAMES E. MAHON, B.A., M. Phil., Ph.D.**

*Adjunct Professor of Law*

**JOHN LAWRENCE MANNING, B.S., LL.B., J.D.**

*Adjunct Professor of Law*

**HARDIN MARION, B.A., LL.B.**

*Professor of Practice*

**CHARLIE MARTEL, M.A., J.D.**

*Professor of Practice*

**WILLIAM A. MCGRATH, B.F.A., J.D.**

*Professor of Practice*

**KATHERINE MCKNIGHT, B.A., J.D.**

*Professor of Practice*

**MICHAEL J. MICHAELLES, B.A., J.D.**

*Professor of Practice*

**JOHN J. MILES, B.S., M.A., J.D.**

*Adjunct Professor of Law*

**PHYLISSA D. MITCHELL, B.A., J.D.**

*Adjunct Professor of Law*

**FRANK W. MORRISON, B.A., J.D.**

*Adjunct Professor of Law*

**LAWRENCE LLOYD MUIR, JR., B.A., J.D.**

*Adjunct Professor of Law*

**STEPHEN WILLS MURPHY, B.A., M.Phil., Ph.D., J.D.**

*Adjunct Professor of Law*

**J. ROSS NEWELL, III, B.A., J.D.**

*Professor of Practice*

***Administration and Faculty, Washington and Lee School of Law 2015–2016***

**CAROL D. NEWMAN, B.A., Ph.D., J.D.**

*Professor of Practice*

**BRIAN PATRICK NICHOLSON, B.A., J.D.**

*Professor of Practice*

**JAMES J. O'KEEFFE, B.A., J.D.**

*Professor of Practice*

**HADLEY PERKINS, B.A., J.D.**

*Professor of Practice*

**HOWARD PICKETT, B.A., M.A., Ph.D.**

*Director and Assistant Professor, Shepard Program and Adjunct Professor of Law*

**CLARA MARIA POFFENBERGER, B.A., M.A., J.D.**

*Adjunct Professor of Law*

**GRAHAM PRICHARD, B.A., J.D.**

*Adjunct Professor of Law*

**ANTHONY H. RICKERT, B.A., J.D.**

*Professor of Practice*

**TIM RUEBKE, A.A., B.S.W., M.A.**

*Adjunct Professor of Law*

**CHRISTOPHER B. RUSSELL, A.B., J.D.**

*Professor of Practice*

**KRISTINA D. RUTLEDGE, B.A., J.D.**

*Adjunct Professor of Law*

**MONICA SANDERS, B.S., J.D., LL.M.**

*Professor of Practice*

**GILBERT E. SCHILL, JR., B.A., J.D.**

*Professor of Practice*

**JAMES S. SEEVERS, JR., B.A., J.D.**

*Professor of Practice*

**GUY BRYAN SEREFF, II, B.S., J.D.**

*Professor of Practice*

**LUKE A. SOBOTA, B.A., J.D.**

*Professor of Practice*

**GREGORY N. STILLMAN, B.A., J.D.**

*Professor of Practice*

**C. J. STEUART THOMAS, III, B.A., J.D.**

*Professor of Practice*

**KING F. TOWER, B.A., J.D.**

*Adjunct Professor of Law*

**DANIEL J. VICTOR, B.A., J.D.**

*Professor of Practice*

**ED WALKER, B.A., J.D.**

*Professor of Practice*

**WILLIAM P. WALLACE, JR., B.A., J.D.**

*Professor of Practice*

**ELIZABETH BURGIN WALLER, B.A., J.D.**

*Adjunct Professor of Law*

**DAVID G. WEAVER, B.A., J.D.**

*Professor of Practice*

**MARK A. WILLIAMS, B.A., J.D., M.B.A.**

*Professor of Practice*

**R. CRAIG WOOD, B.A., M.Ed., J.D.**

*Professor of Practice*

**ROBERT C. WOOD, III, B.A., LL.B.**

*Adjunct Professor of Law*



*Administration and Faculty, Washington and Lee School of Law 2015–2016*

**HENRY L. WOODWARD, A.B., LL.B.**

*Professor of Practice*

**CHARLES L. WOODY, B.A., J.D.**

*Professor of Practice*

**JASON WRIGHT, B.S., J.D., M.St.**

*Professor of Practice*

**JULIE YOUNGMAN, B.A., M.A., J.D.**

*Professor of Practice*

**Each year, the Frances Lewis Law Center, the Washington and Lee Law Review, and other Washington and Lee University School of Law organizations co-sponsor the Lara D. Gass Symposium, examining prospects for change in an important area of the law.**

**Forthcoming Lara D. Gass Symposium**

*Commonwealth v. Giarrantano: A Case Study of the Modern Death Penalty*                      Forthcoming 2016

**Previous major Symposia**

*Cybersurveillance in the Post-Snowden Age*                      Volume 72:3 (2015)

*Roe at 40: The Controversy Continues*                      Volume 71:2 (2014)  
(November 7–8, 2013)

*Gideon at 50: Reassessing the Right to Council* (November 8–9, 2012)                      Volume 70:2 (2013)

*Regulation in the Fringe Economy*                      Volume 69:2 (2012)  
(November 10–11, 2011)

*Restitution Rollout: The Restatement (Third) of Restitution & Unjust Enrichment* (February 25, 2011)                      Volume 68:3 (2011)

*Prosecutorial Power: A Transnational Symposium* (April 1–2, 2010)                      Volume 67:4 (2010)

*Protecting Virtual Playgrounds: Children, Law, and Play Online*                      Volume 66:3 (2009)  
(October 3, 2008)

*The Restitution Roundtable*                      Volume 65:3 (2008)  
(December 14, 2007)

**For information about upcoming symposia, please contact:**

Wendy Rice, Frances Lewis Law Center, Washington and Lee University School of Law, 1 Denny Circle, Lexington, Virginia 24450; (540) 458-8568.

**To obtain *Washington and Lee Law Review* symposia issues, please contact:** Washington and Lee Law Review, Room 408, Washington and Lee University School of Law, 1 Denny Circle, Lexington, Virginia 24450; (540) 458-8566.

## WASHINGTON AND LEE LAW REVIEW

**Statement of Ownership, Management, and Circulation:** The *Washington and Lee Law Review* (ISSN 0043-0463) is owned by Washington and Lee University and is published quarterly by students of Washington and Lee University School of Law. The *Law Review* is printed at Joe Christensen, Inc., 1540 Adams Street, Lincoln, Nebraska, and is entered as a periodical with postage paid at post offices in Lexington, Virginia, and Lincoln, Nebraska. POSTMASTER: Send address corrections to Washington and Lee Law Review, Room 408, Washington and Lee University School of Law, 1 Denny Circle, Lexington, Virginia 24450-2116. Jennifer L. Commander is the 2015–2016 Editor in Chief. The phone number is (540) 458-8566; the fax number is (540) 458-4679; and the e-mail address is lawreview@wlu.edu. The average number of copies printed of each issue during the preceding twelve months was 271.

**Subscription Information:** The subscription price for Volume 72 (four issues) of the *Washington and Lee Law Review* is \$75.00 (\$90.00 for subscriptions outside the United States). Please e-mail all subscription requests to the Washington and Lee Law Review at lawreview@wlu.edu. Subscriptions will be renewed automatically unless the Law Review receives notice of cancellation by December 31.

**Back Issues:** Volume 72 may each be purchased directly from the Washington and Lee Law Review at the current subscription price of \$75.00 (\$90.00 for foreign subscriptions) per volume. Individual issues cost \$40.00 (includes postage). Volumes 1 through 71, may be purchased from:

William S. Hein & Co., Inc.  
1285 Main Street  
Buffalo, NY 14209-1987  
Call (800) 828-7571 to order

**Copies of Articles:** Except as otherwise provided, the author of each article in this issue and the *Washington and Lee Law Review* grant permission for copies to be made available for classroom use, provided that: (1) the copies are distributed at or below cost; (2) the author and the Law Review are identified on each copy; (3) a proper notice of copyright is affixed to each copy; and (4) the user notifies the Law Review that copies have been made. Articles are also available through Westlaw, LEXIS, and Hein Online.

**Disclaimer:** Materials published in the *Washington and Lee Law Review* state the views of the authors. The *Washington and Lee Law Review* takes no responsibility for any statement made here.

**World Wide Web Address:** The Washington and Lee Law Review maintains a website at <http://law.wlu.edu/lawreview>. The website provides general information regarding the Law Review and may be used to order subscriptions, notify the Law Review that copies have been made for classroom use, and contact individual editors and staffwriters.

---

## AN INVITATION TO AUTHORS

The Editorial Board of the Washington and Lee Law Review invites authors to submit articles and essays on areas of the law that are currently of interest to the legal profession. Student-written work is not accepted.

**About the Publication:** The *Washington and Lee Law Review* is published quarterly. The *Law Review* contains Articles, Essays, Lectures, and *Washington and Lee Law Review* Student Notes. The *Law Review* does not compensate authors for Articles, Essays, and Lectures formally selected for publication.

**Submission of Manuscripts:** Please submit manuscripts to Alexandra Klein or Loren Peck, Senior Articles Editors, Washington and Lee Law Review, Room 408, Washington and Lee University School of Law, 1 Denny Circle, Lexington, Virginia 24450-2116. Electronic submissions may be made *only* through our ExpressO webpage at [http://law.bepress.com/cgi/submit\\_lawreview.cgi?a=Washingtonallr](http://law.bepress.com/cgi/submit_lawreview.cgi?a=Washingtonallr). Alternatively, hard copy submissions are accepted. Please do not duplicate your submission by sending a hard copy as well as an electronic copy.

All manuscripts must be typed in Microsoft Word, not converted from any other software. The font of both the text and the footnotes should be 11 pt., Century Schoolbook, and double-spaced on 8½ x 11 inch paper. Footnotes should appear at the bottom of each page of text. Text and footnotes should conform to *The Bluebook: A Uniform System of Citation* (20th ed. 2015). Article submissions should be accompanied by an abstract of not more than 300 words.