

FLORIDA STATE UNIVERSITY LAW REVIEW

Providing a forum for contemporary legal discourse

Volume 45 Board

Editor-in-Chief

Daniel Buchholz

Managing Editor

Reginald Janvier

Executive Editors

Jared DuBosar • Will Homer
Jake Proudfoot • Tyler Stokes

Executive Notes & Comments Editor

Kiersten Denny

Executive Article Selection Editor

Sam Walenz

Executive Online Publication Editor

Morgan Pearson

Article Selection Editor

Megan Bradley

Article Editors

Candace Rechtmann
Janaye Garrett • Eryn Riconda
Wade Williams

Notes & Comments Editors

Benjamin Burleson
Jessica Farrell • Melissa Rambo
Blair Schneider • Chris Villa



2017-18 *Law Review* Editorial Board

Not Pictured: Jared DuBosar, Morgan Pearson, and Melissa Rambo.

An Update from the *Law Review*

The *Florida State University Law Review* had a successful summer filled with editing, selecting articles, hosting alumni events, and grading write-on competition submissions. Additionally, the *Law Review* was pleased to invite thirty-five rising second-year students to join the journal in July. *Law Review* members are now back at Ausley House editing issues for Volume 45. Meanwhile, the Editorial Board has been hard at work putting together the final components of our new online publication, including a new website for the *Law Review*. The Alumni Committee has also been hard at work with planning our annual professor appreciation breakfast and our alumni tailgate for homecoming. Finally, our new Mentorship Committee had a busy start to the semester by pairing junior and senior members, as well as organizing mentor-mentee social events at Ausley House.

Member Spotlight: *Eryn Riconda*

Eryn is a third-year student and an Articles Editor for the *Law Review*. She is also the Secretary for the Real Property, Probate, and Trust Law Society; a member of the *Journal of Land Use and Environmental Law*, and a pupil member of the William H. Stafford American Inn of Court. Additionally, during her second year, Eryn was the Secretary for Phi Alpha Phi and participated in the Family Law Clinic. While participating in these on- and off-campus activities, Eryn also serves as a law clerk at Novey Law, where she helps with matters concerning marital and family law. After she graduates next May, Eryn would like to move to Jacksonville, Tampa Bay, or any city close to the water where she hopes to practice family law, elder law, or estate planning.



Alumni Spotlight: *Nathan Paulich*

Nathan Paulich served as a member of Volumes 36 and 37. After graduating from the College of Law in 2010, Nate moved to Tampa to practice labor and employment law at Thompson, Sizemore, Gonzalez & Hearing, P.A. (“TSGH”), representing management-side clients. Nate is now a partner at TSGH where he continues to practice labor and employment law. During law school, Nate’s articles, “Increasing Private Conservation through Incentive Mechanisms” and “Pleading Scierter: How Tellabs Changed Securities Class Action Litigation,” were published by the *Stanford Journal of Animal Law & Policy* and the *Florida State University Business Review*, respectively. Nate’s article “U.S. Supreme Court Resolves Split in Circuits by Finding EEOC Duty of Conciliation is Subject to Limited Judicial Review” was published in 2015 by the Florida Bar Labor & Employment Law Checkoff. Nate is currently on the Tampa Bay Board of Advisors for The James Madison Institute, the Hillsborough County Bar Association 5k Pro Bono River Run Committee, and the Bay Area Legal Service iLawyer Volunteer Program. Additionally, Nate organizes FSU College of Law alumni events in the Tampa Bay area.



Alumni Events



Current and former members of the Law Review at the Florida Bar Convention in Boca Raton, FL

Over the summer, the *Law Review* hosted its first annual alumni reunion during the annual Florida Bar Convention in Boca Raton, FL. We are excited about several more upcoming events, such as our annual alumni tailgate and our annual *Law Review* Banquet, complete with a formal dinner and a keynote speaker.

Save the Date!



The *Law Review* cordially invites you to attend our annual Alumni Tailgate at the *Law Review*’s very own Ausley House!

When: November 18, 2017
Where: Ausley House
Time: TBA

We hope to see you there!

Follow the *Law Review*!



FLORIDA STATE UNIVERSITY LAW [P]REVIEW*

ISSUE 1

Articles

The Problem with Inference and Juvenile Defendants, by Jenny E. Carroll (University of Alabama)

Prosecuting Members of ISIS for the Destruction of Cultural Property, by Cody R. Corliss (United Nations International Criminal Tribunal)

Communitarianism and the Roberts Court, by Robert M. Ackerman (Wayne State University)

Unequal Law, Unequal Burden: The All-Male Selective Service Act, Civilian Rights, and the Limits of Military Deference in Modern Supreme Court Jurisprudence, by Amy H. McCarthy (West Point)

Essays

The Antitrust Jurisprudence of Neil Gorsuch, by John M. Newman (University of Memphis)

Notes

Guardians of the Galaxy of Personal Data: Assessing the Threat of Big Data and Examining Potential Corporate and Governmental Solutions, by Timothy A. Asta (FSU, 2017)

Online

History [of Discrimination] Only Goes So Far [in Equal Protection Litigation], by Melanie Kalmanson (Florida Supreme Court; FSU, 2016)

The Deference Doctrine in Florida Law, by Judge John G. Van Laningham (DOAH; FSU, 1988)

ISSUE 2

Articles

Justice and Severe Brain Injury, by Megan Wright et. al (Yale)

Contract Law's Predominant-Purpose Test and the Law-Fact Distinction, by Daniel P. O'Gorman (Barry)

Loving Retroactivity, by Charles W. "Rocky" Rhodes (South Texas College of Law)

Administrative License Renewal and Due Process — A Case Study, by Delcianna J. Winders (PETA)

How, When and Why Corporations Became (and Remain) Persons Under the Criminal Law, by William R. Thomas (Harvard)

Essays

Conservative Praxis and Women in the Infantry, by Samuel Walenz (FSU, 2018)

Online

Core Visualization: A Graphical Model for Understanding International Conflict, Timothy A. Asta (FSU, 2017)

ISSUE 3

Articles

Cities, Government, Law, and Civil Society, by Heidi Li Feldman (Georgetown)

Online Arbitration as a Remedy for Crowdfunding Fraud, by C. Steven Bradford (University of Nebraska)

Contributions, Bribes, and the Convergence of Political and Criminal Corruption, by Joshua S. Sellers (University of Oklahoma)

The Future of Lower-Income Students in Higher Education: Rethinking the Pell Program and Federal Tax Incentives, by Camilla E. Watson (University of Georgia)

The Sherman Act and Avoiding Void-for-Vagueness, by Matthew G. Sipe (United States Supreme Court)

ISSUE 4

Articles

The Best and Worst of Contracts Decisions: An Anthology, Val Ricks et al. (South Texas College of Law)

Self-Plagiarism, by Josh Blackman (South Texas College of Law)

The [Takings] Keepings Clause: An Analysis of Framing Effects from Labeling Constitutional Rights, by Donald J. Kochan (Chapman University)

Breaking Dichotomies at the Core of Employment Discrimination Law, by William R. Corbett (Louisiana State University)

*We will be selecting student notes for publication in Issues 3 and 4 later this semester. We will also be selecting articles and response pieces for publication in Issue 2 of our online publication later this semester.