



SCHOOL OF LAW
TEXAS A&M UNIVERSITY

Texas A&M Law Review

Volume 6 | Issue 2

3-29-2019

Front Matter

Follow this and additional works at: <https://scholarship.law.tamu.edu/lawreview>

Recommended Citation

Front Matter, 6 Tex. A&M L. Rev. (2019).

Available at: <https://scholarship.law.tamu.edu/lawreview/vol6/iss2/2>

This Front Matter is brought to you for free and open access by Texas A&M Law Scholarship. It has been accepted for inclusion in Texas A&M Law Review by an authorized editor of Texas A&M Law Scholarship. For more information, please contact aretteen@law.tamu.edu.

TEXAS A&M LAW REVIEW



Volume Six
2018–2019

TEXAS A&M UNIVERSITY SCHOOL OF LAW
1515 COMMERCE STREET
FORT WORTH, TEXAS 76102

TEXAS A&M LAW REVIEW

VOLUME SIX 2018–2019

Texas A&M Law Review ISSN 10801-5449, Volume Six, 2018–2019

Published by the Texas A&M University School of Law, 1515 Commerce Street, Fort Worth, Texas 76102. Direct (817) 212-3897. Fax (817) 212-3898.

Postmaster: Send address corrections to the *Texas A&M Law Review*, 1515 Commerce Street, Fort Worth, Texas 76102. All notifications of address changes should include past and current addresses with zip code. Please inform the *Texas A&M Law Review* of any address changes one month in advance to ensure prompt delivery. Subscriptions are deemed to be renewed annually unless instructions to the contrary are communicated to the Executive Editor at executive.editor@lawreview.law.tamu.edu. Annual subscriptions are \$40.00, or \$22.00 per single issue (postage included).

Copyright © 2019 by the Texas A&M University School of Law. Except as otherwise expressly provided, the author of each article in this volume has granted permission for copies of that article to be made and used by non-profit education institutions, provided that the author and the *Texas A&M Law Review* are identified and that proper notice of copyright is affixed to each copy. In all other cases, the author and the *Texas A&M Law Review* should be contacted directly. Except as otherwise expressly provided, copyright in each article is held solely by the author. Additionally, each author grants the *Texas A&M Law Review* an irrevocable, nonexclusive, and royalty-free license to publish the article.

All communications should be directed to:

Editor-in-Chief
Texas A&M Law Review
Texas A&M University School of Law
1515 Commerce Street
Fort Worth, Texas 76102
Direct: (817) 212-3897
Fax: (817) 212-3898
eic@lawreview.law.tamu.edu
www.law.tamu.edu/current-students/academics/law-journals/law-review

The *Texas A&M Law Review* invites unsolicited article submissions. Articles should be submitted online through Scholastica at www.tamulawreview.scholasticahq.com/for-authors.

Cite as: 6 TEX. A&M L. REV. __ (2019).

TEXAS A&M LAW REVIEW

VOLUME 6

WINTER 2019

NUMBER 2

BOARD OF EDITORS

Editor-in-Chief
MEGAN CLOUD

Managing Editor
ISABELLE HUTCHINSON

Executive Editor
JARROD AZOPARDI

Symposia Editor
CASH HEARTY BARKER

Online-Content Editor
MORGAN TYLER PARKER

Senior Articles Editor
TAYLOR FAUGHT

Senior Online Articles Editor
NICOLE RIEKEN

Articles Editors
JORDAN CURRY
PATRICK DEAN
ZACHARY FORD

Citations Editors
DANIEL MOORE
ELIZABETH RAMEY
KRISTEN N. WHITTAKER

Notes & Comments Editors
DAKOTA BREWER
LYNDA HERCULES CHARLESON
LAUREN SHAW

STAFF

ELISE ALDENDIFER
TAYLOR ALLAN
CLAIRE BROWN
GREGORY BUTZ
GARRETT CLEVELAND
STEFFANI FAUSONE
ASHLEY GRAVES
KRISTI HARBORD
ANJELICA HARRIS
SAMANTHA HENSON
ROBERT C. INCLAN
COLIN JACKSON

JENNA JOHNSON
BAILEY JONES
IAN KLEIN
DAVID KRIEGHBAUM JR.
SHANE LANDERS
NORA MCGUFFEY
DEREK MCKEE
BAILEY MICHELL
BRANDIE MOSER
TRENTON O'MALLEY
TRACI PHIPPS

GABRIELA RICHARDSON
GRANT SCHAUER
CHANDLER SCHMITZ
SARABETH SHAUNESSY
JASON SHEFFIELD
SCOTT SLOAN
KAMERON SMITH
GLENN STRICKLAND
MCCLANE THOMPSON
TESCH USSERY
DILLON VAUGHN
IAN WEBB

Faculty Advisors
LYNNE RAMBO
MEG PENROSE

Staff Advisor
DEBBIE BAUER

TEXAS A&M LAW REVIEW

VOLUME 6

WINTER 2019

NUMBER 2

CONTENTS

ARTICLE

- Strategic Institutional Positioning: How We Have Come to Generate
Environmental Law Without Congress 323
Donald J. Kochan
- Beyond the Ethical Boundaries of Solidarity: Increasing Vaccination Rates
Through Mandatory Education to Solidarity 345
Dr. Nili Karako-Eyal
- Managing Hurricane (and Other Natural Disaster) Risk 391
Robert H. Jerry, II

COMMENT

- Treating Apples Like Oranges: The Benefits of Exempting Community
Banks from the Volcker Rule 453
Gregory Butz
- Bloody Hell: How Insufficient Access to Menstrual Hygiene Products
Creates Inhumane Conditions for Incarcerated Women 475
Lauren Shaw
- You Gotta Fight for Your Right to Repair: The Digital Millennium
Copyright Act's Effect on Right-to-Repair Legislation 509
Daniel Moore

ARTICLE CONTRIBUTORS

Donald J. Kochan

Strategic Institutional Positioning: How We Have Come to Generate Environmental Law Without Congress

Donald Kochan is the Parker S. Kennedy Professor of Law and Associate Dean for Research & Faculty Development at Chapman University Dale E. Fowler School of Law. His teaching and scholarship focus on property law, constitutional law, administrative law, and environmental and natural resources law. Professor Kochan is an elected member of the American Law Institute, where he was appointed as an Adviser to the *Restatement of the Law Fourth, Property* project. He is a member of the Editorial Board of the *Journal of Legal Education*. Professor Kochan was a Visiting Scholar in residence at the Georgetown Center for the Constitution in Fall 2018 and a Lone Mountain Fellow at the Property & Environment Research Center in 2016. He has been an Olin Fellow at the University of Virginia School of Law (2003–2004) and a Visiting Assistant Professor of Law at George Mason University School of Law (2002–2003). Professor Kochan received his J.D. from Cornell Law School and his B.A. from Western Michigan University, and he served as a law clerk to the Honorable Richard F. Suhrheinrich of the U.S. Court of Appeals for the Sixth Circuit.

Dr. Nili Karako-Eyal

Beyond the Ethical Boundaries of Solidarity: Increasing Vaccination Rates Through Mandatory Education to Solidarity

Dr. Nili Karako-Eyal is a senior lecturer in the Haim Striks School of Law, the College of Management, Israel. Her research, which has appeared in both peer-edited journals and law reviews, includes bioethics, public health, medical negligence, patients' rights, and tort law. She teaches torts and civil procedural law. Dr. Karako-Eyal holds an L.L.B degree from the Tel-Aviv University School of Law and a Ph.D. in law from the Hebrew University of Jerusalem. Following her studies, she clerked for the Honorable Eliyahu Matza of the Israeli Supreme Court. She is an expert in theoretical, comparative, and legal research. Her recent papers address legal aspects of vaccination policies. In addition, she recently received a grant from the Hebrew University of Jerusalem for research regarding the Israeli Dying Patient law. She is also the director of a patient rights clinic, which addresses issues of distribution of health resources, the right to medical care, accessibility to health services, patient's rights, public health, and accountability of health providers.

Robert H. Jerry, II

Managing Hurricane (and Other Natural Disaster) Risk

Robert H. Jerry, II is the Isidor Loeb Professor of Law at the University of Missouri. He is the author of *Understanding Insurance Law* (first published in 1987 and now in its sixth edition with co-author Douglas R. Richmond)

and numerous articles, book chapters, essays, and op-eds in the field of insurance law. He returned to Missouri in 2015, having previously held the Floyd R. Gibson Missouri Endowed Professorship from 1998 to 2003. Between 2003 and 2014, Professor Jerry served as the Dean of the University of Florida Levin College of Law. Also in 2003, he was named a Senior Fellow in the Center for the Study of Dispute Resolution at the University of Missouri. In addition to insurance law, his teaching and research interests include healthcare finance and access, negotiation, dispute resolution, lawyering skills, and contracts. Professor Jerry's current research focuses on "difficult risks" (natural disasters and terrorism events), insurance and dispute resolution, and the insurance implications of firearms ownership. He is a 1977 graduate of the University of Michigan Law School.

Gregory Butz

Treating Apples Like Oranges: The Benefits of Exempting Community Banks from the Volcker Rule

Gregory Wayne Butz graduated from Texas A&M University School of Law in December 2018. During law school, he was a staff member on the *Texas A&M Law Review*, received a fellowship through the Texas A&M Law Public Interest Fellowship, served as a research assistant for Professor Cynthia Alkon, served as a summer law clerk for the United States District Court for the Southern District of Texas, and taught as a teaching assistant. Prior to law school, Gregory worked in the retail banking industry for five years at JPMorgan Chase. He holds a Bachelor of Music in Music Business from Oklahoma City University, where he graduated *magna cum laude*.

Lauren Shaw

Bloody Hell: How Insufficient Access to Menstrual Hygiene Products Creates Inhumane Conditions for Incarcerated Women

Lauren N. Shaw will graduate from Texas A&M University School of Law in 2019. During law school, she served as Note and Comment Editor for the *Texas A&M Law Review*, was a member of the Student Bar Association as Senior ABA Representative, and was a member of the Criminal Law Society. Prior to attending law school, Lauren graduated from Texas A&M University with a B.A. in Communication.

Daniel Moore

You Gotta Fight for Your Right to Repair: The Digital Millennium Copyright Act's Effect on Right-to-Repair Legislation

Daniel Moore will graduate from Texas A&M University School of Law in 2019. He served as Citations Editor for the *Texas A&M Law Review*. Daniel graduated from St. Edward's University *summa cum laude* with a B.A. in Political Science. Before attending law school, Daniel served as a Legislative Director for a member of the Texas Legislature.