

We are proud to present an overview of the scholarship that will define this year's edition as we prepare for the publication of Volume 76 of the *Syracuse Law Review*. Volume 76 continues our longstanding tradition of publishing thoughtful, impactful work that reflects both the intellectual rigor of our contributors and the diverse legal issues shaping our profession today. Across three books, this volume highlights innovative legal research, celebrates our symposium on advocacy and litigation, and upholds our commitment to the Annual Survey of New York Law.

I. Book 1 Overview

Book 1 showcases a diverse array of scholarship that explores the intersection of law, policy, and evolving societal challenges. The authors featured in this edition bring a wide range of academic and professional experience, contributing thoughtful analyses on pressing issues.

Emily Cauble, Thomas G. Ragatz Chair in Tax Law at the University of Wisconsin Law School, authored the article, *"Non-Experts' Impressions of Informal Tax Guidance."* Through a nationwide survey of over 2,000 U.S. adults, Professor Cauble reveals how taxpayers' perceptions often diverge from actual tax law, underscoring the risks of misinterpretation and the need for reforms to improve clarity and accessibility in tax administration.

Elizabeth Kubala, Director of the Veterans Legal Clinic at Syracuse University College of Law, and Seth M. Owen, Staff Attorney at the Veterans Legal Clinic at Syracuse University College of Law, co-author *"'Band-Aids Don't Fix Bullet Holes:' The Veterans Who Are Not 'Veterans,' the Unique Crises They Face, and Why Proactive Interagency Collaboration Is Key."* Their article highlights the systemic exclusion of veterans with less-than-honorable discharges from VA benefits and argues for greater policy alignment between the Department of Defense and the VA to prevent crises like homelessness and suicide among these underserved veterans.

Janet K. Levit, Professor of Law at the University of Tulsa, contributes *"Reproductive Rights on Campus: How Universities Are Exercising Legal Autonomy in Post-Dobbs America."* Professor Levit explores how universities, particularly in states with abortion restrictions, are asserting their legal autonomy to safeguard student health and reproductive rights. Her analysis positions universities as active legal actors capable of resisting laws that conflict with institutional values and public health commitments.

Chad Marzen, Professor of Business Law at Pennsylvania State University, and Casey Rockwell, Assistant Director of the School of Business at the University of Arkansas at Little Rock, co-author *"The Affluenza Defense and Criminal Law."* The article revisits the controversial 2013 Texas case that popularized the "affluenza" defense and provides the first comprehensive examination of its use in case law and legislative efforts to prohibit it. Marzen and Rockwell argue for state-level reforms to ensure equal accountability in criminal sentencing.

Timothy Murphy, Professor of Law at the University at Idaho, presents *"Separating Ownership from Creatorship in Intellectual Property Systems."* His article traces how U.S. intellectual property laws diverge in assigning ownership and creatorship, particularly as courts and policymakers confront AI-generated works. Professor Murphy's analysis challenges traditional

notions of creativity and ownership, raising important questions about the future coherence of intellectual property regimes.

In addition to these scholarly articles, Book 1 features four student notes written by members of the *Syracuse Law Review*: “*From Silos to Synergy: Making the Case for Multi-Disciplinary and Dual Capacity Attorneys*” by Julia Copperwheat, “*The Cost of an Arrest: Rethinking Sentence Enhancements in New York*” by Jared S. Park, “*Planting Carrots for Change: Cultivating Compliance with Title III of the ADA*” by Daniel Rhodes, and “*Celebrity, Legal Reform, & Propensity Evidence: The Cost to Fair Trials and Justice for All*” by Elyssa Vernold. Each note offers a timely and well-researched contribution to ongoing legal discourse and reflects the exceptional scholarship of Syracuse Law Review’s student members.

II. Book 2 Overview

Book 2 centers on “Advocacy and Litigation: Pedagogy, Practice, and Doctrine,” bringing together leading scholars and practitioners to examine how advocacy training, courtroom practice, and legal theory continue to evolve. The *Syracuse Law Review*’s annual symposium on October 19th featured these authors in panel discussions at the College of Law. Collectively, their contributions explore the dynamic interplay between advocacy education, evolving litigation methods, and the future of trial practice.

Ramona Albin, Associate Professor of Law at Cumberland School of Law, Samford University, authors “*The Persistence of Rape Mythology*.” Her article compares rape shield laws and evidentiary practices in the United States, the United Kingdom, and Canada, analyzing how entrenched sexual stereotypes and inconsistent judicial responses undermine fair adjudication in sexual assault cases.

Christine P. Bartholomew, Vice Dean for Student Achievement and Co-Director of the Advocacy Institute, and Jennifer Scharf, Vice Dean for Career Services and Director of Trial Advocacy, both at the University at Buffalo School of Law, co-author “*Beyond the Podium: The Pedagogical Value of Written Motions in Limine in Trial Advocacy Competitions*.” They argue for incorporating written motions in limine into advocacy curricula to better align classroom and competition training with real-world litigation, enhancing students’ strategic thinking, writing, and oral advocacy skills.

Christopher W. Behan, Professor of Law at Southern Illinois University Simmons Law School, contributes “*Building Cross-Cultural Trial Advocacy Skills Through Structured Mentoring and Co-Mentoring: A Case Study with Global Implications*.” His article explores a cross-cultural mock trial initiative between students in Kenya and the U.S., demonstrating how structured mentoring and collaboration can develop advocacy skills and global legal competency.

Marian Grace Braccia, Practice Professor of Law and Director of the LL.M. in Trial Advocacy Program at Temple University Beasley School of Law, presents “*Between Evidence and Erasure: The Case for Recognizing Perpetrator Identification as a Component of Treatment Under PA Rule of Evidence 803(4) in Cases of Intimate Partner Violence*.” Professor Braccia advocates for the uniform admission of statements identifying perpetrators in intimate partner

violence cases under the medical treatment hearsay exception, arguing that such recognition is crucial to justice and victim protection.

Brandon Marc Draper, Assistant Professor of Law at Thurgood Marshall School of Law, writes *“Trials and Travel Ban Tribulations.”* His article examines how President Trump’s travel bans and the rise of virtual criminal jury trials during the COVID-19 pandemic intersect with Sixth Amendment rights, concluding that certain virtual trial practices fail to meet constitutional testimonial oath requirements.

Jules Epstein, Edward D. Ohlbaum Endowed Term Professor and Director of Advocacy Programs at Temple University Beasley School of Law, authors *“Let Us Now Not Praise ‘My Cousin Vinny.’”* Taking aim at the beloved courtroom film, Professor Epstein critiques its legal inaccuracies, ethical lapses, and stereotypes, arguing that while the movie has achieved iconic status, it perpetuates misconceptions about real trial advocacy.

Veronica J. Finkelstein, Associate Professor of Law at Wilmington University School of Law, contributes *“Crafting Captivating Cases: Teaching Law Students to Use Evidence Narratively.”* Her article emphasizes the importance of storytelling in trial advocacy, showing how a narrative-based approach to evidence can better prepare law students for persuasive and human-centered litigation.

Laura A. Frase, Assistant Professor at the University of North Texas at Dallas College of Law, contributes *“Impasse as an Opening: Reframing Negotiation Barrier into a Pathway for Insight and Learning.”* Drawing from cognitive science and learning theory, Professor Frase redefines negotiation impasse as a productive stage of creativity and problem-solving rather than a failure to avoid.

Anthony Ghiotto, Teaching Associate Professor and Director of the Anderson Center for Advocacy and Professionalism at the University of Illinois College of Law, presents *“Queering Trial Advocacy.”* His article explores how queer advocates navigate courtroom norms shaped by gender and cultural expectations, urging the legal profession to embrace authentic representation and inclusivity in trial practice.

Gary S. Gildin, Professor of Law and G. Thomas and Anne G. Miller Chair in Advocacy at Penn State Dickinson Law, authors *“Neuro-Advocacy: Harmonizing Persuasion with the Operation of the Brain.”* Professor Gildin draws on neuroscience to propose “neuro-congruent” advocacy, litigation strategies that reflect how jurors and judges actually make decisions, informed by emotion and subconscious perception.

Michael D. Murray, University Research Professor and Spears Gilbert Professor of Law at the University of Kentucky J. David Rosenberg College of Law, contributes *“Real-Time AI Advocacy—Deploying Multimodal Generative and Agentic AI in Litigation.”* His article explores how emerging AI technologies are transforming courtroom advocacy, presenting both opportunities for efficiency and challenges to evidentiary integrity and ethical practice.

Laura Rose, Associate Professor of Law and Heidepriem Trial Advocacy Fellow at the University of South Dakota Knudson School of Law, authors “*The Right to Trial by Jury: The Greatest Human Rights Contribution of United States.*” Professor Rose situates the constitutional right to trial by jury within a global human rights framework, calling on attorneys to protect and expand these fundamental liberties.

Alexandria Serra, Advocacy Teaching Fellow at the University of Missouri–Kansas City School of Law, presents “*Stacking the Deck: AI, Jury Selection, and the New Batson Problem.*” Serra examines how AI-driven jury selection tools may inadvertently perpetuate bias, arguing for new constitutional safeguards and ethical guidelines to ensure fairness in the age of algorithmic litigation.

III. Book 3 Overview

Book 3 continues *Syracuse Law Review*’s proud tradition of publishing the Annual Survey of New York Law, one of the publication’s longest-running and most valued contributions to the state’s legal community. Each year, distinguished practitioners and scholars provide expert commentary and analysis on recent developments in key areas of New York law. Their insights serve as an indispensable resource for courts, attorneys, and academics alike, capturing the evolving landscape of legal doctrine and practice across the state.

Ryan Maxwell and Dan Kohane, attorneys at Hurwitz Fine P.C., will author the Insurance Law survey. Jacob Saracino and Zachary Mazuzan, attorneys at Arnold & Porter Kaye Scholer LLP, will author the Contracts survey. Mark A. Chertok, Claire McNulty, Michael Hannaman, and Amy Cassidy, attorneys at Sive Paget & Riesel P.C., will author the Environmental Law survey. Colin Smith, Gavin Gretskey, and Gianelle Duby, attorneys at Bond, Schoeneck & King PLLC, will author the Labor Law survey. Hannah Gavin, Edward Zaremba, and Will Hendon, attorneys at the Hiscock Legal Aid Society, will author the Housing Law survey. Terry Rice, Adjunct Professor of Law at Fordham University School of Law, continues his longstanding contribution to the Zoning and Land Use survey. David Katz, Adjunct Professor of Law at Syracuse University College of Law, will author the Torts survey. Roy S. Gutterman, Director of the Newhouse School’s Tully Center for Free Speech at Syracuse University, will author the Media Law survey. David Zukher, Managing Partner at Weisberg & Zukher PLLC, will author the Criminal Law survey. Rose Mary Bailly, Adjunct Professor at Albany Law School, will author the Disability Law survey. Aliza Milner, Teaching Professor at Syracuse University College of Law, joins us to author the Civil Practice survey.