

3-28-2019

## Table of Contents & Pepperdine Law Review Masthead

Colten Stanberry

Follow this and additional works at: <https://digitalcommons.pepperdine.edu/plr>



Part of the [Legal Writing and Research Commons](#)

### Recommended Citation

Colten Stanberry *Table of Contents & Pepperdine Law Review Masthead*, 46 Pepp. L. Rev. Iss. 2 (2019)  
Available at: <https://digitalcommons.pepperdine.edu/plr/vol46/iss2/5>

This Masthead is brought to you for free and open access by the Caruso School of Law at Pepperdine Digital Commons. It has been accepted for inclusion in Pepperdine Law Review by an authorized editor of Pepperdine Digital Commons. For more information, please contact [bailey.berry@pepperdine.edu](mailto:bailey.berry@pepperdine.edu).

# PEPPERDINE LAW REVIEW

---

**Volume 46**

**2019**

**Number Two**

---

## CONTENTS

### ARTICLES

- THE BLUE DEVIL'S IN THE DETAILS:  
HOW A FREE MARKET APPROACH  
TO COMPENSATING COLLEGE  
ATHLETES WOULD WORK ..... DAVID A. GRENARDO 203
- TAXING THE ROBOTS ..... ORLY MAZUR 277

### NOTES & COMMENTS

- THE COURT CAN'T EVEN HANDLE ME  
RIGHT NOW: THE ARPAIO PARDON  
AND ITS EFFECT ON THE SCOPE OF  
PRESIDENTIAL PARDONS ..... TYLER BROWN 331
- STAR ATHLETICA* TELLS  
THE FASHION INDUSTRY TO  
KNOCK-IT-OFF WITH THE  
KNOCKOFFS ..... SAMANTHA BURDICK 367

# PEPPERDINE LAW REVIEW



VOLUME FORTY-SIX  
NUMBER 2  
FEBRUARY 2019

---

Pepperdine Law Review (ISSN 0092-430X), (USPS 540-510), Volume Forty-Six, Number Two, February 2019. Published four to five times each year, including a Symposium issue and an Annual Volume. Periodicals postage paid at Malibu, CA 90263 and at additional mailing offices.

Postmaster: ***Return postage guaranteed.*** Return book and address corrections to *Pepperdine Law Review*, 24255 Pacific Coast Highway, Malibu, CA 90263. Annual subscription: \$45.00; Single issue: \$25.00. Send all change of address notifications one month in advance of publication and include old and new addresses with zip codes. Send all correspondence to *Pepperdine Law Review*, Pepperdine University School of Law, 24255 Pacific Coast Highway, Malibu, CA 90263, (310) 506-4000.

---

Copyright © 2019 by the Pepperdine University School of Law. 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 (1) copies are distributed at or below cost, (2) the author and the *Pepperdine Law Review* are identified, (3) proper notice of copyright is affixed to each copy, and (4) the user notifies the *Pepperdine Law Review* that such copies have been made.

The views expressed herein are those of the authors of the articles and do not necessarily reflect the opinions of the Administration, Regents, Faculty, or Alumni of the Pepperdine University School of Law.

The *Pepperdine Law Review* is indexed in *Contents of Current Legal Periodicals* and *Shepard's Citations*. Current issues are available through online services provided by Westlaw and Lexis.

# PEPPERDINE LAW REVIEW

Volume 46  
2018–2019

## EDITORIAL BOARD

*Editor-in-Chief*

COLTEN STANBERRY

*Business & Production Editor*

MONICA PALADINI

*Managing Editor*

SARAH GEORGE

*Note & Comment Editors*

TYLER BROWN

ALYSSA DI ZOGGIO

SARAH HAMILL

*Lead Articles Editors*

BEAU CARTER

TRACY SMITH

JACKSON ZIMMERMAN

*Literary Citation Editors*

NOLAN DILTS

STEVEN FRENCH

ANNA GOODMAN

MATT MYATT

*Symposium Editor*

ASHLEY GEBICKE

*Essays, Reviews &  
Other Commentary Editor*

TROY TESSEM

## ASSOCIATE EDITORS

TIFFANIE BITTLE

SAMANTHA BURDICK

RICHARD CHAGOURY

VIVIAN DAVIS

DANIEL DE CECCO

ROSS GARRETT

AUSTIN JONES

MATT LINNELL

JUDY NAM

LAVINIA OSILESI

MATT REZNICK

HEATHER SCOTT

OLIVIA SCOTT

## SENIOR STAFF MEMBERS

MEGAN ASRANI

DAVID BASS

ED BRAVO

NARGESS HADJIAN

TIMOTHY LONGFIELD

OSCAR LOPEZ

KRISTY MOAWAD

LAUREN NAWORSKI

ALAN SIMS

AMBER WHITE

## STAFF MEMBERS

HUNTER ARMOUR

KATHRYN BAYES

JACOB BLISS

CONNOR BREWER

TAYLOR CAMPOS

LEXI CHAPMAN

REBECCA FERRARI

RYAN FULLER

RACHAEL GOLDMAN

ASHLEY HAWKINS

ZACKERY HORTON

HANNA JOLKOVSKY

AMBER LES

ALLISON MATHER

TRENTON

MERIWETHER

NICOLE MITCHELL

HALLIE MUELLER

TAYLOR PLATT

TAYLOR PORTER

SPENCER POST

ALEXANDRA PRIME

HANNAH RAMELOW

SHANTAL RAZBAN-NIA

LISA RUSSELL

DEBORAH RUST

SEAN RYAN

WHITNEY WILLIAMS

ELICA ZADEH

## FACULTY ADVISORS

ED LARSON

ROBERT PUSHAW

# PEPPERDINE UNIVERSITY SCHOOL OF LAW

## Administration and Faculty

### University Administration

Andrew K. Benton, B.S., J.D., University President  
Rick R. Marrs, B.A., Ph.D., M.Div., Provost  
Gary A. Hanson, B.S., J.D., Executive Vice President  
Keith Hinkle, B.S., J.D., Vice President for Advancement and Public Affairs  
Jeff Pippin, B.A., M.B.A., Senior Vice President for Investments

### School of Law Administration

Paul L. Caron, A.B., J.D., LL.M., Duane and Kelly Roberts Dean and Professor of Law  
Naomi Harlin Goodno, A.B., J.D., Dean of Students and Professor of Law  
Victoria Schwartz, B.A., J.D., Associate Dean for Academic Affairs and Associate Professor of Law  
Selina Brandt, B.S., J.D., Associate Dean for Student Success and Associate Professor of Legal Research and Writing  
Danny DeWalt, B.A., M.Div., M.F.T., J.D., Associate Dean for Administration, Parris Institute for Professional Formation  
James Allan Gash, B.A., J.D., Associate Dean for Strategic Planning and External Relations, Professor of Law and Director of Sudreau Global Justice Program  
Michael A. Helfand, B.A., J.D., Ph.D., Associate Dean for Faculty and Research, Professor of Law and Co-Director, Diane and Guilford Glazer Institute for Jewish Studies  
Phillip Bohl, B.A., J.D., M.L.I.S., Assistant Dean, Information Services  
Catherine Kerr Dodds, B.A., M.L.I.S., J.D., Assistant Dean of the Law Library and Assistant Professor of Law  
Shannon Phillips, B.A., Assistant Dean for Admissions, Student Information and Financial Services

### School of Law Faculty

Robert Anderson, B.A., J.D., Ph.D., Associate Professor of Law  
Jeffrey Baker, B.A., J.D., Director of Clinical Education and Associate Clinical Professor of Law  
Stephanie Blondell, B.A., J.D., Associate Director, Straus Institute of Dispute Resolution and Assistant Professor of Law and Practice

Babette E. Boliek, B.A., J.D., Ph.D., Professor of Law  
Selina Brandt, B.S., J.D., Associate Dean for Student Success and Associate  
Professor of Legal Research and Writing  
Mireille Butler, J.D., J.D., Associate Professor of Legal Research and Writing  
Harry M. Caldwell, B.A., J.D., Director of Trial Advocacy and Professor of Law  
Carol A. Chase, B.A., J.D., Professor of Law  
Donald Earl Childress III, B.A., M.A., J.D., LL.M., Professor of Law  
Robert F. Cochran, Jr., B.A., J.D., Louis D. Brandeis Professor of Law  
Jack J. Coe, Jr., B.A., J.D., LL.M., Ph.D., Professor of Law  
Tanya Asim Cooper, B.A., M.A., J.D., LL.M., Director of the Restoration and  
Justice Clinic and Assistant Clinical Professor of Law  
Richard L. Cupp, B.A., J.D., John W. Wade Professor of Law  
Catherine Kerr Dodds, B.A., M.L.I.S., J.D., Assistant Dean of the Law Library  
and Assistant Professor of Law  
James Allan Gash, B.A., J.D., Associate Dean for Strategic Planning and  
External Relations, Professor of Law and Director of Sudreau Global Justice  
Program  
Chris Chambers Goodman, B.A., J.D., Professor of Law  
Naomi Harlin Goodno, A.B., J.D., Dean of Students, Professor of Law and Co-  
Director Byrne Judicial Clerkship Institute  
Colleen P. Graffy, B.A., M.A., LL.M., Associate Professor of Law  
David S. Han, B.A., J.D., Associate Professor of Law and Straus Research  
Professor  
Michael A. Helfand, B.A., J.D., Ph.D., Associate Dean for Faculty and  
Research, Professor of Law and Co-Director, Diane and Guilford Glazer  
Institute for Jewish Studies  
Nancy Hunt, B.A., J.D., Director, Washington DC Externship Experience and  
Assistant Professor of Law and Practice  
Bernard James, B.G.S., J.D., Professor of Law  
Khrista Johnson, A.B., J.D., Associate Professor of Law  
Douglas W. Kmiec, B.A., J.D., Caruso Family Chair in Constitutional Law and  
Professor of Constitutional Law  
Kristine S. Knaplund, B.A., J.D., Professor of Law  
Mark Kubisch, B.A., J.D., Assistant Professor of Law  
Edward J. Larson, B.A., M.A., Ph.D., J.D., University Professor and Hugh &  
Hazel Darling Chair in Law  
Amy B. Levin, B.A., J.D., M.S.W., Co-Director, Byrne Judicial Clerkship  
Institute and Associate Professor of Legal Research and Writing  
Barry P. McDonald, B.B.A., J.D., 2018-2019 Straus Research Professor of Law  
James M. McGoldrick, Jr., B.A., J.D., Professor of Law  
Gregory S. McNeal, B.A., M.P.A., J.D., Ph.D., Professor of Law and Public  
Policy  
Anthony Miller, B.A., M.A., J.D., Professor of Law  
Derek Muller, B.A., J.D., Associate Professor of Law

Grant Nelson, B.A., J.D., William H. Rehnquist Professor of Law Emeritus  
Gregory L. Ogden, B.A., J.D., LL.M., LL.M., Professor of Law  
Brittany Stringfellow Otey, B.A., J.D., Director, Pepperdine Legal Aid Clinic  
and Associate Clinical Professor of Law  
Ronald F. Phillips, B.S., J.D., Senior Vice Chancellor, School of Law Dean  
Emeritus, and Ronald F. Phillips Professor of Law  
Robert Popovich, B.S., M.B.T., J.D., Professor of Law  
Robert J. Pushaw, B.A., J.D., James Wilson Endowed Professor of Law  
Peter Robinson, B.A., J.D., Professor of Law  
Shelley Ross Saxer, B.S., J.D., Laure Sudreau-Rippe Endowed Professor of Law  
Mark S. Scarberry, A.B., J.D., Professor of Law  
Steven M. Schultz, B.A., J.D., Assistant Professor of Law  
Victoria L. Schwartz, B.A., B.A., B.S., J.D., Associate Dean for Academic  
Affairs  
Sukhsimranjit Singh, L.L.B., LL.M., Managing Director of the Straus Institute  
and Assistant Professor of Law and Practice  
Thomas J. Stipanowich, B.A., M.A., J.D., Associate Dean Straus Institute for  
Dispute Resolution, William H. Webster Chair in Dispute Resolution, and  
Professor of Law  
Deanell Reece Tacha, B.A., J.D., School of Law Dean Emeritus  
Ahmed Taha, B.A., B.S., Ph.D., J.D., Professor of Law  
Robert A. Uhl, B.A., J.D., Director, Investor Advocacy Clinic and Adjunct  
Professor of Law  
Peter T. Wendel, B.S., M.A., J.D., Professor of Law and Director Augsburg  
Exchange Program  
Maureen Arellano Weston, B.A., J.D., Professor of Law and Co-Director, LLM  
and Certificate Programs in Entertainment, Media and Sports Law

### **Adjunct Faculty**

The Honorable Gregory Alarcon, B.A., J.D.  
Phil Armstrong, B.S., J.D.  
Sean Aughey, B.A., LL.M., *London Program*  
Arnold Barba, B.A., J.D.  
Lucas Bastin, B.L., B.A., B.C.L., *London Program*  
Zachary Briers, B.A., J.D.  
Paul E. Burns, B.S., J.D.  
Rebecca Callahan, B.A., J.D., LL.M.  
Oliver Caplin, B.Med. Sci., M.B. Bchir, G.D.L., B.P.P., *London Program*  
John Allen Chalk, Sr., B.S., M.A., J.D.  
Maria Chedid, B.A., J.D.  
Frederick Brian Cox, B.S., M.Div., M.D.R.  
Jim Craven, B.A., J.D., LL.M.  
Steve Cron, B.A., J.D.  
Darryl Darden, A.B., M.A., J.D., M.D.R.  
Daniel DeWalt, B.A., M.Div., M.F.T., J.D.

David Doto, B.A., J.D., LL.M.  
William Eddy, B.A., M.S.W., J.D.  
Bruce Einhorn, B.A., J.D.  
Casey Elford, B.A., J.D., M.D.R., LL.M.  
Max Factor III, B.A., J.D.  
Jo Anne Frankfurt, B.A., J.D.  
Debra Gerardi, B.A., J.D., R.N., M.P.H.  
Howard Gadlin, B.A., Ph.D.  
Robert Goff, B.A., J.D.  
Marc P. Goodman, B.A., M.A., J.D.  
Matthieu Gregoire, B.A., M.A., LL.M., *London Program*  
Robert Gumer, B.A., J. D.  
Jerry Hager, B.A., J.D.  
Gary Haugen, B.A., J.D.  
Stacie Hausner, B.A., J.D., LL.M.  
Susan Hill, B.A., J.D.  
John Hurney, B.A., J.D., C.D.R.  
Laurel Kaufer, B.A., J.D.  
Curtis Kin, B.A., J.D.  
Randy Kiser, B.A., J. D.  
Nicholas M. Kublicki, B.A., J.D., LL.M.  
Amy Longo, B.A., J.D.  
Steve Lurie, B.A., J.D.  
Denise Madigan, B.A., M.P.P., J.D.  
Nina Meierding, B.S., M.Ed., C.D.R., J.D.  
The Honorable Lawrence J. Mira, B.S., J.D.  
William Nix, A.B., M.A., J.D., LL.M.  
Douglas Noll, B.A., J.D., M.A.  
Judith Hale Norris, B.A., J.D.  
Amanda Padoan, B.A., J.D., *London Program*  
Patti L. Paniccia, B.A., J.D.  
Jeff Paquin, B.A., J.D.  
Steven W. Paul, B.A., J.D.  
Leslie Petersil, B.A., J.D.  
David Peterson, B.S., J.D.  
Donald Philbin, LL.M., J.D., M.B.A.  
Brian Philpott, B.S., J.D.  
Rob Rader, B.A., M.A., J.D.  
Marcelo Rosadilla, U.D., LL.M.  
Jeremy Rosen, B.A., J.D.  
Steve Rottman, B.A., J.D.  
Colin Rule, B.A., M.A.  
Lester Savit, B.S., J.D.  
Jan Schau, B.A., J.D.



Donna Silverberg, B.A., J.D.  
David Talbot, B.A., M.D.R., J.D.  
Wendy Trachte-Huber, B.S., J.D.  
Mark Travis, B.S., J.D., LL.M.  
Alexander Turk, LL.B., LL.M., Ph.D., *London Program*  
Marco Turk, B.A., J.D.  
Daniel Van Ness, B.A., J.D.  
The Honorable Alexander Williams, B.A., LL.B.  
Charles Wiggins, J.D., LL.M.  
Donald Wolfe, B.A., J.D., LL.M.  
Michael Zacharia, B.A., J.D.  
Zena Zumeta, B.D, J.D.