



2014

Front Matter

Follow this and additional works at: <https://scholar.smu.edu/smulr>



Part of the [Law Commons](#)

Recommended Citation

Front Matter, 67 SMU L. Rev. i (2014)
<https://scholar.smu.edu/smulr/vol67/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>.

SMU Law Review

VOLUME 67

SPRING 2014

2

© 2014 by Southern Methodist University

TABLE OF CONTENTS

AALS SYMPOSIUM ON THE 50TH ANNIVERSARY OF THE CIVIL RIGHTS ACT

- “Foreword: A Short Biography of the
Civil Rights Act of 1964” *Kenneth W. Mack* 229
- Language Rights as a Legacy of the
Civil Rights Act of 1964 *Ming Hsu Chen* 247
- Intersectionality, Multidimensionality, Latino
Immigrant Workers, and Title VII *Leticia M. Saucedo* 257
- When Is a Change Going to Come?:
Separate and Unequal Treatment in
Health Care Fifty Years After Title VI
of the Civil Rights Act of 1964 *Ruqaiyah Yearby* 287

ARTICLE

- Making the Grade: The U.S. TIP Report
& the Fight Against Domestic
Child Sex Trafficking *Cheryl Nelson Butler* 341

COMMENTS

- After *Kiobel*: An “Essential Step” to
Displacing the Presumption
Against Extraterritoriality *Bryan M. Clegg* 373
- Bearing the Burden of Denial: Observations of
Lower Court Decisions Misapplying Supreme
Court Precedent in Second Amendment Cases *Alex Poor* 401
- America, Land of the Free and Home
of the Bullies: An Argument for
Workplace Bullying Laws in
Professional Sports *Cathryn Copeland Wood* 429

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, *Survey* issue, \$24.00. 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 (vols. 1-60) available from William S. Hein & Co., 1285 Main St., Buffalo, New York 14209. Volumes 61-64 are available from *SMU Law Review*, Southern Methodist University Dedman School of Law, Dallas, Texas 75275. POSTMASTER: Send address changes to *SMU Law Review*, Dedman School of Law, Southern Methodist University, Dallas, Texas 75275.

Editorial and business offices: *SMU Law Review*, Southern Methodist University Dedman School of Law, Dallas, Texas 75275. Telephone: (214) 768-2594. 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 the *Texas Rules of Form* (12th ed. 2010).

SMU Law Review

VOLUME 67

SPRING 2014

2

Member, National Conference of Law Reviews

SMU LAW REVIEW ASSOCIATION 2013-2014 BOARD OF EDITORS

PRESIDENT

HEATHER COGHLAN

*SMU LAW REVIEW
EDITOR-IN-CHIEF
LANCE WYATT*

*JOURNAL OF AIR LAW & COMMERCE
EDITOR-IN-CHIEF
JACQUI BOGUCKI*

*SMU LAW REVIEW
MANAGING EDITOR
PHONG TRAN*

*JOURNAL OF AIR LAW & COMMERCE
MANAGING EDITOR
LAURA ARBEITER*

*SMU ASSOCIATE
MANAGING EDITORS
ASHTON BARRINEAU
LINDSEY HOVLAND*

*LEAD ARTICLES EDITORS
NATHAN LEE
ROUZHNA NAYERI
PHILLIP SANDERS*

*JALC ASSOCIATE
MANAGING EDITORS
ELIZABETH GRIFFIN
MATTHEW MORAN*

*LAUREN CHRISTY
CHELSEA CLARK
RYAN FRYE BLAIR GREEN
SARAH HONEYCUTT*

*ARTICLES EDITORS
ZUNNY LOSOYA
BRYAN PARRISH
SAMUEL PINKSTON
BAINE SELLERS
ROSS STAINE*

*CLARKE STAVINOHA
MARK STEADMAN
NATHAN THOMPSON
JERRY TICE*

TEXAS SURVEY EDITOR BRANDON BELLOWS

*SMU COMMENT
EDITORS
RENEE HUNTER
NICHOLAS LOW
CYNTHIA WEBER*

*ASSOCIATE TEXAS
SURVEY EDITORS
JAMES BEDOTTO
KATIE CRISTINA*

*JALC COMMENT
EDITORS
BLAKE FEIKEMA
MICHELLE NORTH CUTT*

*CORPORATE COUNSEL SYMPOSIUM
EDITORS
JESSICA GREENWALD
BROOKE PANNO
KYLE PARK*

*AIR LAW SYMPOSIUM EDITOR
JASON GLENNON*

*ASSOCIATE SYMPOSIUM EDITOR
KIMBERLY FALGOUT*

*SYMPOSIUM CLE
EDITORS
JUN LI
JOSHUA TYLER SHELTON*

*ADMINISTRATIVE
MANAGING EDITORS
CHRIS LAMBERT
WILLIAM TRAN*

*TECHNOLOGY
EDITORS
SEAN MCBEATH
CHAD STOKER*

EXECUTIVE EDITOR CHRISTINA GIGLIOTTI

*SMU FACULTY ADVISORS
THOMAS WM. MAYO
ANTHONY J. COLANGELO*

*JALC FACULTY ADVISOR
GREGORY S. CRESPI*

*SMU ADMINISTRATIVE ASSISTANT
DONNAISE BALDWIN*

*JALC ADMINISTRATIVE ASSISTANT
LISA BROWNING*

THE SMU LAW REVIEW ASSOCIATION PUBLISHES BOTH
THE SMU LAW REVIEW AND THE JOURNAL OF AIR LAW AND COMMERCE.

SMU Law Review

VOLUME 67

SPRING 2014

2

THE SMU LAW REVIEW ASSOCIATION 2013-2014 STAFF EDITORS

JOHN ADAMS
JOHN P. ATKINS
JILLIAN BEYTHAN
ANNA BOOTH
SAMUEL BRAGG
AMANDA BRETT
AARON CHIBLI
ALLISON CHILDS
BRYAN CLEGG
CC COPELAND
CODY CRAVENS
JAIME DEWEES
ASHLEY DEWEESE
NHI DINH
ERIK FOUNTAIN
FARSHEED FOZOUNI
ALLYSON GAULT
KELLI GAVIN
NICOLE HAGET
ERIC HEDLUND
SETH JASKOVIK
FAHAD JUNEJA
CHRISTOPHER KNIGHT
CLINTON KUYKENDALL
MEAGAN LANIER

SCOTT R. LARSON
EMILY LEEZER LANDEROS
EMILY LEHMBERG
NEAL LOBER
JAMES M. LUCAS
HUY LY
JOHN MCGREGOR
HEATHER MCKINNEY
BRYAN MCKOWN
ANDRIA RAE MINYARD
JOSHUA PELFREY
CATHERINE PETERMAN
JESSICA PHILLIPS
ALEX POOR
SETH RASMUSSEN
AMY RAUCH
CHEYENNE ROGERS
MICHAEL SHEETZ
JENNIFER SMILEY
CASSIE SUTTLE
KELSEY TAYLOR
PETER THOMPSON
J. BRYAN WHITE
KYLE ZUNKER

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

Julia P. Forrester, B.S.E.E., J.D., *Dean ad interim 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 Law*
Gail M. Daly, B.A., M.A., J.D., *Associate Dean for Library and Technology and Associate 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*
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*
Becca Lickteig, B.A., J.D., *Director of Admissions*
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*
Alan R. Bromberg, B.A., J.D., *University Distinguished 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*

Gail M. Daly, B.A., M.A., J.D., *Associate Dean for Library and Technology, Director of the Underwood Law Library, and Associate Professor of Law*

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., *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*

Xuan-Thao Nguyen, B.A., J.D., *Professor 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*

Sarah Tran, B.S., J.D., *Assistant 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

Alan R. Bromberg
Professor of Law
Southern Methodist University
Dedman School of Law

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



**AALS Symposium on the
50th Anniversary of the
Civil Rights Act**

