

Summer 6-1-2017

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, 74 Wash. & Lee L. Rev. (2017), <https://scholarlycommons.law.wlu.edu/wlulr/vol74/iss3/2>

This Prefatory Matter is brought to you for free and open access by the Washington and Lee Law Review at Washington & 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 & Lee University School of Law Scholarly Commons. For more information, please contact lawref@wlu.edu.

WASHINGTON AND LEE LAW REVIEW

Volume 75

EDITOR IN CHIEF

Alix M. Sirota, *of Pennsylvania*

EXECUTIVE EDITORS

Matthew C. Donahue, *of California*

Christopher A. Hurley, *of Virginia*

MANAGING EDITORS

Shaun M. Bennett, *of Pennsylvania*

Brett L. Lawrence, *of Florida*

SENIOR ARTICLES EDITORS

Roland O. Hartung, *of Dis. of Col.*

Katheryn P. Thomas, *of West Virginia*

MANAGING ONLINE EDITORS

Alexander G. Lewitt, *of Florida*

Martha G. Vázquez, *of Pennsylvania*

SYMPOSIUM EDITOR

Spencer T. Wiles, *of North Carolina*

LEAD ARTICLES EDITORS

Aileen Almonte, *of New York*

Stephen C. Kindermann, *of Maryland*

Ross L. LaFour, *of Texas*

Corey M. Lipschutz, *of New Jersey*

Christopher C. Losito, *of Connecticut*

Morris E. McCrary, *of Virginia*

Benjamin S. Nye, *of Arkansas*

D. Lesesne Phillips, *of S. Carolina*

Taylor D. Rafaly, *of Virginia*

Emily M. Springer, *of Ohio*

Peter T. Thomas, *of Alabama*

Catherine E. Woodcock, *of Florida*

LEAD ONLINE EDITORS

Dioscoro A. Blanco, *of Virginia*

Christopher C. Brewer, *of West Virginia*

Isak Khorets, *of New Jersey*

Jonathan C. Stanley, *of Utah*

STAFFWRITERS

Paige-Elizabeth E. Avery, *of New York*

Matthew J. Bass, *of New York*

Cody M. Bowen, *of Virginia*

Hugh H. Brown, *of Virginia*

Zachary Crawford-Pechukas, *of Louisiana*

Kelly A. Cunningham, *of Georgia*

Joseph G. DuChane, *of Virginia*

Jacqueline M. Fitch, *of Virginia*

M. Claire Flowers, *of Georgia*

Maya H. Ginga, *of Massachusetts*

Mary Nobles Hancock, *of Alabama*

Sally E. Harper, *of Oklahoma*

Kiersten E. Holms, *of Texas*

Spence M. Howden, *of Texas*

Kila O. Hughes-Knowles, *of Alaska*

Ian J. McElhaney, *of Virginia*

Andrew T. Mossman, *of Connecticut*

Carroll B. Neale, *of Maryland*

Danielle J. Novelty, *of Arizona*

Pierce E. Rigney, *of Virginia*

Alexa R. Shockley, *of Virginia*

Malory E. Thelen, *of Kentucky*

FACULTY ADVISOR

Kish Parella

ADMINISTRATIVE ASSISTANT

Lisa A. Gearheart

WASHINGTON AND LEE LAW REVIEW

ARTICLES

Notice and Takedown in the Domain Name System: ICANN's
Ambivalent Drift into Online Content Regulation.....*Annemarie Bridy*

Securities Regulation in Virtual Space..... *Eric C. Chaffee*

The Professional Prospectus: A Call for Effective
Professional Disclosure.....*Benjamin P. Edwards*

Positive Externalities and the Economics
of Proximate Cause..... *Israel Gilead & Michael D. Green*

Protecting Big Data in the Big Leagues:
Trade Secrets in Professional Sports*Lara Grow & Nathaniel Grow*

On Health, Law, and Religion.....*Stacey A. Tovino*

NOTES

If It Quacks Like a Duck: The Financial Industry
Regulatory Authority and Federal Jurisdiction*Lesesne Phillips*

In Their Defense: Conflict Between the Criminal
Defendant's Right to Counsel of Choice and the Right
to Appointed Counsel.....*Kit Thomas*

WASHINGTON AND LEE
UNIVERSITY
SCHOOL OF LAW

THE LAW ALUMNI
ASSOCIATION

*solicits your membership and
support of the Law Annual Fund*

Your contributions to the Law Annual Fund go toward Law Alumni Association Tuition Scholarships, named after Catherine F. McDowell and Charles P. Light, and Faculty Fellowships. Your contributions also help the School maintain its small classes, low faculty-to-student ratio, and one-on-one attention. The Law Annual Fund enriches the Law School in hundreds of significant ways and makes a critical difference in our ability to fulfill our mission.

You may send your contribution to Washington and Lee University School of Law, 204 West Washington Street, Lewis Hall 517, Lexington, VA 24450, or you may give online at <http://law.wlu.edu/give>.

Questions? Need more information? Please contact Elizabeth Outland Branner, Assistant Dean for Law School Advancement, at (540) 458-8191 or brannere@wlu.edu.

*On behalf of our students,
thank you for your support!*

WASHINGTON AND LEE LAW REVIEW

Volume 75

EDITOR IN CHIEF

Alix M. Sirota, *of Pennsylvania*

EXECUTIVE EDITORS

Matthew C. Donahue, *of California*

Christopher A. Hurley, *of Virginia*

MANAGING EDITORS

Shaun M. Bennett, *of Pennsylvania*

Brett L. Lawrence, *of Florida*

SENIOR ARTICLES EDITORS

Roland O. Hartung, *of Dis. of Col.*

Katheryn P. Thomas, *of West Virginia*

MANAGING ONLINE EDITORS

Alexander G. Lewitt, *of Florida*

Martha G. Vázquez, *of Pennsylvania*

SYMPOSIUM EDITOR

Spencer T. Wiles, *of North Carolina*

LEAD ARTICLES EDITORS

Aileen Almonte, *of New York*

Stephen C. Kindermann, *of Maryland*

Ross L. LaFour, *of Texas*

Corey M. Lipschutz, *of New Jersey*

Christopher C. Losito, *of Connecticut*

Morris E. McCrary, *of Virginia*

Benjamin S. Nye, *of Arkansas*

D. Lesesne Phillips, *of S. Carolina*

Taylor D. Rafaly, *of Virginia*

Emily M. Springer, *of Ohio*

Peter T. Thomas, *of Alabama*

Catherine E. Woodcock, *of Florida*

LEAD ONLINE EDITORS

Dioscoro A. Blanco, *of Virginia*

Christopher C. Brewer, *of West Virginia*

Isak Khorets, *of New Jersey*

Jonathan C. Stanley, *of Utah*

STAFFWRITERS

Paige-Elizabeth E. Avery, *of New York*

Matthew J. Bass, *of New York*

Cody M. Bowen, *of Virginia*

Hugh H. Brown, *of Virginia*

Zachary Crawford-Pechukas, *of Louisiana*

Kelly A. Cunningham, *of Georgia*

Joseph G. DuChane, *of Virginia*

Jacqueline M. Fitch, *of Virginia*

M. Claire Flowers, *of Georgia*

Maya H. Ginga, *of Massachusetts*

Mary Nobles Hancock, *of Alabama*

Sally E. Harper, *of Oklahoma*

Kiersten E. Holms, *of Texas*

Spence M. Howden, *of Texas*

Kila O. Hughes-Knowles, *of Alaska*

Ian J. McElhaney, *of Virginia*

Andrew T. Mossman, *of Connecticut*

Carroll B. Neale, *of Maryland*

Danielle J. Novelty, *of Arizona*

Pierce E. Rigney, *of Virginia*

Alexa R. Shockley, *of Virginia*

Malory E. Thelen, *of Kentucky*

FACULTY ADVISOR

Kish Parella

ADMINISTRATIVE ASSISTANT

Lisa A. Gearheart

Administration and Faculty, Washington and Lee School of Law 2017–2018

Washington and Lee University

WILLIAM C. (WILL) DUDLEY, B.A., M.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

JOHANNA BOND, 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

TRENYA MASON, B.A., J.D.
Assistant Dean for Law Student Affairs

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

CLIFF JARRETT, B.A., J.D.
Assistant Dean Office of Career Strategy

PETER T. JETTON, B.A., M.A.
Senior Director of Law Communications

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

MARGARET HOWARD, A.B., J.D., M.S.W., LL.M.
Professor of Law, Emerita

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

FREDERIC L. KIRGIS, B.A., J.D.
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

DAVID MILLON, B.A., M.A., Ph.D., J.D.
Professor of Law, Emeritus

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

JOSEPH E. ULRICH, A.B., LL.B.
Professor of Law, Emeritus

SARAH K. WIANT, B.A., M.L.S. J.D.
Professor of Law, Emerita

Administration and Faculty, Washington and Lee School of Law 2017–2018

Permanent Faculty

DAVID BALUARTE, B.A., J.D.

Associate 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 Clinic

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

Clinical Professor of Law and Director, Virginia Capital Case Clearinghouse

SAMUEL W. CALHOUN, B.A., J.D.

Class of 1960 Professor of Ethics and Law

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

John Lucian Smith, Jr. Memorial Professor of Law

NORA V. DEMLEITNER, B.A., J.D.

Roy L. Steinheimer, Jr. Professor of Law

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

William Donald Bain Professor of Law

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

Associate Professor of Law

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

James P. Morefield Professor of Law

SARAH HAAN, B.A., J.D.

Associate Professor of Law

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

Associate 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.

Clinical Professor of Law, Director of Experiential Education and Director, Criminal Justice Clinic

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

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

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

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

MARY Z. NATKIN, B.A., J.D.

Clinical Professor of Law

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

Associate Professor of Law

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

Robert E.R. Huntley Professor of Law

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

Associate Professor of Law and Director, Frances Lewis Law Center

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

Roger D. Groot Professor of Law

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.

| | |
|---|--------------------|
| <i>Corporate Law, Governance, and Purpose: A Tribute to the Scholarship of Lyman Johnson and David Millon</i> | Volume 74:2 (2017) |
| <i>From Conviction to Clemency: Commonwealth v. Giarrantano—A Case Study in the Modern Death Penalty</i> (February 5–6, 2016) | Volume 73:3 (2016) |
| <i>Cybersurveillance in the Post-Snowden Age</i> (January 22–23, 2015) | Volume 72:3 (2015) |
| <i>Roe at 40: The Controversy Continues</i> (November 7–8, 2013) | Volume 71:2 (2014) |
| <i>Gideon at 50: Reassessing the Right to Council</i> (November 8–9, 2012) | Volume 70:2 (2013) |
| <i>Regulation in the Fringe Economy</i> (November 10–11, 2011) | Volume 69:2 (2012) |
| <i>Restitution Rollout: The Restatement (Third) of Restitution & Unjust Enrichment</i> (February 25, 2011) | Volume 68:3 (2011) |
| <i>Prosecutorial Power: A Transnational Symposium</i> (April 1–2, 2010) | Volume 67:4 (2010) |

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. Alix M. Sirota is the 2017–2018 Editor in Chief. The Law Review phone number is (540) 458-8566; the fax number is (540) 458-8488; and the e-mail address is lawreview@wlu.edu. The average number of copies printed of each issue during the preceding twelve months was 252.

Subscription Information: The subscription price for Volume 74 (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 November 30.

Volumes 1 through 74, issue 2, 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.

An Invitation to Authors

The Editorial Board of the *Washington and Lee Law Review* invites legal scholars and practitioners to submit articles and essays on areas of the law that are currently of interest to the legal profession. Submissions are accepted on a rolling basis throughout the year. Student-written works are *not* accepted. The *Washington and Lee Law Review* considers submissions for publication that meet the following editorial criteria:

1. Adequate footnoting with citations conforming to *The Bluebook: A Uniform System of Citation* (20th ed. 2015);
2. Have a coherent, narrative structure and organization;
3. Assert an independent, original, developed, and supportable thought or proposal; the submission should have a normative point, rather than one of description or summation.

Our submission cycle opens on August 1 for the Fall selection and on February 1 for the Spring selection. Although we prefer to receive submissions through our *Scholastica* page, we also do accept submissions on our *Espresso* page. Hard copies are also accepted by traditional mail methods. Please include a current CV and cover letter.

Mail to:

Senior Articles Editors
Washington and Lee Law Review
Washington and Lee University School of Law
1 Denny Circle Sydney Lewis
Hall Room 408
Lexington, Virginia 24450

Manuscript Requirements

1. **Microsoft Word Documents ONLY**
2. Double-spaced & in 11 pt. Century Schoolbook Font (including the footnotes)
3. On 8½" X 11" paper

4. Text and footnotes that conform to *The Bluebook: A Uniform System of Citation* (20th ed. 2015) ***Please do not make duplicate submissions.**

Expedited Request Requirements

We strongly prefer expedite requests via our Scholastica or ExpressO pages. You may, however, call our office at (540) 458-8458. If there is no answer, please leave a voice mail message. Due to the large number of requests we receive, we are unable to return phone calls. In order to process your requests in a timely manner, it is important that you include the following information:

1. Name of Journal(s) who have accepted your manuscript for publication
2. Assigned deadline(s) for your decision
3. Your e-mail address

Online Edition

The Washington and Lee Law Review Online accepts submissions for three types of articles:

1. **Developments:** this category includes commentaries and articles written on current events in the law, major case law developments, or related topics that would be of interest to the legal community (typically 3,000 to 7,000 words in length).
2. **Responses:** this category includes commentaries and articles written in response to articles or comments published in the current volume of the Washington and Lee Law Review print edition or articles published by Washington and Lee University School of Law faculty (typically 2,000 to 5,000 words in length).
3. **Roundtables:** this category includes commentaries and articles written in response to the latest "Roundtable" topic selected by the editors of the Online Edition (typically 2,000 to 4,000 words in length).

Submissions Criteria

The Editorial Board of the Washington and Lee Law Review Online invites legal scholars and practitioners to submit articles, essays, and commentary on areas of the law that are currently of interest to the legal profession. Submissions are accepted on a rolling basis throughout the year. Student-written works are not accepted. All submissions should

be labeled with their intended submission category—Responses, Roundtables, or Developments—and in length should ideally be within the word count range indicated above for each respective category.

The Washington and Lee Law Review Online editors will make occasional calls for publication of articles, essays, and commentary to appear in the “Roundtable” portion of the Online Edition. All articles submitted in response to this call for publication should indicate that they are intended as responses to the call for publication and should meet any special criteria posted on the call page. If you wish to propose a topic for the “Roundtable” portion of the Online Edition, please contact the Online Development Editors for more information. Please contact the editors of the Washington and Lee Law Review Online at lawreview@wlu.edu with any submissions or questions.