

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/iss2/1>

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.



UNIVERSITY OF MICHIGAN

*JOURNAL OF
LAW REFORM*

VOLUME 31
ISSUE 2
WINTER 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



UNIVERSITY OF MICHIGAN
JOURNAL OF
LAW REFORM

VOLUME 31

Editor in Chief
NICOLE B. YOUNG

Managing Editor
JONATHAN D. MORRIS

Executive Editors
IRA D. FINKELSTEIN
ALBERT E. HARTMANN
LAURA M. HUTCHESON
RACHEL M. WERTHEIMER

Symposium Editor
MICHAEL B. SACHS

ALEXANDER T. ALLEN
TAMMY L. ALSPECTOR
JAMES T. BAILEY
KAREN A. BEIKERT
MICHAEL BOBELIAN
AMY B. CHASANOV
C. LEWIS COLLINS
MATTHEW R. DRAKE

ALI A. AKHTAR
GARLAND W. ALLISON
MICHAEL S. BAIG
JASON K. BOWLER
REBECCA M. BRANDMAN
LACEY S. CALHOUN
MATTHEW W. CARLIN
DAVID B. CHARNIN
KENDRA D. CHEVES
JOHN A. CHILSON
ARADHANA DAS
BRIAN T. DONADIO
LISA S. DOUGLASS
LISA M. DRESNER
CATHERINE M. DUNN
JASON H. EHRENBERG

Business Manager
MAUREEN A. BISHOP

Managing Article Editor
RICHARD M. ASSMUS

Article Editors
JENNIFER F. MEZEY
SAMANTHA J. MORTON
MARIO J. TARARA

Contributing Editors

LYNNE M. GOLICHNIK
BRIAN R. HINTON
SUSAN C. KIM
JASON B. KOENIG
ROBERT J. MAGUIRE
CHRISTOPHER S. OLSON
DOUGLAS S. PARKER

Associate Editors
MATTHEW R. ELKIN
KIMBERLY A. EMERSON
ADAM E. ENGEL
OLIVIER N. FARACHE
MATTHEW T. FINDLEY
JESSE GOLDSTEIN
JENNETTA D. GROCHOWSKI
GEORGE E. GURROLA
F. PATRICK HALLAGAN
DAVID G. HUFFMAN-GOTTSCHLING
DAVID C. KIRK
TODD B. KLESSMAN
JERRY S. KOWAL
LISA M. KRAMARENKO
TIMOTHY S. LEIMAN

Editorial Assistants
CATHERINE T. LEGGIERI
MATTHEW S. REDDING

Executive Note Editor
SCOTT E. EASTMOND

Note Editors
STACY A. BERMAN
DAVID S. GINGOLD
SARAH K. LOOMIS
KATHLEEN M. MARCUS
CLAIRE S. POUGET
SUSAN D. WOOD

BARBARA M. RUSSELL
KELLY L. SCHMITT
MONICA L. SWANSON
SONYA J. TEAGUE
KRISTEN M. TSANGARIS
NICOLE L. VERCRUYSE
CURTIS J. WEIDLER
CHRISTOPHER G. WINTER

ELSIE MATA
DANIEL E. MORRISON
MATTHEW J. PERRY
KATHLEEN M. RAVEN
MARC L. ROBINSON
TODD W. ROESER
RICHARD M. ROUNTREE
AMAR D. SARWAL
ANI B. SATZ
JAKE SCHMIDT
SALLY K. SEARS
DAVID E. SMITH
JOSHUA S. SPECTOR
DANIELLE C. SVESKA
STEVEN K. TAYLOR
JAMES R. WEXLER

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*
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., 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
MARVIN L. NIEHUSS, A.B., LL.B.
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
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.
ANDREW S. WATSON, B.S., M.D., M.S. IN MED.

Professors of Law

T. ALEXANDER ALEINIKOFF,* B.A., J.D.
LAYMAN E. ALLEN, A.B., M.P.A., LL.B.
JOSE E. ALVAREZ, A.B., B.A., M.A., J.D.
ELIZABETH M. BARRY,† B.A., J.D.
JOHN S. BECKERMAN,* A.B., M.A., PH.D., J.D.
MITCHELL N. BERMAN,* A.B., J.D., M.A.
LEE C. BOLLINGER, B.S., J.D.
ANDREW P. BUCHSBAUM,† A.B., J.D.
DAVID L. CHAMBERS, A.B., LL.B.,
Wade H. McCree Professor of Law
LAURENCE D. CONNOR,† B.A., J.D.
EDWARD H. COOPER,** A.B., LL.B.,
Thomas M. Cooley Professor of Law
SHELDON H. DANZIGER,† B.A., PH.D.
TIMOTHY L. DICKINSON,† A.B., J.D., LL.M.
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
WILLIAM E. FISHER,† M.A., J.D.
MERRITT B. FOX,** B.A., J.D., PH.D.
MATTHEW FRANK,† B.A., J.D.
RICHARD D. FRIEDMAN,** B.A., J.D., D.PHIL.
BRUCE W. FRIER, B.A., PH.D.,
Henry King Ransom Professor of Law
RODERICK M. GLOGOWER,† B.A., M.A.
KARTHIGASEN GOVENDER,* LL.B.
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.
ALISON HIRSCHL,† B.A., J.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.
SCOTT E. MASTEN,* M.A., PH.D.
TRACEY L. MEARES,* B.S., J.D.
WILLIAM I. MILLER, B.A., PH.D., J.D.
ROBERTA J. MORRIS,* A.B., J.D., M.A., PH.D.
CYRIL MOSCOW,† B.S., J.D.
SHOZO OTA,* B.A., M.A.
ALAN R. PALMITER,* B.S., J.D.
SALLYANNE PAYTON, A.B., LL.B.
WILLIAM F. PEDERSEN,* B.A., LL.B.
RICHARD H. PILDES,** A.B., J.D.,
*Roy F. and Jean Humphrey Proffitt Research
Professor of Law*
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
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.
STEVEN W. RHODES,† B.S.M.E., J.D.
WILLIAM M. RICHMAN,* B.A., J.D.
MARK D. ROSENBAUM,† B.A., J.D.
THEODORE J. ST. ANTOINE,** A.B., J.D.,
James E. and Sarah A. Degan Professor of Law

TERRANCE SANDALOW, A.B., J.D.,
Edson R. Sunderland Professor of Law
SUELLYN SCARNECCHIA, †† B.A., J.D.
CINDY A. SCHIPANI, * B.A., J.D.
CARL E. SCHNEIDER, ** A.B., J.D.
BRUNO E. SIMMA, * DOCTORATE OF LAW, 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
CYNTHIA STARNES, * B.S., J.D., LL.M.
EDWARD W. STEIN, † B.A., J.D.
JOHN TILEY, * B.A., B.C.L.

JOSEPH VINING, B.A., M.A., J.D.,
Harry Burns Hutchins Professor of Law
MICHEL WAELBROECK, † DOCTOR OF LAW, LL.M.
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.
LORI L. COHEN, †† B.A., J.D.
STEVEN P. CROLEY, A.B., J.D., M.A.
THOMAS B. DARNTON, * †† B.A., J.D.
CAMERON DAVIS, † †† B.A., J.D.
MARK P. FANCHER, * †† B.S., J.D.
HEIDI L. FELDMAN, ** B.A., J.D., PH.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.
LAURA A. ROSE DAY, † †† B.S., 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.

Instructors in Law

MARGARET A. LEARY, † B.A., M.A., J.D.

* *Visiting*
** *On Leave*

† *Adjunct*
†† *Clinical*

UNIVERSITY OF MICHIGAN

VOLUME 31
ISSUE 2
WINTER 1998

JOURNAL OF
LAW REFORM

CONTENTS

ARTICLES

"Crimtorts" as Corporate Just Deserts
Thomas Koenig
Michael Rustad 289

Spare the Rod, Embrace Our Humanity:
Toward a New Legal Regime Prohibiting
Corporal Punishment of Children
Susan H. Bitensky 353

Adverse Possession of Municipal Land:
It's Time to Protect This Valuable Asset
Paula R. Latovick 475

NOTE

Reforming Accretion Analysis Under the NLRA:
Supplementing a Borrowed Analysis with
Meaningful Policy Considerations
Matthew S. Miner 515