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Note from the Editor-in-Chief

Like legal education, scholarship certainly has its critics. Not-so-hushed whispers—and, ironically, a number of articles—assert that scholarship has no impact on the legal community, editors bludgeon the English language into illegible pomposity, and authors engage in nothing more than stockpiling footnotes. However, for those of us who take pleasure in scholarship, it provides a forum for creativity in a profession often devoid of any. It is written by and for the legal community, inviting debate and discussion. On behalf of the *McGeorge Law Review*, it is my pleasure to introduce our final issue of this volume. We invite you to join the discussion, and hope you enjoy these pieces as much as we do.

In this issue's lead article, Thomas J. Horton reconsiders the oft-held notion that fairness and antitrust law are like oil and water; ultimately rejecting such a notion, Professor Horton recommends that antitrust begin reincorporating fairness norms into its analyses. Then, Lindsey D. Blanchard seeks to clarify the Supreme Court's *Goodyear* "essentially at home" test for general jurisdiction, using as persuasive authority the *Hertz* "principal place of business" test for subject matter jurisdiction, to present a reasoned interpretation of the Court's first personal jurisdiction case in several years. Jeremy Patrick next empirically examines constitutions enacted since the year 2000 to determine whether, and to what degree, liberal constitutionalism has been supplanted by theocratic constitutionalism and concludes that most constitutions have some evidence of both. And in a mediation piece, recognizing the inherent tension between mediators' duty to conduct mediation and parties' decision-making rights, Omer Shapira delineates the decision-making powers of each and identifies areas in which mediators may impose restrictions on the parties' decision-making rights.

In the first of this issue's comments, Mark Freeman, on the heels of *Graham* and *Miller*, examines the constitutionality of sentencing juvenile non-homicide offenders to sentences exceeding a juvenile offender's life expectancy, or a "de facto LWOP." Andrew Hsieh discusses workplace discrimination against psychologically disabled persons, the shortcomings of remedies available to them, and proposes existing common-law causes of action for appropriate plaintiff recovery. Then, in the first of two California-specific pieces, Amy Odens argues that despite a tug-of-war between food producers and energy producers over the use of agricultural lands, both seemingly conflicting interests can be balanced by simply using our space more effectively. Finally, bringing our forty-fourth volume to a close, Hunter Starr examines the unyielding sentencing regime for unlawful marijuana cultivation in a state where marijuana is legal in limited situations and proposes sentencing unlawful marijuana cultivation as a wobbler to allow large-scale cultivators to be punished more severely than lesser offenders.

Although it does not begin to cover the extent of our gratitude, we offer a warm and hearty thank-you to the staff of the *McGeorge Law Review*, our publication extraordinaire, Pauline Rodriguez, and our dedicated advisor, Professor Rachael Salcido.

Allison L. Cross
Editor-in-Chief
McGeorge Law Review,
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