ARTICLES

DOES THE INDIVIDUAL MANDATE COERCe? Raphael Boleslavsky & Sergio J. Campos 1

SUPERMARKETS IN INDIA: STRUGGLES OVER THE ORGANIZATION OF AGRICULTURAL MARKETS AND FOOD SUPPLY CHAINS Amy J. Cohen 19

FUTURLAWMA: 21ST CENTURY SOLUTIONS TO 31ST CENTURY PROBLEMS Justin S. Wales 87

INCONSISTENCY IN ANTITRUST Ramsi A. Woodcock 105

NOTES

RENT A REEF? HOW THE PRIVATIZATION OF FLORIDA CORAL REEFS MAY ADVANCE LOCAL CONSERVATION EFFORTS Natalie Harrison 189

THE IMPACT OF PREEMPTION IN THE NFL CONCUSSION LITIGATION Kelly A. Heard 221

STEMMING A RISING TIDE: WHY THE CLEAN AIR ACT FOLLOWING MASSACHUSETTS V. E.P.A. PROVIDES A SENSIBLE VEHICLE THROUGH WHICH TO REGULATE GREENHOUSE GAS EMISSIONS Zachary D. Ludens 251

HAMPERED HOPES FOR HOMEOWNERS: AN ANALYSIS OF HOW LITIGATION TRENDS HAVE EXPOSED THE HOME AFFORDABLE MODIFICATION PROGRAM’S WEAKNESSES Cushla E. Talbut 295

LEARNING FROM THE PAST: WHY TERMINATION OF A NON-CITIZEN PARENT’S RIGHTS SHOULD NOT BE BASED ON THE CHILD’S BEST INTEREST Stacy Byrd 323
UNIVERSITY OF MIAMI SCHOOL OF LAW

ADMINISTRATION

Donna E. Shalala, B.A., Ph.D., President of the University
Thomas J. LeBlanc, B.S., M.S., Ph.D., Provost & Executive Vice President
Patricia D. White, B.A., M.A., J.D., Dean & Professor of Law
Patrick O. Gudrige, A.B., J.D., Vice Dean & Professor of Law
Ileana Porras, B.A., M.Phil., J.D., Associate Dean of Academic Affairs
Raquel M. Matas, B.A., J.D., Associate Dean for Administration and Counsel to the Dean
Douglas K. Bischoff, A.B., J.D., LL.M., Associate Dean for the Adjunct Faculty & Director of the
Graduate Program in Real Property Development
Georgina Angones, B.A., Assistant Dean for Law Development and Alumni Relations
Marcelyn Cox, B.A., J.D., Assistant Dean, Career Development Office
Michael L. Goodnight, B.A., M.S., J.D., Dean of Students
Janet E. Steams, B.A., J.D., Dean of Students
Marni B. Lennon, B.A., Ms.Ed., J.D., Assistant Dean for Public Interest and Pro Bono, Director, HOPE
Public Interest Resource Center
William P. VanderWyden, Ill, B.A., M.Ed., J.D., Assistant Dean for Professional Development
Greg Levy, B.A., J.D., Assistant Dean of Academic Affairs and Student Services
Stephanie D. Cox, B.A., Assistant Dean for External Affairs

FACULTY

David Abraham, B.A., M.A., Ph.D., J.D., Professor of Law & University of Miami Law Review Faculty Advisor
Anthony V. Alfieri, A.B., J.D., Dean’s Distinguished Scholar, Professor of Law & Director of the Center for Ethics & Public Service
Paula Arias, J.D., Director of International Moot Court Program & Lecturer in Law
Jill Barton, B.J., B.A., M.S., J.D., Lecturer in Law
Ricardo Bascuas, B.A., J.D., Professor of Law
Ellen Belfer, B.A., J.D., Lecturer in Law
Caroline Bettinger-Lopez, B.A., J.D., Associate Professor of Clinical Legal Education & Director, Human Rights Clinic
William 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
Donna K. Coker, B.S.W., M.S.W., J.D., Professor of Law
Mary I. Coombs, B.A., M.A., J.D., Professor of Law
Charlotte Copeland, B.A., M.A.R., J.D., Professor of Law
Caroline Mala Corbin, B.A., J.D., Professor of Law
Andrew Dawson, B.A., J.D., Associate Professor of Law
Michele DeStefano, B.A., J.D., Associate Professor of Law
Stephen M. Diamond, B.A., A.M., Ph.D., J.D., Professor of Law
Mary Teresa Doud, B.A., M.A., J.D., Lecturer in Law
Mary Doyle, B.A., LL.B., Dean Emerita & Professor of Law
Alyssa Dragnich, B.A., J.D., Lecturer in Law
Marc Fajer, A.B., J.D., Professor of Law
Zanita E. Fenton, A.B., J.D., Professor of Law
Mary Anne Franks, B.A., M.Phil., Ph.D., J.D., Associate Professor of Law
Christina M. Frohock, B.A., M.A., J.D, Lecturer in Law
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
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
Jennifer Hill, B.A., M.A., J.D., Lecturer in 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
Osmund James, B.A., J.D., LL.M., Associate Professor of Law
D. Marvin Jones, B.S., J.D., Professor of Law
Stanley I. Langbein, A.B., J.D., Professor of Law
Tamara Rice Lave, B.A., M.A., Ph.D., J.D., Associate Professor of Law
Lili Levi, A.B., J.D., Professor of Law
Dennis O. Lynch, B.A., J.D., J.S.D., LL.M., Dean Emeritus & Professor of Law
Martha R. Mahoney, B.A., M.A., J.D., Professor of Law
Elliott Manning, A.B., J.D., Dean's Distinguished Scholar for the Profession, Professor of Law
Fred McChesney, A.B., J.D., Carlos de la Cruz-Sola Mentschikoff Chair in Law and Economics
Felix Mormann, J.D., LL.M., Associate Professor of Law
Jessica Carvalho Morris, J.D., Director of International Graduate Law Programs
Sarah A. Mourer, B.S., J.D., Director of the Capital Defense Project and Miami Innocence Project & Associate Professor of Clinical Legal Education
George Mundstock, B.A., J.D., Professor of Law
Peter Nemerovski, B.A., J.D., Lecturer in Law
JoNel Newman, B.A., J.D., Professor of Law
James W. Nickel, B.A., Ph.D., Professor of Philosophy & Professor of Law
Leigh Osofsky, A.B., J.D., Associate Professor of Law
Bernard H. Oxman, A.B., J.D., Richard A. Hausler Endowed Chair & Professor of Law
Jan Paulsson, A.B., J.D., Michael Klein Distinguished Scholar Chair & Professor of Law
Bernard P. Perlmutter, B.A., J.D., Director of the Children & Youth Law Clinic & Professor of Clinical Legal Education
Shara Pelz, B.A., J.D., Lecturer in Law
Alejandro Portes, B.A., M.A., Ph.D., Professor of Sociology & Professor of Law
Tina Portuondo, B.A., J.D., LL.M., Director of the Heckerling Institute on Estate Planning
Thomas A. Robinson, B.S., J.D., B.Litt., Professor of Law
Scott Rogers, B.S., M.S., J.D., Director, Mindfulness and the Law Program & Lecturer in Law
Laurence M. Rose, B.A., J.D., Director of the Litigation Skills Program & Professor of Law Emeritus
Robert E. Rosen, A.B., M.A., J.D., Ph.D., Professor of Law
Keith S. Rosen, B.A., LL.B., Professor of Law & Chair of Foreign Graduate Law Program
Edgardo Rotman, J.D., LL.M., Ph.D., LL.B., Lecturer in International & Comparative Law
Andres Sawicki, S.B., J.D., Associate Professor of Law
Stephen K. Schnably, A.B., J.D., Professor of Law
Rebecca Sharpless, B.A., M.Phil., J.D., Associate Professor of Clinical Legal Education
Rachel Smith, B.A., J.D., Lecturer in Law
Rachel Stabler, B.A., J.D., Lecturer in Law
Kele Stewart, B.S., J.D., Professor of Clinical Legal Education
Irwin P. Stotzky, B.A., J.D., Professor of Law
Scott Sundby, B.A., J.D., Dean's Distinguished Scholar & Professor of Law
Jessi Tamayo, B.A., J.D., Director of Public Programming & Lecturer in Law
Annette Torres, B.A., M.B.A., J.D., 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., Dean's Distinguished Scholar & Professor of Law
Teresa Verges, B.A., J.D., Director, Investor Rights Clinic & Lecturer in Law
Markus Wagner, J.S.M., M.J.I., J.D., Associate Professor of Law
William H. Widen, A.B., J.D., Professor of Law
Richard L. Williamson, Jr., A.B., M.A., J.D., Professor of Law
Sally H. Wise, B.A., J.D., M.L.L., Director of the Law Library & Professor of Law
Jennifer H. Zawid, B.A., J.D., Director of the Externship Program & Lecturer in Law
Cheryl Zuckerman, B.A., J.D., Lecturer in Law

Emeriti
Terence J. Anderson, B.A., J.D., Professor Emeritus of Law
Kenneth M. Casebeer, A.B., J.D., Professor Emeritus of Law
M. Minnette Massey, B.B.A., LL.B., M.A., LL.M., Professor Emerita of Law
Kathryn D. Sowle, B.A., J.D., Professor Emerita of Law

Visiting Professors
Kristina Klykova, LL.M., Visiting Assistant Professor
STATEMENT OF EDITORIAL POLICY

The University of Miami Law Review (ISSN 0041-9818) is published quarterly during the fall, winter, spring, and summer by the students of the University of Miami School of Law. Periodicals postage paid at Miami, Florida and additional mailing offices. POSTMASTER: Send address changes to University of Miami Law Review, 1311 Miller Drive, University of Miami School of Law, B-349 Law Library, Coral Gables, FL 33124.

SUBSCRIPTIONS: One year's subscription for four issues/one volume is $45.00 for domestic mailing and $55.00 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 68 of the Review can be purchased for $15.00 from the University of Miami Law Review. Back issues of Volumes 1–67 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 (19th ed. 2010). In general, the University of Miami Law Review follows The Redbook: A Manual on Legal Style (2d ed. 2006) on grammar, style, and usage. Authors seeking publication in the University of Miami Law Review should submit manuscripts in Microsoft Word format electronically through its homepage. Please visit us online at http://lawreview.law.miami.edu/.

COPYRIGHT: Copyright © 2013 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) 284-5632. Please allow at least one business week for processing.