

1-1-2014

## Front Matter

Follow this and additional works at: <http://scholarlycommons.law.hofstra.edu/hlr>



Part of the [Law Commons](#)

---

### Recommended Citation

(2014) "Front Matter," *Hofstra Law Review*: Vol. 43: Iss. 1, Article 14.

Available at: <http://scholarlycommons.law.hofstra.edu/hlr/vol43/iss1/14>

This document is brought to you for free and open access by Scholarly Commons at Hofstra Law. It has been accepted for inclusion in Hofstra Law Review by an authorized administrator of Scholarly Commons at Hofstra Law. For more information, please contact [lawcls@hofstra.edu](mailto:lawcls@hofstra.edu).

# HOFSTRA LAW REVIEW

**Volume 43, No. 1**  
**Fall 2014**

HEMPSTEAD, NEW YORK 11549

The *Law Review* is pleased to consider unsolicited manuscripts for publication. All manuscripts should conform to *The Bluebook: A Uniform System of Citation*, 19th Edition. Manuscripts should be addressed to: Managing Editor of Articles, *Hofstra Law Review*, Maurice A. Deane School of Law at Hofstra University, 121 Hofstra University, Hempstead, New York 11549. Unsolicited manuscripts will not be returned except upon specific request at time of submission.

---

The *Hofstra Law Review* (ISSN 0091-4029) is published quarterly by the Hofstra Law Review Association. Maurice A. Deane School of Law at Hofstra University, 121 Hofstra University, Hempstead, NY 11549. Periodicals postage is paid at Hempstead, NY, and additional mailing offices. The current subscription rate is thirty-five dollars per volume. Postmaster: Send address changes to *Hofstra Law Review*, Maurice A. Deane School of Law at Hofstra University, 121 Hofstra University, Hempstead, New York 11549.

Individual issues are available from William S. Hein & Co., Inc., 2350 North Forest Road, Getzville, NY 14068, (800) 828-7571. Orders may also be placed by fax, (716) 883-8100, or by e-mail: [order@wshein.com](mailto:order@wshein.com). Subscription renewals will be automatic unless notice to the contrary is received. All communications should be addressed to Business Editor, *Hofstra Law Review*, Maurice A. Deane School of Law at Hofstra University, 121 Hofstra University, Hempstead, New York 11549.

© 2014 by the Hofstra Law Review Association.

---

# HOFSTRA LAW REVIEW

Volume 43, No. 1

Fall 2014

*Editor-in-Chief*  
AARON ZUCKER

*Managing Editor of Articles*  
ADDIE T. KATZ

*Managing Editor of Staff*  
COURTNEY H. KLAPPER

*Senior*  
*Articles Editor*  
NEWTAN B. THEVARAJAH

*Senior*  
*Research Editor*  
ANDREW J. LAURIA

*Senior*  
*Notes & Comments Editor*  
JAMES T. FARRIS

*Articles Editors*  
JAMES MEEHAN  
CHELSEA PLUSHANSKI  
AMANDA SENSKE

*Research Editors*  
BILAL CHAUDRY  
ASHLEY N. GUARINO

*Notes & Comments Editors*  
ADA KOZICZ  
MARA A. O'MALLEY  
RACHEL SUMMER

*Business Editor*  
BRYAN M. CIMALA

*Alumni Affairs Editor*  
JEFFREY ANAND

ALLYSON M. BEACH  
SALIM KATACH

*Senior Associate Editors*  
KATHERINE MUSERILLI

RYAN SWEENEY  
RICHARD WOLF

LAUREN BERNSTEIN  
MICHAEL BILLET  
ALLISON FLOOD  
KRISTEN FUSCO  
SANDRA FUSCO

*Associate Editors*  
RAEHEL HOROWITZ  
CAROLYN J. KIM  
ALEXANDER LOVEJOY  
THOMAS J. MCGOWAN

RILEY PERRY  
OLGA POLIVODA  
ADAM PRELLER  
JON SALM  
JACLYN WATERS

ANDREW ALFANO  
KATHRYN BARRETT  
LOUIS M. CONTALDI III  
NICOLE DELLA RAGIONE  
ANNAM FAROOQ  
CAROLINE GANGE  
PETER GUINNANE  
THOMAS HALEY  
ERIC HAUSE  
VIKTORIYA HOVSEPYAN  
EUGENE E. HUTCHINSON  
ROBERT KAPLAN

*Staff*  
MATTHEW KLEIN  
JOHN KONZ  
LINDSAY LA MARCA  
KEELY M. LANG  
ROYCE LIU  
CAITLIN LOCURTO  
TYLER E. MARGOLIS  
CRAIG MARINARO  
KELLY T. MONASSEBIAN  
CHRISTOPHER J. MORO  
CHIBOGU NNEKA NZEKWU  
AMANDA K. REGAN  
BRIANNE RICHARDS

CHRISTINA ROBINSON  
JEREMY SCHARA  
KYLE SCHIEDO  
MICHAEL SENDERS  
JARED SHERMAN  
JORDAN SLAVENS  
LERON SOLOMON  
CATHERINE VENTURINO  
ALEXANDER VOLPE  
IVY WAISBORD  
CHELSEA WEISBORD  
FELICIA WINDER

# MAURICE A. DEANE SCHOOL OF LAW 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*  
 Ronald Colombo, B.S., J.D., *Associate Dean for Academic Affairs and Professor of Law*  
 Jennifer A. Gundlach, B.A., J.D., *Senior Associate Dean for Experiential Education and Clinical Professor of Law*  
 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, B.A., *Assistant Director of Information Technology Services*  
 Andrew E. Berman, B.A., M.B.A., *Director of Communications*  
 Lisa Berman, B.A., *Assistant Dean for External Relations*  
 Judith N. Black, B.A., *Director of Special Events and Facilities*  
 Christopher Caruso, B.A., J.D., *Associate Dean for Career Services*  
 Peter S. Casalino, B.S., J.D., *Prospect Research and Database Manager*  
 Wendy K. Chaite, B.S., J.D., *Director of Career and Professional Development*  
 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*  
 Dimitrios M. Doussi, B.A., *Assistant Registrar*  
 Scott C. Filipkowski, B.B.A., *Director of Information Technology Services*  
 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*  
 Samantha R. Hankins, B.A., J.D., *Associate Director of Student Affairs*  
 Teresa Harrington, B.A., M.A., *Operations Manager — Personnel*  
 Vernadette Horne, B.A., J.D., *Director of Career and Professional Development*  
 Aisha L. Joseph, B.A., J.D., *Director of Career and Professional Development*  
 Shikha Gupta Joseph, B.A., J.D., M.S.L.S., *Reference Librarian*  
 Brian T. Kaspar, B.S., M.B.A., *Assistant Dean for Academic Records and Registrar*  
 Patricia A. Kasting, B.A., M.L.S., J.D., *Reference Librarian*  
 Laura Lanzillotta, *Executive Assistant to the Dean*  
 Rou Chia P. Lin, B.A., M.L.S., *Acquisitions Librarian*  
 Michele LoFaso, B.A., J.D., *Director of Student Affairs*  
 Maricia "Kathy" McCoy, *Recruiter/Counselor for Enrollment Management*  
 Megan Meighan, B.A., J.D., *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., *Director of the Academic Success Program and Visiting Associate Professor of Law*  
 Steven Richman, B.A., J.D., *Director of Global Initiatives*  
 Mary T. Ruggilo, B.A., J.D., *Senior Associate Dean for Finance*  
 Linda P. Russo, B.A., M.L.S., *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, B.A., M.S.Ed., *Director of Alumni Relations*  
 Daphne E. Telfeyan, B.A., J.D., *Senior Director of Employer Outreach*  
 Michael G. Wagner, B.S., *Webmaster*

## FACULTY

- 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*
- 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*
- Robert A. Baruch Bush, B.A., J.D., *Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law*
- Alafair S. Burke, B.A., J.D., *Professor of Law and Hofstra Research Fellow*
- Allison Caffarone, B.A., J.D., *Visiting Assistant Professor of Legal Writing*
- Juli Campagna, B.A., M.A., J.D., LL.M., *Assistant Professor of Legal Writing and Assistant Faculty Director of International Programs*
- Laurie Cascino, BSBA, J.D., *Visiting Assistant Professor of Legal Writing*
- Robin Charlow, A.B., J.D., *Professor of Law*
- J. Scott Colesanti, B.A., J.D., LL.M., *Professor of Legal Writing*
- 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; Professor of Science Education, Hofstra North Shore-LIJ School of Medicine; Co-director, Hofstra Bioethics Center; and Director, Gitenstein Institute for Health Law and Policy*
- Akilah N. Folami, B.A., J.D., *Professor of Law and Associate Dean for Intellectual Life and Hofstra Research Fellow*
- 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 and John DeWitt Gregory Research Scholar*
- Eric M. Freedman, B.A., J.D., M.A., *Siggi B. Wilzig Distinguished Professor of Constitutional Rights*
- 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*
- Elizabeth M. Glazer, B.A., M.A., J.D., *Associate Professor of Law*
- Daniel J. H. Greenwood, A.B., J.D., *Professor of Law*
- Joanna L. Grossman, B.A., J.D., *Sidney and Walter Siben Distinguished Professor of Family Law and Hofstra Research Fellow*
- Michael Haber, B.A., M.A., J.D., *Associate Clinical Professor of Law and Attorney-in-Charge, Community and Economic Development Clinic*
- Grant M. Hayden, B.A., J.D., M.A., *Professor of Law and Hofstra Research Fellow*
- James E. Hickey, Jr., B.S., J.D., Ph.D., *Professor of Law*
- Susan H. Joffe, B.A., M.A., J.D., *Professor of Legal Writing*
- Lawrence W. Kessler, B.A., J.D., *Richard J. Cardali Distinguished Professor of Trial Advocacy*
- Fred Klein, B.A., J.D., *Visiting Assistant 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., *Maurice A. Deane Distinguished Professor of Constitutional Law and Faculty Director of International Programs*
- Katrina Fischer Kuh, B.A., J.D., *Professor of Law; Associate Dean for Intellectual Life and Hofstra Research Fellow*
- Paige Lescure, B.A., M.A., J.D., LL.M., *Assistant Clinical Professor of Law and Attorney-in-Charge, Health Law and Policy Clinic*
- Theo Liebmann, B.A., J.D., *Clinical Professor of Law and Director of Clinical Programs*
- C. Benjie Louis, B.A., J.D., *Visiting Associate Clinical Professor of Law and Attorney-in-Charge, Disaster Recovery Clinic*
- Irina D. Manta, B.A., J.D., *Associate Professor of Law*
- Kevin McElroy, B.A., J.D., *Associate Professor of Legal Writing*
- Richard K. Neumann, Jr., B.A., Dipl., J.D., LL.M., *Professor of Law*
- Elizabeth M. Nevins, B.A., J.D., *Assistant Clinical Professor of Law and Attorney-in-Charge, Criminal Justice Clinic*
- Ashira Ostrow, B.A., J.D., *Associate Professor of Law*
- Alan N. Resnick, B.S., J.D., LL.M., *Benjamin Weintraub Distinguished Professor of Bankruptcy Law*
- Zvi Rosen, B.A., J.D., LL.M., *Visiting Assistant Professor of Legal Writing*

James Sample, B.A., J.D., *Associate Professor of Law*

Andrew Schepard, B.A., M.A., J.D., *Max Schmertz Distinguished Professor of Law and Director of the Center for Children, Families and the Law*

Norman I. Silber, B.A., M.A., Ph.D., J.D., *Professor of Law*

Barbara Stark, B.A., J.D., LL.M., *Professor of Law*

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

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*

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

# HOFSTRA LAW REVIEW

Volume 43, No. 1

Fall 2014

## CONTENTS

### ARTICLES

- HUMAN RIGHTS, FREEDOM OF EXPRESSION, AND THE  
RISE OF THE SILVER SCREEN ..... *Lawrence M. Friedman* 1
- REGULATING IN THE DARK AND A POSTSCRIPT  
ASSESSMENT OF THE IRON LAW OF  
FINANCIAL REGULATION ..... *Roberta Romano* 25
- GLOBALIZATION AND THE ABA COMMISSION ON  
ETHICS 20/20: REFLECTIONS ON MISSED  
OPPORTUNITIES AND THE ROAD NOT TAKEN ..... *Laurel S. Terry* 95

### HOFSTRA LAW REVIEW ALUMNI ISSUE

#### IDEAS

- ADOPTIVE COUPLE V. BABY GIRL: FROM STRICT  
CONSTRUCTION TO SERIOUS CONFUSION ..... *Allison E. Burke* 139
- UNDEREMPLOYED ATTORNEYS AND UNDERSERVED  
COMMUNITIES: GETTING TO THE CORPS  
OF THE PROBLEM ..... *Angela M. Burton* 157
- ONE FOR TEN DOLLARS, TWO FOR THIRTY:  
THE VALUE OF THE NATIONAL FLOOD  
INSURANCE PROGRAM DWELLING POLICY  
FOR THE INSURED ..... *Matthew J. Kutner* 169
- THINK AND SUGGEST: BRINGING THE REAL WORLD  
TO THE LEGAL WRITING CLASSROOM ..... *Deborah Moritz* 179

# ARTICLES

EXCLUDING PATENTABILITY OF THERAPEUTIC METHODS, INCLUDING METHODS USING PHARMACEUTICALS, FOR THE TREATMENT OF HUMANS UNDER TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS ARTICLE 27(3)(A) . . . . .	<i>Michael H. Davis</i>	185
RED MONDAY AND ITS AFTERMATH: THE SUPREME COURT’S FLIP-FLOP OVER COMMUNISM IN THE LATE 1950S . . . . .	<i>Elizabeth J. Elias</i>	207
ORGANIZATIONAL RESPONSIBILITY FOR WORKPLACE RACIAL AND SEXUAL HARASSMENT: THE STORIES OF ONE COMPANY’S WORKERS . . . . .	<i>Cheryl L. Wade</i>	229

# NOTES

VIRTUAL ECONOMIES VIRTUALLY UNREGULATED: HOW CLEAR TAXPAYER GUIDANCE CAN MITIGATE TAX COMPLIANCE RISKS . . . . .	<i>Jeffrey Anand</i>	253
THE MERGING OF BLACK AND GRAY: INTERNATIONAL COPYRIGHT INFRINGEMENT IN THE POST- <i>KIRTSAENG</i> ERA . . . . .	<i>Addie T. Katz</i>	291