

Washington Law Review

Volume 91 | Number 2

6-1-2016

Contents

anon

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>

Recommended Citation

anon, Table of Contents, *Contents*, 91 Wash. L. Rev. i (2016).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol91/iss2/1>

This Table of Contents is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact lawref@uw.edu.

WASHINGTON LAW REVIEW

VOLUME 90, NUMBER 2, JUNE 2015

Published by Students of the
University of Washington School of Law

CONTENTS

SYMPOSIUM

CAMPBELL AT 21

SYMPOSIUM ARTICLES

- Foreword: Fair Use in the Digital Age, and *Campbell v. Acuff-Rose* at 21
Zahr K. Said 579
- Campbell* as Fair Use Blueprint?
Pierre N. Leval 597
- Market Effects Bearing on Fair Use
Jeanne C. Fromer 615
- Campbell* at 21/*Sony* at 31
Jessica Litman 651
- Fair Use: An Affirmative Defense?
Lydia Pallas Loren 685
- The Imaginary Trademark Parody Crisis (and the Real One)
William McGeeveran 713
- How Much Is Too Much?: *Campbell* and the *Third* Fair Use Factor
R. Anthony Reese 755

Possible Futures of Fair Use

Pamela Samuelson 815

Content, Purpose, or Both?

Rebecca Tushnet 869

NOTES & COMMENTS

“The Shameful Wall of Exclusion”: How Solitary
Confinement for Inmates with Mental Illness Violates the
Americans with Disabilities Act

Jessica Knowles 893

A New Generation of Class Action Cy Pres Remedies: Lessons
from Washington State

Cecily C. Shiel 943

Washington’s Reproductive Privacy Act: An Interpretation and
Constitutional Analysis

Ross Tanaka 993

Copyright © 2015, Washington Law Review Association. Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) the author and journal are identified, (3) proper notice of copyright is affixed to each copy, and (4) the Washington Law Review Association is notified of the use.

WASHINGTON LAW REVIEW (ISSN 0043-0617) is published quarterly by students of the University of Washington School of Law. Periodicals postage paid at Seattle, Washington, and additional mailing offices.

POSTMASTER: Send address changes to:

Choong Kim
Washington Law Review
University of Washington
Gallagher Law Library
William H. Gates Hall
Box 353025
Seattle, Washington 98195

SUBSCRIPTION INFORMATION: Subscription price for Vol. 90: \$41.06 per year in Washington State (tax included), \$37.50 per year in the United States, and \$47.50 elsewhere. Single issue: \$12.00 (order directly from WASHINGTON LAW REVIEW Business Office). Subscriptions are renewed automatically unless the business office is notified of cancellation. No refunds will be issued.

BACK ISSUES: See advertisement at the back of this issue.

SUBSCRIPTION & BACK ISSUE CORRESPONDENCE:

Choong Kim
Washington Law Review
University of Washington
Gallagher Law Library
William H. Gates Hall
Box 353025
Seattle, Washington 98195
email: chk@u.washington.edu

MANUSCRIPTS: WASHINGTON LAW REVIEW invites the submission of unsolicited manuscripts. Manuscripts should be double-spaced with double-spaced footnotes. WASHINGTON LAW REVIEW prefers the use of gender-neutral language.

CITATION FORM: For Volume 90, WASHINGTON LAW REVIEW adopts the citation form of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (19th ed. 2010).

EDITORIAL CORRESPONDENCE: Editor-in-Chief
Washington Law Review
University of Washington
School of Law
William H. Gates Hall
Box 353025
Seattle, Washington 98195
email: wlr@u.washington.edu

Member, National Conference of Law Reviews

WEBSITE: www.washingtonlawreview.org

WASHINGTON LAW REVIEW

VOLUME 90

2015

2014–2015 EDITORIAL BOARD

Editor-in-Chief

MALLORY GITT

Associate Editor-in-Chief

KIRSTEN NELSEN

Associate Editor-in-Chief

RYAN THOMAS

Chief Articles Editor

DANE WESTERMEYER

Chief Managing Editor

CECILY SHIEL

Chief Online Editor

CHARLES HAUSBERG

Chief Notes & Comments Editor

JESSICA ERICKSON

Executive Articles Editor

MAUREEN JOHNSTON

Executive Managing Editor

DEVRA COHEN

Executive Notes & Comments Editor

KELSEY MARTIN

Articles Editors

JESSICA KNOWLES

WALKER KUCH-STANOVSKY

ROSS TANAKA

Notes & Comments Editors

JOHNATHAN CHONG

BRADLEY WESTMORELAND

MATTHEW WURDEMAN

Managing Editors

ELIZABETH ALLEN

ANDREW DURLAND

LE HOANG

DARIN JONES

REID MCELLRATH

BRYCE NELSON

PHILIP PAINE

ALEXANDER WISBEY

Online Editors

MICHAEL ELLIS

RACHEL WILKA

EDITORIAL STAFF

SARA ALAVI

ASHLEY BROWN

SARAH CHAPLIN

SYDNEY CONWAY

MANMEET DHAMI

JAMES FELDMAN

HARRY FUKANO

SPENCER GALL

HAYLEE HURST

KRYSTAL JENKINS

MICHAEL JETER

DEVON KING

WESTON LEMAY

TYLER LICHTER

CHARLOTTE LUNDAY

DIERDRE MADSEN

THOMAS MANN MILLER

JORDAN MCCRITE

CHRISTOPHER PIERCE-WRIGHT

ASHLEIGH RHODES

HENRY ROSS

DANIEL RUSK

COURTNEY SCHIRR

MARGARET SHOLIAN

WASHINGTON LAW REVIEW ASSOCIATION FACULTY BOARD

CRAIG ALLEN

THOMAS ANDREWS

KAREN BOXX

LINDA HUME

SARAH KALTSOUNIS

KATHY MCGINNIS

BUSINESS STAFF

Faculty Business Manager

PENNY HAZELTON

Faculty Advisor

ROBERT GOMULKIEWICZ

Business Office

JONATHAN FRANKLIN

CHOONG KIM

University of Washington School of Law 2014–2015

OFFICERS OF ADMINISTRATION

Michael Young, B.A., J.D., President of the University
Kelye 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., J.D., 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. Aronson, 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 Afghanistan 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 Fenno Henderson Professorship in East Asian Studies
Julia Gold, B.A., J.D., Principal Law Lecturer, Director of Mediation Clinic
Robert W. Gomulkiewicz, 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, Pendelton Endowed Professor of Law
Sarah Kaltsounis, 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. Mastroianni, 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. Myhre, B.A., M.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
 Anita Ramasastry, B.A., M.A., J.D., 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 Schnapper, 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
 Kellye Y. Testy, B.A., J.D., Dean, James W. Mifflin University Professor of Law
 Anna Tolin, 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. Winn, B.Sc., J.D., Charles I. Stone Professor of Law
 Lara Zarowsky, J.D., Law Lecturer
 Dongsheng Zang, LL.B., LL.M., 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 Barzilai, 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 Chazaro, 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.A., Ph.D., Adjunct Professor of Law
 Sang Jo Jong, Visiting Professor
 Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law
 Arzoo Osanloo, B.A., J.D., Ph.D., Adjunct Associate Professor of Law, Law, Societies and Justice Program
 Saadia Pekkanen, B.A., M.I.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 Stevelman, 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 Alberthal, B.A., Library Specialist, Serials
 Karen Ballard, B.A., Library Specialist, Cataloging
 Rob Britt, B.A., M.A., M.A., East Asian Law Library Services Coordinator
 Judy Davis, B.A., M.L.I.S., Librarian, Resource Sharing
 Anna Ender, 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

Fran Johnson, Fiscal Specialist, Washington Law Review, Washington International Law Journal
Richard Jost, B.A., M.A., M.A., Information Systems Coordinator
Choong Kim, B.A., Fiscal Specialist, Washington Law Review, Washington International Law Journal
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

