

University of Michigan Journal of Law Reform

Volume 25

1991

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*, 25 U. MICH. J. L. REFORM i (1991).

Available at: <https://repository.law.umich.edu/mjlr/vol25/iss1/1>

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 25
ISSUE 1
FALL 1991

UNIVERSITY OF MICHIGAN
LAW SCHOOL
ANN ARBOR, MICHIGAN

Cite as: 25 U. MICH. J.L. REF. ____ (1991).

Copyright © 1992 by the University of Michigan Law School. All rights reserved.

University of Michigan Journal of Law Reform
University of Michigan Law School
Ann Arbor, MI 48109-1215

Telephone: (313) 763-2195

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 Lincoln, Nebraska 68521. Printed by Joe Christensen, Inc., Lincoln, Nebraska 68521.

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* 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 Article Editors at the above address. Articles should generally conform to *The Bluebook: A Uniform System of Citation* (15th ed. 1991) and *The Chicago Manual of Style* (13th ed. 1982). The *Journal* encourages authors to use gender-neutral language in their scholarly work. 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 author and not necessarily those of the editorial staff.

SUBSCRIPTIONS

The subscription rate for Volume 25 is \$28.00 domestic and \$31.00 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 \$8.00 each. The following Special Issues are available for \$12.50 each:

- The Government and Union Democracy (24:3 & 4)
- A Response to the Truth in Criminal Justice Series (23:4)
- The 'Truth in Criminal Justice' Series (22:3 & 4)

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 (313) 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 25
ISSUE 1
FALL 1991

CONTENTS

On Coming of Age:
Twenty-five Years of the
University of Michigan Journal of Law Reform
Francis A. Allen 1

ARTICLES

Two (Federal) Wrongs Make a (State) Right:
State Class Action Procedures as an Alternative
to the Opt-In Class Action Provisions of the ADEA
Janet M. Bowermaster 7

Accountability in Government and Section 1983
Mark R. Brown 53

Paradox and Pandora's Box:
The Tragedy of Current Right-to-Die Jurisprudence
Cathaleen A. Roach 133

NOTES

Gatekeepers of the Profession:
An Empirical Profile of the Nation's Law Professors
Robert J. Borthwick and Jordan Schau 191

UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

JAMES J. DUDERSTADT, M.S., Ph.D., *President of the University*
GILBERT R. WHITAKER, JR., M.S., Ph.D., *Provost and Vice President for Academic Affairs*
LEE C. BOLLINGER, B.S., J.D., *Dean*
EDWARD H. COOPER, A.B., LL.B., *Associate Dean for Academic Affairs*
SUSAN M. EKLUND, A.B., J.D., *Associate Dean for Student Affairs and Operations*
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D., *Associate Dean for the Law Library*
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for Student Affairs*
ANNE P. KNOTT, B.S., M.A.T., *Assistant Dean for Capital Campaign*
JONATHAN D. LOWE, B.A., J.D., *Assistant Dean for Law School Relations*
DENNIS J. SHIELDS, B.A., J.D., *Assistant Dean and Admissions Officer*

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,
Edson R. Sunderland Professor of Law
OLIN L. BROWDER, JR., 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.
ROGER A. CUNNINGHAM, S.B., J.D.,
James V. Campbell Professor of Law
SAMUEL D. ESTEP, A.B., J.D.
ROBBEN W. FLEMING, B.A., LL.B., LL.D.
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.
GEORGE E. PALMER, A.B., J.D., LL.M.
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
ALLAN F. SMITH, A.B., LL.B., LL.M., S.J.D.
RUSSELL A. SMITH, A.B., J.D.
ERIC STEIN, J.U.D., J.D., DR.H.C., 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.
PHILIP ALLOTT,* B.A., LL.M.
AHARON BARAK,* LL.M., DR.URIS.
LEE C. BOLLINGER, B.S., J.D.
MICHAEL H. BRADLEY, M.B.A., PH.D.
DAVID L. CHAMBERS, A.B., LL.B.,
Wade H. McCree Professor of Law
JULIUS L. CHAMBERS, B.A., M.A., J.D., LL.M.
EDWARD H. COOPER, A.B., LL.B.,
Thomas M. Cooley Professor of Law
GENNADY M. DANILENKO,* DIPL., DR. OF LAW
JOSHUA DRESSLER,* B.A., J.D.
DONALD N. DUQUETTE,†† B.A., J.D.
REBECCA S. EISENBERG, B.A., J.D.
PHOEBE C. ELLSWORTH, A.B., PH.D.
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.
WHITMORE GRAY, A.B., J.D., LL.D.
THOMAS A. GREEN, B.A., PH.D., J.D.,
John Philip Dawson Professor of Law
SAMUEL R. GROSS, A.B., J.D.
ROBERT J. HARRIS,† B.A., LL.B.
DONALD J. HERZOG, A.B., A.M., PH.D.
JOSEPH ISENBERGH,* A.B., A.M., PH.D., J.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
WILLIAM R. JENTES,* A.B., J.D.
DOUGLAS A. KAHN, B.A., J.D.,
Paul G. Kauper Professor of Law
YALE KAMISAR, A.B., LL.B., LL.D.,
Henry King Ransom Professor of Law
THOMAS E. KAUPER, A.B., J.D.,
Henry M. Butzel Professor of Law
LARRY B. KRAMER, A.B., J.D.
JAMES E. KRIER, B.S., J.D.,
Earl Warren DeLano Professor of Law
FREDERICK W. LAMBERT,* A.B., J.D.
RICHARD O. LEMPERT, A.B., J.D., PH.D.
CATHARINE A. MACKINNON, B.A., J.D., PH.D.
MITSUO MATSUSHITA,* B.A., PH.D., DJUR.
WILLIAM I. MILLER, B.A., PH.D., J.D.
SALLYANNE PAYTON, A.B., LL.B.
ERNST-ULRICH PETERSMANN,* DR.IUR. UTR.
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.
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
JOSEPH L. SAX,* A.B., J.D.
CARL E. SCHNEIDER, A.B., J.D.
JOEL SELIGMAN, A.B., J.D.
BRUNO SIMMA,** 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
MARK C. VAN PUTTEN,†† B.A., J.D.
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
JOSEPH WEILER,** B.A., LL.B., PH.D., LL.M.
PETER K. WESTEN,** B.A., J.D.
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
PATRICIA D. WHITE,* B.A., J.D., M.A.
CHRISTINA B. WHITMAN, A.B., M.A., J.D.
YOICHIRO YAMAKAWA,* LL.B., M.C.L.
YULIN ZHANG,* B.A., LL.B.

Assistant Professors of Law

FRED E. BELL,†† B.A., J.D.
MARIE R. DEVENEY,** B.A., M.A., J.D.
HEIDI L. FELDMAN, B.A., J.D.
JULIE M. FIELD,†† B.A., J.D.
SUSAN HEDMAN,†† B.A., M.A., J.D., PH.D.
AVERY KATZ, B.A., M.A., J.D., PH.D.
JEFFREY S. LEHMAN, A.B., J.D., M.P.P.
ROCHELLE E. LENTO,†† B.A., J.D.
MARK D. MITSHKUN,†† B.A., J.D.
YVONNE E. MENA,†† B.A., J.D.
RICHARD H. PILDES,** A.B., J.D.
DAVID PIONTKOWSKY,†† B.A., J.D.
NICHOLAS J. RINE,†† B.A., J.D.
SUELLYN SCARNECCHIA,†† B.A., J.D.
THEODORE M. SHAW, B.A., J.D.
KENT D. SYVERUD, B.S.F.S., J.D., M.A.

Instructor in Law

MARY F. WHITE,† B.A., J.D.

Lecturers in Law

SUSAN R. GZESH,† A.B., J.D.

CYRIL MOSCOW,† B.S., J.D.

*Visiting
**On Leave

†Adjunct
††Clinical

UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM



EDITORIAL BOARD

Volume 25

Editor in Chief
VALERIE J. WALD

Managing Editor
MICHAEL G. WEISBERG

Article Editors
HENRY R. CHALMERS
ELIZABETH C. COOMBE
CHRISTIN EATON GARCIA

Executive Note Editor
THOMAS J. BYRNE

Executive Editors
MICHAEL "MISHA" MISHLOVE
MARK T. PHILLIS
ZACHARY W. L. WRIGHT

Note Editors
MARGARET B. MCLEAN
STEVEN W. PEARLMAN
MARK N. ROSE
JEFFREY A. ROTH
STEVEN L. SPILLAN

*Research &
Development Editor*
DEMETRIA E. VONG

Symposium Editor
AMY E. MEYERS

Contributing Editors

DEREK SCOTT ADOLF
JOHN F. BIRMINGHAM
WILLIAM T. CASEY
JOHN W. CHRISTOPHER
JEFFREY R. DAVIS

FRANK N. GAETA
PATRICK F. MCGOW
KATHERINE S. POOLE
MAYDA PREGO

ROBERT A. SELTZER
DAVID L. SOBEL
NICOLE E. WALDBAUM
ROGER D. WYNNE
JOSEPH J. ZACCARIA

Associate Editors

BRADLEY D. ANDERSON
MARCUS A. ASNER
MICHELLE N. BACCHUS
M. CONNER BALL
KEVIN J. BONNER
LIESEL E. BRAND
NINA N. CHANG
MARK E. CRANE
TERENCE W. DOUGLASS
MICHAEL M. EDSON
KRISTINA M. ENTNER

MARISA A. GÓMEZ
KIRSTIN A. GULLING
RUSSELL W. HAHN
MARY ANN HART
JAMIE C. HECHT
PHYLLIS H. HURWITZ
INGRID M. JOHANSEN
DAVID L. KASPER
RAYMOND M. KETCHLEDGE
MICHAEL S. KNOPF
WILLIAM S. KOSKI

JORDAN E. KROLICK
DAVID J. MACKINNON
EGDILIO J. MORALES
DAVID E. MORRISON
LINDA A. POPOVICH
KATHRYN R. L. RAND
DOUGLASS M. RAYBURN
MICHAEL S. SCHIFFER
MARCIA WANE SPIESS
PHILIP STRATON STAMATAKOS
JAMES M. TONER

Business Manager
MAUREEN A. BISHOP

Secretary
APRIL S. COLLINS