

Volume 73 | Issue 3 Article 1

January 2020

Front Matter

Recommended Citation

Front Matter, 73 SMU L. Rev. i (2020) https://scholar.smu.edu/smulr/vol73/iss3/1

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 73 Summer 2020 Number 3

© 2020 by Southern Methodist University

TABLE OF CONTENTS

I RIB	BUTES	
	Tribute to Professor Peter Winship	391
-	Tribute to Professor Peter Winship William V. Dorsaneo, III	393
1	APOLOGIA: A Non-Retirement Tribute to Professor Peter Winship, My SMU Law Colleague of over Four Decades Joseph. J. Norton	395
1	A Tribute to Peter Winship—Academic Lawyer Par Excellence	403
ART	ICLES	
I	Margins: Estimating the Influence of the Big Three on Shareholder Proposals	409
	The Pathological Perspective and Presidential Election Edward A. Hartnett	445
1	Machine Learning and the New Civil Procedure Zoe Niesel	493
]	Distinctly Claiming an Invention	541
Comments		
(Genetically Customized Generations—A Need for Increased Regulatory Control over Gene Editing Technology in the United States Morgan Mendicino	585
]	Beware of the Drug Detection Dog: The Fourth Amendment, Drug Detection Dogs, and State Legalization of Marijuana	611
]	Imposing Identity: Why States Should Restrict Infant Intersex Surgery	637
(Off on a Technicality: The Proper Remedy for Improper Venue	667
	Tweet, Post, ShareGet Haled into Court? Calder Minimum Contacts Analysis in Social Media Defamation Cases	693

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, Underwood Law Library, Dallas, Texas 75205. 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 1-71) are available from: William S. Hein & Co.; 2350 North Forest Road; Getzville, NY 14068. Volumes 72-73 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; Underwood Law Library; 6550 Hillcrest Avenue, Suite 105; Dallas, TX 75205. 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* (21st ed. 2020), *Texas Rules of Form* (14th ed. 2018), and *MoUS* (14th ed. 2018).

Volume 73 Summer 2020 Number 3

THE SMU LAW REVIEW ASSOCIATION 2020–2021 BOARD OF EDITORS

President Evan M. Rios

SMU Law Review
Editor-in-Chief
Laura Sundin

SMU Law Review Managing Editor ALEXA ACQUISTA

SMU Law Review
Associate Managing Editors
Drew Baker
West Menefee Bakke
Morgan Mendicino

Lead Articles Editors
JAMES KEMP
NOLAN McQUEEN
JOHN SASSO
HEATHER SIMS
ELLEN YOST

JOHN BEHAN
SHELBY GREAVES
MARY LOVE
STEPHANIE OWEN
AUSTIN SCHLEY
RYAN WYNNE

Symposium CLE Editors Kala Simpson Haley Steinman

Corporate Counsel Symposium Editors Clifford M. Dunman Michael Boyce Holleman

SMU Law Review Faculty Advisors Thomas Wm. Mayo Anthony J. Colangelo

SMU Law Review Administrative Assistant TaLibra Ferguson Texas Survey Editor-in-Chief Haley M. Caradonna

Texas Survey Associate Managing Editors Parker Embry Garrett Parish

Forum Executive Editor Christopher Thomson

> Forum Associate Managing Editor LILY MARRS

> Administrative Managing Editor EMILY KELLY

Articles Editors
Wyatt Z. Conoly
Jay Harper
Shannon McKelvie
Katherine Perry
Morgan Smith

Programming Editor
Eli Brook

Journal of Air Law & Commerce Editor-in-Chief Brooke Vaydik

Journal of Air Law & Commerce Managing Editor SARA SCULLY

Journal of Air Law & Commerce Associate Managing Editors JACOB MATHEW LEAH POWERS

Casenote & Comment Editors

Kyle Gromann

John David Janicek

Meagan Maloney

Jack Milligan

Ashley Jo Zaccagnini

Blake Glatstein Robert Hill Emily Nguyen Elizabeth Sanders Autumn Stewart Austin Young

Technology Editors
JASON SPOTTS
CARTER KRISTEK

Air Law Symposium
Editors

Madison George
Drew Nunn

Journal of Air Law & Commerce Faculty Advisor Gregory S.Crespi

Journal of Air Law & Commerce Administrative Assistant LISA BROWNING

Member, National Conference of Law Reviews

Volume 73 Summer 2020 Number 3

THE SMU Law Review Association Proudly Announces 2020–2021 Staff

Samantha Agnich Gretchen Mahoney

Alexandria Amerine Katherine Maldonado Sanchez

Brandon Beauregard Andrew Martin
Jalee Blackwell Chelsea McManus
Douglass Brown Elizabeth Nevins
Daniel Bundy Jeremy Nickell

Hyewon Choi Alexandria McFarlane Oberman

Marissa Corry DEVON POAGE BRYCE COUCH Brooke Reichardt MICHAEL COX BENJAMIN RICE PEYTON DEAN COURTNEY RIMANN Jeffrey Dietz JOHN DANIEL RIMANN KYLE DUDNEY Janie Rowland Jacob Durst RYAN SANDERS Dylan Freeman TAYLOR SANTORI

RICHARD FRIEDL ANNIE SCHOHL
GRETA GIESEKE VICTORIA SHAROCKMAN
KATHERINE GONZALEZ WALKER A. SMITH
JOAN GREGG SARAH JANE STARR

ABIGAIL GRIEVE NICOLE STRONG
MICAELA HANNAH MORGAN TAUSCHER
RYLIE HAYES MARISA THOMPSON
PEARCE ILLMER KAITLYN THORSON

Robert Larkin Erin West

Hannah Luke

JOE LECROYSCHUYLER WHITINGSTORM LINEBERGERTAYLOR WILLIAMSJACOB LORTZJACOB YOUNG

SOUTHERN METHODIST UNIVERSITY DEDMAN **SCHOOL OF LAW**

Officers of the University

R. Gerald Turner, President

Elizabeth Loboa, 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

Harold W. Stanley, Vice President for Executive Affairs

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

Kenechukwu (K.C.) Mmeje, Vice President for Student Affairs

Michael H. Hites, Chief Information Officer

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 Lolita Buckner Inniss, A.B., J.D., LL.M., Ph.D, Sr. Associate Dean for Academic Affairs and Professor of 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

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 Dempsey, 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

Roy R. Anderson, B.A., J.D., LL.M., *Professor Emeritus 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., Clinical 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.AS., 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
- 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., M.D. Anderson Foundation Endowed Professor in Health 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
- 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., 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
- Ndiva 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. Hutchison 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
- Joseph Judé Norton, A.B., LL.B., LL.M., S.J.D., D.Phil., LL.D., LL.D., James L. Walsh Distinguished Faculty Fellow and Professor in Financial Institutions Law
- Anna Offit, A.B., M.Phil, J.D., Ph.D, Assistant Professor of Law
- Victoria Palacios, J.D., Professor Emeritus of Law
- Kenneth L. Penegar, A.B., J.D., LL.M., Professor Emeritus of Law
- Carla L. Reyes, B.A., J.D., LL.M., M.P.P., Assistant Professor of Law

- W. Keith Robinson, B.S., J.D., Altshuler Distinguished Teaching Professor, Co-Director of the Tsai Center for Law, Science and Innovation and Associate Professor of Law
- C. Paul Rogers III, B.A., J.D., LL.M., Marilyn Jeanne Johnson Distinguished Faculty Fellow, Professor of Law, and Former Dean
- Julia P. Rogers, B.S.E.E., J.D., Professor of Law
- Eric M. Rubin, B.A., J.D., Assistant Professor of Law
- Meghan Ryan, A.B., J.D., Gerald J. Ford Research Fellow and Professor of Law
- Eliot Shavin, B.A., J.D., Adjunct Clinical Professor of Law, Civil Clinic
- 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 and Professor of Law
- Heather L. Stobaugh, B.A., M.A., J.D., Clinical Professor of Legal Research, Writing and Advocacy
- Diane M. Sumoski, B.A., J.D., Director of the W.W. Caruth, Jr. Child Advocacy Clinic, Director of the W.W. Caruth, Jr. Institute for Children's Rights, and Lecturer in Law
- Joshua C. Tate, B.A., M.A., M.Phil. J.D., Ph.D., Professor of Law
- David O. Taylor, B.S., J.D., Co-Director of the Tsai Center for Law, Science and Innovation and Associate Professor of Law
- Walther Theiss, A.B., M.B.A., J.D., Adjunct Clinical Professor of Law, Small Business Clinic
- Elizabeth G. Thornburg, B.A., J.D., Richard R. Lee Endowed Professor, Altshuler University Distinguished Teaching Professor, and Professor of Law
- Jenia Iontcheva Turner, B.A., J.D., Amy Abboud Ware Centennial Professor in Criminal Law
- Jonni Walls, B.A., J.D., Clinical Professor of Legal Research, Writing and Advocacy Jessica Dixon Weaver, B.A., J.D., Associate 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., J.S.D. Professor Emeritus 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