

6-25-2019

Front Matter and Table of Contents

Follow this and additional works at: <https://repository.law.miami.edu/umlr>

Recommended Citation

Front Matter and Table of Contents, 73 U. Miami L. Rev. Iss. 4 ()

Available at: <https://repository.law.miami.edu/umlr/vol73/iss4/1>

This Prefatory Matter is brought to you for free and open access by University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact library@law.miami.edu.

University of Miami Law Review

VOLUME 73

SUMMER 2019

NUMBER 4

FOREWORD

HON. EDWIN G. TORRES 1065

ARTICLES

WHY DON'T JUDGES CASE MANAGE? *Hon. Jennifer D. Bailey* 1071

ADVOCACY BEFORE THE ELEVENTH CIRCUIT: A
CLERK'S PERSPECTIVE *Kevin Golembiewski
& Jessica Arden Ettinger* 1221

THE LAW AS UNCOPYRIGHTABLE: MERGING IDEA
AND EXPRESSION WITHIN THE ELEVENTH
CIRCUIT'S ANALYSIS OF "LAW-LIKE" WRITING *Christina M. Frohock* 1269

University of Miami Law Review

ADVISORY BOARD

ROY BLACK	JOSEPH MAMOUNAS
SCOTT E. BYERS	STEVEN MARKS
HON. A. JAY CRISTOL	ADAM MOSKOWITZ
JARET L. DAVIS	MICHAEL NACHWALTER
FREDDY FUNES	REBEKAH J. POSTON
ELIZABETH A. GONZALEZ	PETER PRIETO
+ GEORGE HARPER	JOE SEROTA
CHARLES KLINE	HON. THOMAS E. SCOTT
GUY LEWIS	BRIAN W. TOTH
ALVIN LINSDAY	HARLEY S. TROPIN

+ *Deceased*

STATEMENT OF EDITORIAL POLICY

The *University of Miami Law Review* (ISSN 0041-9818) is published four times in Fall, Winter, Spring, and Summer by the University of Miami: 1311 Miller Road, Law Library, B-349, Coral Gables, FL 33146. Periodicals postage is paid at Miami, Florida 33152 and additional mailing offices. **POSTMASTER:** Send all address changes to the *University of Miami Law Review*: 1311 Miller Road, Law Library, B-349, Coral Gables, FL 33146.

SUBSCRIPTIONS: One year's subscription for four issues / one volume is \$60.00 for domestic mailing and \$65.00 for international mailing, payable in advance. Single issues are \$15.00. Address your order to *University of Miami Law Review*, 1311 Miller Drive, B-349 Law Library, Coral Gables, FL 33124. If the *University of Miami Law Review* does not receive notice of termination before the expiration of the subscription, it will be automatically renewed. Because the *University of Miami Law Review* holds back issues at its editorial offices for a limited time only, subscribers should report non-receipt of an issue within six months of its mailing or one month following receipt of a succeeding issue.

SINGLE AND BACK ISSUES: Each issue of Volume 73 of the *Review* can be purchased for \$15.00 from the *University of Miami Law Review*. Back issues of Volumes 1–72 are available through William S. Hein and Company, Inc., 1285 Main Street, Buffalo, New York 14209, (800) 828-7571. Back issues can also be found in electronic format on HeinOnline (<http://heinonline.org>).

SUBMISSIONS: The *University of Miami Law Review* invites the submission of unsolicited articles. All submissions should conform to *The Bluebook: A Uniform System of Citation* (20th ed. 2015). In general, the *University of Miami Law Review* follows *The Redbook: A Manual on Legal Style* (3d ed. 2013) on grammar, style, and usage. Authors seeking publication in the *University of Miami Law Review* should submit manuscripts electronically and in Microsoft Word format. For more information, please visit us online at <http://lawreview.law.miami.edu/>.

COPYRIGHT: Copyright © 2018 by the *University of Miami Law Review*. The author of each article published in the *Review* grants permission for copies of that article to be made and used for classroom use, provided that the user identifies the author and the journal, affixes proper notice of copyright to each copy, and sends notice and a description of the use to the *University of Miami Law Review*. In addition, the author of each article grants the *University of Miami Law Review* the right to authorize the publication, reproduction, and distribution of the article in electronic, computerized-retrieval systems, and similar forms, and to transfer such rights. For reprint permission for purposes other than classroom use, please contact the *University of Miami Law Review* at the above address, or fax (305) 284-6506. Please allow at least one business week for processing.

UNIVERSITY OF MIAMI SCHOOL OF LAW

ADMINISTRATION

Julio Frenk, M.D., M.P.H., Ph.D, *President of the University*
Jeffrey Duerk., *Provost & Executive Vice President*
Patricia D. White, B.A., M.A., J.D., *Dean & Professor of Law*
James M. Bond, *Associate Dean, Finance and Budget*
Osamudia James, B.A., J.D., LL.M., *Vice Dean & Professor of Law*
Kele Stewart, B.S., J.D., *Associate Dean, Experiential Learning; Co-Director, Children and Youth Law Clinic; & Professor of Clinical Legal Education*
Raquel M. Matas, B.A., J.D., *Associate Dean for Administration & Counsel to the Dean*
Harold Flegelman, B.A., J.D., *Associate Dean, Adjunct Faculty & Director, Graduate Program in Entertainment, Arts and Sports Law*
Georgina Angones, B.A., *Assistant Dean, Law Development & Alumni Relations*
Marcelyn Cox, B.A., J.D., *Assistant Dean, Career Development Office*
Stephanie Cox, B.A., *Associate Dean, Office of External Affairs*
Michael L. Goodnight, B.A., M.S., *Associate Dean of Admissions & Enrollment Management*
Marni B. Lennon, B.A., Ms.Ed., J.D., *Assistant Dean, Public Interest & Pro Bono; Director, HOPE Public Interest Resource Center; & Lecturer in Law*
Greg Levy, B.A., J.D., *Assistant Dean, Law Academic Affairs & Student Services*
Janet E. Stearns, B.A., J.D., *Dean of Students & Lecturer in Law*
William P. VanderWyden, III, B.A., M.Ed., J.D., *Assistant Dean, Professional Development*

FACULTY

Anthony V. Alfieri, A.B., J.D., *Dean's Distinguished Scholar, Professor of Law, & Director, Center for Ethics & Public Service*
Paula Arias, J.D., *Director, International Moot Court Program & Lecturer in Law*
Yasmina Assis, LL.M., J.D., *Associate Director, International Graduate Law Programs & Lecturer in Law*
Jill Barton, B.J., B.A., M.S., J.D., *Professor of Legal Writing & Lecturer in Law*
Ricardo J. Bascuas, B.A., J.D., *Professor of Law*
Caroline Bettinger-López, B.A., J.D., *Professor of Clinical Legal Education & Director, Human Rights Clinic*
William S. Blatt, A.B., J.D., *Professor of Law*
Caroline M. Bradley, B.A. (Hons), LL.M., *Professor of Law*
Patricia A. Brown, B.S.F.S., J.D., *Director, Graduate Program in Taxation*
Sergio J. Campos, A.B., J.D., *Professor of Law*
Kathleen Claussen, B.A., M.A., J.D., *Associate Professor of Law*
Donna K. Coker, B.S.W., M.S.W., J.D., *Professor of Law*
Charlton Copeland, B.A., M.A.R., J.D., *M. Minnette Massey Chair in Law & Professor of Law*

Caroline Mala Corbin, B.A., J.D., *Professor of Law*
Andrew B. Dawson, B.A., J.D., *Professor of Law*
Michele DeStefano, B.A., J.D., *Professor of Law & Executive Director, LawWithoutWalls*
Scott A. Eichhorn, B.S., J.D., *Practitioner in Residence & Supervising Attorney, Investor Rights Clinic*
Marc Fajer, A.B., J.D., *Professor of Law*
Zanita E. Fenton, A.B., J.D., *Professor of Law*
Harold A. Flegelman, B.A., J.D., *Director of the Graduate Program in Entertainment, Arts and Sports Law; Director of the Entertainment Law Track; Lecturer in Law*
Mary Anne Franks, B.A., M.Phil., Ph.D., J.D., *Professor of Law*
Sandra Friedrich, J.D., LL.M., *Director, White & Case International Arbitration LL.M. Graduate Program & Lecturer in Law*
Christina M. Frohock, B.A., M.A., J.D., *Professor of Legal Writing*
A. Michael Froomkin, B.A., M.Phil., J.D., *Laurie Silvers and Mitchell Rubenstein Distinguished Professor of Law*
Michael H. Graham, B.S.E., J.D., *Dean's Distinguished Scholar for the Profession, Professor of Law*
Patrick O. Gudridge, A.B., J.D., *Professor of Law*
Susan Haack, B.A., M.A., B.Phil., Ph.D., *Distinguished Professor in the Humanities, Cooper Senior Scholar in Arts and Sciences, Professor of Philosophy & Professor of Law*
Stephen K. Halpert, A.B., J.D., *Professor of Law*
Frances R. Hill, B.A., M.A., Ph.D., J.D., LL.M., *Dean's Distinguished Scholar for the Profession, Professor of Law*
Elizabeth M. Iglesias, B.A., J.D., *Professor of Law*
Jan L. Jacobowitz, B.S., J.D., *Director of the Professional Responsibility and Ethics Program & Lecturer in Law*
D. Marvin Jones, B.S., J.D., *Professor of Law*
Stanley I. Langbein, A.B., J.D., *Professor of Law*
Robert Latham, B.A., B.A., J.D., *Clinical Instructor & Practitioner-in-Residence, Children & Youth Law Clinic*
Tamara Rice Lave, B.A., M.A., Ph.D., J.D., *Associate Professor of Law*
Romy Lerner, B.A., J.D., *Associate Director, Immigration Clinic & Lecturer in Law*
Lili Levi, A.B., J.D., *Professor of Law*
Pam Lucken, B.S., M.L.S., J.D., *Lecturer in Law & Head of Reference, Law Library*
Martha R. Mahoney, B.A., M.A., J.D., *Dean's Distinguished Scholar & Professor of Law*
Fred McChesney, A.B., J.D., Ph.D., *Carlos de la Cruz-Soia Mentschikoff Chair in Law and Economics*
JoNel Newman, B.A., J.D., *Director, Health Rights Clinic & Professor of Clinical Legal Education*
Leigh Osofsky, A.B., J.D., *Professor of Law*
Bernard H. Oxman, A.B., J.D., *Richard A. Hausler Endowed Chair & Professor of Law*
Erika Pagano, B.S.F.S., J.D., *Director, Academics & Advancement, LawWithoutWalls & Lecturer in Law*
Kunal Parker, A.B., M.A., J.D., Ph.D., *Dean's Distinguished Scholar & Professor of Law*
Jan Paulsson, A.B., J.D., *Michael Klein Distinguished Scholar Chair & Professor of Law*

Marika Paulsson, LL.M, *Director, International Arbitration Institute & Lecturer in Law*
Shara Kobetz Pelz, B.A., J.D., *Professor of Legal Writing & Lecturer in Law*
Carmen Perez-Llorca, J.D., LL.M., *Director, International Graduate Law Programs & Lecturer in Law*
Bernard P. Perlmutter, B.A., J.D., *Co-Director, Children and Youth Law Clinic & Professor of Clinical Legal Education*
Shakira D. Pleasant, B.A., J.D., *Professor of Legal Writing & Lecturer in Law*
Ileana Porras, B.A., M.Phil., J.D., *Senior Lecturer*
Alejandro Portes, B.A., M.A., Ph.D., *Professor of Sociology & Professor of Law*
Daniel B. Ravicher, B.S.C.E., J.D., *Director, Larry Hoffman|Greenberg Traurig Startup Law Practicum & Lecturer in Law*
Rodney P. Rawls, B.S., J.D., LL.M., *Associate Director, Academic Achievement Program & Lecturer in Law*
Thomas A. Robinson, B.S., J.D., B.Litt., *Professor of Law*
Scott L. Rogers, B.S., M.S., J.D., *Director, Mindfulness in Law Program & Lecturer in Law*
Laurence M. Rose, B.A., J.D., *Director, Litigation Skills*
Robert E. Rosen, A.B., M.A., J.D., Ph.D., *Professor of Law*
Andres Sawicki, S.B., J.D., *Acting Vice Dean & Professor of Law*
Robin Schard, B.A., M.L.S., J.D., *Associate Director, Law Library & Lecturer in Law*
Alex Schimel, B.F.A., J.D., *Associate Director, Academic Achievement Program & Lecturer in Law*
K. Renee Schimkat, B.A., J.D., *Professor of Legal Writing & Lecturer in Law*
Stephen J. Schnably, A.B., J.D., *Professor of Law*
Rebecca Sharpless, B.A., M.Phil., J.D., *Director, Immigration Clinic & Professor of Clinical Legal Education*
Rachel Stabler, B.A., J.D., *Professor of Legal Writing & Lecturer in Law*
Irwin P. Stotzky, B.A., J.D., *Professor of Law*
Scott E. Sundby, B.A., J.D., *Professor of Law & Dean's Distinguished Scholar*
Melissa Gibson Swain, B.A., J.D., *Associate Director, Health Rights Clinic & Clinical Instructor, Health Rights Clinic*
Jessi Tamayo, B.A., J.D., *Director, Miami Street Law Program & Lecturer in Law*
Annette Torres, B.A., M.B.A., J.D., *Professor of Legal Writing & Lecturer in Law*
Craig J. Trocino, B.A., J.D., *Director, Innocence Clinic & Lecturer in Law*
Stephen K. Urice, B.A., Ph.D., J.D., *Professor of Law*
Francisco Valdes, B.A., J.D., J.S.M., J.S.D., *Professor of Law & Dean's Distinguished Scholar*
Teresa J. Verges, B.A. J.D., *Director, Investor Rights Clinic & Lecturer in Law*
Marcia Narine Weldon, B.S., J.D., *Professor of Legal Writing & Lecturer in Law*
William H. Widen, A.B., J.D., *Professor of Law*
Richard L. Williamson, Jr., A.B., M.A., J.D., *Professor of Law*
Cheryl E. Zuckerman, B.A., J.D., *Professor of Legal Writing & Lecturer in Law*

Emeriti

David Abraham, B.A., J.D., *Professor of Law Emeritus*
Terence J. Anderson, B.A., J.D., *Professor of Law Emeritus*
Kenneth M. Casebeer, A.B., J.D., *Professor of Law Emeritus*

Stephen M. Diamond, J.D., *Professor of Law Emeritus*
Dennis O. Lynch, B.A., J.D., J.S.D., LL.M., *Dean Emeritus & Professor of Law Emeritus*
Elliott Manning, A.B., J.D., *Professor of Law Emeritus*
George Mundstock, B.A., J.D., *Professor of Law Emeritus*
Laurence M. Rose, B.A., J.D., *Professor of Law Emeritus*
James W. Nickel, B.A., Ph.D., *Professor of Law Emeritus*
Keith S. Rosenn, B.A., LL.B., *Professor of Law Emeritus*
Edgardo Rotman, LL.M., Ph.D., LL.B., J.D., *Senior Lecturer in International &
Comparative Law Emeritus*
Sally H. Wise, B.A., J.D., M.LL, *Professor of Law Emerita & Director of Law Library
Emerita*