

9-1-2019

Front Matter

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



Part of the [Law Commons](#)

Recommended Citation

(2019) "Front Matter," *Hofstra Law Review*. Vol. 48: Iss. 1, Article 2.

Available at: <https://scholarlycommons.law.hofstra.edu/hlr/vol48/iss1/2>

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 lawlas@hofstra.edu.

HOFSTRA LAW REVIEW

Volume 48, No. 1
Fall 2019

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*, 20th 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. 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.

Proudly printed on at least 30% recycled paper since Volume 47, Issue 3.

© 2019 by the Hofstra Law Review Association.

HOFSTRA LAW REVIEW

Volume 48, No. 1

Fall 2019

Editor-in-Chief
AMY M. ELSAYED

Managing Editor of Articles
MADELYN A. NICOLINI

Managing Editor of Staff
SABRINA J. SALAMA

*Senior
Articles Editor*
EVAN LI

*Senior
Research Editor*
NINA J. PATEL

*Senior
Notes Editor*
BRITTANY A. CANGELOSI

Articles Editors
KIERAN LANG
LUKE E. RECORD
LINDSAY A. WASSERMAN

Research Editors
EMILY M. KNIGHT
BRENDAN R. MAHON

Notes Editors
REBECCA L. MARKS
AARON J. SHUBERT
JULIANA R. SPANO

Business Editor
JAMES P. STEVENS

Alumni Affairs Editor
JP RAYNAL

SARAH H. MOLLER

Senior Associate Editors
JEFFREY ROSENHECK

CHARLES L. SUTTER

ALEXANDER ANDREWS
ANDREW BORRUSO
ZACHARY CRANE
SHANNON CARBOCCI
CASSANDRA MIA FICANO
TESS C. GAVIN

Associate Editors
GIANNA GULLI
MICHAEL GUZOWSKI
TED HILLEBRAND
GABRIELLA MARGAUX-PÉREZ KLEIN

KARIN D. LEMON
MICHELLE PAGE
KYAN R. PEPPER
JOSEPH A. TAGLIANTI
MATTHEW J. TRUDEAU
KRYSTA WOODCOCK

DANNY AXELROD
LEANNE BERNHARD
RYAN P. BOYLAN
BRENDAN CARMAN
DELORES CHICHI
ANGELA CURCIO
CHRISTOPHER DENICOLA
ASHLEY EHMAN
LAUREN FITZSIMMONS
DANIEL J. GERSHMAN
ZACH GOULD
WILLIAM HALLETT JR.
MATTHEW HAUSZPIGEL

Staff
KATHLEEN HURLEY
MICHAEL J. LA PINTA
CLIFF LAFEMINA
ANDREA LATTANZIO
ROBERT LEVINSON
SAMANTHA LEVITZ
JACOB A. MANZOOR
CATHERINE MAROTTA
RILEY MAUD
ROBERT MCENTEE
KELLY MCKINNEY

FAITH PAPPALARDO
ALEXANDRA PISCITELLO
SABRINA POPILEVSKY
KARL RUMPH
ALEXA R. SCHWARTZ
PALMER SEALY IV
KRISTINA SGAMBATI
STEPHANIE M. SMITH
DAWN SUDAMA
DARBY TUPPER
KATELYN VAIANA
PATRICK WATERS
DYLAN J. WEBER

HOFSTRA UNIVERSITY SCHOOL OF LAW

2019 - 2020

ADMINISTRATIVE OFFICERS

Honorable A. Gail Prudenti, B.A., LL.B., *Dean and Executive Director of the Center for Children, Families and the Law*
Julian Ku, B.A., J.D., *Senior Associate Dean for Academic Affairs, Maurice A. Deane Distinguished Professor of Constitutional Law and Faculty Director of International Programs*
Tobie-Lynn Accardi, B.F.A., *Senior Creative Director*
Adams, Errol, B.A., J.D., M.L.S., *Reference and Scholarly Services Librarian*
Joseph Amandola, B.S., *Director of Facilities*
Adonza S. Anderson, *Senior Director of Enrollment Management*
Yvonne V. Atkinson, B.S., M.S., *Office Manager/Paralegal, Law School Clinical Program*
Andrew E. Berman, B.A., M.B.A., *Assistant Dean for Communications*
Lisa Berman, B.A., *Associate Dean for External Relations*
Judith N. Black, B.S., *Senior Director of Event Management and CLE Director*
Amy Brown, B.A., J.D., *Special Projects Coordinator and Director of Special Projects for the Capital Campaign*
Cara Caporale, B.A., J.D., *Visiting Assistant Professor of Academic Success and Assistant Director of Academic Support*
Christopher Caruso, B.A., J.D., *Senior Associate Dean for Career Services and Compliance and Executive Director of Strategic Initiatives*
Robert Caserta, B.A., J.D., *Federal Tax Clinic Fellow*
Wendy Chaite, B.S., J.D., *Director of Career and Professional Development*
Czerwonka, Christopher, B.A., J.D., *Senior Fellow, Gitenstein Institute for Health Law and Policy and Senior Practitioner - Immigration and Public Health Benefits Law, Hofstra-Northwell Medical Legal Partnership*
Janet Dolgin, B.A., M.A., Ph.D., J.D., *Jack and Freda Dicker Distinguished Professor of Health Care Law; Professor of Science Education, Hofstra Northwell School of Medicine; Co-director, Hofstra Bioethics Center; Director, Gitenstein Institute for Health Law and Policy; Faculty Director of On-Line Health Law and Policy Degree Programs and John DeWitt Gregory Jr. Research Scholar*
Kerlann Flowers, B.A., J.D., *Legal Director and Senior Attorney for the Hofstra-Northwell Medical Legal Partnership, Senior Fellow for the Gitenstein Institute for Health Law and Policy and Visiting Assistant Professor of Law*
Scott Glick, B.A., J.D., *Director of the DC Externship Program*
Celia Gordon, B.A., J.D., *Director of Career and Professional Development*
Deborah Grattan, B.A., *Monroe H. Freedman Institute for the Study of Legal Ethics Coordinator*
Robert Harrison, B.A., J.D., *Associate Dean for Enrollment Management*
Charles Hill, B.A., J.D., *Director of Career and Professional Development*
Vernadette Horne, B.A., J.D., *Senior Director of Career Services and Diversity Initiatives*
Heather Johnson, B.A., M.A., *Assistant Director of International Programs and Student Affairs Coordinator*
Adam Kahn, B.A., J.D., *Senior Fellow, Gitenstein Institute for Health Law and Policy*
Brian T. Kaspar, B.S., M.B.A., *Associate Dean for Academic Records and Registrar - Law*
Melissa Kessler, B.A., M.A., *Associate Director of Grants Management and Program Director, Wilbur F. Breslin Center for Real Estate Studies*
Laura Lanzillotta, *Director, Administrative Services*
Ryan Larson, B.A., J.D., *Associate Director of Enrollment Management*
Wendy Lattibeaudiere, B.A., J.D., *Senior Fellow, Gitenstein Institute for Health Law and Policy*
Nicole Lefton, B.A., J.D., *Director of Academic Support and Bar Exam Preparation and Assistant Professor of Academic Support and Bar Preparation*
Allyson Taylor Schwartz Lehrer, B.A., M.A., *Director of Alumni Relations and Annual Giving*
Rou-Chia P. Lin, B.A., M.L.S., *Access and Collection Services - Law Library*
Michele LoFaso B.A., J.D., *Senior Director of Student Affairs*
C. Benjie Louis, B.A., J.D., *Visiting Assistant Professor of Academic Support and Bar Preparation Programs*
Maricia McCoy, *Enrollment Counselor/Recruiter*
Megan Meighan, B. S., J.D., *Associate Director of Enrollment Management*
Shazam Mohammed, B.A., M.B.A., *Assistant Director of Information Technology Services*
Lisa Monticciolo, B.A., J.D., *Dean of Students and Diversity and Inclusion Officer*
Carlos Mulles, B.A., J.D., *Public Assistance Attorney for the Hofstra-Northwell Medical Legal Partnership and Visiting Assistant Professor of Law*

Jacob Nunnally, B.A., M.A., M.L.S., *Assistant Director of Access and Collection Services*
Lisa Petrocelli, B.A., J.D., *Managing Attorney and Project Director, Center for Children, Families and the Law*
Bonita Ricks, A.A.S., *Executive Assistant to the Dean*
Joel Roselin, B.A., M.A., *Assistant Director of the Gitenstein Institute for Health Law and Policy and Bioethics Center Coordinator*
Mary T. Ruggilo, B.A., J.D., *Senior Associate Dean for Finance*
Franca Sachs, B.A., J.D., *Assistant Dean for Experiential Programs*
Isaac Samuels, B.A., J.D., M.L.S., *Reference Librarian – Law Library*
Jessica Schaefer, B.A., *Help Desk Manager*
Kenneth J. Selvester, B.A., M.A., *Associate Director of Communications*
Kevin Shelton, B.A., M.A., J.D., M.S.L.I.S., *Reference and Government Documents Librarian*
Jackson Snellings, B.A., M.P.S., *Interim Senior Director of Information Technology Services*
Lisa A. Spar, B.A., J.D., M.S., *Interim Director of the Law Library and Assistant Director for Reference and Instructional Services*
Regina Stuart, B.A., J.D., *Director of Public Service Career Planning*
Daphne Telfeyan, B.A., J.D., *Assistant Dean for Career Development and Employer Relations*
John Tsiforas, B.A., J.D., *Director of Distance Education, Director of Law and Technology, Director of Analytics and Visiting Assistant Professor of Law*
Dana Vitale, B.A., M.B.A., *Assistant Director of Financial Aid*
Michael G. Wagner, B.S., *Senior Web Developer*
Ka Fei Wong, B.A., J.D., *Attorney-in-Charge, Pro Se Clinic*
Ellen Yaroshefsky, B.A., J.D., *Howard Lichtenstein Distinguished Professor of Legal Ethics and Executive Director of the Monroe H. Freedman Institute for the Study of Legal Ethics*
Ronald Zinner, B.A., J.D., *Immigration & Public Assistance Attorney for the Hofstra-Northwell Medical Legal Partnership and Visiting Assistant Professor of Law*

FACULTY

- Miriam Albert, B.A., J.D., M.B.A., LL.M., *Professor of Skills, Faculty Advisor for Joint Programs and Faculty Director of Summer Skills Programs*
- Barbara S. Barron, B.A., M.A., J.D., *Professor of Skills, Faculty Advisor to Moot Court Board, Director of the Trial Techniques Program, and Director of Student Advocacy Programs*
- Alafair S. Burke, B.A., J.D., *Professor of Law*
- Robert A. Baruch Bush, B.A., J.D., *Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law*
- Allison Caffarone, B.A., J.D., *Visiting Associate Professor of Law*
- Julianna Campagna, B.A., M.A., J.D., LL.M., *Professor of Legal Writing and Associate Faculty Director of International Programs*
- Robin Charlow, A.B., J.D., *Professor of Law*
- J. Scott Colesanti, B.A., J.D., LL.M., *Professor of Legal Writing and Faculty Director of the J.D./M.B.A. Program*
- Ronald J. Colombo, B.S., J.D., *Professor of Law, Associate Dean for Distance Education, Faculty Director of the American Legal Studies MA and LLM Degree Programs and Hofstra Research Scholar*
- 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-Northwell School of Medicine; Co-director, Hofstra University Bioethics Center; Director of Gitenstein Institute for Health Law and Policy; Faculty Director of On-Line Health Law and Policy Degree Programs and John DeWitt Gregory Jr. Research Scholar*
- Karen Fernbach, B.A., J.D., *Visiting Assistant Professor of Law*
- Judge Fern Fisher, B.A., J.D., *Visiting Associate Professor of Law*
- Brenner Fissell, B.A., M.Phil., J.D., *Associate Professor of Law*
- Kerlann Flowers, B.A., J.D., *Legal Director and Senior Attorney for the Law School Hofstra-Northwell Medical Legal Partnership, Senior Fellow for the Gitenstein Institute for Health Law and Policy and Visiting Assistant Professor of Law*
- Akilah N. Folami, B.A., J.D., *Professor of Law*
- Maryam Franzella, B.A., J.D., *Assistant Professor of Legal Writing*
- Eric M. Freedman, B.A., J.D., M.A., *Siggi B. Wilzig Distinguished Professor in Constitutional Rights*
- Leon Friedman, A.B., LL.B., *Joseph Kushner Distinguished Professor in Civil Liberties Law*
- Linda Galler, B.A., J.D., LL.M., *Max Schmertz Distinguished Professor of Law*
- Mitchell Gans, B.B.A., J.D., *Rivkin Radler Distinguished Professor of Law*
- Daniel J. H. Greenwood, A.B., J.D., *Professor of Law and Hofstra Research Scholar*
- John DeWitt Gregory, B.A., J.D., *Distinguished Professor Emeritus of Law*
- Jennifer A. Gundlach, B.A., J.D., *Stephen and Emily Mendel Distinguished Professor of Access to Justice and Clinical Professor of Law*
- Michael Haber, B.A., M.A., J.D., *Associate Clinical Professor of Law and Attorney-in-Charge, Community and Economic Development Clinic*
- James Edward Hickey, Jr., B.S., J.D., Ph.D., *Professor of Law*
- Alexander Holtzman, B.A., M.A., J.D., *Visiting Associate Clinical Professor of Law, Deportation Defense Clinic*
- Fred Klein, B.A., J.D., *Visiting Assistant Professor of Law*
- Stefan Krieger, B.A., J.D., *Richard J. Cardali Distinguished Professor of Trial Advocacy, Director of the Center for Legal Reasoning and Director Emeritus of Hofstra Clinical Programs*
- Julian Ku, B.A., J.D., *Senior Associate Dean for Academic Affairs, Maurice A. Deane Distinguished Professor of Constitutional Law and Faculty Director of International Programs*
- Eric Lane, B.A., M.A., J.D., LL.M., *Eric J. Schmertz Distinguished Professor of Public Law and Public Service*
- Nicole Lefton, B.A., J.D., *Director of Academic Support and Bar Preparation, and Assistant Professor of Academic Support and Bar Preparation*
- Theo Liebmann, B.A., J.D., *Clinical Professor of Law and Managing Attorney of the Community Legal Assistance Corporation*
- Claude (Benjie) Louis, B.A., J.D., *Visiting Assistant Professor of Academic Support and Bar Preparation Programs*
- Malachy T. Mahon, B.A., J.D., *Founding Dean Emeritus*
- Irina D. Manta, B.A., J.D., *Professor of Law and Director of the Center for Intellectual Property Law*
- Kevin McElroy, B.A., J.D., *Professor of Legal Writing*
- Carlos Mulles, B.A., J.D., *Public Assistance Attorney for the Hofstra-Northwell Medical Legal Partnership and Visiting Assistant Professor of Law*
- Richard K. Neumann, Jr., B.A., Dipl., J.D., LL.M., *Alexander Bickel Distinguished Professor of Law*

Elizabeth Nevins, B.A., J.D., *Clinical Professor of Law and Attorney-in-Charge, Criminal Justice Clinic*

Mark Niles, B.A., J.D., *Professor of Law*

Ashira Ostrow, B.A., J.D., *Peter S. Kalikow Distinguished Professor of Real Estate and Land Use, Executive Director of the Wilbur F. Breslin Center for Real Estate Studies and Hofstra Research Scholar*

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

Andrew Schepard, B.A., M.A., J.D., *Sidney and Walter Siben Distinguished Professor of Family Law and Director of the Center for Children, Families, and the Law*

Matthew A. Shapiro, A.B., M.Phil., D.Phil., J.D., *Associate Professor of Law*

Norman I. Silber, B.A., M.A., Ph.D., J.D., *Professor of Law and Associate Dean for Research and Faculty Development*

Ronald H. Silverman, B.A., J.D., *Distinguished Professor Emeritus of Law*

Roy D. Simon, B.A., J.D., *Distinguished Professor Emeritus 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 Legal Writing and Adjunct Instruction*

Emily Stoltzenberg, A.B., M.Phil., J.D., *Visiting Assistant Professor of Law and a Center for Children, Families and the Law Research Fellow*

Blair Thompson, B.A., J.D., *Visiting Clinical Professor of Law for the Robert W. Entenmann Veterans Law Clinic*

Vern R. Walker, B.A., M.A., Ph.D., J.D., *Distinguished Professor Emeritus of Law*

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

Ellen Yaroshefsky, B.A., J.D., *Howard Lichtenstein Distinguished Professor of Legal Ethics, Executive Director of the Monroe H. Freedman Institute for the Study of Legal Ethics and Associate Dean for Research and Faculty Development*

HOFSTRA LAW REVIEW

Volume 48, No. 1

Fall 2019

CONTENTS

ARTICLES

- TRUMP'S ANGRY WHITE WOMEN:
MOTHERHOOD, NATIONALISM, AND ABORTION ... *Yvonne Lindgren* 1
- REVISITING *MASTERPIECE CAKESHOP*—
FREE SPEECH AND THE FIRST AMENDMENT:
CAN POLITICAL CORRECTNESS BE COMPELLED? *Terri R. Day* 47
- KEEPING UP WITH A KARDASHIAN:
SHEDDING LEGAL EDUCATIONS' VESTIGIAL
TRADE SCHOOL ANXIETY AND REPLACING
THE DATED CASEBOOK METHOD WITH
MODERN CASE-BASED LEARNING *Jason G. Dykstra* 81
- EXPERT WITNESS REPORTS IN FEDERAL
CIVIL LITIGATION: THE ROLE OF
THE ATTORNEY IN THE EXPERT
WITNESS REPORT'S PREPARATION *Arthur F. Greenbaum* 131

NOTES

- WITH GREAT TECHNOLOGY COMES GREAT
RESPONSIBILITY: WHY SMARTPHONE
USERS' BIOMETRIC DATA NEEDS
TO BE PROTECTED *JP Raynal* 179
- IS IT SO EASY A MONKEY CAN DO IT?:
JOINT WORKS AND THE UNINTENDED
COLLABORATOR *Sabrina J. Salama* 215
- PREVENTION NOT PUNISHMENT:
CHILD VICTIMS OF SEX TRAFFICKING
MUST BE TREATED NOT DETAINED *Juliana Spano* 253

