

WAKE FOREST LAW REVIEW

VOLUME 60

2025

NUMBER 1

Copyright © 2025 by Wake Forest University

ARTICLES

A JUDGE’S VIEW ON REFORMING CONSTITUTIONAL INTERPRETATION.....	<i>Hon. Pierre H. Bergeron</i>	1
“THEN WHAT?”: A FRAMEWORK FOR LIFE WITHOUT <i>CHEVRON</i>	<i>Gary Lawson</i>	57
DEEPFAKES IN INTERROGATIONS.....	<i>Wayne A. Logan</i>	97
FEDERAL OFFICER CRIMINAL CASE REMOVAL.....	<i>Jonathan Remy Nash</i>	151

COMMENT

DON’T MESS WITH TEXAS(?): ANALYZING THE TEXAS TWO-STEP BANKRUPTCIES.....	<i>Mark Lee</i>	195
---	-----------------	-----

The *Wake Forest Law Review* (ISSN 0043-003X) is published five times a year in April, May, September, November, and December by the *Wake Forest Law Review*, Wake Forest University School of Law, Post Office Box 7206, Winston-Salem, North Carolina 27109-7206. The telephone number of the *Wake Forest Law Review* is (336) 758-5706. The website for the *Wake Forest Law Review* is <http://www.wakeforestlawreview.com>. The *Wake Forest Law Review* offices are located in Suites 2205 and 2206 of the Worrell Professional Center at Wake Forest University.

Subscriptions in the United States and Canada are \$60.00 per year, payable in advance (North Carolina residents add 7.75% sales tax); international subscriptions are \$60.00 per year. Subscriptions are renewed automatically unless notice to the contrary is received. Address changes or other requests regarding subscription information should be directed to J. Stillman Hanson, Jr., Business Editor, or lawreview@wfu.edu.

Back issues may be obtained from William S. Hein & Co., Inc., 2350 North Forest Rd., Getzville, New York 14068. The telephone number is (716) 882-2600. Prices are available upon request. Back issues may also be found in electronic format at <http://www.heinonline.org>.

The *Wake Forest Law Review* invites the submission of unsolicited manuscripts either through the mail or electronically. Directions for electronic submission can be found on the website. Manuscripts should be sent to the attention of the Senior Articles Editor. Manuscripts submitted through the mail cannot be returned unless a self-addressed, postage-paid envelope is submitted with the manuscript. The *Wake Forest Law Review* requests that contributing authors disclose any economic interests and affiliations that may influence the views expressed in submissions.

The *Wake Forest Law Review* conforms to *The Bluebook: A Uniform System of Citation* (21st ed. 2020) and *The Chicago Manual of Style* (18th ed. 2024). The *Wake Forest Law Review* is available on Westlaw and LEXIS and is indexed in the *Index to Legal Periodicals* and *Current Law Index*.

Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that (1) such copies are distributed at or below cost, (2) each copy clearly and conspicuously identifies the author and the *Wake Forest Law Review* as the journal of first publication, (3) proper notice of copyright is affixed to each copy, and (4) the user first obtains permission from the *Wake Forest Law Review* to make such copies.

The views expressed in the *Wake Forest Law Review* are those of the authors and do not necessarily reflect the policies or opinions of the *Wake Forest Law Review*, the Wake Forest University School of Law, or Wake Forest University.

Periodicals postage is paid at Winston-Salem, North Carolina, and additional mailing offices. POSTMASTER: Send address changes to *Wake Forest Law Review*, Wake Forest University School of Law, Post Office Box 7206, Winston-Salem, North Carolina 27109-7206.

WAKE FOREST LAW REVIEW

2024-2025

BOARD OF EDITORS

Editor-in-Chief

MIRIAM FUNK DRAPER

Managing Editor

NICHOLAS RADER

Executive Editors

Senior Articles Editor

JASMINE JAFFE

TRINITY CHAPMAN

MAEVE HICKEY

TED ORR

Senior Notes/Comments Editor

MEREDITH GILLESPIE

Articles Editors

WILLIAM COLTZER

NOAH MCDUFF

CLAYTON SHUPAK

MAE ZEITOUNI

MADELYN STROHM

RYAN VALERIO

Notes/Comments Editors

HANNAH DOHERTY

WILLIAM GILCHRIST

CAITLIN MAGUIRE

NICHOLAS WALTERS

Symposium Editors

MADISON CONE

SHERIDAN ECKER

Online Editors

MARIN BENNEROTTE

MARK LEE

KATIE PALMER

Research Editors

MICHAEL VERMEULEN

THOMAS WARD

Business Editor

J. STILLMAN HANSON, JR.

EDITORIAL STAFF

TAMARA ALLEN

DARIA BROWN

TOMASZ BUDZYN

JORDAN CARLSON

RYAN KAINZ

STAFF

JONAH AUSLANDER

SYDNEY BASDEN

VIVIAN BOLEN

WILLIAM BOYCE

VIRGINIA BROWN

JACK BRYANT

PALMER DAYHUFF

MADISON DOSER

ANNA DUONG-HARRISON

JOSHUA FLEMINGS

ALEXIS FURGAL

EMILY GORDON

ALEX GRACIA

EMILY HAGLUND

ANDREW HARP

JASMIN HERRERA

MARY GRACE HUTZLER

CULLEN IRWIN

ANNA LANTS

SPENCER LEWIS

JACK LIECHTY

MURRAY MCLLOUD

GRACE MOHLIN

EMILY MUNDT

EMILY RACE

JAY RAMESH

EMMA RICE

BENJAMIN RILEY

ANDREW RING

KAITLYN SNYDER

MELISSA STUCKEY

MADELINE TUCK

CHRIS WHIPPLE

SAMUEL ZELIFF

FACULTY ADVISOR

TANYA D. MARSH

Lead Administrative Professional

SONYA A. CASSTEVENS

ADMINISTRATIVE OFFICERS

SUSAN R. WENTE, *President, Wake Forest University*
ANDREW KLEIN, *Dean and Suzanne Reynolds Distinguished Chair in Law*
EVAN G. DIDIER, *Assistant Dean of Admissions and Financial Aid*
ALLYSON E. GOLD, *Associate Dean of Experiential Learning and Professor of Law*
CHRISTOPHER KNOTT, *Associate Dean for Information Services and Professor of Law*
ADAM LANDRETH, *Assistant Dean for Online Programs*
TANYA MARSH, *Senior Associate Dean for Academic Affairs and Professor of Law*
CHRIS MARTIN, *Assistant Dean for Academic Affairs*
SARAH J. MORATH, *Associate Dean for International Affairs and Professor of Law*
BRANDEN M. NICHOLSON, *Assistant Dean of Student Affairs*
LOGAN ROACH, *Assistant Dean of Development*
W. KEITH ROBINSON, *Associate Dean for Research and Professor of Law*
FRANCES SCOTT, *Assistant Dean of the Office of Career & Professional Development*
MARGARET TAYLOR, *Associate Dean for Academic Affairs and Professor of Law*

FACULTY

ALYSE BERTENTHAL, *Associate Professor of Law*
MEGHAN BOONE, *Professor of Law*
LANCE BURKE, *Reference Librarian*
MARGARET SHEA BURNHAM, *Teaching Professor*
W. JONATHAN CARDI, *Judge Donald L. Smith Professor of Law*
CHRISTINE NERO COUGHLIN, *Professor of Law*
TIMOTHY DAVIS, *Bess and Walter Williams Professor of Law*
NATHAN BENNETT FLEMING, *Assistant Professor of Law*
MARIE-AMÉLIE GEORGE, *Professor of Law*
BRENDA GIBSON, *Professor of Legal Writing*
SHANNON D. GILREATH, *Professor of Law and Professor of Women's, Gender, and Sexuality Studies*
LAURA P. GRAHAM, *Director of Legal Analysis, Writing, and Research and Professor of Legal Writing*
HEATHER GRAM, *Teaching Professor*
SUSAN K. GREBELDINGER, *Professor of Law*
MARK A. HALL, *Director of the Health Law and Policy Program and Fred D. and Elizabeth L. Turnage Professor of Law*
RAINA HAQUE, *Professor of Practice*
SALLY IRVIN, *Reference Librarian*
KATE IRWIN-SMILER, *Reference Librarian and Government Documents Librarian*
JOHN H. KNOX, *Henry C. Lauerman Professor of International Law*
JOHN J. KORZEN, *Director of the Appellate Advocacy Clinic and Associate Professor of Legal Writing*
HAROLD ANTHONY LLOYD, *Professor of Law*
MARY SUSAN LUCAS, *Reference Librarian*
CHRISTOPHER MEAZELL, *Professor of Practice*
ELEANOR MORALES, *Director of the Veterans Legal Clinic and Assistant Clinical Professor of Law*
REBECCA MORROW, *Professor of Law*
M. ELLEN MURPHY, *Professor of Practice*
STEVE H. NICKLES, *C.C. Hope Chair in Law and Management and Professor of Law*
ALAN R. PALMITER, *William T. Wilson, III Presidential Chair for Business Law and Professor of Law*
SAMIR PARIKH, *Professor of Law*
J. WILSON PARKER, *Professor of Law*
WENDY PARKER, *Research Professor of Law*
GREGORY S. PARKS, *Professor of Law*

ABIGAIL PERDUE, *Founding Director of the D.C. Summer Judicial Externship Program
and Professor of Law*

JASMINE PLOTT, *Reference Librarian*

S. MARK RABIL, *Director of the Innocence and Justice Clinic and Clinical Professor of Law*

ZANETA ROBINSON, *Director of the Intellectual Property Clinic and Associate Clinical
Professor*

SIMONE A. ROSE, *Professor of Law*

AUDRA SAVAGE, *Assistant Professor of Law*

SCOTT SCHANG, *Director of the Environmental Law and Policy Clinic and Professor of
Practice*

DICK SCHNEIDER, *Professor of Law*

SIDNEY A. SHAPIRO, *Frank U. Fletcher Chair in Administrative Law and Professor of Law*

KENNETH TOWNSEND, *Director of Leadership and Character in the Professional Schools
and Teaching Professor*

STEVEN VIRGIL, *Clinical Professor of Law*

RONALD WRIGHT, *Needham Yancey Gulley Professor of Criminal Law*

EMERITI FACULTY

CAROL B. ANDERSON, *Professor Emeritus of Law*

BUTCH COVINGTON, *Professor Emeritus of Law*

MICHAEL K. CURTIS, *Professor Emeritus of Law*

H. MILES FOY III, *Professor Emeritus of Law*

KATE MEWHINNEY, *Professor Emeritus of Law*

JOEL NEWMAN, *Professor Emeritus of Law*

SUZANNE REYNOLDS, *Dean Emerita and Professor Emerita of Law*

PATRICIA J. ROBERTS, *Professor Emeritus of Law*

THOMAS E. ROBERTS, *Professor Emeritus of Law*

CHARLES P. ROSE, JR., *Professor Emeritus of Law*

GEORGE K. WALKER, *Professor Emeritus of Law*

ROBERT K. WALSH, *Dean Emeritus and Professor Emeritus of Law*

KENNETH A. ZICK II, *Professor Emeritus of Law*

VISITING FACULTY

JOHN CARTER, *Visiting Assistant Professor of Law*

ANNA HEMINGWAY, *Visiting Professor*

EXTENDED FACULTY

ENRIQUE ARMIJO, *Adjunct Professor of Law*

CAITLIN AUGERSON, *Adjunct Professor of Law*

JOHN BABCOCK, *Adjunct Professor of Law and Partner at Waldrep, Wall, Babcock &
Bailey L.L.P.*

CLIFTON T. BARRETT, *Adjunct Professor of Law and Instructor for the Department of
Justice Criminal Trial Advocacy Course*

CYNTHIA BEDRICK, *Adjunct Professor*

JAGDEEP BHANDARI, *Adjunct Professor of Law*

NEIL BLOOMFIELD, *Adjunct Professor of Law*

MATTHEW H. BREEDING, *Adjunct Professor of Law*

MARJORIE BROWN, *Adjunct Professor of Law*

JOHN D. BRYSON, *Adjunct Professor of Law and Partner at Wyatt Early Harris Wheeler
L.L.P.*

KENNETH P. CARLSON, JR., *Adjunct Professor of Law and Partner at Constangy, Brooks,
Smith & Prophete L.L.P.*

A.J. CEBERIO, *Adjunct Professor of Law*

MIREILLE CLOUGH, *Adjunct Professor of Law*

SETH COHEN, *Adjunct Professor of Law*

MARNE COIT, *Adjunct Professor of Law*

LISA COSTNER, *Adjunct Professor of Law*
ERIC DASHNER, *Adjunct Professor of Law*
WHIT DAVIS, *Adjunct Professor*
ASHLEY DIMUZIO, *Adjunct Professor of Law*
CRISSY DIXON, *Adjunct Professor of Law*
STEVE ENGLUND, *Adjunct Professor*
EDWARD ERGENZINGER, *Adjunct Professor of Law*
JASON EVANS, *Adjunct Professor of Law and Partner at Troutman Pepper Locke L.L.P.*
STEVE FRIEDLAND, *Adjunct Professor of Law*
MICHAEL FULKS, *Adjunct Professor*
RANDALL GALYON, *Adjunct Professor of Law*
ELLEN R. GELBIN, *Adjunct Professor of Law and Forsyth County District Court Arbitrator
and Mediator*
ROBERT GIBSON, *Adjunct Professor*
CLARK GOODMAN, *Adjunct Professor of Law*
HELEN GRANT, *Adjunct Professor*
JOHN GRIFFING, *Adjunct Professor of Law*
TODD HAIRSTON, *Adjunct Professor of Law*
DENISE HARTSFIELD, *Adjunct Professor of Law*
SONNY HAYNES, *Adjunct Professor of Law*
KATIE HEATH, *Adjunct Professor of Law*
JAMES HEFFERAN, *Adjunct Professor of Law*
JAMES JANSEN, *Adjunct Professor of Law*
ELIZABETH KEYES, *Adjunct Professor of Law*
ALISON LESTER, *Adjunct Professor*
KURT LINDQUIST, *Adjunct Professor of Law*
SARA LOEBNER, *Adjunct Professor of Law*
DAVID LOGAN, *Adjunct Professor of Law*
WILLIAM J. MCMAHON IV, *Adjunct Professor of Law and Partner at Constangy, Brooks,
Smith & Prophete L.L.P.*
GIL MIDDLEBROOKS, *Adjunct Professor of Law*
MARK PARENT, *Adjunct Professor of Law*
DAVID PISHKO, *Adjunct Professor of Law*
WILLIAM PLEASANT, *Adjunct Professor*
CRAIG PRINCIPE, *Adjunct Professor*
HON. MICHAEL L. ROBINSON, *Special Superior Court Judge for Complex Business Cases
and Adjunct Professor of Law*
JOHN I. SANDERS, *Adjunct Professor of Law*
DAVID SENTER, *Adjunct Professor of Law and Senior Counsel at Maynard Nexsen P.C.*
RACHEL SHIELDS, *Adjunct Professor*
JEFFREY SKINNER, *Adjunct Professor of Law*
REBECCA SMITHERMAN, *Adjunct Professor of Law*
BRITTANY SPEAS, *Adjunct Professor of Law*
NIYA SWINT, *Adjunct Professor*
YOLANDA TAYLOR, *Adjunct Professor of Law*
BRUCE THOMPSON, *Adjunct Professor of Law*
DONALD R. VAUGHAN, *Adjunct Professor of Law and Attorney and Counselor at Law at
Donald R. Vaughan & Associates*
JOHN VERMITSKY, *Adjunct Professor of Law and Partner at Morrow, Porter, Vermitsky &
Taylor P.L.L.C.*
CARRIE VICKERY, *Adjunct Professor*
JEFFREY WALD, *Adjunct Professor*
ROB WALL, *Adjunct Professor of Law*
WARD WELLMAN, *Adjunct Professor of Law*
SYLVIA WILLIAMS, *Adjunct Professor of Law*
BEN WINIKOFF, *Adjunct Professor of Law*