We enjoy the Law Review today thanks to all of you, our alumni. To honor your prior contributions, we have sought opportunities to reflect on the Law Review’s past efforts and think about how we can position the journal as a leading voice in the academic and practitioner community. In other words, we have sought to publish with purpose.

In this effort, we have spent much time reflecting on a special project unique to the Villanova Law Review: the Third Circuit Review. Created in 1973, the Third Circuit Review was initially designed to broadly survey precedential opinions issued by the Third Circuit. Led by a dedicated Third Circuit Review Editor, students analyzed opinions by category, discussing a wide array of areas like admiralty and maritime law, constitutional law, federal jurisdiction and procedure, and federal statutes and government regulation. Former Chief Judge of the Third Circuit Collins J. Seitz wrote the first introduction to the Third Circuit Review, a role he reprised in 1983 to celebrate the Third Circuit Review’s tenth year anniversary. Many jurists have contributed to the Third Circuit Review over the years, including Supreme Court Chief Justice William Rehnquist, Justice William J. Brennan, and various Third Circuit judges including Ruggero J. Aldisert, Edward Becker, D. Michael Fisher, and Dolores Sloviter. Over the years, the Third Circuit Review’s dedicated editor was phased out, and the project exclusively featured student-written casenotes and casebriefs analyzing five or six opinions.

This year, we celebrate the 45th anniversary of the Third Circuit Review. To improve the Third Circuit Review’s value to both the academic and practitioner community, we have used this opportunity to reflect and consider how to better amalgamate and study the Third Circuit’s jurisprudence in its totality. When the Third Circuit Review is published later this year, we hope you will let us know what you think.

We look forward to seeing everyone at the Law Review’s Alumni Reception at the Union League on Thursday, April 12 at 5:30 PM. As always, we welcome your feedback and are grateful for your support.

– Valerie Caras
Editor-in-Chief, Volume LXIII
WHAT WE’RE PUBLISHING: OUTSIDE ARTICLES
INCLUDE CORPORATE LAW, NET NEUTRALITY, AI

Volume 63 features outside articles on a variety of topics from both established and budding scholars, as well as practitioners. In sum, we anticipate publishing approximately eleven articles. In Issue 63:1, Professor Jay Brown brings clarity to the SEC’s use of no-action letters to define its stance on proxy rules, while Professor Bernard Sharfman defends corporate issuers’ right to use dual-class share structures.

Daniel Birk—a partner at Eimer Stahl—shines a new light on Article III’s Exceptions Clause by conducting original research into the British and Scottish interpretation of the term at common law prior to 1787. Professor Robert Frieden joins Daniel Birk in Issue 63:2 by offering a critique on the FCC’s policy-making process in the recent net-neutrality debate.

Issue 63:3 features two well-respected scholars—Professors Lars Noah and Charles Sullivan. Professor Noah argues that the FDA should reconsider its rules concerning the retraction of over-the-counter drugs back to prescription status. Professor Sullivan provides a forward-looking analysis of the intersection between artificial intelligence’s application in the employment context and Title VII.

An experienced compliance and white collar practitioner Douglas Richmond and Professor Andrew Ayers round out Issue 63:4. Douglas Richmond uses his past work on high-profile investigations to offer advice to attorneys conducting investigations who face professional responsibility and other ethical challenges. Professor Ayers revisits the commandeering doctrine and argues that states should be more assertive in resisting federal legislation that requires certain state officials to carry out federal prerogatives. Our annual collection of Shachoy Symposium manuscripts, featured in Issue 63:5, will conclude the volume.

-TOLLE LEGE: A NEW WEBSITE AND ONLINE BLOG

Tolle Lege continues to refine its identity as a go-to online resource for practitioners and legal commentary. Earlier this year, we completely revamped our website, making it mobile responsive, and beginning the gargantuan effort of putting the Law Review’s archives entirely online.

On this new website, we launched a blog to continue to drive legal discussions online. To test out the blog feature and content generation discussions, our first few posts focused on demystifying some of the more complicated rules in The Bluebook. As we continue to refine its purpose, we look forward to using the blog to discuss regional legal developments, especially those within the Third Circuit to complement the print journal’s Third Circuit Review. We also always welcome feedback from our alumni as to how to improve our online offerings to compliment the content published both in print and on Tolle Lege. Contact us at review@law.villanova.edu.

-Matt Hall, Managing Editor of Tolle Lege
VOL. 63 TO FEATURE FOURTEEN STUDENT WORKS

The Law Review would like to thank all of its Staff Writers for their dedication throughout the writing process this year. As a result of their hard work, the Law Review selected fourteen student-written notes and comments from its fall and spring submission pools for publication in Volume 63 and Tolle Lege, the Law Review’s online companion. Congratulations to Ryan Ahrens, Dan Baker, Riley Bauer, Michaela Cronin, Jacqueline Dakin, Lauren DeBona, Ryan Dieter, Lydia Ellsworth, Zach Kizitaff, Thallia Malespin, John Miraglia, Tyler Murphy, Tim Muyano, and Abraham Schneider!

Readers can expect to encounter a multitude of hot topics, ranging from civil asset forfeiture to tribal civil jurisdiction to appraisal arbitrage and more. One student-written note you may want to keep your eyes peeled for is Dan Baker’s Excuse Me, Judge; You’re Standing in the Way of My Healthcare: Pennsylvania Supreme Court in Shinal v. Toms Halts Growth of Mid-Level Health Providers and Declares Only Physicians Can Obtain Patient Consent. Dan discusses the recent Shinal decision out of Pennsylvania’s supreme court, which held only physicians—and not members of their staff, such as nurse practitioners (NP) or physician assistants (PA)—may obtain informed consent from patients before performing medical procedures. In the Note, Dan thoroughly outlines the doctrine of informed consent in Pennsylvania, focusing particularly on the Commonwealth’s Medical Care Availability and Reduction Error Act (MCARE). He then argues the Shinal decision is problematic for two reasons. First, he says the court sidestepped the Pennsylvania Statutory Construction Act and failed to recognize the plain language of MCARE permits physicians to delegate their obligation to obtain informed consent to NPs and PAs. Second, he claims the court halted the growing trend of team-based care in Pennsylvania. Dan’s arguments are compelling and highlight the future implications—both good and bad—of this monumental decision.

-Kim Sachs, Managing Editor of Research and Writing

GRADUATING 3LS EARN VARIOUS HONORS

Pamela Putnam will be working with the Pennsylvania Health Law Project (PHLP) as an Independence Foundation Fellow. PHLP represents low-income Pennsylvanians who are applying for or receiving Medicaid. Pamela Putnam’s fellowship project will specifically focus on elderly and disabled Medicaid recipients who need nursing home care or other long-term supportive care in their homes. “I got involved in the work of PHLP because I am passionate about access to healthcare. I think the inequality in access to care between the haves and have-nots is one of the biggest social justice issues facing our country, and I wanted to do something about it.”

Since 1953, the Attorney General’s Honors Program has been recognized as the nation’s premier entry-level federal attorney recruitment program. Kristen Taylor was accepted into this program and will serve as a Trial Attorney in the Department of Justice - Criminal Division in Washington, D.C. Her section is still to be determined.

Congratulations Pam and Kristen!

-Arianna McLaughlin, Managing Editor of Production
FULL HOUSE ON FOIA: RECAPPING THE 2017 NORMAN J. SHACHOY SYMPOSIUM

On October 20, 2017, the Law Review marked 50 years of operation under the Freedom of Information Act (FOIA). The symposium featured a group of distinguished FOIA and transparency scholars, governmental officials, and FOIA-requesters and litigants. The Law Review was honored by the presence of many distinguished FOIA scholars, including Anamarija Musa, the Commissioner of Information for the Republic of Croatia, Jason Leopold, a Senior Investigative Reporter at BuzzFeed News, and David McCraw, the Deputy General Counsel of the New York Times. All panelists brought to the table a unique perspective on FOIA (as one panelist stated, the act needs to be “blown up”). A number of the panelists will be contributing to our annual Shachoy volume of the Law Review, and we look forward to publishing their work. The symposium can be viewed in its entirety on YouTube. We are grateful to Norman J. Shachoy COE ’58, CWSL ’61 and his son Jamey Shachoy ’86 for their continued support.

-Jourdan Simko, Managing Editor of Operations

SHOTS FROM AROUND CAMPUS

VLR members after winning the Journals/Moot Court annual softball tournament

Ryan Kelly, Matt Hall, Nate Simon, Jason Kurtyka, and Pete Adonizio enjoying a VLR pizza lunch.
You are invited to join us for the

**Villanova Law Review Reception**

on Thursday, April 12, 2018 from 5:30 PM to 6:30 PM

*This special pre-reception will be held prior to Alumni Awards Presentation. You can RSVP for both events by clicking the "Register" button below.*

**Annual Reception and Alumni Awards Presentation**

*Emceed by Professor Cathy Lanctot*

Thursday, April 12, 2018
6:30 PM - 8:30 PM
The Union League
140 S. Broad Street, Philadelphia, PA

**CLERKSHIP CORNER**

The following Law Review students and alumni are clerking during the 2017-2018, 2018-2019, and 2019-2020 terms:

Peter Adonizio ’18
Hon. Thomas I. Vanaskie
U.S. Court of Appeals, Third Circuit

Peyton Carper ’19
Vice Chancellor Tamika Montgomery-Reeves
Delaware Court of Chancery

Lauren Anthony ’17
Hon. Yvette Kane
U.S. District Court, Middle District of Pennsylvania

Jason Kurtyka ’18
Hon. Mary Gibbons Whipple
New Jersey Superior Court, Appellate Division

Katie Maza Courtney ’12
Hon. Kent A. Jordan
U.S. Court of Appeals, Third Circuit

Thallia Malespin ’19
Hon. Juan R. Sánchez
U.S. District Court, Eastern District of Pennsylvania

Valerie Caras ’18
Hon. Matthew W. Brann
U.S. District Court, Middle District of Pennsylvania

Kimberly Price ’18
Hon. Vivian L. Medinilla
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Abraham Schneider ’19
Vice Chancellor Sam Glasscock III
Delaware Court of Chancery

Nathaniel Simon ’18
Hon. Mark A. Kearney CLAS ’84, CWSL ’87
U.S. District Court, Eastern District of Pennsylvania

**Are You Clerking?**

To be featured in future Clerkship Corners,
e-mail review@law.villanova.edu
Michael Dalton ’16

VLR Involvement: Staff Writer, 2014-15, Articles Editor, 2015-2016; Dr. Arthur Clement Pulling Award, 2016


Notable Professional Accomplishments: Following graduation, I clerked for Judge Vivian L. Medinilla in the Superior Court of Delaware in Wilmington. I drafted plenty of interesting (hopefully!) decisions in both criminal and civil law. As you work on more and more decisions, you gain leeway to experiment with certain literary flourishes. One example of public record sticks in my mind: Ciabattoni v. Teamsters Local 326, 2017 WL 3175617 (Del. Super. Ct. July 25, 2017). Since finishing my clerkship, the first six months of practice have been a whirlwind. I completed my first oral argument on a motion for summary judgment in an asbestos personal injury case in the second month of practice. I recently completed taking my first deposition. Each of these milestones were anxiety-laden, but have no doubt proved valuable learning experiences. I have a few trials as second chair looming in the distance, and I am excited for these and future litigation milestones to come. I am keeping an eye out for interesting issues to write about, and hope to begin my endeavor back into the world of law review articles.

Megan E. Krebs ’14

VLR Involvement: Executive Editor, 2013-14, Staff Writer, 2012-13

Current Position/Firm: Associate, Gibbons P.C.

Notable Professional Accomplishments: I joined Gibbons after clerking for Judge Steven Polansky in the Superior Court of New Jersey and Judge Mary Cooper in the District of New Jersey. My practice focuses on products liability, commercial litigation and employment matters across various industries, in both Pennsylvania and New Jersey state and federal court.

I also serve as a volunteer attorney with the Support Center for Child Advocates in Philadelphia. In my capacity as a volunteer attorney, I represent children that are currently placed in the custody of the Department of Human Services and work with DHS employees, social workers, and the Court towards achieving permanency for my clients, whether that means reunification with the children’s parents or adoption.

Tolle Leger: Alumni Submissions Wanted

We are actively seeking alumni contributions to Tolle Lege. For additional information, contact review@law.villanova.edu.
INTRODUCING VOLUME 64

Professor Catherine J. Lanctot serves as the Law Review’s faculty advisor. The Harry S. Cherken, Jr. Law Review Fund continues to provide financial support for the Law Review.

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