

Fall 2003

ILSA Journal of International and Comparative Law-Volume 10-2003-2004

H. Wayne Clark

Nova Southeastern University - Shepard Broad College of Law

Thomas F. Mullin

Nova Southeastern University - Shepard Broad College of Law

Vicki A. Tucci

Nova Southeastern University - Shepard Broad College of Law

Andrew S. Neuwelt

Nova Southeastern University - Shepard Broad College of Law

Paul Hornick

Nova Southeastern University - Shepard Broad College of Law

See next page for additional authors

Follow this and additional works at: https://nsuworks.nova.edu/ilsa_mastheads



Part of the [Law Commons](#)

Recommended Citation

Clark, H. Wayne; Mullin, Thomas F.; Tucci, Vicki A.; Neuwelt, Andrew S.; Hornick, Paul; Fish, Christal; Knox, Rebecca; Roffe, Tammy R.; Billoo, Yasir; Sepulveda-Kocher, Menina; and Bonila, Luis, "ILSA Journal of International and Comparative Law-Volume 10-2003-2004" (2003). *ILSA Journal Mastheads*. 10.

https://nsuworks.nova.edu/ilsa_mastheads/10

This Masthead is brought to you for free and open access by the Law Journals Mastheads at NSUWorks. It has been accepted for inclusion in ILSA Journal Mastheads by an authorized administrator of NSUWorks. For more information, please contact nsuworks@nova.edu.

Editorial Board

H. Wayne Clark, Thomas F. Mullin, Vicki A. Tucci, Andrew S. Neuwelt, Paul Hornick, Christal Fish, Rebecca Knox, Tammy R. Roffe, Yasir Billoo, Menina Sepulveda-Kocher, and Luis Bonila

GENERAL INFORMATION

Cite As: **ILSA J. INT'L & COMP. L.**

The *ILSA Journal of International & Comparative Law* is an International Law Students Association (ILSA) publication housed at Nova Southeastern University's Shepard Broad Law Center in Fort Lauderdale, Florida, United States. The *ILSA Journal of International & Comparative Law* publishes three issues each year. The first is a compilation of notes, comments & essays. The second, the International Practitioner's Notebook Edition (IPN Edition), is produced in cooperation with the International Law Association American Branch and the American Bar Association Section of International Law and Practice. The IPN Edition publishes remarks from the annual ILA Weekend in New York, New York, United States. The third issue, ILSA Journal's Bilingual Edition, is published in both English and Spanish and features scholarly work of special interest to scholars and practitioners in Latin America, Central and South America, Mexico, and the Dominican Republic.

Opinions appearing in the *ILSA Journal* are those of the individual contributors and not the views of the *ILSA Journal*, its Editors, Nova Southeastern University or the Shepard Broad Law Center, or the International Law Students Association.

Submissions: The *ILSA Journal* welcomes manuscripts on topics of interest to the international law community. Authors may submit via electronic mail to journal@nsu.law.nova.edu, attn: Lead Articles Editor. Authors may also submit hard copy, but must be prepared to supply the manuscript on IBM-compatible computer diskette in Microsoft Word for Windows version 7.0 or higher. Legal Citation must conform to *The Bluebook: A Uniform System of Citation (17th ed. 2001)*. All author sources are subject to verification; *ILSA Journal* reserves the right to reject any article for which sources cannot be verified or which does not conform to the terms of *ILSA Journal's* author contract for the year of acceptance. *ILSA Journal* assumes no responsibility for the return of paper or electronic manuscripts.

Subscriptions: The subscription price is U.S. \$25.00 per year for United States domestic subscribers and U.S. \$30.00 per year for subscribers in Canada, in Mexico, and overseas. Subscriptions are renewed automatically unless the subscriber sends a timely notice of termination. All address changes should include the old and new addresses. Changes and inquiries may be emailed to journal@nsu.law.nova.edu, attn: Subscriptions Editor.

Correspondence: Address correspondence as follows. Electronic mail is also welcome.

ILSA Journal of International & Comparative Law
Nova Southeastern University Shepard Broad Law Center
3305 College Avenue, Fort Lauderdale, Florida 33314 USA
Telephone 954-262-6026
Facsimile 954-262-3830
Electronic Mail journal@nsu.law.nova.edu

Back Issues: William S. Hein & Co., Inc. has purchased the entire back stock and reprint rights of the *ILSA Journal*. Individual issues or entire volumes are available from William S. Hein & Co., 1285 Main Street, Buffalo, New York, NY 15209, USA.

The *ILSA Journal of International & Comparative Law* hereby grants permission for copies of all articles on which it holds copyright to be made and used by nonprofit educational institutions, provided that a) the copies are distributed at or below cost, b) the author is clearly identified, c) the volume and issue of *ILSA Journal* are clearly identified, and d) this notice is affixed to each copy. All other rights are reserved to *ILSA Journal*.

ILSA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW
NOVA SOUTHEASTERN UNIVERSITY
SHEPARD BROAD LAW CENTER

Volume 10

Fall 2003

Number 1

EDITORIAL BOARD

H. WAYNE CLARK

Editor-in-Chief & Executive Board Member

THOMAS F. MULLIN

*Managing Editor & Executive
Board Member*

VICKI A. TUCCI

*Executive Editor & Executive
Board Member*

ANDREW S. NEUWELT

Lead Articles Editor & Executive Board Member

PAUL HORNICK

Online Associate Editor

CHRISTAL FISH

Lead Technical Editor

REBECCA KNOX

*Social Coordinator & Fall and
IPN Editions Coordinator*

TAMMY R. ROFFE

Associate Technical Editor

YASIR BILLOO

Bilingual Editor & Subscriptions Editor

MENINA SEPULVEDA-KOCHER

Associate Bilingual Editor

LUIS BONILA

Associate Bilingual Editor

FACULTY ADVISORS

PROFESSOR DOUGLAS L. DONOHO

PROFESSOR ELOISA C. RODRIGUEZ-DOD

PROFESSOR JAMES D. WILLETS

PROFESSOR JANE E. CROSS

SENIOR STAFF TEAM LEADERS

Alex Brown

Manuel Perez-Leiva

George Cavros

Andrea Silva

Paula Leite

Stephen Berkovits

JUNIOR STAFF MEMBERS

Laura Alton

J. Andrew Atkinson

Amelia Berson

Michele Bloom

Richard Blystone

Jennifer Bokankowitz

Scott Budnick

Nirjari Desai

Diana M. Hedrick

Jennifer Ghaly

Aisha Jack

Raquel James

Trey George Miller

Sandra Murguia

Mathew Schwartz

Dawn M. Rapoport

Jorge L. Riera

E. Lesleigh Varner

NOVA SOUTHEASTERN UNIVERSITY
SHEPARD BROAD LAW CENTER 2003-2004

ADMINISTRATION

Joseph D. Harbaugh, B.S., LL.B., LL.M., *Dean and Professor*
Gail Levin Richmond, A.B., M.B.A., J.D., *Associate Dean for Academic Affairs and Professor*
William E. Adams, Jr., A.B., J.D., *Associate Dean for International, Online, and Graduate Programs and Professor*
Patricia Cicchetti Jason, B.A., M.P.A., J.D., *Associate Dean for Student and Administrative Affairs*
Paula A. Habib, B.S., *Director, Administrative Operations*
Nancy Kelly Sanguigni, B.S., *Director, Admissions*
Beth Hall, B.A., M.S., *Assistant Director, Admissions*
Linda Lahey, B.S., *Director, Development Research and Special Events*
Elizabeth Welch, B.J., J.D., *Director, Alumni Relations and Development*
Janet Mosseri, B.S., J.D., *Director, Career Development*
Lissette Martinez-Gorman, B.A., J.D., *Associate Director, Career Development*
Sharon Booth, B.A., J.D., *Associate Director, Career Development and Public Interest Law*
Marilyn Eisler, B.A., J.D., *Career Counselor/Program Consultant*
Richard Grayson, B.A., M.F.A., M.A., J.D., *Director, Academic Resource Program*
Mark Padin, B.A., M.S., J.D., *Associate Director, Academic Resource Program*
Meg Chandelle, B.S., M.B.A., J.D., *Director, Clinical and Upper Division Lawyering Skills & Values Programs*
Lynn Acosta, B.S., M.S. Ed., *Director, Student Services*
Jennifer McIntyre, B.S., *Director, Distance Education*
Frank A. Orlando, B.S., J.D., *Director, Center for the Study of Youth Policy and Adjunct Professor*
Maureen Dookie, *Executive Assistant to the Dean*
Richard Corbyons, *Facilities Manager*

FACULTY

John B. Anderson, A.B., J.D., LL.M., *Distinguished Visiting Professor*
Catherine Arcabascio, B.A., J.D., *Associate Professor*
Timothy Arcaro, B.S., J.D., *Associate Professor*
Linda J. Barris, B.A., J.D., *Assistant Professor*
Brion Blackwelder, B.S., J.D., *Associate Professor*
Randolph Braccialarghe, A.B., J.D., *Professor*
Ronald Benton Brown, B.S.M.E., J.D., LL.M., *Professor*
Cynthia L. Bulan, B.S., J.D., *Assistant Professor*
Johnny C. Burris, B.G.S., J.D., LL.M., *Professor*
Marilyn Cane, B.A., J.D., *Professor*
Kathy Cerminara, B.S., J.D., LL.M., J.S.D., *Associate Professor*

Anthony Chase, B.A., J.D., LL.M., *Professor*
 Phyllis G. Coleman, B.S., M.Ed., J.D., *Professor*
 Leslie Larkin Cooney, B.S., J.D., *Professor*
 Jane Ellen Cross, B.A., J.D., *Assistant Professor*
 Debra Moss Curtis, B.A., J.D., *Assistant Professor*
 Michael J. Dale, B.A., J.D., *Professor*
 Mark Dobson, A.B., J.D., LL.M., *Professor*
 Douglas Lee Donoho, B.A., J.D., LL.M., *Professor*
 Lynn A. Epstein, B.S., J.D., *Professor*
 Michael Flynn, A.B., J.D., *Professor*
 Steven Friedland, B.A., J.D., LL.M., J.S.D., *Professor*
 Angela Gilmore, B.A., J.D., *Professor*
 Pearl Goldman, B.C.L., M. Phil., LL.B., J.D., LL.M., *Associate Professor*
 Joseph M. Grohman, B.A., M.A., J.D., *Professor*
 Richard Grosso, B.S., J.D., *Associate Professor*
 Gwen Thayer Handelman, A.B., J.D., *Scholar in Residence*
 Linda F. Harrison, B.A., J.D., *Associate Professor*
 Carol Henderson, B.A., J.D., *Professor (on leave 2003-2004)*
 David R. Herwitz, B.S., LL.B., *Visiting Professor*
 Robert M. Jarvis, B.A., J.D., LL.M., *Professor*
 Judith Karp, B.A., M.L.S., J.D., *Associate Professor and Director, First Year
 Lawyering Skills & Values Program*
 Billie Jo Kaufman, B.S., M.L.S., J.D., *Visiting Associate Professor*
 Lundy Langston, B.S., J.D., LL.M., *Professor (on leave 2002-2004)*
 Betsy Levin, A.B., LL.B., LL.D., *Visiting Professor (on leave 2003-2004)*
 James Levy, B.A., J.D., *Assistant Professor*
 Ovid C. Lewis, A.B., J.D., LL.M., J.S.D., *Professor Emeritus & Past University
 President*
 Donna Litman, A.B., J.D., *Professor*
 Elena Marty-Nelson, B.A., J.D., LL.M., *Professor*
 Michael R. Masinter, B.A., J.D., *Professor*
 Jani E. Maurer, B.A., J.D., *Associate Professor*
 Howard Messing, A.B., J.D., *Professor Emeritus*
 Joel A. Mintz, B.A., J.D., LL.M., J.S.D., *Professor*
 Anthony Niedwiecki, B.A., J.D., LL.M., *Assistant Professor*
 Timothy A. O'Brien, B.A., M.A., J.D., *Distinguished Visiting Professor*
 Michael L. Richmond, A.B., M.S.L.S., J.D., *Professor*
 Eloisa C. Rodriguez-Dod, B.B.A., M.B.A., J.D., *Associate Professor*
 Bruce S. Rogow, B.B.A., J.D., *Professor*
 Marc Rohr, B.A., J.D., *Professor*
 Michael Metcalf Rooke-Ley, B.A., J.D., *Professor Emeritus*
 John Sanchez, B.A., J.D., LL.M., *Professor*
 Florence Bih Shu-Acquaye, LL.B., LL.M., J.S.M., J.S.D., *Associate Professor*
 Charlene Smith, B.A., M.A., J.D., LL.M., *Visiting Professor*
 Lester Snyder, B.S., J.D., LL.M., *Visiting Professor*
 Joseph F. Smith, Jr., B.A., J.D., *Professor*
 Fran L. Tetunic, B.A., J.D., *Associate Professor*
 James D. Wilets, B.A., M.A., J.D., *Professor*
 Steven Wisotsky, B.A., J.D., LL.M., *Professor*

ADJUNCT FACULTY

- Stephanie Alexander, B.A., J.D.
Stephanie Anderson, B.S., M.D., J.D.
Elaine Asad, B.A., J.D.
Ross Baer, B.A., J.D.
Steven R. Ballinger, B.A., J.D.
Alexander Bednar, B.A., J.D., LL.M.
H. Elizabeth Benson, B.A., J.D.
Leonard Bishop, B.B.A., J.D.
Sandra Bonfiglio, B.S., J.D.
Robert Brighton, A.B., J.D.
Mark Bromley, B.S., J.D.
Dean A. Brooks, B.A., M.B.A., J.D.
Dale Bruschi, B.S., J.D.
Sarah Calli, B.S., J.D.
Robert Campbell, B.A., B.A., M.P.H.,
J.D., Ph.D.
Judith Jackson Chorlog, B.S., J.D.
Steven Collard, B.A., M.Ed.
Jill Cook-Edwards, B.A., J.D.
Reginald Corlew, B.A., J.D., LL.M.
Edward Curtis, B.S., J.D.
Theodore Curtis, B.A., J.D.
Thomas Dare, B.A., J.D.
Gary Davidson, A.B., M.A., J.D., LL.M.
Morton Diamond, B.A., M.D.
Robert F. Diaz, B.A., J.D.
Susan Dubow, B.S.
Jane Fishman, B.A., J.D.
Rex Ford, B.S., J.D.
John Frusciante, B. Mus., M.S., J.D.
Stuart Gold, B.A., J.D.
Adam Goldberg, B.S., J.D., LL.M.
Evan Goldenberg, B.S., M.S., J.D.
Bryan Greenberg, B.A., J.D.
J.B. Grossman, B.A., J.D., LL.M.
Robert Grosz, B.A., M.S., Ed.D.
Douglas Hoffman, B.S., J.D.
Melissa Hogan, B.A., J.D.
Cynthia Imperato, B.S., M.S., J.D.
Ellen Itzler, B.A., J.D.
Linnea Johnson, B.A., J.D.
Norman Kaplan, B.S., J.D., LL.M.
Daniel L. Kaufman, B.S., J.D.
Troy Kishbaugh, B.S., J.D.
Robert Klausner, B.A., J.D.
Stuart Klein, B.G.S., M.Ed., J.D., LL.M.
Barbara Kornblau, B.S., J.D.
Pamela Krauss, B.S., M.S., J.D.
Ira Kurzban, B.A., M.A., J.D.
Barbara Landau, B.A., J.D., LL.M.
Allan M. Lerner, B.A., J.D.
Robert C. Levine, B.S., J.D.
James S. Lewis, B.A., J.D.
Samuel Lewis, B.A., M.A., J.D.
Rochelle Marcus, B.S., M.Ed., J.D.
Bruce McAllister, B.A., LL.B.
Lisa McNelis, B.A., J.D.
Elena Minicucci, B.A., B.A., J.D.
Mercy Moore, B.A., M.S., J.D.
Gerald Morris, B.A., J.D.
Charles Morton, B.A., J.D.
Steven Naclerio, A.B., J.D.
John Napolitano, B.A., J.D.
Daniel Newman, B.B.A., J.D.
Paul Nidich, B.A., J.D., LL.M.
James Ongley, B.S., M.D., J.D.
Kenneth Padowitz, B.A.E., J.D.
Robert Pasin, B.A., J.D.
Byron Petersen, B.A., J.D.
Alina Perez, B.S., M.S.W., J.D.
Steve Perlman,
James Pilkey, B.A., J.D.
Beverly Pohl, B.S., J.D.
Frank Pommersheim, B.A., M.P.A.,
J.D.
Patricia Rathburn, B.A., J.D.
Israel Reyes, B.S., J.D.
H. John Rizvi, B.S., J.D.
James B. Roche, B.A., B.S., J.D.,
LL.M.
Michael Rocque, B.A., J.D.
Jose Rodriguez-Dod, B.A., J.D.
Jonathan Rosenthal, B.A., J.D.
Richard Saccocio, B.M.E., J.D.
James Saunders, III, B.B.A., J.D.
Philip G. Schlissel, B.A., J.D.
Robert Schrader, B.A., J.D.
Adam Schulman, B.A., M.S., Ph.D.
Robert Schwartz, B.A., J.D.
Neal Shniderman, B.A., J.D.
Samuel Smargon, Ph.B., J.D.
Mindy Solomon, B.S., J.D.
J. Darin Stewart, B.B.A., J.D.
Judy Stroud, B.A., M.B.A., J.D.
Frank Terzo, B.A., J.D.
Ellen Tilles, B.A., M.S.W., Ed.S.,
J.D.
Craig Trocino, B.A., J.D.
Norman Wedderburn, B.S. J.D.
Camille Worsnop, B.S., J.D., LL.M.
Stuart Yanofsky, B.A., J.D.

LIBRARY STAFF

Lisa Smith-Butler, B.A., M.L.S., J.D., *Acting Law Library Director and Adjunct Professor*

Frank Novak, B.A., J.D., *Director of Network Services*

Mary Paige Smith, B.A., M.L.S., *Head of Collection and Bibliographic Services*

Carol Yecies, B.A., J.D., *Information Services Manager*

James Allen, B.S., J.D., *Evening Reference Librarian*

Rhonda Gold, B.A., M.L.S., M.B.A., *Reference Librarian/International and United Nations Collections*

Melanie Putnam, B.A., M.L.S., *Reference/Electronic Services Librarian*

Angie Stramiello, B.A., M.L.S., *Assistant Head, Collection and Bibliographic Services-Serials & Acquisitions*

Donna Struthers, B.A., M.L.S., *Assistant Head, Collection and Bibliographic Services-Cataloging*

Jason Rosenberg, B.A., *Legal Education Technology Specialist*

Stephan Sobchak, *Technology Development Manager*

Candace Sprauve, B.A., J.D., *Associate Director, Career Development*