

# Roger Williams University Law Review

---

Volume 26  
Issue 1 *Winter 2021*

Article 1

---

Winter 2021

**Vol. 26: No. 1 (Winter 2021)**

Follow this and additional works at: [https://docs.rwu.edu/rwu\\_LR](https://docs.rwu.edu/rwu_LR)

---

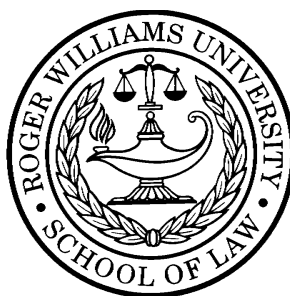
## Recommended Citation

(2021) "Vol. 26: No. 1 (Winter 2021)," *Roger Williams University Law Review*. Vol. 26 : Iss. 1 , Article 1.  
Available at: [https://docs.rwu.edu/rwu\\_LR/vol26/iss1/1](https://docs.rwu.edu/rwu_LR/vol26/iss1/1)

This Introduction is brought to you for free and open access by the School of Law at DOCS@RWU. It has been accepted for inclusion in Roger Williams University Law Review by an authorized editor of DOCS@RWU. For more information, please contact [mwu@rwu.edu](mailto:mwu@rwu.edu).

# ROGER WILLIAMS UNIVERSITY LAW REVIEW

**VOLUME 26**  
**Winter 2021**



ROGER WILLIAMS UNIVERSITY  
SCHOOL OF LAW  
© 2021 Roger Williams University Law Review  
ISSN 1090-3968



# ROGER WILLIAMS UNIVERSITY LAW REVIEW

---

VOLUME TWENTY-SIX

Winter 2021

NUMBER ONE

---

## EDITORIAL BOARD

*Editor-in-Chief*  
Sophia J. Weaver

*Managing Editor*  
Rachel E. Dunham

*Executive Articles  
Editor*  
Jonathan Stark-Sachs

*Rhode Island  
Editor*  
Alyssa Lauren Lemire

*Executive Notes &  
Comments Editor*  
Philip Primeau

*Articles Editors*  
Anna L. Kramer  
Tyler Martin  
Lucas Sylvia

*Research & Development  
Editor*  
Ethan Armitano

*Notes & Comments  
Editors*  
Lauren Bizier  
Sarah Friedman  
Tiffany Wallace

---

## SENIOR EDITORIAL STAFF

Kaitlyn R. Alger  
Erin Ferry  
Tatiana M. Gomez  
Olivia Handy  
Karen Lara  
Amanda LaRocca

Brandon T. Lozeau  
Adam M. Harrington  
Jeffery Rankel  
Rachel Ricci  
Kerri A. Schulz  
Devon Toro

## EDITORIAL STAFF

Carla Aveledo  
Drew Bartlett  
Ryan Coyne  
Hannah L. Devoe  
Samantha Ferrucci  
Edward Gencarelli, Jr.  
Jonathan M. Goyette  
Shannon Griffin

Brendan Horan  
Alyssa M. Knappins  
Lindsay E. Koso  
Jill Elizabeth Magnus  
Madalyn E. McGunagle  
Ruth C. Nwauche  
Brooke E. Pearsons  
Madison C. Picard

Amanda Reis  
Sheya Rivard  
Kirsten E. Roy  
Jordan Sasa  
Rebekkah Stoekler  
Chad Oliver Stroum  
Richard Tavares  
Thomas M. Wall

---

FACULTY ADVISORS  
Jenna Wims Hashway  
Irina Gott

ADMINISTRATIVE ASSISTANT  
Shirley Staskiewicz



# ROGER WILLIAMS UNIVERSITY LAW REVIEW

---

VOLUME TWENTY-SIX

Winter 2021

NUMBER ONE

---

## TABLE OF CONTENTS

### ARTICLES

Rethinking the Role of NGOs in an  
Era of Extreme Wealth Inequality:  
The Example of the Bill &  
Melinda Gates Foundation . . . . . John J. Chung 1

Giving *Joseph* Hearings Their Due:  
How to Ensure that *Joseph* Hearings  
Pass Due Process Muster . . . . . Amy Greer 40

### UNITED STATES SUPREME COURT SURVEYS

*Hernandez v. Mesa*:  
A Catalyst for Change? . . . . . Diana Hassel 73

The Illusion of Victory: Access to  
Abortion After *June*  
*Medical Services* . . . . . Brittany L. Raposa 93

### COMMENTS

License to Discriminate: A Rule for  
Protecting Limited English Proficient  
Persons from National Origin  
Discrimination by State  
Departments of Motor Vehicles . . . . . Brandon T. Lozeau 123

ESICA: Securing—Not Compelling—  
Speech on the “Vast Democratic  
Forums” of the Internet . . . . . Philip Primeau 160

Voting for History: One Person,  
One Vote and the Creation  
of National Register Historic  
Districts . . . . . Jonathan Stark-Sachs 199



**ROGER WILLIAMS UNIVERSITY**  
**SCHOOL OF LAW**  
2020 – 2021

---

**FACULTY AND ADMINISTRATIVE OFFICERS**

---

- Ioannis N. Miaoulis, B.S.M.E, Tufts University; M.S.M.E., Massachusetts Institute of Technology; M.A., Tufts University; Ph.D., Tufts University; *University President*
- Gregory W. Bowman, B.A., West Virginia University; M.A., University of Exeter, England; J.D., Northwestern University School of Law; *Dean and Professor of Law*
- Jared A. Goldstein, B.A., Vassar College; J.D., University of Michigan Law School; *Associate Dean for Academic Affairs and Distinguished Research Professor of Law*
- Laurie Barron, B.A., Yale University; M.S.W., New York University School of Social Work; J.D., New York University School of Law; *Director of the Feinstein Center for Pro Bono & Experiential Education*
- Michael Bowden, B.A., University of Rhode Island; J.D., University of Maine; *Director of Law School Communications*
- Michael Donnelly-Boylan, B.A., University of Notre Dame; M.S., Suffolk University; *Assistant Dean of Admissions*
- Suzanne Harrington-Steppen, B.A., Boston College; J.D., City University of New York School of Law; *Associate Director of Pro Bono Programs*
- Chelsie Horne, B.S., M.B.A., C.M.P., Johnson & Wales University; *Director of Programs & Events*
- Andrew Horwitz, B.A., Haverford College; J.D., New York University School of Law; *Assistant Dean for Experiential Education and Professor of Law*
- Lorraine Newton Lalli, B.A., Spelman College; J.D., Roger Williams University School of Law; *Assistant Dean of Students*
- Kathleen Massa, B.S., Roger Williams University; *Assistant Dean for Business Affairs*
- Raquel M. Ortiz, B.A., Harvard College; M.S.L.S., Simmons College; J.D., Suffolk University; *Assistant Dean for Library & Information Services and Associate Professor of Law*
- Veronica Paricio, B.A., Dartmouth College; *Assistant Dean for Career Development*
- Douglas Peterson, B.A., Suffolk University; *Registrar & Director of Student Finance and Records*
- Thomas Shaffer, B.A., Marywood University; J.D., Roger Williams University School of Law; *Director of Admissions*
- Ralph E. Tavares, Jr., B.A., Providence College; M.B.A., Salve Regina University; *Director of Diversity and Outreach*
- Kathryn Thompson, B.S., Suffolk University; J.D., Suffolk University Law School; *Director of Academic Success Program*
- Eliza Vorenberg, B.A., Bryn Mawr College, J.D. Columbia Law School; *Director of Pro Bono & Community Partnerships and Director of the New York Pro Bono Scholars Program*
- Julia Wyman, B.A. Trinity College, J.D. University of Maine School of Law; *Director of the Marine Affairs Institute and Director of the Rhode Island Sea Grant Legal Program*
- 

- Katie A. Ahern, LL.M., Boston University School of Law; J.D., Roger Williams University School of Law; B.S., University of Rhode Island; *Director of the Business Start-up Clinic and Visiting Assistant Professor of Law*
- Tara I. Allen, B.A., Wesleyan University; J.D., Northeastern University; *Associate Professor of Law*
- Carl T. Bogus, A.B., J.D., Syracuse University; *Professor of Law*



Colleen Brown, A.B., Bowdoin College; M.A., Brandeis University; J.D., Northeastern University School of Law; *Professor of Legal Practice*

John Chung, B.A., Washington University; J.D., Harvard Law School; *Professor of Law*

Edward C. Clifton, B.A., U.C. Berkeley, J.D., U.C.L.A.; *Distinguished Jurist in Residence*

Elizabeth Colt, B.A., Barnard College; J.D., Emory University School of Law; *Professor of Legal Practice*

David Coombs, B.A., University of Idaho; J.D., University of Idaho School of Law; LL.M., U.S. Army Judge Advocate General's School; *Chief Justice Weisberger Visiting Professor of Law*

Deborah Gonzalez, B.S., Roger Williams University; J.D., Roger Williams University School of Law; *Director of the Immigration Law Clinic and Associate Clinical Professor of Law*

Irina V. Gott, B.A., University of Connecticut, J.D., Suffolk University Law School; *Professor of Legal Practice*

Jonathan M. Guttoff, A.B., Brown University; J.D., University of Chicago School of Law; *Professor of Law*

Jenna Wims Hashway, B.A., Hofstra University, J.D., Roger Williams University; *Professor of Legal Practice*

Diana J. Hassel, B.A., Mount Holyoke College; J.D., Rutgers, The State University of New Jersey School of Law-Newark; *Professor of Law*

Susan Schwab Heyman, B.A., Brandeis University; J.D., Benjamin N. Cardozo School of Law; *Professor of Law*

Nadiyah J. Humber, B.S., Vanderbilt University; J.D., Suffolk University; *Director of the Corporate Counsel and Government Clinical Externship Programs*

Justin Kishbaugh, B.A., King's College; M.F.A., Naropa University; Ph.D., Duquesne University; *Associate Director of Academic Success and Professor of Writing*

Bruce I. Kogan, B.A., Syracuse University; J.D., Dickinson School of Law; LL.M., Georgetown University Law Center; *Professor Emeritus*

Niki Kuckes, B.A., Cornell University; J.D., Yale Law School; *Bruce I. Kogan Distinguished Service Professor of Law*

David A. Logan, B.A., Bucknell University; M.A., University of Wisconsin; J.D., University of Virginia School of Law; *Professor of Law*

Peter S. Margulies, B.A., Colgate University; J.D., Columbia University School of Law; *Professor of Law*

Olivia Milonas, B.A., Wesleyan University; J.D., New York University; *Professor of Legal Practice*

Tanya J. Monestier, B.A., York University (Toronto); L.L.B., Osgoode Hall Law School; *Distinguished Research Professor of Law and Distinguished Teaching Professor of Law*

Colleen P. Murphy, B.A., University of Virginia; J.D., Yale Law School; *Professor of Law*

Brittany Raposa, B.A., UMass Dartmouth; J.D., UMass Law; LL.M., Northeastern University; *Associate Director and Professor of Bar Support*

Christopher J. Ryan, A.B., Dartmouth College; M.Ed., University of Notre Dame; J.D., University of Kentucky; Ph.D., Vanderbilt University; *Associate Professor of Law*

Emily J. Sack, B.A. Swarthmore College; M.A., M.Phil., Columbia University; J.D., New York University School of Law; *Professor of Law*

Andrew Spacone, B.S., Canisius College; M.A., State University of New York at Buffalo; J.D., University at Buffalo School of Law; *Visiting Assistant Professor of Business Law*

Louise E. Teitz, B.A., Yale College; J.D., Southern Methodist University School of Law; *Professor of Law*

Gail I. Winson, B.A., Moravian College; M.S., Drexel University; J.D., University of Florida; *Professor of Law Emeritus and Associate Dean for Library and Information Services Emeritus*

Michael J. Yelnosky, B.S., University of Vermont; J.D., University of Pennsylvania Law School; *Professor of Law*

## Identification Statement

The *Roger Williams University Law Review* is a journal of legal scholarship and commentary that is managed, edited, and published by students of Roger Williams University School of Law. The *Law Review* publishes three issues each year. The Winter issue is devoted to topics of national interest. The Summer issue focuses on Rhode Island topics, and features a survey of recently-enacted Rhode Island statutes, as well as significant local case law. In addition, the *Law Review* also publishes a symposium issue, the focus of which varies yearly. Committed to serving both a national and Rhode Island audience, the *Law Review* is distributed to law school libraries, government institutions, private law firms, and individual subscribers.

**Subscription rates:** \$28.50 per year in the United States; \$33.00 per year in foreign countries. Single issues are \$15.00 each. Please address all subscription requests and other business communications to the attention of the Administrative Assistant, *Roger Williams University Law Review*. If a subscription is to be discontinued at the expiration of the current volume, then notice to that effect should be sent to the Administrative Assistant; otherwise, subscriptions will be automatically renewed. One month's notice is necessary to effect change.

### Contact information:

Roger Williams University Law Review

10 Metacom Avenue

Bristol, RI 02809

Email: lawreview@g.rwu.edu

Phone: (401) 254-4661

Fax: (401) 254-4640

Website: [www.rogerwilliamslawreview.org](http://www.rogerwilliamslawreview.org)

**Copies of Articles:** Except as otherwise provided, the author of each article in this issue and the *Roger Williams University Law Review* grant permission for copies to be made available for classroom use, provided that (1) the copies are distributed at or below cost; (2) the author and the *Law Review* are identified on each copy; (3) a proper notice of copyright is affixed to each copy; and (4) the user notifies the *Law Review* that copies have been made.

## Submission of Manuscripts and Letters

The *Roger Williams University Law Review* accepts unsolicited manuscripts and letters, both in paper form and via electronic mail. All manuscripts must be typewritten, double-spaced and on 8½" x 11" paper; footnotes should conform to *The Bluebook: A Uniform System of Citation* (21st ed. 2021).

Although the *Law Review* reserves the right to edit all manuscripts and letters, it is the goal of the *Law Review* to preserve the individuality of each author's work. The *Law Review* edits manuscripts for spelling, grammar, citation form, and other technical matters. Neither the author's writing style nor the substantive structure is revised without the express consent of the author.

Manuscripts and letters cannot be returned. Acknowledgment of receipt of manuscripts is made immediately upon receipt, and publication decisions are made within two weeks of receipt.

Copyright is reserved by the *Law Review* to all material published by the *Law Review*, absent express agreement to the contrary.