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*Member, National Conference of Law Reviews*

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## *Note from the Editor-in-Chief*

The whole of any work is greater than the sum of its parts. Legal scholarship is no exception. Each carefully crafted thesis, each painstakingly formatted footnote, and each promising conclusion combine to create more than simply words on a page. Rather, the final article sparks conversation, which in turn engenders ingenuity, and eventually, progress. Often, the focus is on the pinnacle of publication—and rightly so. However, for those who struggle through the legal writing and editing process, it is also the time in the trenches that offers erudition. Each article put forth in this issue is the result of a community effort: author, staff, editor, and publisher. In a profession that is often individualistic and competitive, legal scholarship demonstrates the beauty of collaborating legal minds. The result is not only scholarship that challenges legal flaws and inconsistencies and delivers practical solutions, but also a demonstrable growing experience for the next generation of the legal profession. This issue is a reflection of the process and progress inherent in every law review publication. Thus, I invite you to enjoy our final installment of Volume 45 of the *McGeorge Law Review*, as well as the literary and literal sweat and tears that created it.

In this issue's lead article, Jessica Berch reconsiders the traditional, strict adherence to the "no-waiver rule" governing federal subject matter jurisdiction. Professor Berch proposes a uniform statute that would adopt many of the current judicially-created exceptions to the "no-waiver rule." Such a statute ensures clarity, legitimacy, and fairness in the realm of subject-matter jurisdiction decisions. Then, Pacific McGeorge's own Professor John E.B. Myers offers a critique of the standard family law practice of decoupling child support and visitation. Professor Myers presents an alternative model statute that selectively links child support and visitation to prevent immoral, intentional withholding of child support or visitation rights. Next, Andrew S. Lipton uses his thirty-five years of experience in toxic tort personal injury litigation to clarify how the court should view scientific evidence and to provide a framework for presenting plaintiff's expert evidence when proving causation in a toxic tort case.

Four student comments complete the issue. First, Rebecca Diel considers federal case law interpreting the application of the Federal Employer's Liability Act and the Locomotive Inspection Act to railroad companies and railroad manufacturers. This analysis concludes that the field preemption enjoyed by railroad manufacturers should be extended to railroad companies to shield them from certain products liability claims. Second, Theresa Hsu Schriever confronts the recent, troubling statistics of post-conviction exonerations based on DNA testing. In response, she argues that the California judicial system, in particular, must establish workable habeas corpus procedures for innocent prisoners to overturn their wrongful convictions. Third, Josh Hunsucker explores the National Football League's concussion management practices. He proposes that youth, high school, and college football programs should adopt these concussion management customs to better protect young players from the devastating effects of

concussion-related brain injuries, as well as to insulate coaches and schools from tort liability. Finally, Myles Taylor acknowledges the growing trend of attorney use of cloud-computing services and the ethical complications that arise when using this technology. He scrutinizes the 2012 amendment to the Model Rules of Professional Conduct, which adds an affirmative aspect to the attorney's duty of confidentiality. Ultimately, he proposes a modest revision to help attorneys better interpret the duty when using new technologies.

I would like to thank all of the powerful "parts" of this issue: our talented authors; the tenacious *McGeorge Law Review* staff writers and editors; our star publishing specialist, Pauline Rodriguez; our fearless leader and faculty advisor, Professor Rachael Salcido; and all of the other members of the McGeorge Administration who support this scholastic production. This publication is truly the sum of your expertise and dedication.

Danielle Lenth  
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