

6-5-2023

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, 77 U. MIA L. Rev. Iss. 4 ()
Available at: <https://repository.law.miami.edu/umlr/vol77/iss4/1>

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 mperez@law.miami.edu, library@law.miami.edu.

University of Miami Law Review

VOLUME 77

SUMMER 2023

NUMBER 4

ELEVENTH CIRCUIT ISSUE

FOREWORD

HON. ROBIN S. ROSENBAUM

885

ARTICLES

BEWARE OF TESTING THE WATERS: WADING INTO
LITIGATION COULD COST THE COMPANY ITS
ARBITRATION RIGHT

*Susan L. Shin, Pravin
R. Patel, Nicole
Comparato, &
Katheryn Maldonado*

893

AN ESSENTIAL PRELIMINARY: THE GRAND JURY, ITS
CLOAK OF SECRECY, AND THE MISCONCEIVED
INHERENT AUTHORITY TO RELEASE GRAND JURY
MATERIALS

Jose M. Espinosa

920

ESTABLISHING AN END TO *LEMON* IN THE ELEVENTH
CIRCUIT

*Amanda Harmon
Cooley*

972

FLORIDA'S MARKET-BASED PROPERTY REFORMS AND
REVOCATION OF ONE-WAY ATTORNEY FEES:
IMPLICATIONS FOR FLORIDA POLICY HOLDERS

Jae Lynn Huckaba

1014

University of Miami Law Review

ADVISORY BOARD

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

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*
David Yellen, J.D., *Dean and M. Minnette Massey Professor of Law*
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 Administration*
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*
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.*
Rebecca Sharpless, B.A., M.Phil., J.D., *Associate Dean, Experiential Learning; Director, Immigration Clinic & Professor of Law*
Georgina Angones, B.A., *Assistant Dean for Alumni & Community 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*
Sandra Friedrich, J.D., LL.M., *Assistant Dean, International Graduate Law Programs; Director, International Arbitration Institute*
Amy Perez, J.D., *Assistant Dean, Career and 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*
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*
Sergio J. Campos, A.B., J.D., *Professor of Law*
Melanie Cherdack, J.D., *Interim Associate Director, Investor Rights Clinic*
Kathleen Claussen, B.A., M.A., J.D., *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., *Interim 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*
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*
Lili Levi, A.B., J.D., *Dean's Distinguishd Scholar & Professor of 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*
Rebecca Ocariz, J.D., *Professof of Legal Writing & Lecturer in 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 Estate 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*
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*
Annette Torres, B.A., M.B.A., J.D., *Professor of Legal Writing & Lecturer in Law*
Craig J. Trocino, B.A., J.D., *Associate Professor of Clinical Education; Director, Innocence Clinic*
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*
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*

Anthony E. Varona, A.B., J.D., LL.M., *Dean 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 \$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, 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 77 of the *University of Miami Law Review* can be purchased for \$15.00 from the *University of Miami Law Review*. Back issues of Volumes 1–76 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 email at lawreview@law.miami.edu. Please allow at least one business week for processing.