

# University of Michigan Journal of Law Reform

---

Volume 31

---

1998

## 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*, 31 U. MICH. J. L. REFORM i (1998).

Available at: <https://repository.law.umich.edu/mjlr/vol31/iss4/1>

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 31  
ISSUE 4  
SUMMER 1998

UNIVERSITY OF MICHIGAN  
LAW SCHOOL  
ANN ARBOR, MICHIGAN

Cite as: 31 U. MICH. J.L. REFORM \_\_ (1998).

Copyright © 1998 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

#### 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 Managing Article Editor at the above address. Articles should generally conform to *A Uniform System of Citation* (16th ed. 1996) 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 new subscription rate for Volume 31 will be \$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 \$10.00 each. The following Special Issue is available for \$25.00: *Products Liability Symposium*.

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



Announcement of 1998  
Editorial Board

# UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM

VOLUME 32

*Editor in Chief*  
F. PATRICK HALLAGAN

*Managing Editor*  
SALLY K. SEARS

*Executive Editors*  
REBECCA M. BRANDMAN  
LISA M. DRESNER  
ELSIE MATA  
DANIELLE C. SVESKA

*Symposium Editor*  
BRIAN T. DONADIO

ALI A. AKHTAR  
GARLAND W. ALLISON  
MICHAEL S. BAIG  
JASON K. BOWLER  
MATTHEW W. CARLIN  
DAVID B. CHARNIN  
ARADHANA DAS  
MATTHEW R. ELKIN

SETH D. ABRAMS  
MARILYNN E. ARMOUR  
JULIA E. BLANKERTZ  
LIZABETH A. BOYER  
NICHOLAS A. BUDOR  
CHRISTOPHER D. BUTLER  
SARA W. CLASH  
JOSEPH F. FIELDER  
MARC J. FINKELSTEIN  
ALEX L. FUGAZZI  
SARAH E. GERAGHTY  
BRIAN M. GINGOLD  
DANIEL E. HAROLD  
ROBERT M. HARTLEY  
KEVIN M. HENRY  
THOMAS W. JENKINS

*Business Manager*  
MAUREEN A. BISHOP

*Managing Article Editor*  
MATTHEW T. FINDLEY

*Article Editors*  
JOHN A. CHILSON  
CATHERINE M. DUNN  
DANIEL E. MORRISON

*Contributing Editors*  
KIMBERLY A. EMERSON  
OLIVIER N. FARACHE  
JESSE GOLDSTEIN  
DAVID G. HUFFMAN-GOTTSCHLING  
GEORGE E. GURROLA  
SHARI L. KESSLER  
DAVID C. KIRK  
TODD B. KLESSMAN  
KIMBERLY KOONTZ

*Associate Editors*  
DANA C. JEWELL  
EILEEN M. KIERNAN  
SHANNON L. KIMBALL  
DENISE A. KIRKOWSKI  
THOMAS H. KLEIN  
BRYANT T. LAMER  
CHUNG-HAN LEE  
PHILLIP H. LEE  
AMY E. LEHMAN  
MICHELLE I. LUNG  
ALISON B. MACDONALD  
NIAMH M. MCEVOY  
AMAN L. MCLEOD  
MATTHEW B. MOCK  
AMY M. MORTON  
ERIC J. MOUTZ

*Editorial Assistants*  
CATHERINE T. LEGGIERI  
MATTHEW S. REDDING

*Executive Note Editor*  
KENDRA D. CHEVES

*Note Editors*  
LACEY S. CALHOUN  
JASON H. EHRENBERG  
JENNETTA D. GROCHOWSKI  
TIMOTHY S. LEIMAN  
TODD W. ROESER  
DAVID E. SMITH  
JOSHUA S. SPECTOR

JERRY S. KOWAL  
LISA M. KRAMARENKO  
MATTHEW J. PERRY  
MARC L. ROBINSON  
ANI B. SATZ  
JAKE SCHMIDT  
STEVEN K. TAYLOR  
J. RANDAL WEXLER

ROBERT NEGRON  
NICOLE S. PAKKALA  
PATRICIA M. PETROWSKI  
KENNETH J. PIPPIN  
MICHAEL S. PONDER  
WAYNE E. REAMES  
AMY REMUS SCOTT  
MARGO M. SCHNEIDMAN  
MARK A. SMITH  
DANIEL B. STOLARSKY  
JASON J. STOVER  
KIM K. STRONG  
JEAN L. TAYLOR  
KARYN A. THWAITES  
GENA E. WILTSEK  
LAURA E. ZACHMAN

*Administrative Assistant*  
DELLAREESE WEATHERSPOON

# UNIVERSITY OF MICHIGAN LAW SCHOOL

## *Administrative Officers*

LEE C. BOLLINGER, B.S., J.D., *President of the University*  
NANCY E. CANTOR, B.A., PH.D., *Provost and Executive Vice President for Academic Affairs*  
JEFFREY S. LEHMAN, A.B., J.D., M.P.P., *Dean*  
CHRISTINA B. WHITMAN, A.B., M.A., J.D., *Associate Dean for Academic Affairs*  
SUSAN M. EKLUND, A.B., J.D., *Associate Dean for Student Affairs*  
SUELLYN SCARNECCHIA, B.A., J.D., *Associate Dean for Clinical Affairs*  
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for International Programs*  
ERICA A. MUNZEL, B.A., J.D., *Assistant Dean for Admissions*  
KATHY A. OKUN, M.A., PH.D., *Assistant Dean for Development and Alumni Relations*

## *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., L.L.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*  
MARVIN L. NIEHUSS, A.B., LL.B.  
WILLIAM J. PIERCE, A.B., J.D.  
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.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*  
THEODORE J. ST. ANTOINE, A.B., J.D.,  
*James E. and Sarah A. Degan Professor of Law*  
RUSSELL A. SMITH, A.B., J.D.  
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.  
JOSE E. ALVAREZ, A.B., B.A., M.A., J.D.  
LEE C. BOLLINGER, B.S., J.D.  
DAVID L. CHAMBERS, A.B., LL.B.,  
*Wade H. McCree Professor of Law*  
EDWARD H. COOPER, A.B., LL.B.,  
*Thomas M. Cooley Professor of Law*  
DONALD N. DUQUETTE, †† B.A., J.D.  
REBECCA S. EISENBERG, B.A., J.D.  
PHOEBE C. ELLSWORTH, A.B., PH.D.,  
*Kirkland & Ellis Professor of Law*  
MERRITT B. FOX, B.A., J.D., PH.D.  
RICHARD D. FRIEDMAN, B.A., J.D., D.PHIL.  
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 Professor of Law*  
SAMUEL R. GROSS, A.B., J.D.  
DONALD J. HERZOG, A.B., A.M., PH.D.  
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., J.D., M.P.P.  
RICHARD O. LEMPERT, A.B., J.D., PH.D.,  
*Francis A. Allen Professor of Law*  
CATHARINE A. MACKINNON, B.A., J.D., PH.D.  
DEBORAH C. MALAMUD, B.A., J.D.  
WILLIAM I. MILLER, B.A., PH.D., J.D.  
SALLYANNE PAYTON, A.B., LL.B.  
RICHARD H. PILDES, A.B., J.D.,  
*Roy F. and Jean Humphrey Proffitt Research  
Professor of Law*  
DONALD H. REGAN, A.B., LL.B., B.PHIL., PH.D.,  
*William W. Bishop, Jr. Professor of Law*  
MATHIAS W. REIMANN, DR. IUR., LL.M.  
PAUL D. REINGOLD, †† B.A., J.D.  
WILLIAM M. RICHMAN, \* B.A., J.D.  
TERRANCE SANDALOW, A.B., J.D.,  
*Edson R. Sunderland Professor of Law*  
SUELLYN SCARNECCHIA, †† B.A., J.D.  
CARL E. SCHNEIDER, A.B., J.D.  
A. W. BRIAN SIMPSON, B.A., M.A., D.C.L.,  
*Charles F. and Edith J. Clyne  
Professor of Law*  
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 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 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.

*Assistant Professors of Law*

P.E. BENNETT, †† B.S., M.A., J.D.  
ERIC A. BILSKY, †† B.A., M.A., J.D.  
RENEE BIRNBAUM, †† B.A., J.D.  
HOWARD J. BROMBERG, †† B.A., J.D., J.S.M.  
LORRAY S.C. BROWN, †† B.A., J.D.  
SHERMAN J. CLARK, B.S., J.D.  
STEVEN P. CROLEY, A.B., J.D., M.A.  
THOMAS B. DARNTON, \* †† B.A., J.D.  
CAMERON DAVIS, † †† B.A., J.D.  
PHILIP M. FROST, † B.A., J.D.  
PETER J. HAMMER, B.S., B.A., J.D., PH.D.  
MICHAEL A. HELLER, A.B., J.D.  
RODERICK M. HILLS, JR., B.A., J.D.

KIMBERLY A. JAMES, †† A.B., J.D.  
LANCE R. JONES, †† A.B., J.D.  
ROCHELLE E. LENTO, †† B.A., J.D.  
KYLE D. LOGUE, B.A., J.D.  
ANDREA D. LYON, †† B.A., J.D.  
RONALD J. MANN, B.A., J.D.  
NICHOLAS J. RINE, †† B.A., J.D.  
ANNE N. SCHROTH, †† B.A., J.D.  
THOMAS H. SEYMOUR, †† B.A., M.A., J.D.  
CAROLYN R. SPENCER, †† A.B., J.D.  
RONALD E. STEINBERG, †† B.A., J.D.  
GRACE C. TONNER, †† B.A., J.D.  
MELISSA K. WORDEN, †† B.A., J.D.

\**Visiting*

†*Adjunct*  
††*Clinical*

## ANNOUNCEMENT OF AWARDS

### SARAH HONIGMAN MEMORIAL AWARD

This award has been given to F. Patrick Hallagan, Editor in Chief of Volume 32 of the *University of Michigan Journal of Law Reform*, in recognition of his superior scholastic record, effective leadership, and outstanding contribution to the *Journal*.

### LOUIS HONIGMAN MEMORIAL AWARD

This award has been given to Richard M. Assmus for significant contributions to the *University of Michigan Journal of Law Reform* during his junior and senior years.

### RAYMOND K. DYKEMA SCHOLARSHIP AWARD

This award has been given to John A. Chilson for significant contributions to the *University of Michigan Journal of Law Reform* during his junior year and in recognition of qualifications that indicate the likelihood of future contributions to the legal profession.

### E. BLYTHE STASON AWARD

This award has been given to Albert E. Hartman, author of the best student contribution to Volume 31:1 of the *University of Michigan Journal of Law Reform*.

### SCRIBES AWARD

An honorary membership in Scribes, the Society of Writers on Legal Subjects, has been given to Karen Ginsberg for an outstanding published contribution to Volume 30 of the *University of Michigan Journal of Law Reform*.

UNIVERSITY OF MICHIGAN

VOLUME 31  
ISSUE 4  
SUMMER 1998

JOURNAL OF  
LAW REFORM

CONTENTS

ARTICLES

- The Electronic Media and the Flight from  
First Amendment Doctrine: Justice Breyer's  
New Balancing Approach  
*Jerome A. Barron* . . . . . 817
- Did the Civil Justice Reform Act of 1990  
Actually Expire?  
*Carl Tobias* . . . . . 887
- A Proposal to the *Hanodaganyas* to Decolonize  
Federal Indian Control Law  
*Robert B. Porter* . . . . . 899

NOTE

- Extraditing Mexican Nationals in the Fight  
Against International Narcotics Crimes  
*Joshua S. Spector* . . . . . 1007