CONTENTS

ARTICLES

Home-Country Effects of Corporate Inversions

Omri Marian 1

Revisiting Claim and Issue Preclusion in Washington

Kathleen M. McGinnis 75

Experimental Execution

Seema K. Shah 147

Administrating Patent Litigation

Jacob S. Sherkow 205

Rethinking Virtual Currency Regulation in the Bitcoin Age

Kevin V. Tu & Michael W. Meredith 271

NOTES & COMMENTS

Forever Evergreen: Amending the Washington State Constitution for a Healthy Environment

Devra R. Cohen 349

A Tale of Three Prejudices: Restructuring the “Martinez Gateway”

Michael Ellis 405
Removal Jurisdiction over Mass Actions

Mallory A. Gitt 453

A Shifting Landscape for Shifting Fees: Attorney-Fee Awards in Patent Suits After Octane and Highmark

Darin Jones 505

Public Records in Private Devices: How Public Employees’ Article I, Section 7 Privacy Rights Create a Dilemma for State and Local Government

Philip Paine 545
University of Washington School of Law 2014–2015

OFFICERS OF ADMINISTRATION
Michael Young, B.A., J.D., President of the University
Kellye Y. Testy, B.A., J.D., Dean, James W. Mifflin University Professor of Law
Patricia Kuszler, M.D., J.D., Vice Dean, Professor of Law
Penny A. Hazelton, B.A., J.D., M.L.L., Associate Dean for Library & Computing Services, Professor of Law
Mary Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Associate Dean for Students & Academic Life, Senior Law Lecturer
Kimberly Eckstein, B.A., Assistant Dean for Advancement
Michelle Gonzalez, J.D., M.P.A., Assistant Dean for Professional & Leadership Development
Michele Storms, B.A., J.D., Assistant Dean for Public Service
Anita Krug, B.A., M.A., Ph.D., Associate Dean for Faculty Research and Development, Associate Professor of Law
Gregory Hicks, B.A., J.D., Senior Associate Dean for Global Advancement, Professor of Law
Sean O’Connor, B.A., M.A., J.D., Assistant Dean for Law, Business and Technology Initiatives, Professor of Law
Mathiew Le, Assistant Dean for Admissions and Financial Aid

FACULTY EMERITI
William R. Andersen, B.S.L., LL.B., LL.M.
Robert H. Aromson, B.A., J.D.
James H. Hardisty, A.B., LL.B.
Roland L. Hjorth, A.B., LL.B
Linda Hume, B.A., J.D.
John Huston, B.A., J.D., LL.M.
John M. Junker, B.A., J.D.
John R. Price, A.B., LL.B.
Roy L. Prosterman, B.A., J.D.
Marjorie D. Rombauer, B.A., J.D.
Charles Z. Smith, B.S., J.D.
Frank W. Smith, B.A., J.D., LL.M.
Philip A. Trautman, B.A., J.D.
Louis Wolcher, B.A., J.D.

FACULTY OF LAW
Craig H. Allen, B.S., J.D., LL.M., Judson Falknor Professor of Law
Kimberly D. Ambrose, B.A., J.D., Senior Law Lecturer
Helen A. Anderson, B.A., J.D., Professor of Law
Robert T. Anderson, B.A., J.D., Professor of Law, Director of Native American Law Center
Thomas R. Andrews, B.A., M.A., J.D., Professor of Law
Karen E. Boxx, B.A., J.D., Professor of Law
Steve P. Calandrillo, B.A., J.D., Charles I. Stone Professor of Law
Ryan Calo, B.A., J.D., Assistant Professor of Law
Thomas D. Cobb, B.A., M.A., M.A., J.D., Senior Law Lecturer
Molly M. Cohan, B.A., J.D., Law Lecturer
William Covington, B.A., J.D., Senior Law Lecturer
Dwight J. Drake, B.S., J.D., Associate Professor of Law
Melissa J. Durkee, B.A., J.D., Assistant Professor of Law
Jonathan A. Eddy, B.A., J.D., Professor of Law, Manager of Afghanist Legal Educators Project
Jennifer Fan, A.B., J.D., Managing Director, Entrepreneurial Law Clinic & Law Lecturer
Mary D. Fan, B.A., J.D., M.Phil., Professor of Law
Daniel Foote, A.B., J.D., Professor of Law, Dan Fermo Henderson Professorship in East Asian Studies
Julia Gold, B.A., J.D., Principal Law Lecturer, Director of Mediation Clinic
Robert W. Gornickiewicz, B.A., M.A., J.D., Professor of Law, Faculty Director, IP LLM
Michael Hatfield, B.A., M.A., J.D., Professor of Law
Penny A. Hazelton, B.A., J.D., M.L.L., Professor of Law
Gregory A. Hicks, B.A., J.D., Professor of Law
Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Law Lecturer
Maureen A. Howard, B.A., J.D., Associate Professor of Law
Stewart M. Jay, A.B., J.D., Miller, Pendleton Endowed Professor of Law
Sarah Kalsounis, B.S., M.Ed., J.D., Senior Law Lecturer
Lisa Kelly, B.A., J.D., Professor of Law, Bobbe & Jonathan Bridge Professorship in Child & Family Advocacy, Director of Children & Youth Advocacy Clinic
Alan Kirtley, B.A., J.D., Associate Professor of Law
Sanne Knudsen, B.S., M.S., J.D., Assistant Professor of Law
Anita K. Krug, B.A., M.A., J.D., Ph.D., Associate Professor of Law
Patricia C. Kuszler, B.A., M.D., J.D., Charles I. Stone Professor of Law, Director of Multidisciplinary Initiatives
Clark B. Lombardi, B.A., M.A., J.D., Ph.D., Associate Professor of Law, Adjunct Associate Professor of Law in International Affairs
Lisa Manheim, B.A., J.D., Assistant Professor of Law
Deborah Maranville, B.A., J.D., Professor of Law, Director of Clinical Law Program
Anna C. Mastromani, B.S., B.A., J.D., M.P.H., Professor of Law
Shannon McCormack, B.A., J.D., LL.M, Associate Professor of Law
Kathleen M. McGinnis, B.A., J.D., Senior Law Lecturer
Jacqueline McMurtrie, B.G.S., J.D., Professor of Law, Director of Innocence Project Northwest
Theodore A. Myhr, B.A., M.A., J.D., Senior Law Lecturer
Peter Nicolas, B.A., M.P.P., J.D., Jeffrey & Susan Brotman Professor of Law
Sean O’Connor, B.A., M.A., J.D., Professor of Law
Kathleen O’Neill, B.A., J.D., Professor of Law
Elizabeth Porter, B.A., M.Ed., M.A., J.D., Assistant Professor of Law
Anna Ramasastry, B.A., M.A., J.D., Wayne & Anne Gittinger Professor of Law, Director for Sustainable International Development LLM
Beth Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law, Director of Global Health & Justice Project
William H. Rodgers, B.A., J.D., Stimson Bullitt Professor of Environmental Law
Zahr Said, B.A., J.D., Ph.D., Assistant Professor of Law
Sallie Thieme Sanford, B.A., J.D., Associate Professor of Law
Eric Schnupper, B.A., M.A., B.Phil., LL.B., Betts, Patterson & Mines Professor of Law
Scott A. Schumacher, B.A., J.D., LL.M., Professor of Law, Director of Federal Tax Clinic, Director of Graduate Program in Taxation
Toshiko Takenaka, B.A., LL.M., Ph.D., W. Hunter Simpson Professor of Law, Director of Center for Advanced Study and Research on Intellectual Property
Kelley Y. Testy, B.A., J.D., Dean, James W. Mifflin University Professor of Law
Anna Toln, B.A., J.D., Law Lecturer
Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law
Lea B. Vaughn, A.B., J.D., Professor of Law
Walter J. Walsh, B.C.L., LL.M., S.J.D., Associate Professor of Law
Kathryn Watts, B.S., J.D., Garvey, Schubert & Barer Professor of Law
Brenda Williams, B.A., M.P.A., J.D., Law Lecturer
Jane K. Wimm, B.Sc., J.D., Charles I. Stone Professor of Law
Lara Zarowsky, J.D., Law Lecturer
Dongsheng Zang, LL.B., LL.M., S.J.D., Associate Professor of Law, Director Asian Law Center
David Ziff, A.B., J.D., Law Lecturer

ADJUNCT AND VISITING FACULTY
William Bailey, B.A., J.D., Professor from Practice
Betsy Baker, Counsel to the Dean - Alaska Programs & Visiting Professor of Law
Matt Barreto, B.S., M.S., Ph.D., Adjunct Professor, Political Science
Gad Burzilai, B.A., LL.S., LL.B., M.A., Ph.D., Adjunct Professor of Law
Katherine Beckett, B.A., M.A., Ph.D., Adjunct Professor, Law Societies and Justice Program, Sociology
Andrew Benjamin, J.D., Ph.D., Affiliate Professor of Law
Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law
Angelica Charzaro, B.A., J.D., Visiting Assistant Professor
Denise Dudzinski, Ph.D., MTS, Adjunct Professor, Bioethics and Humanities
John Haley, Professor of Law
Thomas Hazlet, B.S., Pharm.D., Dr.P.H., Adjunct Associate Professor, Pharmacy
Nancy S. Jecker, B.A., M.A., M.P.H., Adjunct Professor of Law
Sang Jo Jong, Visiting Professor
Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law
Arroz Osano, B.A., J.D., Ph.D., Adjunct Associate Professor of Law, Law, Societies and Justice Program
Saadia Pekkanen, B.A., M.A., Ph.D., M.S.L., Adjunct Associate Professor of Law
Clare Ryan, B.S., M.S., Ph.D., Adjunct Professor, School of Environmental and Forest Sciences
Thomas Schoenbaum, B.A., J.D., Visiting Professor
Hugh D. Spitzer, B.A., J.D., LL.M., Visiting Professor of Law
Faith Stelveman, B.A., M.Phil, J.D., Visiting Professor of Law
Susan Whiting, B.A., Ph.D., Adjunct Associate Professor of Law
Richard O. Zerbe, Jr., A.B., Ph.D., Adjunct Professor of Law

GALLAGHER LAW LIBRARY STAFF
Crystal Albertblal, B.A., Library Specialist, Serials
Karen Ballard, B.A., Library Specialist, Cataloging
Rob Brit, B.A., M.A., East Asian Law Library Services Coordinator
Judy Davis, B.A., M.L.I.S., Librarian, Resource Sharing
Anna Endler, B.A., J.D., M.L.I.S., Librarian, Reference
Flora Escarez, B.S., Library Specialist, Cataloging
Grace Feldman, B.A., J.D., M.L.I.S., Librarian, Reference
Jonathan Franklin, A.B., A.M., J.D., M.L.I.S., Associate Law Librarian
Sharon Hall, Library Specialist Supervisor, Cataloging
Tricia Hart, B.A., M.L.I.S., Librarian, Cataloging
Ingrid Holmlund, A.B., J.D., M.L.I.S., CILP Co-Editor
Peggy Jarrett, B.A., M.S.L.I.S., Librarian, Collection Development & Reference

Vi
Richard Jost, B.A., M.A., M.A., Information Systems Coordinator
Kaden Mack, B.A., Library Technician, Circulation
Craig Morley, B.A., Library Materials Conservation Supervisor, Serials
Ann Nez, B.A., M.L.I.S., Librarian, Technical Services Coordinator
Vickie Northington, B.A., Library Supervisor, Circulation
Cheryl Nyberg, B.A., M.S.L.I.S., Librarian, Coordinator of Reference Services
Nikki Pike, Information Specialist, CILP
Patty Roberts, B.A., Library Technician Lead, Evening Circulation Supervisor
Tania Schriwer, B.A., J.D., M.L.I.S., CILP Co-Editor
Dave Tawatao, Senior Computer Specialist
Reba Turnquist, B.A., M.L.I.S., Librarian, Collection Development
Mary Whisner, B.A., J.D., M.L.I.S., Librarian, Reference
Alena Wolotira, B.A., J.D., M.L.I.S., Librarian, Reference; CILP Co-Editor
Quan (John) Zhang, B.A., M.A., Ph.D., Library Specialist, Acquisitions