

Nova Southeastern University NSUWorks

Law Review Mastheads

Law Journals Mastheads

Fall 2004

Nova Law Review-Volume 29-2004-2005

Krista S. Kovalcin

Nova Southeastern University - Shepard Broad College of Law

David A. Ray

Nova Southeastern University - Shepard Broad College of Law

Katherine H. Miller

Nova Southeastern University - Shepard Broad College of Law

Suzen M. Grieshop Corrada

Nova Southeastern University - Shepard Broad College of Law

Jeffrey M. Berman

Nova Southeastern University - Shepard Broad College of Law

 $See\ next\ page\ for\ additional\ authors$

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



Part of the Law Commons

Recommended Citation

Kovalcin, Krista S.; Ray, David A.; Miller, Katherine H.; Grieshop Corrada, Suzen M.; Berman, Jeffrey M.; Forte, Michele R.; Gerber, Douglas P.; Murphey, Michael B.; Tarasuk, Ivan J.; Blank, David M.; Erdelyi, Jennifer C.; Innet, Leanne M.; Pearce, Laura; and Zimmerman, Nicole, "Nova Law Review-Volume 29-2004-2005" (2004). Law Review Mastheads. 29. https://nsuworks.nova.edu/lawreview_mastheads/29

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 Law Review Mastheads by an authorized administrator of NSUWorks. For more information, please contact nsuworks@nova.edu.

Editorial Board Krista S. Kovalcin, David A. Ray, Katherine H. Miller, Suzen M. Grieshop Corrada, Jeffrey M. Berman, Michele R. Forte, Douglas P. Gerber, Michael B. Murphey, Ivan J. Tarasuk, David M. Blank, Jennifer C. Erdelyi, Leanne M. Innet, Laura Pearce, and Nicole Zimmerman

NOVA LAW REVIEW

VOLUME 29

FALL 2004

NUMBER 1

EDITORIAL BOARD

KRISTA S. KOVALCIN Editor-in-Chief

DAVID A. RAY

DAVID A. RAY

Executive Editor

KATHERINE H. MILLER

Lead Articles Editor KATHERINE H. MILLER

SUZEN M. GRIESHOP CORRADA Technical Editor

Articles Editors

JEFFREY M. BERMAN MICHAEL B. MURPHEY
MICHELE R. FORTE IVAN J. TARASUK
DOLIGIAS P. GERBER DOUGLAS P. GERBER

Associate Editors

DAVID M. BLANK LAURA PEARCE
JENNIFER C. ERDELYI NICOLE ZIMMERMAN LEANNE M. INNET

FACULTY ADVISORS

ANTHONY CHASE

ELENA MARTY-NELSON

SENIOR STAFF

Antoinette Backhus Vijay G. Brijbasi Marc Brody Alexis Brown-Gelb Erin B. Carroll Andrew M. Fisher Mark D. Friedman Brian Gottlieb JASON JOFFE
JASON D. KATZ
RACHEL KELMAN
DAVID L. KROHN
JAY M. O'BRIEN
JEFFREY J. SAUNDERS
MITCHELL SILVER
STEVEN WAHLBRINK
SHERRY WHITACRE

JUNIOR STAFF

MARK H. AGULNIK ROBERT B. BARKIN ANDREW B. BLACK REBECCA K. BOYAJIAN HILLARY P. BRISSON PATRICK G. BRUGGER CARLOS CARMONA, JR. ANA J. COHEN MARY KAYE COLLINS AUDREY J. DIXON CHRISTOPHER E. EVERETT LAUREN S. FALLICK DONNA FLORES TAMIKA L. JONES BRET L. LUSSKIN, JR. MEGHAN G. MARONEY

CHRISTOPHER M. MATERASSO NICHOLAS MAYO SHIRIN MOVAHED GRACE M. MURILLO TIFFANY L. PARLANTE BENJAMIN G. PARTLOW JENNIFER PEARL MAAZ A. QURAISHI REBECCA S. RODRIGUEZ IGNACIO M. SARMIENTO JAMES A. SLABAUGH PETER SOBOTA CHRISTOPHER G. SPRAGUE SABRINA E. TIRABASSI JESSICA L. TOBIAS MICHAEL L. TORRES NICOLE C. VELASCO

NOVA SOUTHEASTERN UNIVERSITY SHEPARD BROAD LAW CENTER

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

Beth Hall, B.A., M.S., Director, Admissions

Allison Gavin, B.A., 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

Sharon Booth, B.A., J.D., Associate Director, Career Development and Public Interest Law

Rachel Mayover, B.S., J.D., Associate Director, Career Development

Marilyn Eisler, B.A., J.D., Career Counselor/Program Consultant

Lynn Acosta, B.S., M.S. Ed., Director, Student Services

Richard Grayson, B.A., M.F.A., M.A., J.D., Associate Director, Student Services

Meg Chandelle, B.S., M.B.A., J.D., Director, Upper Division Lawyering Skills & Values Program and Adjunct Professor

Nancy Kelly Sanguigni, B.S., Director, Clinical Programs

Jennifer McIntyre, B.S., M.S., Director, Distance Education

Alex Heyliger, B.S., M.I.B.A., Assistant Director, International, Online, and Graduate Programs

Frank A. Orlando, B.S., J.D., Director, Center for the Study of Youth Policy and Adjunct Professor

Betina Troup, B.A., B.A., M.S., Administrative Director, Critical Skills Program

Jo Eterno, Executive Assistant to the Dean

Richard Corbyons, Facilities Manager

FACULTY

Stephanie Feldman Aleong, B.A., J.D., Assistant Professor

John B. Anderson, A.B., J.D., LL.M., Distinguished Visiting Professor

Catherine Arcabascio, B.A., J.D., 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

Barbara J. Britzke, B.A., M.A.T., J.D., LL.M., Critical Skills Instructor

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

Josep Maria Castellá Andreu, LL.B., Ph.D., Visiting 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., Associate 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

Olympia R. Duhart, B.A., J.D., Critical Skills Instructor

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 and Co-Director, Critical Skills Program

Angela Gilmore, B.A., J.D., Professor and Co-Director, Critical Skills Program

Pearl Goldman, B.C.L., M. Phil., LL.B., J.D., LL.M., Professor

Joseph M. Grohman, B.A., M.A., J.D., Professor and Co-Director, Critical Skills Program

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

Kimberly Hausbeck, B.A., J.D., LL.M., Assistant Professor

Carol Henderson, B.A., J.D., Professor (on leave 2004-2005)

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

Lundy Langston, B.S., J.D., LL.M., Professor (on leave 2004-2005)

Betsy Levin, A.B., LL.B., LL.D., Visiting Professor (on leave 2004-2005)

James Levy, B.A., J.D., Assistant Professor

Ovid C. Lewis, A.B., J.D., LL.M., J.S.D., Professor Emeritus and 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., 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

Carolyn J. Nygren, B.A., M.Ed., J.D., Ph.D., Assistant Professor

Timothy A. O'Brien, B.A., M.A., J.D., *Distinguished Visiting Professor* (on leave 2004-2005)

Roma Perez, B.A., J.D., Critical Skills Instructor

Patricia Murphy Propheter, B.S.Ed., M.A.Ed., J.D., Critical Skills Instructor

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

Jendayi D. Saada, B.A., J.D., Critical Skills Instructor

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., 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 Anderson, B.S., M.D., J.D. Thomas Anthony, B.S., J.D. Elaine Asad, B.A., J.D. Ross Baer, B.A., J.D. Steven R. Ballinger, B.A., J.D. Roshawn Banks, B.S., J.D. Alexander Bednar, B.A., J.D., LL.M. Leyza F. Blanco, B.A., J.D. Sherrie Bourg Carter, B.S., M.S., Psy.D. Mark Bromley, B.S., J.D. Dean A. Brooks, B.A., M.B.A., J.D. Dale Bruschi, B.S., J.D. Robert Campbell, B.A., B.A., M.P.H., J.D., Ph.D. Elaine Cassel, B.A., M.A., M.A., J.D., Ph.D. Judith Jackson Chorlog, B.S., J.D. Steven Collard, B.A., M.Ed. Reginald Corlew, B.A., J.D., LL.M. 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. Mary Henderson, B.A., J.D. Douglas Hoffman, B.S., J.D. Alfred J. Horowitz, B.A., J.D., LL.M. Cynthia Imperato, B.S., M.S., J.D. Linnea Johnson, B.A., J.D. Nick Jovanovich, B.S., J.D., LL.M. Brian A. Kahan, B.S. Pharm., J.D. Norman Kaplan, B.S., J.D., LL.M. Daniel L. Kaufman, B.S., J.D. 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.

Beverly Pohl, B.S., J.D. Allan M. Lerner, B.A., J.D. Robert C. Levine, B.S., J.D. James S. Lewis, B.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., LL.M. Charles Morton, B.A., J.D. Steven Naclerio, A.B., J.D. John Napolitano, 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. Alina Perez, B.S., M.S.W., J.D. Byron Petersen, B.A., J.D. James Pilkey, B.A., J.D. Gary Poliakoff, B.S., J.D. Paul B. Ranis, B.A., J.D. Patricia Rathburn, B.A., J.D. Israel Reyes, B.S., J.D. 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. 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. Tina Stansel, B.S., J.D. J. Darin Stewart, B.B.A., J.D. Frank Terzo, B.A., J.D. Ellen Tilles, B.A., M. S.W., Ed.S., J.D. Norman Wedderburn, B.S. J.D. Richard Wolfe, B.S., J.D., LL.M. Camille Worsnop, B.S., J.D., LL.M. Stuart Yanofsky, B.A., J.D.

Lorraine Yeomans, B.A., J.D.

LIBRARY STAFF

Lisa Smith-Butler, B.A., M.L.S., J.D., Law Library Director and Assistant Professor Roy Balleste, B.A., M.L.S., J.D., LL.M., Associate Law Library Director and Adjunct Professor

Frank Novak, B.A., J.D., Head of Network Services

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

Carol Yecies, B.A., M.I.S., J.D., Head of Information Services

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., M.B.A., Legal Education Technology Specialist Stephan Sobchak, Technology Development Manager

NOVA LAW REVIEW

ANTIDISCRIMINATION STATEMENT

It is the policy of *Nova Law Review* to support equality of opportunity. No person shall be denied membership in *Nova Law Review* or participation in any of its activities on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, age, or disability.

PERMISSION

Nova Law Review hereby grants permission to nonprofit organizations to reproduce and distribute the contents of its journal, in whole or in part, for educational purposes, including distribution to students, provided that the copies are distributed at or below cost and identify the author, Nova Law Review, the volume, the number of the first page of the article, the year of publication, and proper notice is affixed to each copy. All other rights reserved. All other inquiries for permission should be sent to the attention of the Editor-in-Chief.

MANUSCRIPTS

Nova Law Review invites submissions of unsolicited manuscripts. Articles submitted to Nova Law Review should conform to the guidelines set forth in The Bluebook: A Uniform System of Citation (17th ed. 2000). Articles may be submitted via mail, or e-mail, however, the articles must be available in Microsoft Word. E-mail submissions may be sent to lawreview@nsu.law.nova.edu. All articles are recycled after consideration. Nova Law Review does not assume responsibility for the return of any materials.

SUBSCRIPTIONS

The *Nova Law Review* is published three times per year by students of The Shepard Broad Law Center. The current annual subscription rate is \$25.00. Single issues are available for \$12.00. Foreign subscribers should add \$5.00 for postage fees. Subscriptions are automatically renewed unless notification to the contrary is received by *Nova Law Review*.

Please notify *Nova Law Review* of any changes of address at least 30 days before the date of the issue from which the change is to take effect. The postal service will not forward your copies unless extra postage is provided by the subscriber. Duplicate copies will not be sent free of charge. Subscribers should report nonreceipt of copies within 6 months of the expected mailing date.

Please address any correspondence to:

Nova Law Review
Shepard Broad Law Center
3305 College Avenue
Fort Lauderdale, Florida 33314
Phone: (954) 262-6195
Fax: (954) 262-3845