Washington Law Review

Volume 93 | Number 1

3-1-2018

Contents

anon

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

Recommended Citation

anon, Table of Contents, *Contents*, 93 Wash. L. Rev. i (2018). Available at: https://digitalcommons.law.uw.edu/wlr/vol93/iss1/1

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 93, NUMBER 1, MARCH 2018

Published by Students of the University of Washington School of Law

CONTENTS

ARTICLES	
The Marital Wealth Gap	
Erez Aloni	1
Snake Oil Speech	
Jane R. Bambauer	73
Exposing Secret Searches: A First Amendment Right of Access to Electronic Surveillance Orders	
Hannah Bloch-Wehba	145
Privacy, Press, and the Right to be Forgotten in the United States	
Amy Gajda	201
Forum-Selection Provisions in Corporate "Contracts"	
Helen Hershkoff & Marcel Kahan	265
Fifty Shades of Gray Infrastructure: Land Use and the Failure to Create Resilient Cities	
Jonathan Rosenbloom	317
COMMENTS	
Courts as Gatekeepers: The Case for Minimal Deference to Agency Interpretations of the Common Law	
Brent Droze	385
Alexa, What Should We Do About Privacy? Protecting Privacy for Users of Voice-Activated Devices	
Anne Pfeifle	421

Preventing Erroneous Expedited Removals: Immigration Judge Review and Requests for Reconsideration of Negative Credible Fear Determinations

Katherine Shattuck 459

Incentivized Informants, *Brady*, *Ruiz*, and Wrongful Imprisonment: Requiring Pre-Plea Disclosure of Material Exculpatory Evidence

Markus Surratt 523

Copyright © 2018, 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:

Washington Law Review University of Washington Gallagher Law Library William H. Gates Hall Box 353025 Seattle, Washington 98195 email: editor@washlrev.org

SUBSCRIPTION INFORMATION: Subscription price for Vol. 93: \$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:

Washington Law Review University of Washington Gallagher Law Library William H. Gates Hall Box 353025 Seattle, Washington 98195 email: editor@washlrev.org

MANUSCRIPTS: WASHINGTON LAW REVIEW invites the submission of legal scholarship on all topics for publication.

CITATION FORM: For Volume 93, 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@washlrev.org

Member, National Conference of Law Reviews

WEBSITE: www.washingtonlawreview.org

WASHINGTON LAW REVIEW

VOLUME 93 2018

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
Articles Editors

BRENT DROZE

JAKE GOBER

GABRIELLE HANNA

Managing Editors

ALEXANDER ARKFELD

ALEXANDRA BURTON

JOSHUA CHANG

JOHN DELANEY

EVAN DOBBS

SARAH HENDRICK

Executive Notes & Comments Editor
KATELYN FULTON

Notes & Comments Editors TEVON EDWARDS DAVID MATSUMOTO JAMES SATTERBERG

MADELINE LAMO KATHERINE SHATTUCK NICHOLAS VALERA

> ERIK MARTES MICHAEL COHODES PAYANT SAMANTHA PITSCH MARKUS SURRATT

Executive Managing Editor

Executive Online Editor SARAH H. ASHMORE

EDITORIAL STAFF

BRITTANY ADAMS
ALLEXIA BOWMAN ARNOLD
ALEX AVAKIANTZ
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 GABRIELLE SISCO SARAH E. SMITH CHASE STEWART MIRIAM R. STIEFEL REBECCA SWEENEY LOGAN S. WEAVER NICHOLAS S. WEGLEY JOSEPH WOLFE

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

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.Libr., 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., L.L.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 Endter, 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

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