

June 2021

## Front Matter

Follow this and additional works at: <https://digitalcommons.law.ggu.edu/ggulrev>



Part of the [Law Commons](#)

---

### Recommended Citation

, *Front Matter*, 51 Golden Gate U. L. Rev. i (2021).  
<https://digitalcommons.law.ggu.edu/ggulrev/vol51/iss2/1>

This Introduction is brought to you for free and open access by the Academic Journals at GGU Law Digital Commons. It has been accepted for inclusion in Golden Gate University Law Review by an authorized editor of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).

# GOLDEN GATE UNIVERSITY LAW REVIEW

---

VOLUME 51

MAY 2021

NUMBER 2

---

**Editor-in-Chief**

MICHAEL ANGELO TATA, PH.D.

**Managing Editor**

ALLYSON M. MCCAIN

**Executive Research Editors**

ATHENA HERNANDEZ  
JUSTICE TECSON

**Executive Articles Editor**

JUSTIN C. TRIMACHI

**Associate Editors**

ISABELLA BORGES  
SHAWNA DOUGHMAN

ALEX S. RIFKIND  
SUZIN A. WIN

**Website Editor**

BACILIO MENDEZ II

**Staff Writers**

MALISSA BOWMAN  
SIMONE CADOPPI  
LIAM CASEY  
REBEKAH DIDLAKE

ELIAS HERNANDEZ  
CATHRYN HOWELL  
AVA LAU

KAITLIN MARTINEZ  
SADIE MINJARES ODOM  
BERENICE QUIRINO  
KOURTNEY SPEER

## FACULTY ADVISORS

Paul Kibel (Chair)

Jennifer Babcock

Mark Yates

Students of the Golden Gate University School of Law publish the *Golden Gate University Law Review* in two issues throughout the year. Business and editorial offices are located at 536 Mission Street, San Francisco, California 94105. Views expressed herein are those of the authors and do not necessarily reflect the policies or opinions of the *Golden Gate University Law Review*, or the Golden Gate University School of Law. Letters should be addressed to the Editor-in-Chief at the address above.

Subscription price is \$35.00 per year. International shipping carries an additional \$7.00 charge. Subscriptions are renewed automatically unless a cancellation is received 30 days before publication. Claims for issues not received must be filed within six months of publication or they will not be honored without additional charges. Back issues may be ordered directly from William S. Hein & Co., Inc., 2350 N Forest Rd, Getzville, NY 14068. Orders may also be placed by calling Hein at (800) 828-7571, via fax at (716) 883-8100, or email to [order@wshein.com](mailto:order@wshein.com). Back issues can also be found in electronic format on HeinOnline, <http://heinonline.org>. Microfilm copies of back issues are available from NA Publishing, (800) 420-6272.

Notification of change of address must be received 30 days in advance of publication to ensure prompt delivery. Notification should include both the old and new addresses and zip codes.

Member National Conference of Law Reviews

© Golden Gate University 2021

Cite as: GOLDEN GATE U. L. REV.

## SCHOOL OF LAW FACULTY

- JENNIFER BABCOCK, Associate Professor of Law; B.A., University of California, San Diego; M.S.W., San Jose State University; J.D., Santa Clara University School of Law
- MICHELLE BENEDETTO NEITZ, Professor of Law; B.A., Santa Clara University; J.D., New York University School of Law
- RANA BOUJAOUDE, Associate Professor of Law and Director of Bar Services; B.A., San Francisco State University; J.D., Golden Gate University School of Law
- RACHEL BROCKL, Visiting Associate Professor of Law and Director of Litigation Program; B.A., San Francisco State University; J.D., Golden Gate University School of Law
- HELEN CHANG, Professor of Law; B.A., University of Texas; J.D., Southern Methodist University School of Law
- ERIC C. CHRISTIANSEN, Interim Dean and Professor of Law; B.A., University of Notre Dame; M.A., University of Chicago; J.D., New York University School of Law
- LAURA CISNEROS, Professor of Law and Director of Honors Lawyering Program; B.A., University of San Diego; J.D., Loyola University New Orleans School of Law; LL.M., University of Wisconsin Law School
- MICHAEL DAW, Professor of Law and Associate Dean and Director of Law Library; B.A., J.D., Valparaiso University; M.L.I.S., San Jose State University
- DANIEL DEVOY, Visiting Associate Professor of Law and Director of Veterans' Legal Advocacy Center; B.A., University of California, San Diego; J.D., Golden Gate University School of Law
- BENEDETTA FAEDI DURAMY, Professor of Law and Associate Dean of Faculty Scholarship; J.S.D., Stanford Law School; LL.M., London School of Economics and Political Sciences; M.A., University of Florence; LL.B., University of Rome
- SAMUEL ERNST, Professor of Law; B.A., University of California, Santa Cruz; M.A., University of California, Los Angeles; J.D., Georgetown University School of Law
- ELIZABETH FISHMAN, Associate Professor of Legal Writing and Research; B.A., Brown University; J.D., Stanford Law School
- DAVID FRANKLYN, Professor of Law; B.A., Evangel College; J.D., University of Michigan Law School
- WILLIAM GALLAGHER, Professor of Law and Director of Intellectual Property Law Center; B.A., University of California, Berkeley; M.A., University of Chicago; J.D., University of California, Los

- Angeles, School of Law; Ph.D., University of California, Berkeley, School of Law
- MARC GREENBERG, Professor of Law; A.B., University of California, Berkeley; J.D., University of California, Hastings College of the Law
- HELEN KANG, Professor of Law and Director of Environmental Law and Justice Clinic; B.A., Yale University; J.D., University of California, Berkeley, School of Law
- PAUL KIBEL, Professor of Law; B.A., Colgate University; J.D., Willamette University College of Law; LL.M., University of California, Berkeley, School of Law
- ANNA KIRSCH, Visiting Associate Professor of Law and Clinical Staff Attorney of Women's Employment Rights Clinic; B.A., Virginia Polytechnic Institute and State University; J.D., University of California, Hastings College of the Law
- REICHI LEE, Associate Professor of Law and Associate Dean for Online Education, Director of Academic Achievement; B.A., University of California, Los Angeles; J.D., University of California, Hastings College of the Law
- ELEANOR LUMSDEN, Associate Professor of Law; A.B., Princeton University; J.D., New York University School of Law
- FIONA MCKENNA, Associate Professor of Law and Director of Legal Writing; B.A., University of California, Berkeley; J.D., American University Washington College of Law
- KATHLEEN MORRIS, Professor of Law; B.A., California State University, Northridge; M.Sc., University of Edinburgh; J.D., University of California, Berkeley, School of Law
- JYOTI NANDA, Associate Professor of Law; B.A. University of California, Berkeley, School of Law; J.D., Northwestern University School of Law
- CHRISTIAN N. OKEKE, Professor of Law, Director of LL.M. and S.J.D. International Legal Studies Program, and Director of Sompong Sucharitkul Center for Advanced International Legal Studies; LL.M., Kiev State University, Ukraine; D.Jur., Free University of Amsterdam
- THOMAS SCHAAF, Associate Professor of Law; B.A., The Evergreen State College; J.D., University of California, Hastings College of the Law
- HINA SHAH, Associate Professor of Law and Director of Women's Employment Rights Clinic; B.S., University of Texas, Austin; J.D., University of California, Hastings College of the Law

RACHEL VAN CLEAVE, Professor of Law; B.A., J.S.M., Stanford University; J.D., University of California, Hastings College of the Law

ALLISON WANG, Visiting Professor of Law and Director of Externship Program; B.A., University of California, Los Angeles; J.D., University of San Francisco

LUCAS WILLIAMS, Visiting Associate Professor of Law, Staff Attorney, Environmental Law and Justice Clinic; B.A., California State Sonoma; J.D., Golden Gate University School of Law

SPENCER WILLIAMS, Associate Professor of Law; B.S., Massachusetts Institute of Technology; J.D., Stanford University

MARK YATES, Professor of Law and Associate Dean of Academic Affairs; B.A., University of California, Santa Barbara; J.D., University of California, Hastings College of the Law

## ADJUNCT FACULTY

Frank Gerald Adam	Brian Feinberg
Zakia Afrin Ashmeed Ali	Jack Friedman
Andrew Allen	Jonathan Golinger
Andrew Amoroso	Christina Hay
Marie Appel	Kristin Henry
Nicholas Baran	Sean Herman
Jessica Barber	Jenny Huang
Deborah Bardwick	Lynn Humphreys
Barton Bassett	Alex Jakle
Alan Bayer	The Hon. Maria-Elena
Taylor Belew	James
Adriana Beach	David Jargiello
Anna Benvenue	Peter Jovanovic
Anthony Berman	David Kaiser
Christopher Berry	Erin Katayama
Heather Borlase	Nehal Khorraminejad
Anne Bouliane	Sean Kiley
Basil Boutris	Steven Klamm
Vitor Campos	Caroline Koch
Timothy Cahn	Matthew Kramer
Richard Campbell	Rosemary La Puma
Louie Castoria	Mark Laemmle
Monami Chakrabarti	Andrew Lah
Leland Chan	Carolyn Lee
Linda Chan	Marguerite Lee
Remigius Chibueze	Alicia Luchetti
Anita Chu	Samuel Luzadas
Mark Cohen	Christopher Martiniak
Cari Cohorn	Christopher Martz
Jennifer Coleman	Duane Mathiowetz
Stephen Collier	Robert McFarlane
Lorenzo Donati	Justin Miller
Christopher Donewald	William Morehead
Jeffrey Dulgar	Gail Mullikan
Melissa Eckhause	Nima Nayebi
Yvette Edwards	Katie Padilla
Jennifer Elowsky	Jennifer Redding
John Epperson	Susan Roberts
Farimah Erlandson	Leslie Rose
Delaram Farzaneh	Adam Sand

Amir Sarreshtehdary	Tim Treichelt
Harriet Schiffer Scott	Monica Valencia
Lois Schwartz	Jonathan Van Loo
Catherine Seitz	Heather Varanini
Craig Shaltes	Julia Weber
Peter Sherwood	Brooke Westling
Megan Shrout	The Hon. Kandis Westmore
Warren Small	Marshall Whitley
Paul Stam	Stefanie Wilson
Russell Stanaland	William Woodward
Kimberly Stanley	Megan Yip
The Hon. Andrew Steckler	John Zahar
The Hon. Edward Torpoco	
Julie Traun	



## ADMINISTRATION

Eric C. Christiansen  
*Dean of the School of Law*

Rana Boujaoude, *Director of Bar Services and Associate Professor of Law*  
Jessica Bride, *Associate Dean of Law Student Support, Interim Dean of Students*  
Laura Cisneros, *Faculty Director of Honors Lawyering Program*  
Michael Daw, *Associate Dean and Director of Law Library, and Professor of Law*  
Peter DeHaas, *Director of Disability Resources and Academic Accomplishment*  
Gabriela De La Vega, *Director of Financial Aid*  
Daniel Devoy, *Director of Veterans' Advocacy Legal Center and Visiting Associate Professor of Law*  
Benedetta Faedi Duramy, *Associate Dean of Faculty Scholarship and Professor of Law*  
Greg Egertson, *Associate Dean, Budget and Enrollment Management*  
William Gallagher, *Director of Intellectual Property Law Program and Intellectual Property Law Center and Professor of Law*  
Paul Gibson, *Director of Administration and Technology Services*  
Mateo Jenkins, *Senior Program Coordinator of Academic Affairs*  
Helen Kang, *Director of Environmental Law and Justice Clinic and Professor of Law*  
Helen Kang, *Director of Environmental Law and Justice Clinic and Professor of Law*  
Reichi Lee, *Associate Dean for Online Education, Director of Academic Achievement and Associate Professor of Law*  
Fiona McKenna, *Director of Legal Writing and Associate Professor of Law*  
Christian Okeke, *Director of LL.M and J.D. International Legal Studies Program, Director of Sompong Sucharitkul Center for Advanced International Legal Studies, and Professor of Law*  
Hina Shah, *Director of Women's Employment Rights Clinic and Associate Professor of Law*  
Allison Wang, *Director of Externships and Associate Professor of Law*  
Mark Yates, *Associate Dean of Academic Affairs and Professor of Law*

## PREFACE

Welcome to Volume 51 of the *Golden Gate University Law Review*. The *Golden Gate University Law Review* is a student-run organization that publishes two issues each academic year: the *Ninth Circuit Survey* and the *Comments Edition*. The *Ninth Circuit Survey* issue features student-written Case Notes and Case Summaries focused exclusively on decisions of the United States Court of Appeals for the Ninth Circuit. The *Comments Edition* is a general interest edition, comprised of student-written Comments and Outside Articles written by practicing attorneys, judges, and academics. It provides a forum where students and legal professionals are free to explore deeply relevant and contemporary topics that dot the broader landscape.

Since its establishment in 1969, the *Golden Gate University Law Review* has dedicated itself to publishing scholarly writing on a wide range of legal topics that contributes to the intense legal discourse on state, national, and international levels. This year's *Comments Edition* continues this rich and vibrant tradition. America has continued to experience controversial legal quagmires and rulings and this issue of our *Comments Edition* reflects that dazzling variety of obstacles, solutions and questions yet to be answered.

The articles in this issue evaluate existing legal theory and practice, proposing changes to ensure the just administration of the law. Apple "App" controversies vis-à-vis traditional concepts of contractual privity; wealth-based discrimination and bail bond requirements; cosmetics disasters and a call for FDA intervention; sadomasochistic sex contracts gone awry in an LGBTQ+ subculture: these are the diverse topics our writers confront. In addition, we feature an interview with two civil rights attorneys who share their opinions on the many strands of the Black Lives Matter movement.

None of this writing would have materialized if we were not backed by a strong, supportive team of allies. Interviewees Walter Riley and Dewitt M. Lacy generously took the time to weigh in on urgent racial matters that fall under the #BLM umbrella. Dean Christiansen kept us afloat with his effervescent enthusiasm. Academic Dean Mark Yates ignited our creativity with his cosmic presence. Heather Varanini, a former *Law Review* member herself, continued to guide us with her *Bluebook* and editorial expertise. Our Faculty Advisor Professor Jennifer Babcock provided her signature convivial expertise and guidance. Line Editor Nicholas Joy, also a former journal member, supplied masterful commentary that helped perfect each piece. Executive Faculty Assistant

Emmy Pasternak was the connective tissue helping us put this volume together. We extend our gratitude to each person for his or her unique contributions. Finally, we are incredibly grateful to all our authors for their passionate contributions, and for giving us the opportunity to learn more about critically important issues. While the guidance of these individuals has been invaluable, we take full credit for any and all errors herein.

We have thoroughly relished our time as Editor-in-Chief and Managing Editor for the 2020–2021 year. It was a gift to meet and commence work with our new Staff Writers, to deepen our bonds with Associate Editors, and to strategize with our current Executive Board Members. Every publication—especially a law review—is an ecosystem. It crystallizes primarily as a result of collaboration. These pieces represent our ongoing dialogue with each other and with the world. It is our distinct privilege to present this edition of the *Golden Gate University Law Review Comments Edition*. We hope you enjoy reading it as much as we have relished creating it.

Michael Angelo Tata  
*Editor-in-Chief*

Allyson M. McCain  
*Managing Editor*

# GOLDEN GATE UNIVERSITY LAW REVIEW

---

VOLUME 51

MAY 2021

NUMBER 2

---

## TABLE OF CONTENTS

### INTERVIEW

- Black Lives Matter—A Discussion with  
Two Civil Rights Attorneys . . . . . *Justin C. Trimachi* 69

### COMMENTS

- Privity vs. Proximity: The Supreme Court’s  
Erroneous Reading of the *Illinois Brick*  
*Doctrine* in *Apple Inc. v. Pepper* . . . . . *Suzin A. Win* 77

- An Absolute Deprivation of Liberty:  
Why Indigents’ Wealth-based  
Discrimination Claims Brought Under  
the Equal Protection Clause Should  
Be Subject to Intermediate Scrutiny . . . . . *Athena Hernandez* 103

- Total Makeover: Federal Cosmetics  
Regulation and Its Need for  
Legislative Overhaul to Ensure  
Consumer Protection . . . . . *Justice Tecson* 127

- The Pleasure of the Contract: Legal Role  
Play from Leopold von Sacher-Masoch  
Through Noodles & Beef . . . . . *Michael Angelo Tata* 147

