#### Hofstra Labor & Employment Law Journal

Volume 30 | Issue 2

Article 1

2012

Front Matter HLELJ 30(2)

Follow this and additional works at: https://scholarlycommons.law.hofstra.edu/hlelj

#### **Recommended Citation**

(2012) "Front Matter HLELJ 30(2)," *Hofstra Labor & Employment Law Journal*: Vol. 30: Iss. 2, Article 1. Available at: https://scholarlycommons.law.hofstra.edu/hlelj/vol30/iss2/1

This document is brought to you for free and open access by Scholarship @ Hofstra Law. It has been accepted for inclusion in Hofstra Labor & Employment Law Journal by an authorized administrator of Scholarship @ Hofstra Law. For more information, please contact lawscholarlycommons@hofstra.edu.

et al.: Front Matter HLELJ 30(2)

# HOFSTRA LABOR & EMPLOYMENT LAW JOURNAL

Volume 30, No. 2 Spring 2013

## HEMPSTEAD, NEW YORK 11549

+

1

#### Published by Scholarship @ Hofstra Law, 2013

Hofstra Labor & Employment Law Journal, Vol. 30, Iss. 2 [2013], Art. 1

cite as 30 HOFSTRA LAB. & EMP. L.J.

THE Hofstra Labor & Employment Law Journal is pleased to consider unsolicited manuscripts for publication year round. Manuscripts should be addressed to: Managing Editor of Articles, Hofstra Labor & Employment Law Journal, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549 or sent via e-mail to laboremploymentlaw@hofstra.edu. The Journal does not accept Student Notes, with the exception of those written by Staff Members of the Hofstra Labor & Employment Law Journal. All manuscripts should be double-spaced in Microsoft Word format. Citations should follow the form prescribed in The Bluebook: A Uniform System of Citation (19th ed. 2010).

Published two times per year by the *Hofstra Labor & Employment Law Journal*. The current subscription rate is twenty-five dollars per volume. Subscription renewals will be automatic unless notice to the contrary is received. All communications concerning subscriptions should be addressed to: Business Administrator, Hofstra Labor & Employment Law Journal, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11549. Back issues can be obtained by contacting William S. Hein & Co., 1285 Main Street, Buffalo, New York 14209, 800-828-7571, or in PDF format through HeinOnline (http://heinonline.org).

© Copyright 2013 by the Hofstra Labor & Employment Law Journal. All rights reserved.

2

https://scholarlycommons.law.hofstra.edu/hlelj/vol30/iss2/1

## HOFSTRA LABOR & EMPLOYMENT LAW JOURNAL 2012-2013

**VOLUME 30** 

Editor-in-Chief JUDITH MASSIS-SANCHEZ

Managing Editor of Articles STEPHEN R. WARSHAVSKY

Managing Editor of Staff JULIET MARY GOBLER

**Business Administrator** DAVID YARON

Articles Editors JAMES R. BAEZ JOHN BROSNAN DIANA M. CANNINO MATTHEW J. CRAWFORD ANTHONY MORREALE ZACHARY ROTHKEN

> KEITH LANGLAIS BINYAMIN T. SILVER

LAURA C. AHERN STEPHEN D. ATWELL IVY CHERIAN

Symposium Editor JOSHUA D. SEIDMAN **Alumni Affairs Coordinator** INDERJIT SINGH DHAMI

**Technology** Editor LANA YANG

**Research Editors** PAUL G. ATKINSON IV JOSHUA A. GOODMAN JONATHAN STURM

#### Notes and Comments Editors

NICK ANDERSON KERRI CAULFIELD RYAN MAINHARDT LAUREN MATTI

Associate Editors

BRIAN ROSEN MICHAEL J. TSIMARAS

MICHAEL P. SCHEINER WILLIAM A. VOLET

Staff JOHN-ETHAN GIONIS SIMCHA GITELIS JAMIE HAAR

CHRISTOPHER MUNIZ CHIDO D.T. MUNYATI LAUREN MURPHY

CAMERON B. DANIELS MITCHELL DANK JACOB P. DAVIDSON MATTHEW D. FOX THOMAS FRIEDKIN JOSEPH GAON JENNAI E. GASKIN

### National Advisory Board

ALLAN BLOOM MATTHEW T. BODIE ALLAN DINKOFF DANIEL DRISCOLL SAMUEL ESTREICHER ALAN M. KORAL PAUL SECUNDA PEARL ZUCHLEWSKI

MAITRY HALDER KEN KAST MEREDITH-ANNE KURZ JOSEPH DEAN LOSOS KUI MA AMANDA E. MAGUIRE ROBERT MARTIN

Faculty Advisory Board GRANT M. HAYDEN SUSAN JOFFE

PATRICK MURRAY KATRINA OZOLS JASON PARK SARA K. SCHWARTZ STEPHEN SEALEY KARINA VAZIROVA TIANLONG "VICTOR" YOU

Alumni Advisory Board DAVID B. FELDMAN, Chair MERYL R. KAYNARD\* HOLLY E. RICH ROBERT T. SZYBA HON. STEPHEN L. UKEILEY MATTHEW WOODARD

3

### \* Honorary Member



## MAURICE A. DEANE SCHOOL OF LAW AT HOFSTRA UNIVERSITY

## ADMINISTRATIVE OFFICERS

- Eric Lane, B.A., M.A, J.D., LL.M., Dean and Eric J. Schmertz Distinguished Professor of Public Law and Public Service
- Jennifer A. Gundlach, B.A., J.D., Senior Associate Dean for Academic Affairs and Experiential Education and Clinical Professor of Law
- Yishai Boyarin, B.A., J.D., LL.M., Assistant Clinical Professor of Law and Associate Dean for Intellectual Life

Tobie-Lynn Accardi, B.F.A., Creative Director

Toni L. Aiello, B.A., J.D., M.S.L.S., Reference Librarian

Adonza S. Anderson, Director of Enrollment Management

Gerard Anderson, B.A., M.A., Director of Financial Aid

Yvonne V. Atkinson, B.S., M.S., Office Manager/Paralegal, Law School Clinical Program

Jessica Backman, Help Desk Analyst

Andrew E. Berman, B.A., Senior Associate Director of Communications

Lisa Berman, B.A., Assistant Dean for External Relations

Judith N. Black, Director of Special Events and Director of CLE

Peter S. Casalino, B.S., J.D., Prospect Research and Database Manager John Chalmers, B.A., Associate Dean for Enrollment Management Chaio Peter Chao, B.A., M.L.S., M.A., Catalog Librarian Marin Dell, B.S., J.D., M.L.I.S., M.S./M.I.S., Reference/Electronic Services Librarian Shane Dizon, B.A., J.D., Assistant Director of Academic Support & Visiting Assistant Professor of Law Dimitrios M. Doussi, B.A., Assistant Registrar Ryan Duck, Operations Coordinator – Facilities Michael J. Ende, B.A., J.D., Assistant Dean for Career Services Scott C. Filipkowski, B.B.A., Assistant Director of Information Systems Scott J. Glick, B.A., J.D., Director of the Hofstra Law in D.C. Externship Program and Special Professor of Law Mary Godfrey-Rickards, B.A., J.D., M.L.S., Reference/Access Services Librarian Dominick J. Grillo, B.A., M.S.L.S., J.D., Assistant Director for Technology and Collection Services Samantha Hankins, Associate Director of Student Affairs Teresa Harrington, Operations Coordinator — Personnel Vernadette Horne, B.A., J.D., Director of Career and Professional Development Shikha Gupta Joseph, B.A., J.D., M.S.L.S., Reference Librarian Aisha L. Joseph, B.A., J.D., Director of Career and Professional Development Brian T. Kaspar, B.S., M.B.A., Registrar Patricia A. Kasting, B.A., J.D., M.L.S., Reference Librarian Laura Lanzillotta, Executive Assistant to the Dean Rou-Chia P. Lin, B.A., M.L.S., Acquisitions Librarian Michele LoFaso, Director of Student Affairs Christine Lunsford, B.A., Director of Development Katelyn McAllister, Student Affairs Coordinator Maricia McCoy, Recruiter/Counselor for Enrollment Management Megan Meighan, Assistant Director of Enrollment Management Lisa Monticciolo, B.A., J.D., Associate Dean for Students and Administration Mark Padin, B.A., M.S., J.D., Associate Professor of Academic Support

Eric Post, Annual Fund Manager Steven Richman, Associate Director of Global Initiatives Mary T. Ruggilo, B.A., J.D., Assistant Dean for Finance Laura T. Rup, B.A., Assistant Director of Enrollment Management Linda P. Russo, M.L.S., B.A., Assistant Director for Technical Services Franca Sachs, B.A., J.D., Executive Director of Pro Bono, Externship and Fellowship Programs Courtney Selby, B.A., J.D., M.L.I.S., Associate Dean for Information Services, Director of the Law Library & Associate Professor of Law Kenneth J. Selvester, B.A., M.A., Associate Director for Publications Kevin Shelton, B.A., M.A., J.D., M.S.L.I.S., Reference and Government Documents Librarian Lisa A. Spar, B.A., J.D., M.S., Assistant Director for Reference and Instructional Services Jodie D. Sperico, Director of Alumni Relations Barbara Stark, B.A., J.D., LL.M., Associate Dean for Intellectual Life and Professor of Law Daphne Telfeyan, Employee Outreach Specialist Akshay D. Tripathi, B.E., M.B.A., P.M.P., Senior Director of Information Systems Khara Tusa, B.S., J.D., Director of Career and Professional Development Michael G. Wagner, B.S., Webmaster

## FACULTY

4

Robert Abrams, B.A., J.D., Special Professor of Law Burton C. Agata, A.B., J.D., LL.M., Professor Emeritus of Law Erica Aisner, Special Professor of Law

#### https://scholarlycommons.law.hofstra.edu/hlelj/vol30/iss2/1

Miriam Albert, B.A., J.D., M.B.A., LL.M., Professor of Skills and Faculty Advisor for the J.D./M.B.A. Program
Robert Archer, Special Professor of Law
Kennisha Austin, Visiting Assistant Professor of Law
The Honorable Leonard B. Austin, B.A., J.D., Special Professor of Law
Kenneth Balkan, J.D., Special Professor of Law
Barbara S. Barron, B.A., M.A., J.D., Professor of Skills, Director of the Trial Techniques Program, Director of Student Advocacy Programs and Faculty Advisor to Moot Court Board
Leslie R. Bennett, B.A., J.D., Special Professor of Law
Steven C. Bennett, B.A., J.D., Special Professor of Law

Lee Bergstein, Special Professor of Law

Robert Biancavilla, B.A., J.D., M.P.S., A.S., Special Professor of Law

The Honorable Joseph Bianco, Special Professor of Law

Richard Bock, B.A., J.D., Special Professor of Law

Robert A. Baruch Bush, B.A., J.D., Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law

Yishai Boyarin, B.A., J.D., LL.M., Associate Clinical Professor of Law and Associate Dean for Intellectual Life

Lawrence Jay Braunstein, B.A., J.D., Special Professor of Law

William Burdo, Special Professor of Law

Alafair S. Burke, B.A., J.D., Professor of Law Nancy Burner, Special Professor of Law Allison Caffarone, Visiting Assistant Professor of Legal Writing Juli Campagna, B.A., M.A., J.D., LL.M., Associate Professor of Legal Writing and Assistant Faculty Director of International Programs Andrez Carberry, B.A., M.A., J.D., Special Professor of Law Ralph H. Cathcart, Special Professor of Law Robin Charlow, A.B., J.D., Professor of Law J. Scott Colesanti, B.A., J.D., LL.M., Associate Professor of Legal Writing Ronald J. Colombo, B.S., J.D., Professor of Law Peter Contino, Special Professor of Law The Honorable R. Bruce Cozzens, Special Professor of Law The Honorable Edmund Dane, Special Professor of Law J. Herbie DiFonzo, B.S., J.D., M.A., Ph.D., Professor of Law Janet L. Dolgin, B.A., M.A., Ph.D., J.D., Jack and Freda Dicker Distinguished Professor of Health Care Law and Director of Health Law Studies Tracy Dunbrook, B.A., J.D., LL.M., Visiting Assistant Professor of Law Jack Evans, Special Professor of Law Akilah N. Folami, B.A., J.D., Associate Professor of Law Susan Fortney, B.A., J.D., LL.M., J.S.D., Howard Lichtenstein Distinguished Professor of Legal Ethics and Director of the Institute for the Study of Legal Ethics Eric M. Freedman, B.A., J.D., M.A., Maurice A. Deane Distinguished Professor of Constitutional Law Monroe H. Freedman, A.B., LL.B., LL.M., Professor of Law Leon Friedman, A.B., LL.B., Joseph Kushner Distinguished Professor of Civil Liberties Law Linda Galler, B.A., J.D., LL.M., Professor of Law Mitchell Gans, B.B.A., J.D., Rivkin Radler Distinguished Professor of Law The Honorable Kenneth L. Gartner, B.A., J.D., Special Professor of Law Ashleigh Garvey, Special Professor of Law Dolores Gebhardt, B.S., J.D., Special Professor of Law

- James F. Gesualdi, Esq., B.A., M.A., J.D., Special Professor of Law
- George Giuliani, B.A., M.S., M.A., J.D., Psy.D., Special Professor of Law
- Elizabeth M. Glazer, B.A., M.A., J.D., Associate Professor of Law
- Scott J. Glick, B.A., J.D., Director of the Hofstra Law in D.C. Externship Program and Special Professor of Law
- Barry Goldberg, Special Professor of Law
- Daniel J. H. Greenwood, A.B., J.D., Professor of Law
- John DeWitt Gregory, B.A., J.D., Sidney and Walter Siben Distinguished Professor of Family Law
- Joanna L. Grossman, B.A., J.D. Professor of Law
- Frank Gulino, B.A., J.D., Associate Professor of Legal Writing
- Jennifer A. Gundlach, B.A., J.D., Senior Associate Dean for Academic Affairs and Experiential Education and Clinical Professor of Law
- Michael Haber, B.A., M.A., J.D., Visiting Assistant Clinical Professor of Law
- Marc L. Hamroff, Special Professor of Law
- Robert Harper, Special Professor of Law
- Grant M. Hayden, B.A., J.D., M.A., Professor of Law and John DeWitt Gregory Research Scholar
- Carol Casazza Herman, B.A. J.D., Visiting Practitioner-in-Residence in Environmental Law and Special Professor of Law

5

- James Edward Hickey, Jr., B.S., J.D., Ph.D., Professor of Law
- The Honorable Richard Horowitz, Special Professor of Law
- John Hogan, Special Professor of Law
- Bernard E. Jacob, B.A., J.D., Ph.D., Distinguished Professor Emeritus of Law
- Michael D. Jaffe, B.A., J.D., Special Professor of Law
- Alan Jakimo, B.A., M.B.A., J.D., Special Professor of Law
- Susan H. Joffe, B.A., M.A., J.D., Associate Professor of Legal Writing



Gary Kalbaugh, BCL, LL.M., Special Professor of Law Kara Kaplan, Special Professor of Law Elena Karabatos, Special Professor of Law David A. Kaufman, B.A., J.D., Special Professor of Law Lawrence Kessler, B.A., J.D., Richard J. Cardali Distinguished Professor of Trial Advocacy Avi Z. Kestenbaum, B.S., J.D., LL.M., Special Professor of Law Brian Klein, Special Professor of Law Fred Klein, B.A., J.D., Visiting Assistant Professor of Law Spencer Klein, Special Professor of Law The Honorable Gary F. Knobel, B.A., J.D., LL.M., Special Professor of Law Abe Krieger, Special Professor of Law Stefan Krieger, B.A., J.D., Professor of Law, Director of Center for Applied Legal Reasoning and Director Emeritus of Hofstra Clinical Programs Julian Ku, B.A., J.D., Professor of Law and Faculty Director of International Programs Katrina Fischer Kuh, B.A., J.D., Associate Professor of Law Lawrence Kurland, Special Professor of Law Eric Lane, B.A., M.A., J.D., LL.M., Dean and Eric J. Schmertz Distinguished Professor of Public Law and Public Service Anibal Rosario Lebron, J.D., LL.M., Visiting Assistant Professor of Legal Writing Richard G. Leland, B.S., J.D., Special Professor of Law Theo Liebmann, B.A., J.D., Clinical Professor of Law and Director of Clinical Programs Barry Lites, Special Professor of Law Kim Luckey, Special Professor of Law Barbara A. Lukeman, B.A., J.D., Special Professor of Law Andrew H. Lupu, B.A., J.D., Special Professor of Law Malachy T. Mahon, B.A., J.D., Founding Dean Emeritus Lewis R. Mandel, A.B., J.D., LL.M., Special Professor of Law Irina D. Manta, B.A., J.D., Associate Professor of Law Serge Martinez, B.A., J.D., Clinical Professor of Law The Honorable Edward W. McCarty III, B.S., J.D., Special Professor of Law Gerald McCloskey, Special Professor of Law Kevin McElroy, B.A., J.D., Assistant Professor of Legal Writing Christopher T. McGrath, Special Professor of Law Gerard Messina, Special Professor of Law Janis Meyer, Special Professor of Law Richard K. Neumann, Jr., B.A., Dipl., J.D., LL.M., Professor of Law Christopher Nicolino, Special Professor of Law Andrew Oringer, J.D., M.B.A., A.B., Special Professor of Law Ashira Ostrow, B.A., J.D., Associate Professor of Law Mark Padin, B.A., M.S., J.D., Associate Professor of Academic Support Peter Parcher, Special Professor of Law Curtis Pew, B.A., M.P.P.A., J.D., Visiting Clinical Professor of Law Damian Pieper, Special Professor of Law John Pieper, B.A., J.D., LL.M., Special Professor of Law Troy Pieper, Special Professor of Law Jack M. Platt, Esq., B.A., J.D., Special Professor of Law Neal R. Platt, B.S., J.D., L.L.M., Special Professor of Law Rona L. Platt, B.S., J.D., Special Professor of Law Seth A. Presser, J.D., Special Professor of Law Andrew Reiss, Special Professor of Law Alan N. Resnick, B.S., J.D., LL.M., Benjamin Weintraub Distinguished Professor of Bankruptcy Law Arianne Reyser, Special Professor of Law Joseph Richetti, Special Professor of Law John L. Rivkin, B.A., J.D., Special Professor of Law Anibal Rosario Lebron, J.D., LL.M., Visiting Assistant Professor of Legal Writing Jared Rosenblatt, Special Professor of Law Paul Rubell, B.A., J.D., Special Professor of Law Ben B. Rubinowitz, B.A., J.D., Special Professor of Law James Sample, B.A., J.D., Associate Professor of Law Andrew Schepard, B.A., M.A., J.D., Professor of Law and Director of the Center for Children, Families and the Law Robert Schwenkel, Special Professor of Law Courtney Selby, B.A., J.D., M.L.I.S., Associate Dean for Information Services, Director of the Law Library & Associate Professor of Law Rita Sethi, Special Professor of Law Grant Shehigian, Special Professor of Law Gregory H. Shill, B.A., M.A., J.D., Visiting Assistant Professor of Law Norman I. Silber, B.A., M.A., Ph.D., J.D., Professor of Law Jeffrey Silberfeld, B.A., J.D., Visiting Assistant Professor of Law Ronald H. Silverman, B.A., J.D., Distinguished Professor Emeritus of Law Roy D. Simon, B.A., J.D., Distinguished Professor of Emeritus of Law William M. Skehan, B.A., M.B.A., J.D., Special Professor of Law David Smith, Special Professor of Law Judd Sneirson, B.A., J.D., Visiting Associate Professor of Law Lisa Spar, B.A., J.D., M.S., Special Professor of Law

6

#### https://scholarlycommons.law.hofstra.edu/hlelj/vol30/iss2/1

Barbara Stark, B.A., J.D., LL.M., Professor of Law and Hofstra Research Fellow, Associate Dean for Intellectual Life

Amy R. Stein, B.A., J.D., Professor of Legal Writing, Assistant Dean for Adjunct Instruction, and Coordinator of the Legal Writing Program

Michael Steinberg, Special Professor of Law

Jacob L. Stevens, B.A., J.D., Visiting Associate Clinical Professor of Law

Daniel M. Sullivan, B.A., J.D., Special Professor of Law

Michael Vecchione, Special Professor of Law

Robert Wagner, Visiting Assistant Professor of Law

Vern R. Walker, B.A., M.A., Ph.D., J.D., Professor of Law and Director of the Research Laboratory for Law, Logic and Technology

Bennett J. Wasserman, B.A., M.A., J.D., Special Professor of Law

Stephen Weiner, B.A., J.D., Special Professor of Law

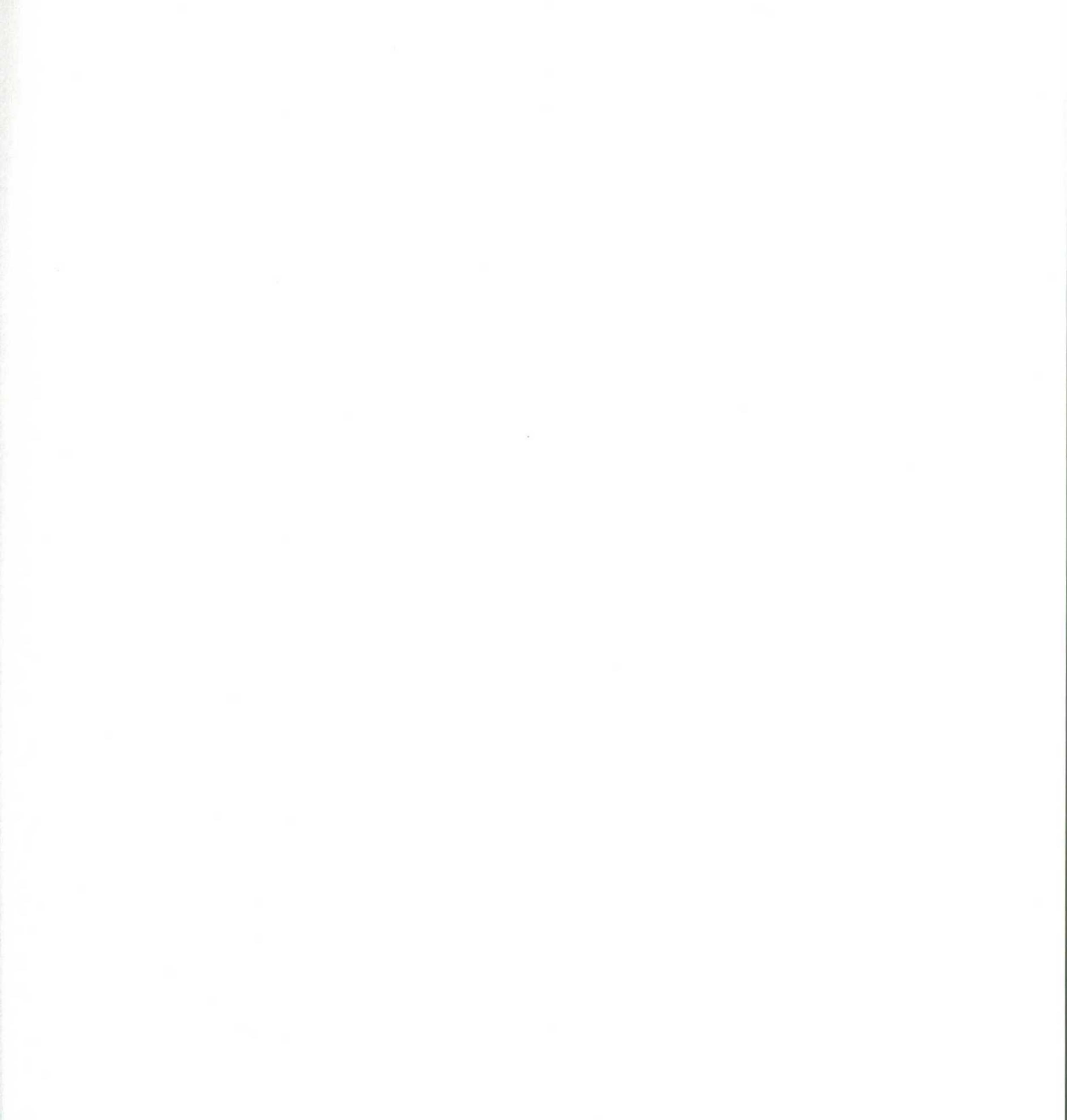
Joel Weintraub, A.B., M.D., J.D., Special Professor of Law

Karen Weiss, Visiting Assistant Professor of Legal Writing

Carolyn Reinach Wolf, B.A., M.B.A., M.S., J.D., Special Professor of Law

Lauris Wren, B.A., J.D., Clinical Professor of Law and Director for the LGBT Fellowship

Patrick Young, Special Professor of Law



7

