

Oklahoma Law Review

Volume 71 | Number 4

2019

Front Pages

Follow this and additional works at: <https://digitalcommons.law.ou.edu/olr>

Recommended Citation

This Introduction is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in Oklahoma Law Review by an authorized editor of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

OKLAHOMA LAW REVIEW

ARTICLES

Private Eyes, They're Watching You: Law Enforcement's
Monitoring of Social Media *Rachel Levinson-Waldman*

Relational Preferences in Chapter 11 Proceedings *Brook E. Gotberg*

The *Masterpiece Cakeshop* Decision and the Clash
Between Nondiscrimination and Religious
Freedom *Klint W. Alexander, Ph.D, J.D.*

Detaining ISIS: Habeas and the Phantom Menace *Ernesto Hernández-López*

NOTES

Are They Dangerous Yet?: The Foreseeability
of Dangerousness in Oklahoma's Involuntary Outpatient
Commitment Law and Its Implications for Patient
Due Process Rights *Sarah K. Capps*

Debt Collectors Allowed to Play Hide and Hope Nobody
Seeks: *Midland Funding, LLC v. Johnson* and the Future
of Chapter 13 Bankruptcy *Allison Meinders*

Prosecuting Fatal Speech: What Minnesota's *State v. Final
Exit Network* Means for Assisted-Suicide Laws Across
the Country *Anthony W. Joyce*

VOLUME 71

SUMMER 2019

NUMBER 4

Except as otherwise expressly provided, the author of each article in this volume has granted permission for copies of that article to be made and used by nonprofit educational institutions, provided that the author and the *Oklahoma Law Review* are identified and that proper notice of the copyright is affixed to each copy. In all other cases, the author and the *Oklahoma Law Review* should be contacted directly.

Cite as: 71 OKLA. L. REV. ____ (2019).

The *Oklahoma Law Review* online edition, ISSN 2473-9111, is edited and compiled at the College of Law of the University of Oklahoma. Copyright April 2019 by the *Oklahoma Law Review*. Manufactured in the United States of America. The *Oklahoma Law Review* is published quarterly and is available online via Digital Commons, Westlaw, Lexis, HeinOnline, and the OLR website, <http://www.law.ou.edu/faculty-and-scholarship/journals/oklahoma-law-review>.

Selected back issues are available electronically free of charge via the *Oklahoma Law Review*'s Digital Commons page, at <http://digitalcommons.law.ou.edu/olr/>.

Editorial office: All editorial communications should be directed by email to mwaters@ou.edu, or by regular mail to the Editor-in-Chief, *Oklahoma Law Review*, University of Oklahoma College of Law, 300 Timberdell Road, Norman, Oklahoma 73019.

UNIVERSITY OF OKLAHOMA COLLEGE OF LAW

ADMINISTRATION

Joseph Harroz, Jr., B.A., J.D., *Dean of the College of Law, Director of the Law Center, Fenelon Boesche Chair in Law, and Professor of Law.*

Andrew M. Coats, B.A., J.D., *Dean Emeritus, Director Emeritus, Samuel Roberts Noble Foundation Presidential Professor, Arch B. & Joanne Gilbert Professor, and Professor of Law.*

Darin K. Fox, B.A., M.S., J.D., *Associate Dean, Director of the Law Library, and Professor of Law.*

Megan Wischmeier Shaner, B.S., J.D., *Associate Dean for Research and Scholarship, and Professor of Law.*

C. Brent Dishman, B.S., J.D., *Assistant Dean of Student Affairs.*

Stanley L. Evans, B.B.A., M.B.A., J.D., *Assistant Dean.*

Gail Mullins, B.S., J.D., *Assistant Dean of Experiential Learning,, Director of Legal Writing, and Assistant Professor of Law.*

Laura Palk, B.A., J.D., *Assistant Dean of Development and Alumni Affairs Adjunct Professor of Law*

Kenton Brice, B.B.A., J.D., M.S.-L.S., *Director of Technology Innovation.*

Melissa Caperton, B.A., *Director of Communications.*

David W. Dye, B.A., J.D., M.L.I.S., *Director, Graduate and International Programs.*

Brian Griffith, A.A.S., *Director of Information Technology.*

Peter C. Kraemer, B.A., M.A., M.A., *Director of Faculty Support.*

Autumn Lockett, B.A., *Director of Admissions.*

Ashley Murphy, B.A., M.B.A., J.D., *Director, Office of Career Development.*

Camel Pennington, B.A., J.D., *Director of Annual Giving.*

Glen Pinkston, B.S.B.A., M.A., *Director, Financial Services.*

Stacey Reynolds, B.A., *Director of Continuing Legal Education and Events.*

Sunny Rowland, B.S., J.D., *Director of Academic and Bar Support, and Director of Legal Assistant Education.*

Connie S. Smothermon, B.A., J.D., *Director of Competitions, Director of Externships, and Assistant Director and Assistant Professor of Legal Research & Writing.*

Joel Wegemer, B.A., J.D., M.L.S., *Deputy Director of the Law Library and Adjunct Professor of Law.*

Rachel Egli, B.A., *Editor, Sooner Lawyer, and Communications and Events Coordinator.*

Rebecca J. Lucas, *Registrar and Study Abroad Coordinator.*

Lisa Ross, *Executive Assistant to the Dean.*

Michael F. Waters, B.A., M.A., *Editorial Advisor for the Law Reviews.*

FACULTY

Owen L. Anderson, B.A., J.D., *Eugene Kuntz Chair in Law in Oil, Gas and Natural Resources Emeritus, George Lynn Cross Research Professor Emeritus, and Professor of Law Emeritus.*

Carolina Arlota, LL.M., J.S.D., *Visiting Assistant Professor of Law.*

Evelyn Aswad, BSFS, J.D., *Herman G. Kaiser Chair in International Law, and Professor of Law.*

Mary Sue Backus, B.A., M.A.T., J.D., *Robert Glenn Rapp Foundation Presidential Professor of Law.*

Brenda H. Barnes, B.A., J.D., *Assistant Professor of Clinical Legal Education.*

Donald T. Bogan, A.B., J.D., *Thomas P. Hester Presidential Professor, and Frank Elkouri and Edna Asper Elkouri Professor in Law.*

Sarah Burstein, B.A., J.D., *Professor of Law.*

Steven J. Cleveland, B.A., J.D., *Thomas P. Hester Presidential Professor, and Professor of Law.*

Andrew M. Coats, B.A., J.D., *Dean Emeritus, Director Emeritus, Samuel Roberts Noble Foundation Presidential Professor, Arch B. & Joanne Gilbert Professor, and Professor of Law.*

Monika U. Ehrman, B.S, J.D., LL.M., *Faculty Director, Oil & Gas, Natural Resources, and, Energy Center, and Associate Professor of Law.*

Jonathan Forman, B.A., M.A., M.A., J.D., *Kenneth E. McAfee Centennial Chair in Law.*

Darin Fox, B.A., M.S., J.D., *Associate Dean, Director of the Law Library, and Professor of Law.*

Steven S. Gensler, B.S., J.D., *Gene and Elaine Edwards Family Chair in Law, and President's Associates Presidential Professor.*

Mark R. Gillett, B.A., J.D., LL.M., *Professor of Law Emeritus.*

Katheleen Guzman, B.A., J.D., LL.M., *Associate Dean for Research and Scholarship, Earl Sneed Centennial Professor, MAPCO/Williams Presidential Professor, and Professor of Law.*

Joseph Harroz, Jr., B.A., J.D., *Dean of the College of Law, Director of the Law Center, Fenelon Boesche Chair in Law, and Professor of Law.*

Taiawagi Helton, B.A., J.D., LL.M., *W. DeVier Pierson Professor of Law, and Professor of Law.*

Stephen E. Henderson, B.S., J.D., *Judge Haskell A. Holloman Professor of Law.*

Eric E. Johnson, B.A., J.D., *Associate Professor of Law.*

Kit Johnson, B.A., J.D., *Associate Professor of Law.*

Drew Kershen, B.A., J.D., LL.M., *Earl Sneed Centennial Professor of Law Emeritus.*

F. Stephen Knippenberg, B.A., J.D., LL.M., *Floyd H. and Martha Norris Chair in Law, and Professor of Law.*

Maria T. Kolar, B.A., M.A., J.D., *Visiting Assistant Professor of Law.*

Peter F. Krug, B.A., M.S., Ph.D., J.D., *Herman G. Kaiser Foundation Chair in International Law Emeritus, and Professor of Law Emeritus.*

Peter B. Kutner, A.B., J.D., *Hugh Roff Professor of Law.*

Lubomir P. Litov, B.S., M.S., Ph.D., *Affiliate Associate Professor of Law.*

Brian McCall, B.A., M.A., J.D., *Orpha & Maurice Merrill Professor in Law.*

William J. McNichols, A.B., J.D., *Professor of Law Emeritus.*

Erin Means DeWalt, B.S., J.D., *Assistant Professor of Legal Research and Writing.*

Roger Michalski, B.A., J.D., Ph.D., *Associate Professor of Law.*

Frederick H. Miller, A.B., J.D., *Professor of Law Emeritus.*

Melissa Mortazavi, B.A., J.D., *Associate Professor of Law.*

Gail Mullins, B.S., J.D., *Assistant Dean of Experiential Learning,, Director of Legal Writing, and Assistant Professor of Law.*

Daniel Nicholson, B.A., J.D., *Assistant Professor of Legal Research and Writing.*

Christopher Odinet, B.A., J.D., *Affiliate Associate Professor in Entrepreneurship, and Associate Professor of Law*

Joyce Palomar, B.S., M.A., J.D., *Kenneth E. McAfee Chair in Law Emeritus, and Ada Lois Sipuel Fisher Presidential Professor of Law.*

Amy Pepper, B.A., J.D., *Assistant Professor of Clinical Education.*

Osborne M. Reynolds, A.B., J.D., LL.M., S.J.D., *Professor of Law Emeritus.*

Robert E.L. Richardson, B.A., J.D., LL.M., *Professor of Law Emeritus.*

Liesia Richter, B.S., J.D., *William J. Alley Professor of Law and Thomas P. Hester Presidential Professor of Law.*

Theodore Roberts, B.S., J.D., *Edith Kinney Gaylord Presidential Professor of Law, and Professor of Law Emeritus.*

Lindsay G. Robertson, A.B., M.A., Ph.D., J.D., *Faculty Director, Center for the Study of American Indian Law and Policy, Chickasaw Nation Endowed Chair in Native American Law, Sam K. Viersen Jr. Family Foundation Presidential Professor, and Professor of Law.*

Michael A. Scaperlanda, B.A., J.D., *Professor of Law Emeritus.*

Zachary M. Schmook, B.S., J.D., *Assistant Professor of Legal Research and Writing.*

Megan Wischmeier Shaner, B.S., J.D., *Associate Dean for Research and Scholarship, and Professor of Law.*

Erin Sheley, A.B., J.D., Ph.D., *Professor of Law.*

Connie S. Smothermon, B.A., J.D., *Director of Competitions, Director of Externships, and Assistant Director and Assistant Professor of Legal Research & Writing.*

Robert G. Spector, B.S., J.D., *Glenn R. Watson Centennial Chair in Law, and Professor of Law Emeritus.*

Rennard Strickland, B.A., M.A., J.D., S.J.D., *Senior Scholar in Residence.*

David Swank, B.A., J.D., *Dean Emeritus, and David Ross Boyd Professor of Law Emeritus.*

Murray Tabb, B.A., M.A., J.D., LL.M., *Judge Fred A. Daugherty Chair in Law, and David Ross Boyd Professor of Law.*

Rebekah C. Taylor, B.A., J.D., *Assistant Professor of Clinical Legal Education.*

Rick Tepker, B.A., J.D., *Floyd & Irma Calvert Chair of Law and Liberty, and Professor of Law.*

Joseph T. Thai, A.B., J.D., *Presidential Professor of Law, Glenn R. Watson Centennial Chair in Law, and Professor of Law.*

This publication is issued online by the University of Oklahoma College of Law as authorized by Dean Joseph Harroz, Jr. It is available by subscription via Westlaw, Lexis, and HeinOnline, and at no charge via Digital Commons and the College of Law website.

OKLAHOMA LAW REVIEW

EDITED AND COMPILED AT THE COLLEGE OF LAW OF THE UNIVERSITY OF OKLAHOMA
AND PUBLISHED QUARTERLY
© Oklahoma Law Review, 2019

COLLEN L. STEFFEN
Editor-in-Chief

KATHERINE M. RAUNIKAR
Managing Editor

ALAN FONSECA
Executive Articles Editor

VICTORIA JOHNSON
ERIC KRAMPF
ALLISON MEINDERS
*Note & Comment
Editors*

JIM JOHN
WIL NORTON
ASHLEY RAY
CHRIS SLOCUM
PAUL TORTORICI
SCOTTIE VERPLANK
*Assistant Managing
Editors*

PHOEBE MITCHELL
*Research Editor &
Candidate Mentor*

JAKE MARTIN
ASHLYN SMITH
MATT STOTT
Judiciary Committee

SARAH K. CAPPS
ANTHONY W. JOYCE
THOMAS J. JOYCE
Articles Editors

HAYLEY PARKER
Symposium Editor

BECKY BRYAN
COOPER DAVIS
JAKE MARTIN
MAEGAN MURDOCK
SHELBY RICE
MATT STOTT
Assistant Articles Editors

SHELBY RICE
*Topic Editor
& Candidate Mentor*

AMANDA BROUSSARD
CHRIS SLOCUM
Staff Editors

MEMBERS

CONNOR L. BALLINGER
BRENNAN T. BARGER
BAILEY BETZ
JACOB P. BLACK
RYAN D. BROWN
EVAN J. CRUMPLEY
DIANE DOH
JACOB M. DOWNS
COOPER E. EPPES
MARCI J. GRACEY
NATALIE M. JESTER
KARSON J. KATZ
MAEVE P. LINDSEY
MICAH G. MAHDI
JUSTIN M. MAI
NICK MARR

MATTHEW T. NEIMAN
TAYLOR J. FREEMAN PESHEHONOFF
JONATHAN L. ROGERS
GRANT P. SCOWDEN
AUSTIN SHEEHY
HEATHER S. TALLEY
ISAAC Z. TREADAWAY
REED C. TRECHTER
GRAYSON P. WALKER
SEAN C. WALLIS
JOSEPH D. WEISS
COURTNEY D. WEST
SIERRA L. WHITE
ALLYSON L. WILCOX
ABBIE D. ZUECH

OKLAHOMA LAW REVIEW

VOLUME 71

SUMMER 2019

NUMBER 4

ARTICLES

Private Eyes, They're Watching You: Law Enforcement's
Monitoring of Social Media
Rachel Levinson-Waldman 997

Relational Preferences in Chapter 11 Proceedings
Brook E. Gotberg 1013

The *Masterpiece Cakeshop* Decision and the Clash Between
Nondiscrimination and Religious Freedom
Klint W. Alexander, Ph.D, J.D. 1069

Detaining ISIS: Habeas and the Phantom Menace
Ernesto Hernández-López 1109

NOTES

Are They Dangerous Yet?: The Foreseeability
of Dangerousness in Oklahoma's Involuntary Outpatient
Commitment Law and Its Implications for Patient
Due Process Rights
Sarah K. Capps 1189

Debt Collectors Allowed to Play Hide and Hope Nobody
Seeks: *Midland Funding, LLC v. Johnson* and the Future
of Chapter 13 Bankruptcy
Allison Meinders 1211

Prosecuting Fatal Speech: What Minnesota's *State v. Final
Exit Network* Means for Assisted-Suicide Laws Across
the Country
Anthony W. Joyce 1229