



2008

Front Matter

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

Recommended Citation

Front Matter, 61 SMU L. Rev. i (2008)
<https://scholar.smu.edu/smulr/vol61/iss2/11>

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 61

SPRING 2008

NUMBER 2

© 2008 by Southern Methodist University

TABLE OF CONTENTS

ESSAY

- Markets, Systemic Risk, and the
Subprime Mortgage Crisis *Steven L. Schwarcz* 209

ARTICLES

- Overcoming Necessity: Torture
and the State of Constitutional
Culture *Thomas P. Crocker* 221
- When Congress Passes an Intentionally
Unconstitutional Law: The Military
Commissions Act of 2006 *Paul A. Diller* 281
- Capitalism and the Tax System:
A Search for Social Justice *Beverly I. Moran* 337
- Increasing First Amendment Scrutiny
of Trademark Law *Lisa P. Ramsey* 381
- The Burial of Family Law *Emily J. Sack* 459

CASENOTES

- Toxic Tort—Causation in Asbestos Claims—
The Texas Supreme Court Creates New
Causation Requirement and Leaves
Numerous Victims Without a Remedy *Thomas L. Arnold* 487
- The Individuals with Disabilities Education
Act—The Ninth Circuit Determines that
Only a Material Failure to Implement
an Individualized Education Program
Violates the Individuals with Disabilities
Education Act *Elexis Reed* 495

RICO—Commerce Clause—The First Circuit Extends Congressional Commerce Power to Encompass Noneconomic Criminal Conduct	<i>Nathan W. Shackelford</i>	501
Freedom to Contract in Texas— Enforceability of an “As Is” Clause in a Commercial Lease: Gym-N-I Playgrounds, Inc. v. Snider	<i>Natalie Smeltzer</i>	509

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. 1-58) available from William S. Hein & Co., 1285 Main St., Buffalo, New York 14209. Volumes 59-61 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* (18th ed. 2005) and the *Texas Rules of Form* (10th ed. 2006).