### University of Miami Law Review

Volume 76 | Number 2

Article 1

2-22-2022

## **Prefatory Matter and Table of Contents**

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

### **Recommended Citation**

Prefatory Matter and Table of Contents, 76 U. MIA L. Rev. Iss. 2 () Available at: https://repository.law.miami.edu/umlr/vol76/iss2/1

This Prefatory Matter is brought to you for free and open access by the Journals at 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 76 WINTER 2022 NUMBER 2

### **SYMPOSIUM**

# CRIMINAL JUSTICE REFORM: THE STATE OF THIS UNION AND THE ROAD TO JUSTICE

### ARTICLES

CAN COVID-19 TEACH US HOW TO END MASS INCARCERATION?	Amy Fettig	419
THE RISE OF PLAIN LANGUAGE LAWS	Michael A. Blasie	447
CRIME AND PUNISHMENT: AN EMPIRICAL STUDY OF THE EFFECTS OF RACIAL BIAS ON CAPITAL SENTENCING DECISIONS	Matthew A. Gasperetti	525
NOTES		
"Incorrigibility is Inconsistent with Youth": The Supreme Court's Missed Opportunity to Cure the Contradiction Implicit in Discretionary JLWOP Sentencing	Ana Ionescu	612

## University of Miami Law Review

### **ADVISORY BOARD**

ROY BLACK

SCOTT E. BYERS

HON. A. JAY CRISTOL

JARET L. DAVIS

FREDDY FUNES

ELIZABETH A. GONZALEZ

CHARLES KLINE

**GUY LEWIS** 

ALVIN LINSDAY

JOSEPH MAMOUNAS

STEVEN MARKS

ADAM MOSKOWITZ

MICHAEL NACHWALTER

REBEKAH J. POSTON

PETER PRIETO

JOE SEROTA

HON. THOMAS E. SCOTT

BRIAN W. TOTH

HARLEY S. TROPIN

### UNIVERSITY OF MIAMI SCHOOL OF LAW

#### ADMINISTRATION

Julio Frenk, M.D., M.P.H., Ph.D., President of the University

Jeffrey Duerk, B.S., M.S., Ph.D., Provost & Executive Vice President

Nell Jessup Newton, J.D., Interim Dean and Visiting Professor

Caroline M. Bradley, B.A. (Hons), LL.M., Dean's Distinguished Scholar & Professor of Law and Associate Dean for International and Graduate Programs

James M. Bond, B.A., M.A., Associate Dean, Finance and Budget

Charlton Copeland, B.A., M.A.R., J.D., Associate Dean of Intellectual Life, Dean's Distinguished Scholar & Professor of Law

Andrew B. Dawson, B.A., J.D., Vice Dean for Academic Affairs, Judge A. Jay Cristol Chair in Bankruptcy Law & Professor of Law

Janet E. Stearns, B.A., J.D., Dean of Students & Lecturer in Law

Michael Chiorazzi, B.A., M.L.L., J.D., Associate Dean for Information Services; Dean's Distinguished Director, Law Library and Lecturer in Law

Katrin Hussmann Schroll, B.A., J.D., Associate Dean for Admissions & Enrollment Management

Gregory Levy, B.A., J.D., Associate Dean Law Academic & Student Services and Strategic Initiatives; Director, Entertainment, Arts and Sports Law LL.M.

Raquel M. Matas, B.A., J.D., Associate Dean for Administration & Counsel to the Dean Rebecca Sharpless, B.A., M.Phil., J.D., Associate Dean, Experiential Learning; Director, Immigration Clinic & Professor of Law

Georgina Angones, B.A., Assistant Dean, Law Development & Alumni Relations

Marni B. Lennon, B.A., Ms.Ed., J.D., Assistant Dean, Public Interest & Pro Bono; Director, HOPE Public Interest Resource Center & Lecturer in Law

Carmen Perez-Llorca, J.D., LL.M., Assistant Dean for International and Graduate Programs; Director, International Graduate Law Programs & Lecturer in Law Amy Perez, J.D., Assistant Dean of Students

### **FACULTY**

Anthony V. Alfieri, A.B., J.D., Dean's Distinguished Scholar; Professor of Law & Director, Center for Ethics & Public Service

Bianca Anderson, B.A., M.L.I.S., J.D., Librarian Associate Professor and Reference Librarian (Foreign/International Law) & Lecturer in Law

Paula Arias, J.D., Director, International Moot Court Program & Lecturer in Law

Jill Barton, B.J., B.A., M.S., J.D., Director, Legal Communication and Research Skills Program and 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 Law & Director, Human Rights Clinic* William S. Blatt, A.B., J.D., *Professor of Law* 

William W. Bratton, B.A., J.D., de la Cruz Mentschikoff Chair in Law and Economics & Senior Lecturer

Glenn R. Butterton, A.B., M.A., Ph.D., J.D., Lecturer in Law

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., Dean's Distinguished Scholar & Professor of Law

Caroline Mala Corbin, B.A., J.D., *Dean's Distinguished Scholar & Professor of Law* R. Denisse Córdova Montes, B.A. M.P.H., J.D., *Acting Associate Director, Human Rights Clinic & Lecturer in Law* 

Christine Anne Darias Daniels, B.A., J.D., *Professor of Legal Writing & Lecturer in Law* Michele DeStefano, B.A., J.D., *Professor of Law & The Larry Hoffman Greenberg Traurig Business of Law Chair, Director, LawWithoutWalls* 

Mónica Alexandra Durán, B.A., Ph.D., Lecturer in Law

Scott A. Eichhorn, B.S., J.D., Acting Director, Investor Rights Clinic & Lecturer in Law Andrew Elmore, B.A., J.D., Associate Professor of Law

Tamar Ezer, B.A., J.D., LL.M., Acting Director, Human Rights Clinic and Lecturer in Law Marc A. Fajer, A.B., J.D., Professor of Law

Zanita E. Fenton, A.B., J.D., Professor of Law

Abigail Leigh Fleming, B.A., J.D., Mysun Foundation Practitioner-in-Residence Environmental Justice Clinic and Lecturer in Law

Mary Anne Franks, B.A., M.Phil., Ph.D., J.D., *Professor of Law and Michael R. Klein Distinguished Scholar Chair* 

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 & Lecturer in Law

A. Michael Froomkin, B.A., M.Phil., J.D., Laurie Silvers and Mitchell Rubenstein Distinguished Professor of Law

Katelyn Goldsby, B.A., J.D., M.L.I.S., Librarian Assistant Professor and Reference/Outreach Librarian

Patrick O. Gudridge, A.B., J.D., Professor of Law and Dean's Distinguished Scholar

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

Raphael Jackson-Ortiz, B.A., J.D., M.L.S., Librarian Assistant Professor & Reference Librarian & Lecturer in Law

D. Marvin Jones, B.S., J.D., Professor of Law

Jeannie Jontiff, J.D., Acting Director of Litigation Skills Program

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 & Lecturer in Law

Tamara Rice Lave, B.A., M.A., Ph.D., J.D., Professor of Law

Romy Lerner, B.A., J.D., Associate Director, Immigration Clinic & Lecturer in Law

Lili Levi, A.B., J.D., Dean's Distinguishd Scholar & Professor of Law

Timothy Loftus, B.S., J.D., M.D., *Health Disparities Project Fredman Family Foundation Practitioner-in-Residence and Lecturer in Law* 

Pam Lucken, B.S., M.L.S., J.D., Head of Reference, Law Library & Lecturer in Law

Martha R. Mahoney, B.A., M.A., J.D., Dean's Distinguished Scholar & Professor of Law

Steven A. Maxwell, B.A., J.D., *Director, Academic Achievement Program & Lecturer in Law* John M. Newman, B.A., J.D., *Professor of Law* 

JoNel Newman, B.A., J.D., Director, Health Rights Clinic & Professor of Law

Erin Okuno, B.S., J.D., Professor of Legal Writing & Lecturer in Law

Jessica Owley, B.A. MLA, M.S., J.D., Ph.D., Faculty Director for the Environmental Law

Program & Professor of Law

Bernard H. Oxman, A.B., J.D., Richard A. Hausler Endowed Chair & Professor of Law

Kunal Parker, A.B., M.A., J.D., Ph.D., Dean's Distinguished Scholar & Professor of Law

Shara Kobetz Pelz, B.A., J.D., Professor of Legal Writing & Lecturer in Law

Bernard P. Perlmutter, B.A., J.D., Co-Director, Children and Youth Law Clinic & Professor of 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

Tina Portuondo, B.A., J.D., LL.M., Director, Heckerling Institute on Estate Planning & Director, Heckerling Graduate Program in Esatte Planning & Lecturer in Law

Rodney P. Rawls, B.S., J.D., LL.M., Associate Director, Academic Achievement Program & Lecturer in Law

Jarrod F. Reich, B.A., J.D., Professor of Legal Writing & 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* Robert E. Rosen, A.B., M.A., J.D., Ph.D., *Professor of Law* 

Rebecca Rosenberg, A.B. J.D. LL.M., *Director, Graduate Program in Taxation and Lecturer in Law* 

Pablo Rueda-Saiz, Ph.D., M.A. J.D., Associate Professor of Law

Andres Sawicki, S.B., J.D., Professor of Law

Robin Schard, B.A., M.L.S., J.D., Associate Director, Law Library & Lecturer in Law Gabriel Scheffler, A.B., J.D., Associate Professor of 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

Brian Sites, B.A., M.S.A., J.D., LL.M., Associate Director, Academic Achievement Program & Lecturer in Law

Sarah C. Slinger, B.A., M.L.I.S., J.D., Librarian Assistant Professor & Reference Librarian & Lecturer in Law

Kele Stewart, B.S., J.D., *Professor of Law, and Co-Director, Children & Youth Law Clinic* Irwin P. Stotzky, B.A., J.D., *Professor of Law* 

Scott E. Sundby, B.A., J.D., Dean's Distinguished Scholar & Professor of Law

Melissa Gibson Swain, B.A., J.D., Associate Director, Health Rights Clinic & Clinical Instructor, Health Rights Clinic

Jessi Tamayo, B.A., J.D., Director, Externships Program, 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., Dean's Distinguished Scholar & Professor of Law & Director, Arts Law Track-Graduate Program in Entertainment, Arts and Sports Law LL.M. Francisco Valdes, B.A., J.D., J.S.M., J.S.D., Professor of Law & Dean's Distinguished Scholar Anthony E. Varona, A.B., J.D., LL.M., Dean Emeritus & M. Minnette Massey Professor of Law

Marcia Narine Weldon, B.S., J.D., Director, Transactional Skills Program; Faculty Coordinator, Business Compliance & Sustainability Concentration & Lecturer in Law

Patricia D. White, B.A., M.A., J.D., *Professor of Law, Dean Emerita, and Co-Director, Sports Law Track-Graduate Program in Entertainment, Arts and Sports Law LL.M.* 

William H. Widen, A.B., 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

Michael H. Graham, B.S.E., J.D., Dean's Distinguished Scholar for the Profession Emeritus, 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

James W. Nickel, B.A., Ph.D., Professor of Law Emeritus

Jan Paulsson, A.B., J.D., Michael Klein Distinguished Scholar Chair Emeritus

Laurence M. Rose, B.A., J.D., Professor of Law Emeritus & Director, Litigation Skills Program

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

Richard L. Williamson, Jr., A.B., M.A., J.D., Professor of Law Emeritus

Sally H. Wise, B.A., J.D., M.LL, Professor of Law Emerita & Director, Law Library Emerita

### STATEMENT OF EDITORIAL POLICY

The *University of Miami Law Review* (ISSN 0041-9818) is published quarterly, with one issue in the fall, winter, spring, and summer, by University of Miami School of Law students. Periodicals postage paid at Miami, Florida, and additional mailing offices.

**POSTMASTER:** Send all address changes to *University of Miami Law Review*, 1311 Miller Drive, University of Miami School of Law, B-349 Law Library, Coral Gables, Florida 33146.

**SUBSCRIPTIONS**: One year's subscription for four issues (one volume) is \$65.00 for domestic mailing and \$70.00 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, Florida 33146. 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 76 of the *University of Miami Law Review* can be purchased for \$15.00 from the *University of Miami Law Review*. Back issues of Volumes 1–75 are available through William S. Hein and Company, Inc., 2350 North Forest Road, Getzville, New York, (800) 828-7571. Back issues can also be found in electronic format on HeinOnline (https://www.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* (21st ed. 2020). In general, the *University of Miami Law Review* follows *The Redbook: A Manual on Legal Style* (4th ed. 2018) 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 https://lawreview.law.miami.edu.

**COPYRIGHT**: Copyright © 2022 by the *University of Miami Law Review*. The author of each article published in the *Law 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 via email at lawreview@law.miami.edu. Please allow at least one business week for processing.