

Washington Law Review

Volume 92 | Number 3

10-1-2017

Contents

anon

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

Recommended Citation

anon, Table of Contents, *Contents*, 92 Wash. L. Rev. i (2017).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol92/iss3/1>

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 92, NUMBER 3, OCTOBER 2017

Published by Students of the
University of Washington School of Law

CONTENTS

ARTICLES

- Dignity, Inequality, and Stereotypes
Luke A. Boso 1119
- Adjudicating Religious Sincerity
Nathan S. Chapman 1185
- Nudging Patient Decision-Making
Wendy Netter Epstein 1255
- Pre-Enforcement Litigation Needed for Taxing Procedures
Stephanie Hunter McMahon 1317
- What's (Still) Wrong with Credit Ratings?
Frank Partnoy 1407
- Breaking Down Bias: Legal Mandates vs. Corporate
Interests
Jamillah Bowman Williams 1473

COMMENTS

- A Natural Progression of Restrictive Immunity: Why the
JASTA Amendment Does Not Violate International Law
Eric T. Kohan 1515

An Uncommon Carrier: The FCC's Unintended Effects on
Constitutional Use Taxation

Maricarmen Perez-Vargas 1571

Quick, Stop Hiring Old People! How the Eleventh Circuit
Opened the Door for Discriminatory Hiring Practices Under
the ADEA

Samantha Pitsch 1605

Copyright © 2017, 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. 92: \$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 legal scholarship on all topics for publication.

CITATION FORM: For Volume 92, WASHINGTON LAW REVIEW adopts the citation form of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (20th ed. 2015).

EDITORIAL CORRESPONDENCE: Editor-in-Chief
Washington Law Review
University of Washington
School of Law
William H. Gates Hall
Box 353025
Seattle, Washington 98195
email: editor@washrev.org

Member, National Conference of Law Reviews

WEBSITE: www.washingtonlawreview.org

WASHINGTON LAW REVIEW

VOLUME 92

2017

2016–2017 EDITORIAL BOARD

Editor-in-Chief

JANE PRYJMAK

Associate Editor-in-Chief

SOPHIA E. AMBERSON

Associate Editor-in-Chief

ANDREW PEREZ

Chief Articles Editor

ALAINA BALYEAT

Chief Managing Editor

KELLY HOLLER

Chief Online Editor

BIANCA LACAILLE

Chief Notes & Comments Editor

ERIC FRANZ

Executive Articles Editor

LENA BRODSKY

Executive Managing Editor

BENJAMIN OMDAL

Executive Notes & Comments Editor

KAITLYN KELLY

Articles Editors

JAMES CARR

RYAN CASEY

ZACHARY GUSSIN

BENJAMIN ROBBINS

SHELBY STONER

Managing Editors

CEDAR COSNER

TIFFANY CURTISS

ADA DANELO

ASTI GALLINA

CAMILLE MCDORMAN

HARLAN MECHLING

JAMES MILLER

JEFFREY MUSTO

KALEIGH POWELL

RACHEL YEMINI

Notes & Comments Editors

NEIL S. BROWN

XIN LIU

DESIREE PHAIR

Executive Online Editor

VALERIE WALKER

EDITORIAL STAFF

SARAH AITCHISON
ALEXANDER ARKFELD
SARAH H. ASHMORE
ALEXANDRA BURTON
JOSHUA CHANG
JOHN DELANEY
JAKE DINI
EVAN DOBBS
BRENT DROZE
TEVON EDWARDS

KATELYN FULTON
JAKE GOBER
GABRIELLE HANNA
SARAH HENDRICK
GAVIN KEENE
ERIC KOHAN
MADELINE LAMO
ERIK MARTES
DAVID MATSUMOTO

MICHAEL COHODES PAYANT
ALEX D. PEARSON
MARICARMEN PEREZ-VARGAS
ANNE PFEIFLE
SAMANTHA PITSCH
CARL RUBINSTEIN
JAMES SATTERBERG
KATHERINE SHATTUCK
MARKUS SURRETT
NICHOLAS VALERA

WASHINGTON LAW REVIEW ASSOCIATION FACULTY BOARD

CRAIG ALLEN
THOMAS ANDREWS

KAREN BOXX
KATHY MCGINNIS

LAUREN SANCKEN

BUSINESS STAFF

Faculty Business Manager
PENNY HAZELTON

Faculty Advisor
ROBERT GOMULKIEWICZ

Business Office
JONATHAN FRANKLIN
CHOONG KIM

2017–2018 EDITORIAL BOARD

Editor-in-Chief
ALEX D. PEARSON

Associate Editor-in-Chief
SARAH AITCHISON

Associate Editor-in-Chief
MARICARMEN PEREZ-VARGAS

Chief Articles Editor
ERIC KOHAN

Chief Managing Editor
ANNE PFEIFLE

Chief Online Editor
GAVIN KEENE

Chief Notes & Comments Editor
CARL RUBINSTEIN

Executive Articles Editor
JAKE DINI

Executive Managing Editor
GABRIELLE HANNA

Executive Notes & Comments Editor
KATELYN FULTON

Articles Editors
BRENT DROZE
JAKE GOBER
MADELINE LAMO
KATHERINE SHATTUCK
NICHOLAS VALERA

Managing Editors
ALEXANDER ARKFELD
ALEXANDRA BURTON
JOSHUA CHANG
JOHN DELANEY
EVAN DOBBS
SARAH HENDRICK
ERIK MARTES
MICHAEL COHODES PAYANT
SAMANTHA PITTSCH
MARKUS SURRETT

Notes & Comments Editors
TEVON EDWARDS
DAVID MATSUMOTO
JAMES SATTERBERG

Executive Online Editor
SARAH H. ASHMORE

EDITORIAL STAFF

BRITTANY ADAMS
ALLEXIA BOWMAN ARNOLD
LAURA BARNES
SETH W. R. BRICKEY
JANE CARMODY
CONNIE CHENG
STELLA CHUNG
NICHOLAS CODY
CHRIS FURMAN

MARTHA GEYER
SERENA HAMANN
NATHAN HICKNER
BLAKE HOLBROOK
BETSY ISACKES
MARTEN KING
PHILIPP C. KUNZE
SARA LEONETTI
MIKAELA L. J. LOUIE
KAYLAN LOVROVICH

BEN MOORE
SANDRA PATLAN
SARAH E. SMITH
CHASE STEWART
MIRIAM R. STIEFEL
REBECCA SWEENEY
LOGAN S. WEAVER
NICHOLAS S. WEGLEY
JOSEPH WOLFE

* WASHINGTON LAW REVIEW issues are produced on a calendar-year schedule; the Editorial Board's term of office, however, corresponds to the school year. Accordingly, editorial responsibilities for the October issue are apportioned between consecutive Boards.

University of Washington School of Law 2017–2018

OFFICERS OF ADMINISTRATION

Jessica Brase, M.P.A., Assistant Dean for Finance and Operations
Christine Cimini, Associate Dean for Experiential Education
Jonathan Franklin, A.B., A.M., J.D., M.Lib., Associate Dean for Library & Information Systems
Mary Hotchkiss, B.A., M.S.L.S., J.D., Senior Advisor to the Dean
Sanne Knudsen, B.A., M.S., J.D., Associate Dean for Research & Faculty Development
Anita K. Krug, B.A., M.A., J.D., Ph.D., Interim Toni Rembe Dean & Professor of Law
Mathiew Le, B.A., J.D., Assistant Dean for Enrollment
Pontus Niklasson, M.A., Assistant Dean for Academic Services & Registrar
Scott Schumacher, B.A., J.D., LL.M., Associate Dean for Academic Administration, Professor of Law, Director of
Federal Tax Clinic, Director of Graduate Program in Taxation
Brenda Williams, B.A., M.P.A., J.D., Associate Dean for Students, Equity and Engagement
Craig Wright, B.A., J.D., Assistant Dean for Advancement

FACULTY EMERITI

William R. Andersen, B.S.L., LL.B., LL.M.
Thomas Andrews, B.A., M.A., J.D.
Robert Aronson, B.A., J.D.
Julia Gold, B.A., J.D.
James Hardisty, A.B., LL.B.
Penny Hazelton, B.A., J.D., M.L.L.
Roland Hjorth, A.B., L.L.B.
John Huston, B.A., J.D., LL.M.
Stewart Jay, A.B., J.D.
John M. Junker, B.A., J.D.
Deborah Maranville, B.A., J.D.
Kathleen O'Neill, B.A., J.D.
John R. Price, A.B., LL.B.
Roy L. Prosterman, B.A., J.D.
William H. Rodgers, B.A., 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., 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
William Bailey, B.A., J.D., Law Lecturer
Karen E. Boxx, B.A., J.D., Professor of Law
Steve P. Calandrillo, B.A., J.D., Professor of Law
Ryan Calo, B.A., J.D., Associate Professor of Law, Co-Director of the Center for Advanced Study and Research on
Intellectual Property
Angelica Chazaro B.A. J.D., Assistant Professor of Law
John Clynch B.A., J.D., LL.M., Law Lecturer
Thomas D. Cobb, B.A., M.A., M.A., J.D., Senior Law Lecturer
Molly M. Cohan, B.A., J.D., Law Lecturer
Ronald K.L. Collins, B.A., J.D., Harold S. Shefelman Scholar
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., Associate Professor of Law
Jonathan A. Eddy, B.A., J.D., Professor of Law, Manager of Afghanistan Legal Educators Project
Jennifer S. Fan, A.B., J.D., Managing Director, Entrepreneurial Law Clinic & Assistant Professor
Mary D. Fan, B.A., J.D., M.Phil., Professor of Law
Daniel Foote, A.B., J.D., Professor of Law, Co-Director Asian Law Center
Trevor Gardner, B.A., J.D., Ph.D., Assistant Professor of Law
Robert W. Gomulkiewicz, B.A., M.A., J.D., Professor of Law, Faculty Director, IP LLM, Co-Director of the
Center for Advanced Study and Research on Intellectual Property
Benjamin S. Halasz, B.A., J.D., Law Lecturer
Michael Hatfield, B.A., M.A., J.D., Professor of Law
Gregory A. Hicks, B.A., J.D., Professor of Law
Maureen A. Howard, B.A., J.D., Associate Professor of Law
Lisa Kelly, B.A., J.D., Professor of Law, Director of Children & Youth Advocacy Clinic
Alan Kirtley, B.A., J.D., Associate Professor of Law
Patricia C. Kuszler, B.A., M.D., J.D., Director, Center for Law, Science

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., Associate Professor of Law
 Anna C. Mastroianni, B.S., B.A., J.D., M.P.H., Professor of Law
 Shannon McCormack, B.A., J.D., LL.M., Professor of Law
 Kathleen M. McGinnis, B.A., J.D., Principal Lecturer of Law
 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., Professor of Law
 Sean O'Connor, B.A., M.A., J.D., Professor of Law, Boeing International Professor
 Elizabeth Porter, B.A., M.Ed., M.A., J.D., Associate Professor of Law
 Anita Ramasastry, B.A., M.A., J.D., Professor of Law
 Jeffrey Riedinger, B.A., J.D., M.A., Ph.D., Professor of Law, Vice Provost for Global Affairs
 Zahr Said, B.A., J.D., Ph.D., Associate Professor of Law, Director of the Center for Advanced Study and Research on Intellectual Property
 Lauren Sancken, B.A., J.D., Law Lecturer
 Sallie Thieme Sanford, B.A., J.D., Associate Professor of Law
 Eric Schnapper, B.A., M.A., B.Phil., LL.B., Professor of Law
 Toshiko Takenaka, B.A., LL.M., Ph.D., Professor of Law
 Kellye Y. Testy, B.A., J.D., 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., Professor of Law
 Todd Wildermuth, B.S., M.S., Ph.D., Law Lecturer
 Jane K. Winn, B.Sc., J.D., Professor of Law, Co-Director of the Center for Advanced Study and Research on Intellectual Property
 Dongsheng Zang, LL.B., LL.M., LL.M., S.J.D., Associate Professor of Law, Co-Director Asian Law Center
 David Ziff, A.B., J.D., Senior Lecturer

ADJUNCT AND VISITING FACULTY

Betsy Baker, B.A., J.D., LL.M., Counsel to the Dean - Alaska Programs & Affiliate Professor of Law
 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
 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
 Tony Quang, B.A., M.D., J.D., Adjunct Associate Professor
 Clare Ryan, B.S., M.S., Ph.D., Adjunct Professor, School of Environmental and Forest Sciences
 Thomas Schoenbaum, B.A., J.D., Visiting Professor
 Jeff Schwartz, B.A., J.D., Visiting Professor
 Hugh D. Spitzer, B.A., J.D., LL.M., Acting 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., M.L.I.S., Librarian, Serials and Research Services
 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, Access & Resource Sharing and Reference
 Anna Ender, B.S., J.D., M.L.I.S., Librarian, Head of Research Services
 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, Government Information, and Reference
 Richard Jost, B.A., M.A., M.A., Interim Director, Law Librarianship Program
 Choong Kim, B.A., Fiscal Specialist, Washington Law Review, Washington International Law Journal
 Kaden Mack, B.A., Library Technician, Circulation
 Ann Nez, B.A., M.L.I.S., Librarian, Technical Services Coordinator
 Cheryl Nyberg, B.A., M.S.L.I.S., Librarian, Digital Innovation and Reference
 Nikki Pike, Program Operations Specialist, CILP
 Tania Schriwer, B.A., J.D., M.L.I.S., CILP Co-Editor
 Reba Turnquist, B.A., M.L.I.S., Librarian, Collection Development
 Mary Whisner, B.A., J.D., M.L.I.S., Librarian, Research Services
 Alena Wolotira, B.A., J.D., M.L.I.S., Librarian, Research Services & Circulation; CILP Exec. Editor

