FROM THE DESK OF THE EDITOR IN CHIEF...

Dear South Carolina Law Review Alumni:

On behalf of Volume 64, I am pleased to send you our fall 2012 newsletter. This newsletter will highlight some of the Law Review’s accomplishments over the summer and the beginning of the fall semester and will also provide information regarding new projects and upcoming events like Volume 64’s Symposium.

In late July, the Law Review welcomed twenty-seven new members to Volume 64’s editorial staff. The new members have impressive backgrounds and credentials and have quickly proven themselves to be diligent editors. Law Review orientation took place on August 21 and 22. In addition to receiving training on Law Review responsibilities, new members were privileged to hear from several distinguished alumni, including Chief Justice Jean Hoefer Toal, Judge Joseph F. Anderson, Jr., and Mr. Matthew Richardson of Wyche, P.A. Each speaker provided remarks that were both informative and inspiring, emphasizing the institutional history of our Law Review as well as its importance to the School, State, and Bar.

Over the summer and early fall, members of Volume 64’s Editorial Board worked countless hours reviewing and editing articles for publication, developing the Joint Journal Writing Competition, managing the Fourth Circuit Survey, promoting and administering the Peer Reviewed Scholarship Marketplace (PRSM), researching student work topics, and planning the Symposium. I am extremely grateful for their hard work and excited about the weeks and months ahead.

We are also particularly excited to announce that, in addition to our print version, Volume 64 will be publishing the Law Review in an eBook format. Volume 63’s Symposium Issue, as well Book One of Volume 64, will be available for purchase through outlets such as iTunes, Amazon, and Barnes & Noble in the coming days.

Finally, I sincerely hope that you will make plans to attend the Symposium on February 28 and March 1 of next year as well as the alumni event in the spring. Both events will provide a great opportunity to reconnect with fellow alumni and meet the current membership.

If you have any questions or if the Law Review can ever be of service in any way, please do not hesitate to contact me by email at eic@sclawreview.org or by phone at (803) 777-3246. Thank you for your continued support of the Law Review.

Respectfully,

Thomas A. Limehouse, Jr.
Editor in Chief
On Tuesday, August 21 and Wednesday, August 22, the South Carolina Law Review’s Editorial Board held Orientation for the newly selected members of Volume 64 at the University of South Carolina School of Law.

The day started with a breakfast in the Law Review office, followed by a welcome from the Editor in Chief, Thomas Limehouse, Jr., and a quick introduction of the Editorial Board. The Board and new members were fortunate enough to hear from Chief Justice Jean Hoefer Toal, Judge Joseph F. Anderson, Jr. and Mr. Matthew Richardson. Each speaker talked about their respective experiences on the Law Review and stressed the importance of the duties that come with being a member of the student-run organization. The speakers stressed that Law Review members are representatives of the student body to the legal community as a whole and, therefore, should exhibit characteristics commensurate with such a responsibility.

The new members also received technical research training, advice on the process of authoring a student note, and an introduction to the spading process.

The week ended with a Welcome Happy Hour at the Loose Cockaboose, where members were able to interact in a more casual setting. We hope that Orientation helped kick off what will be a challenging, yet exciting, two years for the new members.
FORTHCOMING ARTICLES FOR VOLUME 64, BOOKS ONE AND TWO

BOOK ONE

Sarbanes-Oxley’s Whistleblower Provisions—Ten Years Later
Richard Moberly (Associate Dean & Professor of Law, University of Nebraska College of Law)

The Ninety-five Theses: Systemic Reforms of American Legal Education and Licensure
Brent Evan Newton (Deputy Staff Director, United States Sentencing Commission; Adjunct Professor of Law, Georgetown University Law Center & Georgetown University School of Medicine; Adjunct Professor of Law, American University Washington College of Law; Adjunct Professor of Political Science & Criminology, University of Maryland)

Testing the Reach of UCC Article 9: The Question of Tax Credit Collateral in Secured Transactions
Christopher K. Odinet (Associate, Phelps Dunbar, LLP)

The Original Meaning of Civility: Democratic Deliberation at the Philadelphia Constitutional Convention
Derek A. Webb (Fellow, Stanford Constitutional Law Center; Winner of the 2012 American Inns of Court Warren E. Burger Prize)

BOOK TWO

A Case Study in the Superiority of the Purposive Approach to Statutory Interpretation: Bruesewitz v. Wyeth
Donald G. Gifford (Edward M. Robertson Research Professor of Law, University of Maryland School of Law)
William L. Reynolds (Jacob A. France Professor of Judicial Process, University of Maryland School of Law)
Andrew M. Murad (Associate, Arent Fox LLP)

Index Funds and Securities Fraud Litigation
Richard A. Booth (Martin G. McGuinn Chair in Business Law & Professor of Law, Villanova University School of Law)

Against Employer Dumpster Diving for Email
Michael Z. Green (Professor of Law, Texas Wesleyan University School of Law)

What a Relief? The Availability of Habeas Relief Under the Savings Clause of Section 2255 of the AEDPA
Scott R. Grubman (Assistant United States Attorney)

Redress for a No-Win Situation:
Using Liquidated Damages in Comparable Coaches’ Contracts to Assess a School’s Economic Damage from the Loss of a Successful Coach
Richard T. Karcher (Professor of Law, Florida Coastal School of Law)

Coming to Terms with the Uniform Probate Code’s Reformation of Wills
Wayne M. Gazur (Professor of Law, University of Colorado Law School)

South Carolina Law Review Fourth Circuit Survey Update

The first oral arguments of the 2012–2013 term were held in Richmond September 18–21, 2012 and published opinions have already started coming down. Summaries of, and links to, all the published opinions from the 2011–2012 term, as well as some from the current term, are available on our web site at: http://sclawreview.org/case-summaries-2012/.

We are currently soliciting case comments for publication on SCLR Online and in Book Four of Volume 64. Please send any questions or submissions to 4thcircuit@sclawreview.org.

UPDATE ON South Carolina Law Review’s PEER REVIEWED SCHOLARSHIP MARKETPLACE (PRSM)

We are excited to announce that the South Carolina Law Review has added two new members to the PRSM program, Louisiana Law Journal and North Carolina Central Law Review. For more information about Peer Review and PRSM, please visit our web site at www.legalpeerreview.org.
The South Carolina Law Review is hosting a Symposium titled The Practice of Law in the 21st Century: The Intersection of Law & Technology. The event will focus on a host of issues related to the intersection of, and the resulting gap between, law and technology in recent years. Our distinguished presenters, panelists, and authors are focusing on matters such as: emerging trends and best practices in electronic discovery, technology’s impact on the ethical obligations of attorneys, and how the rules of evidence and civil procedure have each attempted—perhaps unsuccessfully—to keep pace with recent technological advances.

The Symposium will be held on Friday, March 1, 2013 at the University of South Carolina School of Law, following a keynote address by Bill Neukom and a reception on the evening of February 28, 2013. As the former Lead Counsel and Executive Vice President of Microsoft for nearly twenty-five years, past president of the ABA, and founding donor of The Neukom Institute for Computational Science at Dartmouth College, Mr. Neukom’s wealth of experience in navigating the intersection of law and technology is without question. He will undoubtedly provide those in attendance with a unique perspective on how the law and the legal profession can catch up to, and keep pace with, recent changes in technology. The Symposium will also offer attendees five hours of CLE credit, including one hour of ethics credit.

For more information regarding Volume 64’s Symposium, as well as sponsorship opportunities, please contact our Symposium Editors, Kimberly Cochran and Jessica O’Neill, at symposium@sclawreview.org or (803) 777-5874.

### Volume 64 Symposium Honored Guests

**Keynote Address:**

**William H. Neukom**  
Former Lead Counsel & Executive Vice President, Microsoft Corporation  
Past President, American Bar Association  
Chairman Emeritus & Former Managing General Partner, San Francisco Giants  
Founder, President, & Chief Executive Officer, The World Justice Project

**Panelists & Presenters:**

**Hon. Joseph F. Anderson, Jr.,**  
U.S. District Judge, U.S. District Court for the District of South Carolina

**Nathan Crystal**  
Professor Emeritus, University of South Carolina School of Law

**Hon. John Facciola**  
U.S. Magistrate Judge, U.S. District Court for the District of Columbia

**Hon. Paul Grimm**  
U.S. Magistrate Judge, U.S. District Court for the District of Maryland

**Jack Halprin**  
Head of E-Discovery, Google

**Hon. Shiva Hodges**  
U.S. Magistrate Judge, U.S. District Court for the District of South Carolina

**Richard Marcus**  
Professor, University of California Hastings College of the Law

**Sarah Montgomery**  
Senior Litigation Counsel for E-Discovery, U.S. Department of Justice

**Hon. David Norton**  
U.S. District Judge, U.S. District Court for the District of South Carolina

**Hon. Shira Scheindlin**  
U.S. District Judge, U.S. District Court for the Southern District of New York

**Kenneth Withers**  
Director of Judicial Education, The Sedona Conference

**Derek Witte**  
Professor, The John Marshall Law School

**Charles Yablon**  
Professor, Yeshiva University Cardozo School of Law

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Volume 64 is excited to announce the reintroduction of the Technology Editor position, which is now filled by 3L Christopher Jones. Chris will be tackling a number of projects this year, including a complete redesign of both the main Law Review and PRSM web sites (sclawreview.org and legalpeerreview.org), and he will also be developing an online registration system for the Symposium.

Chris has also worked to make Volume 63’s Symposium Issue available in electronic format for purchase online through providers such as iTunes, Barnes & Noble, and Amazon. This is the first step in the process of simultaneously publishing all future issues electronically.

Finally, Chris will start the early development stage of an electronic spading system.

It is our hope that the Technology Editor position will both facilitate the internal operations of the Law Review and increase accessibility for our readers.
To help our alumni stay informed about current honors, appointments, and legal contributions of former members of the South Carolina Law Review, we are beginning an initiative to spotlight alumni on our web site. Please send any updates or news that you wish to share to events@sclawreview.org. We look forward to hearing from you!