ARTICLES

ANTITRUST AND CONSUMER PROTECTION ......................... Leslie Sara Hyman 3
Matthew J. McGowan

ARBITRATION ....................... John Allen Chalk, Sr. 25

BANKRUPTCY ................... The Honorable Harlin D. Hale 55
Emma L. Persson

CIVIL PROCEDURE: PRE-TRIAL & TRIAL ............................ Amanda Sotak 81
Timothy A. Daniels
Amber D. Reece

CRIMINAL PROCEDURE: CONFESSIONS, SEARCHES, AND SEIZURES .... Elizabeth G. Rozacky 115
The Honorable Michael E. Keasler

FAMILY LAW .......................... Anna K. Teller 131
Donald E. Teller, Jr.

FRANCHISE LAW ................... Deborah S. Coldwell 155
Sally Dahlstrom
Iris Gibson
Taylor Rex Robertson

INSURANCE LAW ...................... J. Price Collins 181
Blake H. Crawford
Conor J. McCall

INTELLECTUAL PROPERTY LAW ...... David L. McCombs 209
Phillip B. Philbin
Brett Bostrom
Katharyn Zagorin

OIL, GAS, AND MINERAL LAW .......... Richard F. Brown 233
## SMU Annual Texas Survey

### Volume 5 2019

#### The SMU Law Review Association

2018 – 2019 Board of Editors

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Stacy Reeves Gulledge</td>
<td>Texas Survey Editor-in-Chief</td>
<td>Austin Brakebill</td>
</tr>
<tr>
<td>SMU Law Review</td>
<td></td>
<td>SMU Law Review</td>
<td></td>
</tr>
<tr>
<td>Editor-in-Chief</td>
<td>Alec Schlinkert</td>
<td>Editor-in-Chief</td>
<td>Kelsey Flores</td>
</tr>
<tr>
<td>Journal of Air Law &amp; Commerce</td>
<td></td>
<td>Managing Editors</td>
<td></td>
</tr>
<tr>
<td>Managing Editor</td>
<td>Jeffrey Allcorn</td>
<td>SMU Law Review</td>
<td></td>
</tr>
<tr>
<td>Texas Survey Editor-in-Chief</td>
<td></td>
<td>Managing Editor</td>
<td>Kyle Mason</td>
</tr>
<tr>
<td>Online Executive Editor</td>
<td>Alec Schlinkert</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Managing Editor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Madeleine Giese</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projects Editors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tiffany Crawford</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abel Lozano</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taylor Michals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Articles Editors</td>
<td>Rache Aboukhair</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robin Featherston</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jackson Long</td>
<td>Victoria Bahrani</td>
<td>Merritt Owens</td>
<td></td>
</tr>
<tr>
<td>Claire Burdsette</td>
<td></td>
<td>Adrienne Roberts</td>
<td></td>
</tr>
<tr>
<td>Devan Dal Col</td>
<td></td>
<td>Chandler Rognes</td>
<td></td>
</tr>
<tr>
<td>Tess Dennis</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Law Symposium Editor</td>
<td>Timothy Doyle</td>
<td>Symposium CLE Editors</td>
<td></td>
</tr>
<tr>
<td>Chelsea Till</td>
<td></td>
<td>Ellen Heigheten</td>
<td></td>
</tr>
<tr>
<td>SMU Law Review</td>
<td></td>
<td>Amy Steurer</td>
<td></td>
</tr>
<tr>
<td>Faculty Advisor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thomas W. Mayo</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anthony J. Colangelo</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Journal of Air Law &amp; Commerce</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td>Lisa Browning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SMU Law Review</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative Assistant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TA Libra Ferguson</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Member, National Conference of Law Reviews

THE SMU LAW REVIEW ASSOCIATION
2019 – 2020 BOARD OF EDITORS

President
EMILY RHINE

Journal of Air Law & Commerce
EDITOR-IN-CHIEF
DANIELLE CANFIELD

Texas Survey Editor-in-Chief
CODY GACKLE

Journal of Air Law & Commerce
MANAGING EDITOR
ANDREA REED

Texas Survey Associate
JET McGUIRE

Managing Editors
RYAN MUSSER

JALC Associate Managing Editors
SHAQUILLE GRANT
JO ANN MAZOCH

Online Executive Editor
GRANT RUBIN
SARAH SMITH

Casenote & Comment Editors
ANDREA deLORMIEIR
MADISON GAFFORD
NATHANIEL HOPKINS
DOMINIC REILIA
J. COLLIN SPRING
CODY WILSON

Administrative Managing Editor
SARA ZOGLMAN

Lead Articles Editors
STEPHEN CHANCE
PEARL CHOI
Landon Mignardi
Joshua Parisi

Articles Editors
DARRIN HUGGINS
TAYLOR NIFONG
ALEX PAEZ
TYLER PETTY
SEAN VALENTINE

Symposium CLE Editor
BRIDGET HAMWAY

Corporate Counsel
AMIR SABOORIAN
JENNIFER SIEGEL
JOHN SVILS
THOMAS TASSIN

Air Law Symposium
COORDINATING EDITOR
SETH CLEARY

Symposium Editors
EMILY SMITH
AMANDA STICKNEY

Air Law
SYMPOSIUM SPEAKERS EDITOR
CHRISTOPHER GAMBINI

SMU Law Review
FACULTY ADVISORS
THOMAS WM. MAYO
ANTHONY J. COLANGELO

Journal of Air Law and Commerce
FACULTY ADVISOR
GREGORY S. CREPSI

Journal of Air Law and Commerce
ADMINISTRATIVE ASSISTANT
LISA BROWNING

SMU Law Review
ADMINISTRATIVE ASSISTANT
TALIBRA FERGUSON

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

THE SMU LAW REVIEW ASSOCIATION PUBLISHES BOTH
THE SMU LAW REVIEW AND THE JOURNAL OF AIR LAW AND COMMERCE
**THE SMU LAW REVIEW ASSOCIATION PROUDLY ANNOUNCES ITS 2019-2020 STAFF**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexa Acquista</td>
<td>Shannon McKelvie</td>
</tr>
<tr>
<td>Daniel Alexander</td>
<td>Nolan McQueen</td>
</tr>
<tr>
<td>Drew Baker</td>
<td>Morgan Mendicino</td>
</tr>
<tr>
<td>West Bakke</td>
<td>Jack Milligan</td>
</tr>
<tr>
<td>John Behan</td>
<td>Emily Nguyen</td>
</tr>
<tr>
<td>Eli Brook</td>
<td>Drew Nunn</td>
</tr>
<tr>
<td>Jordan Brownlow</td>
<td>Garrett Parish</td>
</tr>
<tr>
<td>Haley M. Caradonna</td>
<td>Katherine Perry</td>
</tr>
<tr>
<td>Wyatt Z. Conoly</td>
<td>Leah Powers</td>
</tr>
<tr>
<td>Clifford H. Dunman</td>
<td>Evan Rios</td>
</tr>
<tr>
<td>Parker Embry</td>
<td>Elizabeth Sanders</td>
</tr>
<tr>
<td>Madison George</td>
<td>John Sasso</td>
</tr>
<tr>
<td>Joseph Blake Glatstein</td>
<td>Austin Schley</td>
</tr>
<tr>
<td>Shelby Greaves</td>
<td>Sara Scully</td>
</tr>
<tr>
<td>Kyle Gromann</td>
<td>Kala Simpson</td>
</tr>
<tr>
<td>Jay Harper</td>
<td>Heather Sims</td>
</tr>
<tr>
<td>Robert Hill</td>
<td>Morgan Smith</td>
</tr>
<tr>
<td>Michael Boyce Holleman</td>
<td>Jason Spotts</td>
</tr>
<tr>
<td>John David Janicek</td>
<td>Haley Steinman</td>
</tr>
<tr>
<td>Chaitu Jayanti</td>
<td>Autumn Stewart</td>
</tr>
<tr>
<td>Emily Kelly</td>
<td>Laura Sundin</td>
</tr>
<tr>
<td>James Kemp</td>
<td>Christopher Thomson</td>
</tr>
<tr>
<td>Carter Kristek</td>
<td>Brooke Vaydik</td>
</tr>
<tr>
<td>Mary Love</td>
<td>Ryan Wynne</td>
</tr>
<tr>
<td>Meagan Maloney</td>
<td>Ellen Yost</td>
</tr>
<tr>
<td>Lilian Marris</td>
<td>Austin Young</td>
</tr>
<tr>
<td>Stephanie Mason</td>
<td>Ashley Jo Zaccagnini</td>
</tr>
<tr>
<td>Jacob Matthew</td>
<td></td>
</tr>
</tbody>
</table>
SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW

OFFICERS OF THE UNIVERSITY

R. Gerald Turner, President
Steven C. Currall, Provost and Vice President for Academic Affairs
Brad E. Cheves, Vice President for Development and External Affairs
Christine C. Regis, Vice President for Business and Finance and Treasurer
Paul J. Ward, Vice President for Legal Affairs and Government Relations, General Counsel, and Secretary
Kenechukwu (K.C.) Mmeje, Vice President for Student Affairs
Rakesh Dahiya, Chief Investment Officer
Rick Hart, Director for Athletics

DEDMAN SCHOOL OF LAW

FACULTY AND ADMINISTRATIVE STAFF

Jennifer Collins, B.A., J.D. Judge James Noel Dean and Professor of Law
Jeffrey M. Gaba, B.A., J.D., M.P.H., Senior Associate Dean for Academic Affairs and M.D. Anderson Foundation Endowed Professor in Health Law
Nathan Cortez, B.A., J.D., Associate Dean for Research, Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies, and Gerald J. Ford Research Fellow
Mary B. Spector, B.A., J.D., Associate Dean for Clinics, Co-Director of the Civil Clinic, Director of Consumer Advocacy Project, and Professor of Law
Greg Ivy, B.B.A., M.A., J.D., Associate Dean for Library & Technology, Underwood Law Library
Martin L. Camp, B.A., J.D., Assistant Dean for Graduate and International Programs
Becca Henley, B.A., J.D., Assistant Dean for Administration
Jill Nikirk, B.A., J.D., Assistant Dean for Admissions
Karen C. Sargent, B.B.A., J.D., Assistant Dean and Executive Director for Career Services
Stephen B. Yeager, B.B.A., J.D., Assistant Dean for Student Affairs
Anne G. Beard, Director of Development
Laura G. Burstein, B.A., J.D., Director of Public Service and Director of Academic Success
Lynn McVicker Dempsy, B.B.A., Director of External Relations
Erica Fadel, Director of Career Services
Natalie Thompson Greco, Director of Programs and Operations, Tsai Center for Law, Science, and Innovation
Kristy Offenburger, Director of Communications and Marketing
Michelle A. Ray, Director of Admissions
Rey Rodriguez, B.B.A., J.D., Director of Career Services and Diversity and Inclusion Initiatives
Jerchel Anderson, E.M.B.A., Director of Financial Services
Laura Amberson, B.S., Registrar

FACULTY

Roy R. Anderson, B.A., J.D., LL.M., Vinson & Elkins Distinguished Teaching Fellow and Professor of Law
Hillel J. Bavli, B.A., J.D., LL.M., M.A., Ph.D., Assistant Professor of Law
Maureen N. Armour, B.A., M.S.W., J.D., Professor Emeritus of Law
Misty Birdsong, B.A., J.D., Adjunct Professor of Legal Research, Writing, and Advocacy
Lackland H. Bloom, Jr., B.A., J.D., Larry and Jane Harlan Senior Research Fellow and Professor of Law
Chanté Brantley, B.S., M.S.S.W., J.D., Director of the VanSickle Family Law Clinic and Assistant Clinical Professor
William J. Bridge, B.S.F.S., J.D., Professor Emeritus of Law
Brook Busbee, B.A.S., J.D., Adjunct Clinical Professor of Law, Criminal Justice Clinic
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 Emeritus of Law
Dale Carpenter, B.A., J.D., Judge William Hawley Atwell Chair of Constitutional Law and Professor of Law
Michaela E. Cashen, B.A., J.D., Clinical Professor of Legal Research, Writing and Advocacy
Eric Cedillo, B.S., J.D., Adjunct Clinical Professor of Law, Consumer Advocacy Project
David J. Cho, B.A., J.D., Adjunct Clinical Professor of Law, Trademark Clinic
Anthony J. Colangelo, B.A., J.D., LL.M., J.S.D., Gerald J. Ford Research Fellow and Professor of Law
James W. Coleman, B.A., J.D., Associate Professor of Law
Jennifer Collins, B.A., J.D., Judge James Noel Dean and Professor of Law
Nathan Cortez, B.A., J.D., Associate Dean for Research and Adelfa Botello Callejo Endowed Professor of Law in Leadership and Latino Studies
Gregory S. Crespi, B.S., M.S., Ph.D., J.D., Homer R. Mitchell Endowed Professor of Law in Commercial and Insurance Law, and Professor of Law
Ruth A. Cross, B.A., J.D., Director of Legal Research, Writing, and Advocacy Program and Senior Lecturer in Law
Gail Daly, B.A., M.A., J.D., Professor Emeritus 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., D. Min., Clinical Professor of Legal Research, Writing, and Advocacy
Linda S. Eads, B.A., J.D., Professor Emeritus of Law
Jeffrey M. Gaba, B.A., J.D., M.P.H., Senior Associate Dean for Academic Affairs, M.D. Anderson Foundation Endowed Professor in Health Law, and Professor of Law
Joanna L. Grossman, B.A., J.D., Ellen K. Solender Endowed Chair in Women and the Law and Professor of Law
Christopher H. Hanna, B.S., J.D., LL.M. (in Taxation), Alan D. Feld Endowed Professor of Law, Altshuler University Distinguished Teaching Professor, and Professor of Law
Grant M. Hayden, B.A., M.A., J.D., Professor of Law
Patricia S. Heard, B.A., J.D., Clinical Professor of Legal Research, Writing and Advocacy
JoAnn A. Hubbard, B.S., J.D., Clinical Professor of Legal Research, Writing and Advocacy
Marc Hubbard, B.S., J.D., Adjunct Clinical Professor of Law, Patent Clinic
Lolita Buckner Inniss, A.B., J.D., LL.M., Ph.D, Sr. Associate Dean for Academic Affairs and Professor of Law
Greg Ivy, B.B.A., M.A., J.D., Associate Dean for Library & Technology, Underwood Law Library and Senior Lecturer
Christopher M. Jenks, B.S., J.D., LL.M., Ph.D. Candidate, Director of the Criminal Justice Clinic and Associate Professor of Law
Larry Jones, B.B.A., J.D., LL.M., Adjunct Clinical Professor of Law, Federal Tax Clinic
Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., Gerald J. Ford Research Fellow and Professor of Law
Ndvia Kofele-Kale, B.A., M.A., J.D., Ph.D., Professor Emeritus of Law
Julie Lesser, B.A., J.D., Adjunct Clinical Professor of Law, Innocence Clinic
Henry J. Lischer, Jr., B.B.A., J.D., LL.M. (in Taxation), Professor Emeritus of Law
John S. Lowe, B.A., LL.B., George W. Hutchinson Chair in Energy Law and Professor of 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 Professor of Law
Orly Sulami Mazur, B.B.A., M.P.A., J.D., LL.M. (Taxation), Assistant Professor of Law
Michael McCollum, LL.B., Adjunct Clinical Professor of Law, Criminal Justice Clinic
Pamela R. Metzger, B.A., J.D., Director of the Deason Family Criminal Law Reform Center 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
Natalie Nanasi, B.A., J.D., Director of the Judge Elmo B. Hunter Legal Center for Victims of Crimes Against Women and Assistant Professor of Law