

**SMU Law Review** 

Volume 65 | Issue 4

Article 1

January 2012

**Front Matter** 

Recommended Citation Front Matter, 65 SMU L. REV. i (2012)

https://scholar.smu.edu/smulr/vol65/iss4/1

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 65	Fall 2012 Nu	NUMBER 4	
C	2012 by Southern Methodist University		
TABLE OF CONTENTS			
Preface		ix	
TRIBUTE TO ROARK R	SEED		
Tribute to Roark	Reed John B. Attanas	<i>sio</i> 745	
Roark Reed—Remembering a ColleagueMaureen Armour Mary Spector			
My Hero: Professor Roark Reed Judge Jane J		vle 753	
Roark Reed: A Tr	ribute Alexis Gab	ay 755	
Roark Reed: The	Quiet InnovatorMike McCollu	ım 757	
Articles			
Finding a Forum f	for North Korea Morse H. T	an 765	
The Rejection of the Separate Entity Rule Validates the Separate Entity Rule Geoffrey S		ant 813	
	e: From Formalism ples	sto 845	
Can We Make Set In the Religion Seven Rescue A			
	ive R. George Wrig	ght 877	
The New Miranda	Warning Michael D. Cicch	<i>ini</i> 911	
INDEX TO VOL. 65		943	

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).

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.

### SMU Law Review

**FALL 2012** 

Member, National Conference of Law Reviews

# SMU Law Review Association 2012–2013 Board of Editors

President Jordan Campbell

Journal of Air Law & Commerce Editor-in-Chief Dale Fresch

Journal of Air Law & Commerce Managing Editor JANE CHERRY SMU Law Review Editor-in-Chief Kelly Klingseisen

SMU Law Review Managing Editor JAMES BOOKHOUT

Texas Survey Editor JUSTIN WHEELER

Associate Texas Survey Editors Laurel Brewer John Carse

JALC Managing Editors Ann Fritsche Jennifer Staton

VOLUME 65

Salman Bhojani Pete Dale Lorelee Dodge J. Brooks Durham Phillip Field

JALC Comment Editors Tim Bergquist Heidi Willers

Air Law Symposium Editor JARRATT WATKINS

Associate Symposium Editor TARYN DUSEK

> Technology Editors SCOTT COURTNEY ADRIENNE LEWIS

> > JALC Faculty Advisor GREGORY S. CRESPI

JALC Administrative Assistant LISA BROWNING

Lead Articles Editors Mike Buscher Cole Davis Roxanne Jett

Articles Editors Andrea Fitzgerald Parker Graham Olga Gurtovaya Matthew Heape

Administrative Managing Editors Fawaz Bham Morgan Grissum Lindsey Marsh

Executive Editor ANDREW LAIRD SMU Associate Managing Editors Neil Stockbridge Molly Whitman

Jessica Knapp Kitty McGahey Mason Parham Kristin Reeves Polly Sims

SMU Comment Editors Erin Crosby Damien Reynolds

Corporate Counsel Symposium Editors COLBY MCKENZIE

Associate Symposium Editor Allyn Hurley

Symposium CLE Editors Amanda Kelley Casey Marchbanks

SMU Faculty Advisors Thomas Wm. Mayo Anthony J. Colangelo Joshua C. Tate

SMU Administrative Assistant Donnaise Baldwin

The SMU Law Review Association publishes both the SMU Law Review and the Journal of Air Law and Commerce.

NUMBER 4

anaging Editor 11es Bookhout Volume 65

Fall 2012

NUMBER 4

# THE SMU LAW REVIEW ASSOCIATION 2012-2013 STAFF EDITORS

LAURA ARBEITER ASHTON BARRINEAU JAMES BEDOTTO **BRANDON BELLOWS** JACOUI BOGUCKI LAUREN K. CHRISTY CHELSEA CLARK HEATHER COGHLAN KATIE CRISTINA KIMBERLY FALGOUT **BLAKE FEIKEMA** RYAN FRYE CHRISTINA GIGLIOTTI JASON GLENNON BLAIR M. GREEN JESSICA W. GREENWALD ELIZABETH GRIFFIN SARAH HONEYCUTT LINDSEY HOVLAND **RENEE HUNTER** CHRIS LAMBERT NATHANIEL LEE JUN LI ZUNNY LOSOYA

NICHOLAS LOW SEAN MCBEATH MATT MORAN SETH I. MUSE ROUZHNA NAYERI MICHELLE NORTHCUTT BROOKE PANNO Kyle M. Park BRYAN PARRISH SAMUEL PINKSTON PHILLIP SANDERS **BAINE SELLERS** JOSHUA TYLER SHELTON **ROSS STAINE CLARKE WELCH STAVINOHA** DONALD M. STEADMAN CHAD STOKER NATHANIEL THOMPSON JERRY TICE **PHONG TRAN** WILLIAM TRAN CYNTHIA WEBER LANCE WYATT

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.

#### Southern Methodist University Dedman School of Law

OFFICERS OF THE UNIVERSITY

R. Gerald Turner, President
Thomas E. Barry, Vice President for Executive Affairs
Paul Ward, Vice President for Legal Affair and Government Relations, General Counsel, and Secretary to the Board of Trustees
Christine Casey, Vice President for Business and Finance
Brad E. Cheves, Vice President for Development and External Affairs
Paul W. Ludden, Provost and Vice President for Academic Affairs
Lori S. White, Vice President for Student Affairs
Mike A. Condon, Chief Investment Officer

DEDMAN SCHOOL OF LAW

FACULTY AND ADMINISTRATIVE STAFF

**ADMINISTRATIVE STAFF** 

John B. Attanasio, B.A., J.D., LL.M., Dipl. in Law, Judge James Noel Dean and Professor of Law and Judge William Hawley Atwell Chair of Constitutional Law Roy Ryden Anderson, B.A., J.D., LL.M., Senior Associate Dean for Academic Affairs and Vinson & Elkins Distinguished Teaching Fellow and Professor of Law

Marc I. Steinberg, A.B., J.D., LL.M., Senior Associate Dean for Research and Rupert and Lillian Radford Professor of Law

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

Roark M. Reed, B.S., B.A., J.D., Director of Clinical Education, Director of Criminal Justice Clinic, and 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

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

Virginia M. Keehan, B.B.A., J.D., Assistant Dean for Admissions

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

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

Douglas Yeager, A.B., J.D., Director of Alumni Relations

Jill Nikirk, B.A., J.D., Associate Director for Admissions

Jennifer H. Pope, B.B.A., J.D., Associate Director for Career Services

Tennessee Nielsen, A.B., J.D., Associate Director for Career Services

Laura Amberson, B.S., Registrar

Kimalee Grace, B.S., Assistant Registrar

FACULTY

John B. Attanasio, B.A., J.D., LL.M., Dipl. in Law, Judge James Noel Dean and Professor of Law and Judge William Hawley Atwell Chair of Constitutional Law Roy R. Anderson, B.A., J.D., LL.M., Senior Associate Dean for Academic Affairs,

- Vinson & Elkins Distinguished Teaching Fellow and Professor of Law
- Maureen N. Armour, B.A., M.S.W., J.D., Associate Professor of Law

Misty Birdsong, B.A., J.D., Lecturer

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

Earl C. Borgeson, B.S.L., LL.B., B.A. in Law Librarianship, Professor Emeritus 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 Regis W. Campfield, B.B.A., LL.B., Marilyn Jeanne Johnson Distinguished Law

Faculty Fellow and Professor of Law

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

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

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

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

Nathan Cortez, B.A., J.D., Assistant 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
- Gail M. Daly, B.A., M.A., J.D., Associate Dean for Library and Technology and Associate 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. Dureus, B.A., J.D., Th.M., Senior Lecturer
- Linda S. Eads, B.A., J.D., Associate Professor of Law
- David G. Epstein, B.A., J.D., LL.M., Professor of Law
- Julia P. Forrester, B.S.E.E., J.D., Professor of Law
- Jeffrey M. Gaba, B.A., J.D., M.P.H., Professor of Law
- Charles O. Galvin, B.S.C., M.B.A., J.D., S.J.D., LL.D., Distinguished Professor Emeritus 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 JoAnn A. Hubbard, B.S., J.D., Senior Lecturer
- Larry Jones, B.B.A., J.D., LL.M., Director, Tax Clinic and Small Business Clinic
- Jeffrey Kahn, B.A., M.Phil., D.Phil., J.D., Assistant Professor of Law
- Ndiva Kofele-Kale, B.A., M.A., Ph.D., J.D., Professor of Law, University Distinguished Professor
- D. Aaron Lacy, B.S., J.D., LL.M., Associate Professor of Law
- Henry J. Lischer Jr., B.B.A., J.D., LL.M. (in Taxation), Professor of Law
- John S. Lowe, B.A., LL.B., 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., Associate 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., Associate Professor 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., Diplôme (droit privé), D.Phil., James L. Walsh Distinguished Faculty Fellow in Financial Institutions and Professor of Law
- Victoria Palacios, J.D., Associate Professor of Law
- Kenneth L. Penegar, A.B., J.D., LL.M., Professor Emeritus of Law
- Ellen Smith Pryor, B.A., J.D., Associate Provost and University Distinguished
- Teaching Professor; Homer R. Mitchell Professor of Insurance and Commercial Law Roark M. Reed, B.S., B.A., J.D., Director of Clinical Education, Director of Criminal
  - Justice Clinic and Professor of Law

C. Paul Rogers III, B.A., J.D., LL.M., Professor of Law and former Dean

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

- Daniel W. Shuman, B.S., J.D., M.D. Anderson Foundation Endowed Professor of 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., Senior Associate Dean for Research, Rupert & Lillian Radford Professor of Law
- Joshua C. Tate, B.A., M.A., M.Phil. J.D., Assistant Professor of Law
- Elizabeth G. Thornburg, B.A., J.D., Professor of Law

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

Rose Cuison Villazor, B.A., J.D., LL.M., Assistant Professor of 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. Trustee Professor of Law

### **ADVISORY BOARD**

Harvie Branscomb, Jr. Branscomb P.C. Corpus Christi, Texas

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

Gregory S. Crespi Professor of Law Southern Methodist University Dedman School of Law

> Craig T. Enoch Winstead P.C. Austin, Texas

The Honorable Nathan L. Hecht Supreme Court of Texas Austin, Texas

The Honorable Patrick E. Higginbotham United States Court of Appeals Fifth Judicial Circuit

> Thomas Wm. Mayo Associate Professor of Law Southern Methodist University Dedman School of Law

Ellen Smith Pryor Associate Provost and Professor of Law Southern Methodist University Dedman School of Law

Ernest E. Figari, Jr. Figari & Davenport Dallas, Texas

Deborah G. Hankinson Hankinson Levinger LLP Dallas, Texas R. Gerald Turner President Southern Methodist University

