

Volume 68 | Issue 2 Article 1

January 2015

Front Matter

Recommended Citation

Front Matter, 68 SMU L. Rev. i (2015) https://scholar.smu.edu/smulr/vol68/iss2/1

This Front Matter is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in SMU Law Review by an authorized administrator of SMU Scholar. For more information, please visit http://digitalrepository.smu.edu.

Volume 68 Spring 2015 2

© 2015 by Southern Methodist University

TABLE OF CONTENTS

Articles	
The Emerging Role of Bylaws in Corporate GovernanceJustice Henry duPont Ridgely	317
Probability, Confidence, and Twombly's Plausibility Standard	331
The Spending Power After NFIB: New Direction, or Medicaid Exception? Elizabeth G. Patterson	385
NSA and DEA Intelligence Sharing: Why it is Legal and Why Reuters and the Good Wife Got it Wrong	427
Promoting Health with Sports: When Should Nonprofits Qualify for Tax Benefits?	469
Comments	
The Fight over Home Court: An Analysis of the SEC's Increased Use of Administrative Proceedings	507
Personalized Medicine in the Information Age: Myriad's De Facto Monopoly on Breast Cancer Research	537
How the Law Should View Voluntary Child Soldiers: Does Terrorism Pose a Different Dilemma? Cristina Martinez Squiers	567

The SMU Law Review (ISSN 1066-1271) is published four times a year, (1) Winter, (2) Spring, (3) Summer, and (4) Fall, by the SMU Law Review Association, Storey Hall, Dallas, Texas 75275. Domestic subscription price, \$42.00 per year. Foreign subscription price, \$49.00 per year. Single copies: Regular issues, \$18.00 (add 8.25% tax on single issue orders within the state of Texas. Tax exempt institutions must include copy of exemption certificate with order.) An additional charge will be made for postage and handling of each order of single copies. Prior issues (volumes 1-63) are available from: William S. Hein & Co.; 2350 North Forest Road; Getzville, NY 14068. Volumes 64-66 are available from: SMU Law Review; Southern Methodist University; Dedman School of Law; P.O. Box 750116; Dallas, TX 75275-0116.

POSTMASTER: Send address changes to: *SMU Law Review*; Southern Methodist University; Dedman School of Law; P.O. Box 750116; Dallas, TX 75275-0116.

Editorial and business offices: *SMU Law Review*; Southern Methodist University; Dedman School of Law; P.O. Box 750116; Dallas, TX 75275-0116. Office: 214.768.2061 or 214.768.2570. Printed by Joe Christensen, Inc.; Lincoln, Nebraska 68521.

Periodicals postage paid at Dallas, Texas and at additional mailing offices.

Citations conform with *The Bluebook: A Uniform System of Citation* (19th ed. 2010) and *Texas Rules of Form* (12th ed. 2010).

VOLUME 68 **Spring 2015** Member, National Conference of Law Reviews

SMU Law Review Association 2014–2015 Board of Editors

President SCOTT LARSON

Journal of Air Law & Commerce Editor-in-Chief Andria Rae Minyard

SMU Law Review Editor-in-Chief BRYAN CLEGG

Journal of Air Law & Commerce Managing Editor Emily Leezer Landeros

Texas Survey Editor Kelli Gavin SMU Law Review Managing Editor JOSHUA PELFREY

2

Associate Texas Survey Editors Allison Childs MICHAEL SHEETZ

JALC Associate Managing Editors JOHN ATKINS JENNY SMILEY

Lead Articles Editors Fahad Juneja CHRISTOPHER KNIGHT SMU Associate Managing Editors Huy Ly CHEYENNE ROGERS

Anna Booth AARON CHIBLI CC COPELAND CODY CRAVENS JAIME DEWEES Nina Dinh Erik Fountain

RACHEL FREEMAN Dean Galaro ALLYSON GAULT JOHN McGregor NICOLE HAGET TROY HALES ERIC HEDLUND

Articles Editors

Seth Jaskoviak MEAGAN LANIER Angela Oliver CATHERINE PETERMAN JESSICA PHILLIPS Amy Rauch KYLE ZUNKER

JALC Comment Editors JOHN ADAMS PETER THOMPSON

Executive Editor Farsheed Fozouni SMU Comment Editors SAMUEL BRAGG James Lucas Kelsey Taylor

Air Law Symposium Editor HEATHER McKINNEY

Journal of Air Law and Commerce Faculty Advisor

Administrative Managing Editors ALEX POOR SETH RASMUSSEN

Corporate Counsel Symposium Editors JILLIAN BEYTHAN CLINTON KUYKENDALL

Air Law Associate Symposium Editor CASSIE SUTTLE

Symposium Technology **Editors**

ASHLEY DEWEESE J. BRYAN WHITE SMU Law Review Faculty Advisor

THOMAS WM. MAYO

Anthony J. Colangelo

Gregory S.Crespi BRYAN McKown Journal of Air Law and Commerce

Administrative Assistant

LISA BROWNING

SMU Law Review Administrative Assistant TaLibra Ferguson

Symposium CLE Editors

Member, National Conference of Law Reviews

Amanda Brett

Volume 68 Spring 2015 2

THE SMU Law Review Association Its 2014-2015 Staff

Braxton Adamson Bethanie Livernois

LINDSEY ALTMEYER KENT LOVE

Uanna Milena Falcão Alves Elizabeth Lyles

MICHAEL ANDREWS CHRISTINA SQUIERS MARTINEZ

TAYLOR ANTHONY Hannah Mason KATHERINE BAILEY KAYLA McDaniel BRITTANY BENDITZ JEFF NANSON WILLIAM H. BETTS III Samantha Pace MEREDITH BREWSTER Andrew Palmer LESLIE BROCKHOEFT HARRISON PAPAILA BRYANT BUECHELE ALICE K. PARKER COURTNEY CLAY ALLISON PAYNE CHASE COBERN HALEY POMROY GARY ENIS GRANT ROBINSON Amy Estes CALLUM Ross Lucas Henry JORDAN T. SAWYER Alexandra Hunt DEVANSHI SOMAYA

RYAN JONES SARAH MICHELLE STEARNS
JACLYN KALINOSKI MICHAEL WALRAVEN

Jaclyn Kalinoski Michael Walra
Jessica Kirk Wendy Wilkins

CHRISTIE LATIMER WILLIAM WILLIAMSON JR.
LAUREN LIEBERMAN KATHERINE WRIGHT

SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW

Officers of the University

R. Gerald Turner, President

Paul W. Ludden, Provost and Vice President for Academic Affairs

Thomas E. Barry, Vice President for Executive Affairs

Brad E. Cheves, Vice President for Development and External Affairs

Chris Regis, Vice President for Business and Finance

Paul J. Ward, Vice President for Legal Affairs and Government Relations, General Counsel, and Secretary

Lori S. White, Vice President for Student Affairs

Michael A. Condon, University Treasurer

DEDMAN SCHOOL OF LAW

FACULTY AND ADMINISTRATIVE STAFF

Jennifer Collins, Judge James Noel Dean, and Professor of Law

John S. Lowe, B.A., LL.B., Senior Associate Dean for Academic Affairs and George W. Hutchison Chair in Energy Law

Nathan Cortez, B.A., J.D., Associate Dean for Research and Associate Professor of Law

Greg Ivy, B.B.A., M.A., J.D., Interim Director of Library & Technology Underwood Law Library

Ruth A. Cross, B.A., J.D., Associate Dean for Administration, Director of Legal Research, Writing and Advocacy Program and Senior Lecturer in Law

Lynn Switzer Bozalis, B.A., J.D., Associate Dean for Development and Alumni Affairs

Martin L. Camp, B.A., J.D., Assistant Dean for Student Affairs

Karen C. Sargent, B.B.A., J.D., Assistant Dean and Executive Director for Career Services

Jill Nikirk, B.A., J.D., Assistant Dean for Admissions

Rebecca Garza Greenan, B.S., B.A., M.Ed., J.D., Director of Public Service Program and Director of Academic Skills Assistance Program

Roland C. Webb, B.S., M.B.A., Director of Financial Services

Lynn McVicker Dempsey, B.B.A., Director of External Relations

Kristy Offenburger, Director, Communications and Marketing

Linda A. Hale, B.A., J.D., Director of Career Services

Stephen B. Yeager, B.B.A., J.D., Director of Career Services

J. Mark McWatters, B.B.A., M.B.A., J.D., LL.M., LL.M., Director of Graduate Programs

Laura Amberson, B.S., Registrar

FACULTY

John B. Attanasio, B.A., J.D., LL.M., Dipl. in Law, Judge William Hawley Atwell Chair of Constitutional Law, Professor of Law and Former Dean

Roy R. Anderson, B.A., J.D., LL.M., Vinson & Elkins Distinguished Teaching Fellow and Professor of Law

Maureen N. Armour, B.A., M.S.W., J.D., Co-Director of Civil Clinic and Associate Professor of Law

Lackland H. Bloom, Jr., B.A., J.D., Professor of Law

William J. Bridge, B.S.F.S., J.D., Associate Professor of Law

Cheryl Nelson Butler, B.A., J.D., Assistant Professor of Law

Regis W. Campfield, B.B.A., LL.B., Professor Emeritus of Law and Marilyn Jeanne Johnson Distinguished Law Faculty Fellow Emeritus

Beverly M. Carl, B.S.L., J.D., LL.M., Professor Emerita of Law

Michaela E. Cashen, B.A., J.D., Senior Lecturer in Law

Eric Cedillo, B.S., J.D., Coordinator, Consumer Advocacy Project

Anthony J. Colangelo, B.A., J.D., LL.M., J.S.D., Associate Professor of Law

Nathan Cortez, B.A., J.D., Associate Dean for Research and Associate Professor of Law

Gregory S. Crespi, B.S., M.S., Ph.D., J.D., Professor of Law

Ruth A. Cross, B.A., J.D., Associate Dean for Administration; Director of Legal Research, Writing, and Advocacy Program; and Senior Lecturer in Law

```
Greg Ivy, B.B.A., M.A., J.D., Interim Director of Library & Technology Underwood
  Law Library
```

David E. DePianto, B.A., J.D., Ph.D., Assistant Professor of Law

William V. Dorsaneo III, B.A., J.D., Chief Justice John and Lena Hickman Distinguished Faculty Fellow and Professor of Law

Beverly C. Duréus, B.A., J.D., Th.M., Senior Lecturer in Law Linda S. Eads, B.A., J.D., Associate Provost and Associate Professor of Law

Julia P. Forrester, B.S.E.E., J.D., Former Dean ad interim and Professor of Law

Jeffrey M. Gaba, B.A., J.D., M.P.H., Professor of Law

Christopher H. Hanna, B.S., J.D., LL.M. (in Taxation), Altshuler University Distinguished Teaching Professor and Professor of Law

Patricia S. Heard, B.A., J.D., Senior Lecturer in Law

JoAnn A. Hubbard, B.S., J.D., Senior Lecturer in Law

Christopher M. Jenks, B.S., J.D., LL.M., LL.M. (with distinction), Director of the Criminal Justice Clinic and Assistant Professor of Law

Larry Jones, B.B.A., J.D., LL.M., Director of Federal Tax Clinic and Small Business Clinic

Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., Associate Professor of Law

Ndiva Kofele-Kale, B.A., M.A., Ph.D., J.D., University Distinguished Professor and Professor of Law

Henry J. Lischer Jr., B.B.A., J.D., LL.M. (in Taxation), Professor Emeritus of Law John S. Lowe, B.A., LL.B., Senior Associate Dean for Academic Affairs and George W. Hutchison Professor of Energy Law

George A. Martinez, B.A., M.A., J.D., Professor of Law

Thomas Wm. Mayo, B.A., J.D., Altshuler University Distinguished Teaching Professor and Associate Professor of Law

Orly Sulami Mazur, B.B.A., M.P.A. (summa cum laude), J.D. (Order of the Coif), LL.M., Assistant Professor of Law

Joseph W. McKnight, B.A., B.A., B.C.L., M.A., LL.M., Larry and Jane Harlan Faculty Fellow and Professor of Law

Charles J. Morris, B.A., LL.B., Professor Emeritus of Law

Frederick C. Moss, A.B., J.D., LL.M., Professor Emeritus of Law

John J. Mylan, B.S., J.D., LL.M. (in Taxation), Professor Emeritus of Law

Joseph Jude Norton, A.B., LL.B., LL.M, S.J.D., D.Phil., Distinguished Faculty Fellow in Financial Institutions, Professor of Law, and James L. Walsh Distinguished Faculty Fellow

Victoria Palacios, J.D., Associate Professor of Law

Kenneth L. Penegar, A.B., J.D., LL.M., Professor Emeritus of Law

Roark M. Reed, B.S., B.A., J.D., Professor Emeritus of Law

W. Keith Robinson, B.S., J.D., Assistant Professor of Law C. Paul Rogers III, B.A., J.D., LL.M., Professor of Law and former Dean

Meghan Ryan, A.B., J.D., Assistant Professor of Law

Eliot Shavin, B.A., J.D., Supervising Attorney, Civil Clinic

Ellen K. Solender, A.B., J.D., Professor Emerita of Law

Mary B. Spector, B.A., J.D., Co-Director of Civil Clinic, Director of Consumer Law Project, and Associate Professor of Law

Walter W. Steele Jr., LL.B., Professor Emeritus of Law

Marc I. Steinberg, A.B., J.D., LL.M., Rupert and Lillian Radford Chair in Law

Heather Stobaugh, B.A., M.A., J.D., Lecturer in Law

Joshua C. Tate, B.A., M.A., M.Phil. J.D., Ph.D., Associate Professor of Law David O. Taylor, B.S., J.D., Assistant Professor of Law

Elizabeth G. Thornburg, B.A., J.D., Professor of Law

Jenia Iontcheva Turner, B.A., J.D., Professor of Law

Jonni Walls, B.A., J.D., Lecturer in Law

Jessica Dixon Weaver, B.A., J.D., Assistant Professor of Law

Harvey Wingo, B.A., M.A., J.D., Vinson & Elkins Distinguished Teaching Fellow Emeritus and Professor Emeritus of Law

Peter Winship, B.A., LL.B., LL.M., James Cleo Thompson Sr. Professor of Law

ADVISORY BOARD

Harvie Branscomb, Jr. Branscomb P.C. Corpus Christi, Texas Deborah G. Hankinson Hankinson Levinger LLP Dallas, Texas

The Honorable Nathan L. Hecht Supreme Court of Texas Austin, Texas Gregory S. Crespi Professor of Law Southern Methodist University Dedman School of Law

The Honorable Patrick E. Higginbotham United States Court of Appeals Fifth Judicial Circuit Craig T. Enoch Winstead P.C. Austin, Texas

Thomas Wm. Mayo Associate Professor of Law Southern Methodist University Dedman School of Law Ernest E. Figari, Jr. Figari & Davenport Dallas, Texas

R. Gerald Turner
President
Southern Methodist University