

# Mercer Law Review

---

Volume 63  
Number 4 *Eleventh Circuit Survey*

Article 1

---

7-2012

## Table of Contents

Follow this and additional works at: [https://digitalcommons.law.mercer.edu/jour\\_mlr](https://digitalcommons.law.mercer.edu/jour_mlr)

---

### Recommended Citation

(2012) "Table of Contents," *Mercer Law Review*: Vol. 63 : No. 4 , Article 1.

Available at: [https://digitalcommons.law.mercer.edu/jour\\_mlr/vol63/iss4/1](https://digitalcommons.law.mercer.edu/jour_mlr/vol63/iss4/1)

This Front Matter is brought to you for free and open access by the Journals at Mercer Law School Digital Commons. It has been accepted for inclusion in Mercer Law Review by an authorized editor of Mercer Law School Digital Commons. For more information, please contact [repository@law.mercer.edu](mailto:repository@law.mercer.edu).

# TABLE OF CONTENTS

## ELEVENTH CIRCUIT SURVEY

January 1, 2011 - December 31, 2011

### Articles

Appellate Practice and Procedure . . . . .	<i>Robert G. Boliek, Jr.</i>	1149
Bankruptcy . . . . .	<i>James D. Walker, Jr.</i> <i>Amber Nickell</i>	1161
Class Actions . . . . .	<i>Thomas M. Byrne</i> <i>Stacey McGavin Mohr</i>	1183
Employment Discrimination . . . . .	<i>Peter Reed Corbin</i> <i>John E. Duvall</i>	1203
Environmental Law . . . . .	<i>Travis M. Trimble</i>	1223
Evidence . . . . .	<i>W. Randall Bassett</i> <i>Geoffrey M. Drake</i> <i>Madison H. Kitchens</i>	1237
Federal Taxation . . . . .	<i>Robert Beard</i>	1267
Intellectual Property . . . . .	<i>Laurence Colton</i>	1283
Labor and Employment . . . . .	<i>Patrick L. Coyle</i> <i>Alexandra V. Garrison</i>	1309
Trial Practice and Procedure . . . . .	<i>John O'Shea Sullivan</i> <i>Ashby L. Kent</i> <i>Amanda E. Wilson</i>	1331

## Comment

- Crack, Congress, and the Normalization  
of Federal Sentencing: Why 12,040  
Federal Inmates Believe That Their  
Sentences Should Be Reduced, and  
Why They and Others Like Them May  
Be Right . . . . . *Michael McNeill* 1359

## Casenotes

- The Taming of the "2": *Milner v.*  
*Department of the Navy Signals*  
the Curtain Call on Debates  
Surrounding the Scope of FOIA's  
Exemption 2 . . . . . *Ashley E. Short* 1419
- United States v. Diaz*: The Gap  
Between Medication and Restoration . . . . *Bryson McCollum* 1437
- Index to Volume 63** . . . . . 1457

# MERCER LAW REVIEW

VOLUME LXIII  
2012



WALTER F. GEORGE SCHOOL OF LAW  
MERCER UNIVERSITY  
MACON, GEORGIA

COPYRIGHT © 2012 WALTER F. GEORGE SCHOOL OF LAW, MERCER UNIVERSITY

# MERCER LAW REVIEW

WALTER F. GEORGE SCHOOL OF LAW  
MERCER UNIVERSITY

**GENERAL INFORMATION.** *Mercer Law Review* is edited and published by students of the Walter F. George School of Law of Mercer University. *Mercer Law Review* was founded in 1949. It is the oldest continually published law review in Georgia.

**ISSUES.** *Mercer Law Review* (ISSN 0025-987X) is published four times a year: *Annual Survey of Georgia Law* (Fall), *Articles* (Winter), *Lead Articles* (Spring), and *Annual Eleventh Circuit Survey* (Summer). The issues appear, respectively, in January, March, May, and July. Copies are available at \$15.00 for survey volumes and \$15.00 for Leads and Articles volumes.

**INDICES.** Each issue of the *Mercer Law Review* contains a table of cases. A full index of each volume (all four issues) is published in the *Annual Eleventh Circuit Survey*. A cumulative index for volumes I through LVI has been published. Copies are available at a cost of \$30.00 each.

**SUBSCRIPTIONS.** Annual subscriptions are available to all four issues (\$40.00), to the *Annual Survey of Georgia Law* (\$15.00), to the *Annual Eleventh Circuit Survey* (\$15.00), and to both Survey issues (\$30.00). Subscriptions are payable in advance and are renewed automatically unless notice to the contrary is received by August 1st. Single copies of the Lead and Articles issues are available at \$15.00 each. Subscriptions to only the Lead and Articles issues are not available. Single copies of the Survey issues are available at \$15.00 each; orders must be clearly marked "Single Copy." Georgia residents should add the appropriate state, local, and special district taxes. All domestic subscriptions are sent via periodicals mail. Foreign subscriptions are sent via surface mail. Subscribe online at <http://www.law.mercer.edu/academics/lawreview/subscribe.cfm>

**BACK ISSUES, REPRINTS, AND MICROFILM.** For back stock, reprints, or microfilm of *Mercer Law Review*, contact: William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209 or call (800) 828-7571 or (716) 882-2600.

**MISSING AND IMPERFECT COPIES.** Replacement copies will be sent to subscribers who report missing or imperfect copies of *Mercer Law Review* within six months of the publication date. Mercer Law Review regrets that it cannot replace copies not reported missing or imperfect within six months of publication.

**CORRESPONDENCE.** Unless indicated otherwise, please address all correspondence to: Publishing Coordinator, Mercer Law Review, Walter F. George School of Law, Mercer University, Macon, Georgia 31207, or contact us at our e-mail address [lawreview@mercer.edu](mailto:lawreview@mercer.edu) or visit our website: <http://www.law.mercer.edu/academics/lawreview/index.cfm>. You may also phone the Editorial Board at (478) 301-2624 or our Business Office at (478) 301-2622.

**POSTMASTER:** Send change of address to: Publishing Coordinator, Mercer Law Review, Walter F. George School of Law, Mercer University, 1021 Georgia Avenue, Macon, Georgia 31207.

PERIODICALS POSTAGE PAID AT MACON, GEORGIA, AND AT ADDITIONAL MAILING OFFICES.

## MERCER LAW REVIEW

WALTER F. GEORGE SCHOOL OF LAW  
MERCER UNIVERSITY

**UNSOLICITED MANUSCRIPTS.** *Mercer Law Review* welcomes the submission of unsolicited manuscripts. Submissions should be triple-spaced. Citations should conform to THE BLUEBOOK (19th ed. 2010). Please enclose a self-addressed, stamped envelope for acknowledgment. *Mercer Law Review* will endeavor to notify authors of its decision within six weeks. Manuscripts will not be returned unless sufficient return postage is included with the original submission. Please address unsolicited manuscripts to: Articles Editor, *Mercer Law Review*, Walter F. George School of Law, Mercer University, Macon, Georgia 31207. Unsolicited manuscripts can be submitted online at <http://www.law.mercer.edu/academics/lawreview/index.cfm>

**MICROFORMS.** Microform reproductions of all volumes of *Mercer Law Review* are available from University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106, or 30/32 Mortimer Street, London WIN 7RA, England.

**PERMISSION TO REPRINT FOR EDUCATIONAL USE ONLY.** Except where otherwise expressly provided, *Mercer Law Review* and the author of each article, casenote, or comment in this issue of *Mercer Law Review* grants permission to duplicate that article, casenote, or comment for educational use, provided that (1) copies are distributed at or below cost; (2) the author and *Mercer Law Review* are identified; and (3) proper notice of copyright is affixed to each copy.

**CARL VINSON MEMORIAL LECTURE.** The annual Carl Vinson Memorial Lecture Series was created in 1982 in honor and memory of the Honorable Carl Vinson, a distinguished alumnus of the Mercer Law School who served his country for fifty years as a member of Congress. The purpose of the Lecture Series is to provide lectures of the very highest quality on legal and law-related subjects for the students and faculty of the law school, alumni and friends of the School of Law and Mercer University, and the general public. The Vinson Lectures are periodically published in *Mercer Law Review*.

**MERCER LAW REVIEW ASSOCIATION.** All alumni of *Mercer Law Review* are members of the Mercer Law Review Association. Friends of *Mercer Law Review* may become adjunct members of the Mercer Law Review Association by application.

**DISCLAIMER OF OPINION.** Opinions expressed in any part of MERCER LAW REVIEW are those of the individual contributors and are not presented as the views of Mercer Law Review, the Walter F. George School of Law, or Mercer University.

# WALTER F. GEORGE SCHOOL OF LAW

## MERCER UNIVERSITY

**GENERAL INFORMATION.** The Walter F. George School of Law of Mercer University is located in Macon, Georgia, about 80 miles south of Atlanta. Founded in 1873, it is one of the oldest private law schools in the nation. Named for a distinguished alumnus who served as a United States senator for 36 years, the school became a member of the AALS in 1923 and has been ABA-approved since 1925. With its distinctive Woodruff Curriculum and a total student body of roughly 440, Mercer Law School provides an educational environment that offers in-depth learning, a candid and lively exchange of views, and a genuine sense of community and collegiality.

**DEGREES AWARDED.** The study of law at the Walter F. George School of Law consists of a three-year program directed toward the J.D. degree. A joint J.D.-M.B.A. program is offered in conjunction with the School of Business and Economics. In addition, the law school offers a Business Certificate Program and a Legal Writing Certificate Program. The Law School also has initiated its first Master of Laws Degree, an LL.M. Degree in Federal Criminal Practice and Procedure. Please see our website for more details at [www.law.mercer.edu](http://www.law.mercer.edu).

**ADMISSIONS.** Persons interested in applying for admission to the Walter F. George School of Law are encouraged to contact the Admissions Office. Although the Admissions Committee gives initial consideration to the applicant's cumulative undergraduate grade point average and LSAT score, numerous other factors also are considered. These factors are detailed in the school's academic bulletin, which may be obtained from the Admissions Office. Address correspondence to: Admissions Office, Walter F. George School of Law, 1021 Georgia Avenue, Macon, Georgia 31207. Telephone (478) 301-2605; toll-free within Georgia (800) 342-0841, or outside Georgia (800) 637-2378. Please ask the operator for extension 2605 when dialing either toll-free number. You may also access admission information through our website at [www.law.mercer.edu](http://www.law.mercer.edu).

**LAW LIBRARY.** The Furman Smith Law Library has a staff of fifteen, including five professional librarians. The librarians provide extensive instruction in both print and electronic research as part of the curriculum. The library's collection includes over 350,000 volumes in books and microforms as well as a wide array of legal and non-legal electronic resources. Carrels, tables, soft seating, "smart" study rooms and a technology lounge are available to law students. Throughout the library and law school, students have wireless access to the library and law school network via their personal laptops. The library's web site features an extensive collection of annotated links to Georgia and federal legal research materials. For more information about the library visit <http://law.mercer.edu/library>.

**CAREER SERVICES OFFICE.** Employers who are interested in interviewing students and graduates of the Walter F. George School of Law are invited to contact the Career Services Office. Upon request, the Career Services Office will be happy to forward resumes, arrange on-campus interviews, or assist employers in any other way. Address correspondence to: Career Services Office, Walter F. George School of Law, Mercer University, 1021 Georgia Avenue, Macon, Georgia 31207. Telephone (478) 301-2615. FAX (478) 301-2287.

# MERCER LAW REVIEW

*Member of the National Conference of Law Reviews, Inc.*

---

Volume 63

Summer 2012

Number 4

---

## BOARD OF EDITORS

BILLIE B. PRITCHARD  
*Editor in Chief*

JENNIFER W. TERRY  
*Senior Managing Editor*

J. DANIEL COLE  
*Managing Editor*

NICK PHILLIPS  
*Managing Editor*

WILLIAM R. RICHARDSON  
*Eleventh Circuit Survey Editor*

J. MATTHEW BARNWELL  
*Articles Editor*

MATT SHOEMAKER  
*Georgia Survey Editor*

BRANDON A. VEASEY  
*Lead Articles Editor*

JOSEPH D. ORENSTEIN  
*Student Writing Editor*

ABBY L. AMMONS  
*Administrative Editor*

## MEMBERS

M. FARLEY ANDERSEN  
SABRINA ATKINS  
TERRI K. BENTON  
SARA KATE BRANNAN  
DANIELLE L. BREWER  
BRIAN E. BRUPBACHER  
JOSEPH COLWELL  
JEFFREY R. DANIEL  
ELEANOR DE GOLIAN  
T. OWEN FARIST  
JONATHAN S. FUTRELL  
JOSHUA HALE  
P. KRISI HARTIG

SARA K. HEDGES  
RONALD E. HULSEY, II  
JENNA LASSETER  
BRYSON MCCOLLUM  
PATRICK MCKENZIE  
MICHAEL MCNEILL  
NICOLE MITCHELL  
HALLEE C. MOORE  
MICHAEL T. NIXON  
DANIEL J. O'CONNOR  
YANE S. PARK  
KYLE PERRY

SARAH PHAFF  
MATTHEW PITTMAN  
JAMES H. SCRUGGS, III  
JOSEPH D. SHELLEY  
ASHLEY E. SHORT  
ANDREW SHUMATE  
JACQUELYN SMITH  
DODSON D. STRAWBRIDGE  
MONICA A. SULLIVAN  
KATHERINE C. THOMPSON  
LARA TODD  
JESSICA L. WALLACE

## FACULTY ADVISOR

HAROLD S. LEWIS, JR.

## ADMINISTRATIVE SECRETARY

CHERIE SHAW JUMP

## PUBLISHING COORDINATOR

YONNA WINDHAM SHAW



\*\*\*