

# University of Michigan Journal of Law Reform

---

Volume 36

---

2003

## Front Matter

Journal of Law Reform

Follow this and additional works at: <https://repository.law.umich.edu/mjlr>

---

### Recommended Citation

Journal of Law Reform, *Front Matter*, 36 U. MICH. J. L. REFORM i (2003).

Available at: <https://repository.law.umich.edu/mjlr/vol36/iss3/1>

This Front Matter is brought to you for free and open access by the University of Michigan Journal of Law Reform at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in University of Michigan Journal of Law Reform by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact [mLaw.repository@umich.edu](mailto:mLaw.repository@umich.edu).

UNIVERSITY OF MICHIGAN  
**JOURNAL of LAW REFORM**

---

VOLUME 36 • ISSUE 3

SPRING 2003

UNIVERSITY OF MICHIGAN  
LAW SCHOOL  
ANN ARBOR, MICHIGAN



40 85 4S 3749  
03/04 XL  
02-013-06 66C



Cite as: 36 U. MICH. J.L. REFORM \_\_\_\_ (2003)

Copyright © 2003 by the *University of Michigan Journal of Law Reform*. All rights reserved. Except where otherwise expressly indicated, copies of scholarship printed in the *University of Michigan Journal of Law Reform* may be made for course use in any public or private institution of learning provided that (1) copies are distributed at or below cost, (2) the author and the *University of Michigan Journal of Law Reform* are identified on the copies, and (3) proper notice of copyright is affixed to each copy.

The *University of Michigan Journal of Law Reform* is published quarterly by students of the University of Michigan Law School. Fourth-class postage paid at Ann Arbor, Michigan 48109. Printed by Joe Christensen, Inc., Lincoln, Nebraska 68521.

*University of Michigan Journal of Law Reform*  
University of Michigan Law School  
625 S. State Street  
Ann Arbor, MI 48109-1215  
Telephone: (734) 763-6100  
<http://students.law.umich.edu/mjlr/>

#### PUBLICATION POLICY

The *Journal* seeks to improve the law and its administration by providing a forum for discussion that identifies contemporary issues for reform efforts, proposes concrete means to accomplish change, and evaluates the impact of law reform. As contributions to this discussion, the *Journal* also welcomes multidisciplinary and empirical work.

We encourage the submission of unsolicited manuscripts for publication. Each manuscript should be typed, double-spaced and sent to the Editor in Chief at the above address or e-mailed to [jlr-submissions@umich.edu](mailto:jlr-submissions@umich.edu). Articles should generally conform to *A Uniform System of Citation* (17th ed. 2000) and *The Chicago Manual of Style* (14th ed. 1993). We regret that we cannot return submitted articles unless they are accompanied by a self-addressed postage-paid envelope.

Views expressed in the *Journal* are those of the authors and not necessarily those of the editorial staff.

#### SUBSCRIPTIONS

The current subscription rate is \$35.00 domestic and \$40.00 foreign. All subscription inquiries should be made, by mail or phone as stated above, to the Business Manager. Subscribers should report the nonreceipt of copies within six months of the mailing date.

#### INDIVIDUAL AND BACK ISSUES

Copies of individual issues from the current volume can be obtained directly from the *Journal* for \$15.00 each.

Back issues in complete sets, volumes, or single issues can be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209—Telephone (716) 882-2600. The *Journal* is also available on microfilm through University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106—Telephone (734) 761-4700.

#### INDEXES

The *Journal* is indexed in the Current Law Index, Index to Legal Periodicals, Legal Resource Index, and PAIS Bulletin.

ISSN 0033-1546

UNIVERSITY OF MICHIGAN  
**JOURNAL of LAW REFORM**

---

Editorial Board

Volume 36 • 2002-2003

*Editor in Chief*

JOHNNY McCRAW JR.

*Managing Editor*

JENNIFER J. BAUMANN

*Managing Article Editor*

CATHERINE A. HEITCHUE

*Article Editors*

ERIC M. FOUNTAIN  
DAINIUS A. KRIVINSKAS  
NATHANIEL ARI LONG  
GINGER B. MIMIER

*Executive Editors*

TARUN J. CHANDRAN  
JENNIFER L. CONTER  
JEFFREY M. HOLDVOGT  
DAVID H. KAPLAN  
BERNARD A. MEIS  
VICTORIA Q. SMITH  
CHRISTINE F. VAUGHN

*Executive Note Editor*

SARAH C. BARNES

*Note Editors*

JESSICA R. FALK  
ERIC R. GOODMAN  
ERICA A. GREEN  
JOSEPH D. KING  
BRIAN A. YOUNG

*Symposium Editors*

GAIL S. BAYARIN  
JAY H. LEE

*Contributing Editors*

ALISSA J. BELKIN  
NICHOLAS J. CARTIER  
MARC L. EDELMAN  
GRANT B. GELBERG

LARA A. LENITON  
NEEL P. PAREKH  
JULIE M. RUSCZEK

BENJAMIN M. SUPERFINE  
ALISON K. VRATIL  
LANCE R. WILKINSON  
MARCELLA C. WILLIAMS

*Associate Editors*

EDUARDO AVILES  
LYNN L. BERNDT  
SARAH A. BINDER  
MICHAEL G. CECCHINI  
SHARON A. CERESNIE  
PETER E. CHUNG  
GARY Y. CHYI  
REBECCA E. DAY  
JOSHUA D. DICK  
EDWARD R. DIETZ  
SARAH E. DOERR  
JOHN G. FEDYNSKY  
MATTHEW T. FERRIS  
GERARD FILITTI  
ELIZABETH L. FINE  
CAROLYN V. FODOR  
LAUREN G. GIBBS

ANDREA R. GOLD  
DEBORAH A. GOLDFARB  
LISA R. GREENBAUM  
ABBAY T. HARRIS  
SARA G. HEWITT  
EBONY-DAWN HOWARD  
ERIK C. JONES  
LANDON Y. JONES  
DANIEL M. KATZ  
NATHAN J. KAVLIE  
IAN T. KELLY  
HARPREET K. KHERA  
ALEEN LEE  
KATIE C. LORENZ  
ANDREW J. MAILHOT  
FRANKLIN H. NA  
MAREN R. NORTON  
SHAMIR PATEL

NICOLE L. PROULX  
ALISSA M. RADDATZ  
LANCE D. RICH  
MATTHEW K. ROTHMAN  
BEVERLY J. RYSKAMP  
MELISSA L. SCHWAB  
MARA B. SIERCHIO  
JARED S. STEIN  
BOBBY A. TAHVILDARAN  
GREY A. TANZI  
JEFFREY S. TERRACIANO  
ALEXANDER J. VANDERWEIDE  
SHARLYN K. WALLING  
STEPHANIE S. WANG  
DAVID J. WARD  
AMANDA R. WHITMAN  
NICOLE L. WIEBER

*Business Manager*

MAUREEN A. BISHOP

*Editorial Assistants*

CATHERINE T. LEGGIERI  
MATTHEW S. REDDING

*Office Assistant*

LAURIE E. BRANNAN

# UNIVERSITY OF MICHIGAN LAW SCHOOL

Spring 2003

## Administrative Officers

MARY SUE COLEMAN, B.A., Ph.D. *President of the University*  
PAUL N. COURANT, B.A., M.A., Ph.D., *Provost and Executive Vice President for Academic Affairs*  
JEFFREY S. LEHMAN, A.B., M.P.P., J.D. *Dean*  
EVAN H. CAMINKER, B.A., J.D., *Associate Dean for Academic Affairs*  
BRIDGET M. McCORMACK, B.A., J.D., *Associate Dean for Clinical Affairs*  
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for International Programs*  
DAVID H. BAUM, B.A., J.D., *Assistant Dean of Students*  
CHARLOTTE H. JOHNSON, B.A., J.D., *Assistant Dean of Students*  
KATHERINE B. GOTTSCHALK, B.A., *Assistant Dean for Financial Aid*  
SUSAN M. GUINDI, B.A., J.D., *Assistant Dean for Career Services*  
GEORGE L. FOLLANSBEE, JR., A.B., J.D., *Assistant Dean for Development and Alumni Relations*  
SARAH C. ZEARFOSS, A.B., J.D., *Assistant Dean and Director of Admissions*  
ROBERT E. PRECHT, B.A., J.D., *Assistant Dean of Public Service*

## Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,  
*Edson R. Sunderland Professor of Law*  
OLIN L. BROWDER, A.B., LL.B., S.J.D.,  
*James V. Campbell Professor of Law*  
ALFRED F. CONARD, A.B., LL.B., LL.M.,  
J.S.D., LL.D.,  
*Henry M. Butzel Professor of Law*  
LUKE K. COOPERRIDER, B.S., J.D.  
SAMUEL D. ESTEP, A.B., J.D.  
ROBBEN W. FLEMING, B.A., LL.B., LL.D.  
WHITMORE GRAY, A.B., J.D., LL.D.  
JEROLD H. ISRAEL, B.B.A., LL.B.,  
*Alene and Allan F. Smith Professor of Law*  
JOHN H. JACKSON, B.A., J.D.,  
*Hessel E. Yntema Professor of Law*  
CHARLES W. JOINER, A.B., J.D.  
FRANK R. KENNEDY, A.B., LL.B., J.S.D.,  
*Thomas M. Cooley Professor of Law*  
WILLIAM J. PIERCE, A.B., J.D.  
ROY F. PROFFITT, B.S., J.D., LL.M.  
JOHN W. REED, A.B., LL.B., LL.M., JUR.Sc.D.,  
*Thomas M. Cooley Professor of Law*  
TERRANCE SANDALOW, A.B., J.D.,  
*Edson R. Sunderland Professor of Law*  
THEODORE J. ST. ANTOINE, A.B., J.D.,  
*James E. and Sarah A. Degan Professor of Law*  
ERIC STEIN, J.U.D., J.D., DR.H.C.,  
*Hessel E. Yntema Professor of Law*  
PETER O. STEINER, A.B., M.A., Ph.D.

## Professors of Law

LAYMAN E. ALLEN, A.B., M.P.A., LL.B.  
REUVEN S. AVI-YONAH, B.A., A.M., Ph.D., J.D.,  
*Irwin I. Cohn Professor of Law*  
OMRI BEN-SHAHAR, B.A., LL.B., LL.M., Ph.D.  
EVAN H. CAMINKER, B.A., J.D.  
DAVID L. CHAMBERS, A.B., LL.B.,  
*Wade H. McCree, Jr. Collegiate Professor of Law*  
SHERMAN J. CLARK, B.S., J.D.  
EDWARD H. COOPER, A.B., LL.B.,  
*Thomas M. Cooley Professor of Law*  
STEVEN P. CROLEY, A.B., J.D., M.A., Ph.D.  
REBECCA S. EISENBERG, B.A., J.D.,  
*Robert and Barbara Luciano Professor of Law*  
PHOEBE C. ELLSWORTH, A.B., Ph.D.,  
*Kirkland and Ellis Professorship in Law*  
MERRITT B. FOX, B.A., J.D., Ph.D.,  
*Alene and Allan F. Smith Professor of Law*  
RICHARD D. FRIEDMAN, B.A., J.D., D.Phil.,  
*Ralph W. Aigler Collegiate Professor of Law*  
BRUCE W. FRIER, B.A., Ph.D.,  
*Henry King Ransom Professor of Law*  
THOMAS A. GREEN, B.A., Ph.D., J.D.,  
*John Philip Dawson Collegiate Professor of Law*  
SAMUEL R. GROSS, A.B., J.D.,  
*Thomas G. and Mabel Long Professor of Law*  
JAMES C. HATHAWAY, LL.B., LL.M., J.S.D.  
DONALD J. HERZOG, A.B., A.M., Ph.D.,  
*Edson R. Sunderland Professor of Law*  
RODERICK M. HILLS, JR., B.A., J.D.  
ROBERT L. HOWSE, B.A., LL.B., LL.M.  
DOUGLAS A. KAHN, B.A., J.D.,  
*Paul G. Kauper Professor of Law*  
YALE KAMISAR, A.B., LL.B., LL.D.,  
*Clarence Darrow Distinguished University  
Professor of Law*  
THOMAS E. KAUPER, A.B., J.D.,  
*Henry M. Butzel Professor of Law*  
JAMES E. KRIER, B.S., J.D.,  
*Earl Warren DeLano Professor of Law*  
JEFFREY S. LEHMAN, A.B., M.P.P., J.D.  
RICHARD O. LEMPert, A.B., J.D., Ph.D.,  
*Eric Stein Distinguished University Professor of Law*  
KYLE D. LOGUE, B.A., J.D.  
CATHARINE A. MACKINNON, B.A., J.D., Ph.D.,  
*Elizabeth A. Long Professor of Law*  
DEBORAH C. MALAMUD, B.A., J.D.,  
*James E. and Sarah A. Degan Professor of Law*  
WILLIAM I. MILLER, B.A., Ph.D., J.D.  
*Thomas G. Long Professor of Law*  
SALLYANNE PAYTON, A.B., LL.B.  
DONALD H. REGAN, A.B., LL.B., B.Phil., Ph.D.,  
*William W. Bishop, Jr. Collegiate Professor of Law*  
MATHIAS W. REIMANN, DR. IUR., LL.M.  
*Hessel E. Yntema Professor of Law*

CARL E. SCHNEIDER, A.B., J.D.,  
*Chauncey Stillman Professorship for Ethics,  
Morality, and the Practice of Law*  
REBECCA J. SCOTT, A.B., M.PHIL., PH.D.  
A.W. BRIAN SIMPSON, B.A., M.A., D.C.L.,  
*Charles F. and Edith J. Clyne Professor of Law*  
E. PHILIP SOPER, B.A., M.A., J.D., PH.D.,  
*James V. Campbell Professor of Law*  
JOSEPH VINING, B.A., M.A., J.D.,  
*Harry Burns Hutchins Collegiate Professor of Law*

LAWRENCE W. WAGGONER, B.B.A., J.D.,  
D.PHIL.,  
*Lewis M. Simes Professor of Law*  
PETER K. WESTEN, B.A., J.D.,  
*Frank G. Millard Professor of Law*  
JAMES BOYD WHITE, A.B., A.M., LL.B.,  
*L. Hart Wright Collegiate Professor of Law*  
JAMES J. WHITE, B.A., J.D.,  
*Robert A. Sullivan Professor of Law*  
CHRISTINA B. WHITMAN, A.B., M.A., J.D.,  
*Francis A. Allen Collegiate Professor of Law*

*Assistant Professors of Law*

MICHAEL S. BARR, B.A., M.PHIL., J.D.  
SUSANNA L. BLUMENTHAL, A.B., M.A., J.D.,  
M.PHIL.  
DANIEL HALBERSTAM, B.A., J.D.  
PETER J. HAMMER, B.S., B.A., J.D., PH.D.  
DAVID HASEN, B.A., PH.D., J.D.

ELLEN D. KATZ, B.A., J.D.  
NINA A. MENDELSON, B.A., J.D.  
RICHARD A. PRIMUS, A.B., D. PHIL., J.D.  
ADAM C. PRITCHARD, B.A., M.P.P., J.D.  
MOLLY S. VAN HOUWELING, B.A., J.D.  
MARK D. WEST, B.A., J.D.

*Clinical Professors of Law*

DONALD N. DUQUETTE, B.A., J.D.  
ROCHELLE E. LENTO, B.A., J.D.  
BRIDGET M. MCCORMACK, B.A., J.D.

PAUL D. REINGOLD, B.A., J.D.  
NICHOLAS J. RINE, B.A., J.D.  
GRACE C. TONNER, B.A., J.D.

*Clinical Assistant Professors of Law*

EDWARD R. BECKER, B.A., J.D.  
KENNETH D. CHESTEK, B.A., J.D.  
LAURENCE D. CONNOR, A.B., J.D.  
SACHA M. COUPET, A.B., PH.D., J.D.  
RACHEL CROSKERY-ROBERTS, B.A., J.D.  
PHILIP M. FROST, B.A., J.D.

PAUL HOLLAND, B.A., J.D., LL.M.  
MARK K. OSBECK, A.B., M.A., J.D.  
DAVID A. SANTACROCE, B.A., J.D., LL.M.  
ANNE N. SCHROTH, B.A., J.D.  
THOMAS H. SEYMOUR, B.A., M.A., J.D.  
NANCY VETTORELLO, B.A., M.U.P., J.D.

*Affiliated Overseas Professor*

HANOCH DAGAN, LL.B., LL.M., J.S.D.

*Adjunct Clinical Assistant Professor of Law*

STEVIE SWANSON, B.A., J.D.

UNIVERSITY OF MICHIGAN  
**JOURNAL of LAW REFORM**

VOLUME 36 • ISSUE 3

SPRING 2003

CONTENTS

SYMPOSIUM: ELECTION REFORM

ARTICLES

- The Absentee Ballot and the Secret Ballot:  
Challenges for Election Reform  
*John C. Fortier*  
*Norman J. Ornstein* .....483
- Voter Education: The Key to Election Reform  
Success Lessons from Florida  
*Susan A. MacManus* .....517
- Barriers to Participation  
*Trevor Potter*  
*Marianne H. Viray* .....547

---

ARTICLE

- Crazy (Mental Illness Under the ADA)  
*Jane Byeff Korn* .....585

NOTE

- Waiving Goodbye: Incarcerating Waived Juveniles  
in Adult Correctional Facilities Will Not  
Reduce Crime  
*Ellie D. Shefi* .....653

