

# Michigan Law Review

---

Volume 89 | Issue 8

---

1991

## Periodical Index

Michigan Law Review

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

---

### Recommended Citation

Michigan Law Review, *Periodical Index*, 89 MICH. L. REV. 2332 (1991).

Available at: <https://repository.law.umich.edu/mlr/vol89/iss8/9>

This Index is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review 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).

## PERIODICAL INDEX

This Index includes *articles*, *comments*, and some of the longer *notes* and *recent developments* that have appeared in leading reviews since the publication of the last issue of this *Review*.

### ADMINISTRATION OF JUSTICE

See *Aliens*.

### ADMINISTRATIVE AGENCIES

Application of the rules of evidence in administrative agency formal adversarial adjudications: a new approach. Michael H. Graham. 1991 U. Ill. L. Rev. 353-412 (No. 2).

### ADOPTION

Where do black children belong? The politics of race matching in adoption. Elizabeth Bartholet. 139 U. Pa. L. Rev. 1163-256 (May).

### AGE DISCRIMINATION

Arbitrating claims under the Age Discrimination in Employment Act of 1967. 59 U. Cin. L. Rev. 1415-40 (Spring).

### AIR POLLUTION

The 1990 Clean Air Act amendments: section 112 comes of age. 59 U. Cin. L. Rev. 1253-73 (Spring).

### ALIENS

Aliens' alienation from justice: the Equal Access to Justice Act should apply to deportation proceedings. 75 Minn. L. Rev. 1185-222 (Apr.).

### ANIMALS

See *Endangered Species*

### ANTITRUST LAW

Bundling patented drugs and medical services: an antitrust analysis. 91 Colum. L. Rev. 1188-220 (June).

A redrafted section 1 of the Sherman Act. Robert H. Heidt. 66 Notre Dame L. Rev. 603-59 (No. 3).

### ARBITRATION AND AWARD

See *Age Discrimination*

### ARREST

See *Police*.

### ASYLUM

Prisoners of foreign policy: an argument for ideological neutrality in asylum. 104 Harv. L. Rev. 1877-97 (June).

### ATTORNEYS

See also *Legal Profession*.

Do lawyers improve the adversary system? A general theory of litigation advice and its regulation. Stephen McG. Bundy & Einer Richard Elhauge. 79 Calif. L. Rev. 313-420 (Mar.).

### AUTHORITY

Challenging authority. Heidi M. Hurd. 100 Yale L.J. 1611-77 (Apr.).

### BANKRUPTCY

See also *Bonds*, *Environmental Law*, *Pension Plans*.

The implied good faith filing requirement: sentinel of an evolving bankruptcy policy. Lawrence Ponoroff & F. Stephen Knippenberg. 85 Nw. U. L. Rev. 919-92 (Summer).

Trading claims in chapter 11: how much influence can be purchased in good faith under section 1126? 139 U. Pa. L. Rev. 1393-422 (May).

### BANKRUPTCY: ARRANGEMENTS, REORGANIZATIONS, AND OTHER PLANS

Venue choice and forum shopping in the bankruptcy reorganization of large publicly held companies. Lynn M. LoPucki & William C. Whitford. 1991 Wis. L. Rev. 11-63 (No. 1).

### BANKRUPTCY: DISCHARGE

Dischargeability of criminal restitution obligations under chapter 13 of the Bankruptcy Code. 59 U. Cin. L. Rev. 1349-72 (Spring).

### BANKS AND BANKING

See *Electronic Funds Transfers*.

### BONDS

Distress-contingent convertible bonds: a proposed solution to the excess debt problem. 104 Harv. L. Rev. 1857-77 (June).

### BUSINESS

See *Handicapped Persons*.

### CAPITAL PUNISHMENT

The *Lockett* paradox: reconciling guided discretion and unguided mitigation in capital sentencing. Scott E. Sundby. 38 UCLA L. Rev. 1147-208 (June).

**CHILD ABUSE**

See also *Confrontation Clause, Discovery, Women*.

*N.N. v. Moraine Mutual Insurance Co.*: the liability insurance intentional injury exclusion in cases of child sexual abuse. 1991 Wis. L. Rev. 139-73 (No. 1).

Tolling the statute of limitations for adult survivors of childhood sexual abuse. 76 Iowa L. Rev. 355-82 (Jan.).

**CIVIL PROCEDURE**

Local rules as experiments: a study in the division of power. A. Leo Levin. 139 U. Pa. L. Rev. 1567-95 (June).

**CIVIL RICO ACTIONS**

Letting the punishment fit the crime: proportional forfeiture under criminal RICO's source of influence provision. 75 Minn. L. Rev. 1223-53 (Apr.).

**COLLECTIVE BARGAINING**

The efficacy of successorship clauses in collective bargaining agreements. 79 Geo. L.J. 1549-80 (June).

**COLLEGES AND UNIVERSITIES**

See *Discrimination, Sports, Teachers & Teaching, Trial Practice*.

**COMMERCIAL LAW**

Symposium on the Seventh Circuit as a commercial court. Articles by Richard Booth, Dennis Honabach, Roger Dennis, Douglas M. Branson, Barry Kellman, Susan M. Franzetti, Richard W. Speidel, C. Paul Rogers, III, Lee Elizabeth Michaels, & Frank Easterbrook. 65 Chi-Kent L. Rev. 667-881 (No. 3).

**COMMON LAW**

Continental law and common law: historical strangers or companions? R.H. Helmholz. 1990 Duke L.J. 1207-28 (Dec.).

**COMMUNICATIONS**

See *Electronic Surveillance*.

**COMPARATIVE LAW**

See *Right of Privacy, Sovereignty*.

**COMPUTER SOFTWARE**

See *Patents*.

**COMPUTERS**

"Garbage in, gospel out": criminal discovery, computer reliability, and the Constitution. Robert Garcia. 38 UCLA L. Rev. 1043-145 (June).

**CONFLICT OF LAWS**

A conflict of laws model for foreign branch

deposit cases. 58 U. Chi. L. Rev. 671-702 (Spring).

**CONFRONTATION CLAUSE**

*State v. Thomas*: face to face with *Coy* and *Craig* — constitutional invocation of Wisconsin's child-witness protection statute. 1990 Wis. L. Rev. 1613-53 (No. 6).

**CONSTITUTIONAL LAW**

See also *Courts, Equal Protection, First Amendment, Foreign Law, Fourth Amendment, Impeachments, Judges, Poverty Law, Retroactive Laws & Decisions, Separation of Powers*.

Constitutionalism and secession. Cass R. Sunstein. 58 U. Chi. L. Rev. 633-70 (Spring).

A critique of Justice Antonin Scalia's approach to fundamental rights adjudication. 1990 Duke L.J. 1337-60 (Dec.).

Fact construction and judgment in constitutional adjudication. Emmet T. Flood. 100 Yale L.J. 1795-814 (Apr.).

**CONSTITUTIONAL THEORY**

See also *Jurisprudence, Legal History, Sovereignty*.

Freedom of expression and the civic republican revival in constitutional theory: the ominous implications. Martin H. Redish & Gary Lippman. 79 Calif. L. Rev. 267-311 (Mar.).

**CONSTRUCTION CONTRACTS**

Economic losses caused by construction deficiencies: the competing regimes of contract and tort. William K. Jones. 59 U. Cin. L. Rev. 1051-102 (Spring).

**CONTRACTS**

Hypothetical bargains: the normative structure of contract interpretation. David Charny. 89 Mich. L. Rev. 1815-79 (June).

Repudiated Compromise after breach. 100 Yale L.J. 2229-45 (May).

**CORPORATE CRIMINAL RESPONSIBILITY**

Corporate ethos: a standard for imposing corporate criminal liability. Pamela H. Bucy. 75 Minn. L. Rev. 1095-184 (Apr.).

**CORPORATE LAW**

See *Securities Fraud*.

**CORPORATE OFFICERS**

See *Stockholders*.

**CORPORATIONS**

See also *Bonds, Pension Plans, Stockholders*.  
Back to *Basics*: regulating how corporations speak to the market. Ian Ayrea. 77 Va. L. Rev. 945-99 (Aug.).

Piercing the corporate veil: an empirical

study. Robert B. Thompson. 76 Cornell L. Rev. 1036-74 (July).

### COURTS

See also *Economics*.

The courts of appeals and the future of the federal judiciary. Kenneth W. Starr. 1991 Wis. L. Rev. 1-9 (No. 1).

Rehearing *sua sponte* in the U.S. Supreme Court: a procedure for judicial policymaking. 65 Chi-Kent L. Rev. 919-46 (No. 3).

The Tax Court, article III, and the proposal advanced by the Federal Courts Study Committee: a study in applied constitutional theory. Deborah A. Geier. 76 Cornell L. Rev. 985-1035 (July).

### CRIME VICTIMS

See *Rape*.

### CRIMINAL LAW

See also *Bankruptcy: Discharge, Environmental Law, Women*.

Shame, culture, and American criminal law. Toni M. Massaro. 89 Mich. L. Rev. 1880-944 (June).

### CRIMINAL PROCEDURE

See also *Computers, Prosecutors, Self-Incrimination, Sentencing*.

Twentieth annual review of criminal procedure: United States Supreme Court and courts of appeals 1989-90. 79 Geo. L.J. 591-1354 (Apr.).

### CRIMINOLOGY

See *Criminal Law, Legal Theory, Sentencing*.

### CRITICAL LEGAL STUDIES

Form and substance in critical legal studies. 100 Yale L.J. 2209-28 (May).

### CULTURAL PROPERTY

See *Law & the Arts*.

### DEMOCRACY

See *Government*.

### DEPORTATION

See *Aliens*.

### DISCOVERY

See also *Computers, Evidence*.

Easing access to the courts for incest victims: toward an equitable application of the delayed discovery rule. 100 Yale L.J. 2189-208 (May).

### DISCRIMINATION

See also *Dispute Resolution, First Amendment, Handicapped Persons*.

Bumping the status quo: actual relief for

actual victims under title VII. 58 U. Chi. L. Rev. 703-32 (Spring).

A case for race-consciousness. T. Alexander Aleinikoff. 91 Colum. L. Rev. 1060-125 (June).

Ethnomiseducationalization: a legal challenge. 100 Yale L.J. 1815-34 (Apr.).

Race-based faculty hiring and layoff remedies in school desegregation cases. 104 Harv. L. Rev. 1917-36 (June).

Sex(ual orientation) and title VII. 91 Colum. L. Rev. 1158-87 (June).

### DISPUTE RESOLUTION

Adjudication in independent tribunals: the role of an alternative agency structure. Daniel J. Gifford. 66 Notre Dame L. Rev. 965-1024 (No. 4).

The mediation alternative: process dangers for women. Trina Grillo. 100 Yale L.J. 1545-610 (Apr.).

### DIVORCE AND SEPARATION

See *Probate Law & Practice*.

### DOUBLE JEOPARDY

Double jeopardy analysis comes home: the "same conduct" standard in *Grady v. Corbin*. 79 Ky. L.J. 847-66 (No. 4).

### ECONOMICS

Government promises and due process: an economic analysis of the "new property". 77 Va. L. Rev. 1053-90 (Aug.).

Lessons from financial economics: materiality, reliance, and extending the reach of *Basic v. Levinson*. Jonathan R. Macey, Geoffrey P. Miller, Mark L. Mitchell & Jeffrey M. Netter. 77 Va. L. Rev. 1017-49 (Aug.).

Status and incentive aspects of judicial decisions. Jeffrey Evans Stake. 79 Geo. L.J. 1447-97 (June).

### EDUCATIONAL MALPRACTICE

See *Discrimination*.

### ELECTIONS

Application of section 2 of the Voting Rights Act to runoff primary election laws. 91 Colum. L. Rev. 1127-57 (June).

Section 2 of the Voting Rights Act and judicial elections: application and remedy. 58 U. Chi. L. Rev. 733-67 (Spring).

### ELECTRONIC FUNDS TRANSFERS

Recordkeeping and reporting in an attempt to stop the money laundering cycle: why blanket recording and reporting of wire and electronic funds transfers is not the answer. 66 Notre Dame L. Rev. 863-92 (No. 3).

### ELECTRONIC SURVEILLANCE

The electronic surveillance of privileged

communications: a conflict in doctrines. Michael Goldsmith & Kathryn Ogden Balmforth. 64 S. Cal. L. Rev. 903-50 (May).

#### EMPLOYEE BENEFITS

See *Pension Plans*.

#### EMPLOYER AND EMPLOYEE

See *Technology*.

#### EMPLOYMENT DISCRIMINATION

The changing nature of employment discrimination litigation. John J. Donohue, III & Peter Siegelman. 43 Stan. L. Rev. 983-1033 (May).

#### ENDANGERED SPECIES

The exemption process under the Endangered Species Act: how the "god squad" works and why. 66 Notre Dame L. Rev. 825-62 (No. 3).

#### ENVIRONMENTAL LAW

See also *Hazardous Waste Sites*.

Criminal enforcement of environmental laws — a national priority. Dick Thornburgh. 59 Geo. Wash. L. Rev. 775-80 (Apr.).

Criminal enforcement of environmental laws on federal facilities. 59 Geo. Wash. L. Rev. 938-67 (Apr.).

Earth first? CERCLA reimbursement claims and bankruptcy. 58 U. Chi. L. Rev. 795-822 (Spring).

Environmental crimes: raising the stakes. Robert W. Adler & Charles Lord. 59 Geo. Wash. L. Rev. 781-861 (Apr.).

Environmental criminal enforcement priorities for the 1990s. James M. Strock. 59 Geo. Wash. L. Rev. 916-37 (Apr.).

Expressive functions of criminal sanctions in environmental law. Susan Hedman. 59 Geo. Wash. L. Rev. 889-99 (Apr.).

Holding environmental consultants liable for their negligence: a proposal for change. 64 S. Cal. L. Rev. 1143-86 (May).

"[I]t's all right to kill people, but not trees": landowners of environmentally unsafe properties must be held strictly liable for personal injuries caused by their contaminated land. 66 Notre Dame L. Rev. 893-948 (No. 3).

Perspectives on the knowledge requirement of section 7928(d) of RCRA after *United States v. Dee*. Jane F. Barrett & Veronica M. Clarke. 59 Geo. Wash. L. Rev. 862-88 (Apr.).

Turbulent times at justice and EPA: the origins of environmental criminal prosecutions and the work that remains. Judson W. Starr. 59 Geo. Wash. L. Rev. 900-15 (Apr.).

#### EQUAL PROTECTION

Towards a theory of underclass review. 43 Stan. L. Rev. 1095-132 (May).

#### EQUITY

See *Corporations, Torts*.

#### ESTABLISHMENT CLAUSE

Crèches, Christmas trees and menorahs: weeds growing in Roger Williams' garden. David M. Corbin. 1990 Wis. L. Rev. 1597-611 (No. 6).

#### ESTOPPEL

Judicial estoppel — beating shields into swords and back again. 139 U. Pa. L. Rev. 1711-60 (June).

#### EVIDENCE

See also *Administrative Agencies, Rape*.

An application of the prejudice rule in evidence: *People v. Hendricks*. Thomas M. Mengler. 1991 U. Ill. L. Rev. 507-31 (No. 2).

The discovery confidentiality controversy. Richard L. Marcus. 1991 U. Ill. L. Rev. 457-506 (No. 2).

Evidence engendered. Kit Kinports. 1991 U. Ill. L. Rev. 413-56 (No. 2).

#### FEDERAL RULES OF CIVIL PROCEDURE

See *Civil Procedure, Discovery, Estoppel*.

#### FEDERALISM

Federalism and company law: a "race to the bottom" in the European Community. 79 Geo. L.J. 1581-618 (June).

#### FEMINISM

The "no-problem" problem: feminist challenges and cultural change. Deborah L. Rhode. 100 Yale L.J. 1731-93 (Apr.).

#### FEMINIST JURISPRUDENCE

See *Women*.

#### FIFTH AMENDMENT

See *Self-Incrimination*.

#### FIRST AMENDMENT

See also *Constitutional Theory, Establishment Clause, Freedom of Speech, Judges*.

Beyond *Mergens*: ensuring equality of student religious speech under the Equal Access Act. 100 Yale L.J. 2149-68 (May).

Nude dancing and the first amendment. 59 U. Cin. L. Rev. 1275-310 (Spring).

*Simon & Schuster, Inc. v. Fischetti*: can New York's Son of Sam Law survive first amendment challenge? 66 Notre Dame L. Rev. 1075-110 (No. 4).

State power and discrimination by private clubs: first amendment protection for non-expressive associations. 104 Harv. L. Rev. 1835-56 (June).

Statutory restriction of panhandling in light of *Young v. New York City Transit*: are states

begging out of first amendment proscriptions? 76 Iowa L. Rev. 405-23 (Jan.).

This is not a flag: the aesthetics of desecration. Steven G. Gey. 1990 Wis. L. Rev. 1549-95 (No. 6).

#### FISHING: INTERNATIONAL LAW

North Pacific pelagic driftnetting: untangling the high seas controversy. 64 S. Cal. L. Rev. 1057-102 (May).

#### FOREIGN LAW

See also *Conflict of Laws, Government*.

All quiet on the eastern front. Richard A. Epstein. 58 U. Chi. L. Rev. 555-73 (Spring).

Constitutional politics in Poland: a report on the constitutional committee of the Polish parliament. Andrzej Rapaczynski. 58 U. Chi. L. Rev. 595-631 (Spring).

Constitutional reform in Czechoslovakia: *e duobus unum?* Lloyd Cutler & Herman Schwartz. 58 U. Chi. L. Rev. 511-53 (Spring).

Constitutionalism in Eastern Europe: an introduction. Jon Elster. 58 U. Chi. L. Rev. 447-82 (Spring).

European convergence. Gerhard Casper. 58 U. Chi. L. Rev. 441-46 (Spring).

#### FOREIGN RELATIONS

See also *Asylum*.

Carrying a big carrot: linking multilateral disarmament and development assistance. David A. Koplow & Philip G. Schrag. 91 Colum. L. Rev. 993-1059 (June).

#### FORFEITURE

See *Civil RICO Actions*.

#### FORUM NON CONVENIENS

See *Venue*.

#### FOURTH AMENDMENT

See also *Search & Seizure*.

Warrants and fourth amendment remedies. William J. Stuntz. 77 Va. L. Rev. 881-943 (Aug.).

White on *White*: anonymous tips, reasonable suspicion, and the Constitution. David S. Rudstein. 79 Ky. L.J. 661-79 (No. 4).

#### FRAUD

The False Claims Act, *qui tam* realtors, and the government: which is the real party to the action? 43 Stan. L. Rev. 1061-93 (May).

#### FREEDOM OF RELIGION

See also *First Amendment, Judges*.

Saving sacred sites: the 1989 proposed amendment to the American Indian Religious Freedom Act. 76 Cornell L. Rev. 1117-49 (July).

#### FREEDOM OF SPEECH

See also *Constitutional Theory, First Amendment, Judges*.

Securing freedom from harassment without reducing freedom of speech: *Doe v. University of Michigan*. 76 Iowa L. Rev. 383-403 (Jan.).

#### GOVERNMENT

The dark lessons of Utopia. Alex Kozinski. 58 U. Chi. L. Rev. 575-94 (Spring).

Some New World lessons for the Old World. Akhil Reed Amar. 58 U. Chi. L. Rev. 483-510 (Spring).

#### HANDICAP DISCRIMINATION

See *Handicapped Persons*.

#### HANDICAPPED PERSONS

The Americans with Disabilities Act of 1990: improving judicial determinations of whether an individual is "substantially limited". 75 Minn. L. Rev. 1303-37 (Apr.).

The duty to accommodate: will title I of the Americans with Disabilities Act emancipate individuals with disabilities only to disable small businesses? 66 Notre Dame L. Rev. 1135-94 (No. 4).

Overcoming barriers to employment: the meaning of reasonable accommodation and undue hardship in the Americans with Disabilities Act. 139 U. Pa. L. Rev. 1423-68 (May).

Reasonable accommodation under the Americans with Disabilities Act: how much must one do before hardship turns undue? 59 U. Cin. L. Rev. 1311-48 (Spring).

#### HARMLESS ERROR

See *Evidence*.

#### HAZARDOUS SUBSTANCES

See *Environmental Law*.

#### HAZARDOUS WASTE LIABILITY

See *Environmental Law, Lender Liability*.

#### HAZARDOUS WASTE SITES

Superfund cost recovery: may the government recover "all costs" incurred under response contracts? 59 Geo. Wash. L. Rev. 968-99 (Apr.).

#### HIGH SEAS

See *Fishing: International Law*.

#### HOMELESSNESS

See *First Amendment*.

#### HOSPITALS

Liability issues arising out of hospitals' and organ procurement organizations' rejection of valid anatomical gifts: the truth and consequences. 1990 Wis. L. Rev. 1655-94 (No. 6).

**IMPEACHMENTS**

See also *Judges*.

The impeachment clause: a wild card in the Constitution. William H. Rehnquist. 85 Nw. U. L. Rev. 903-18 (Summer).

**INDIANS**

See *Freedom of Religion*.

**INFANTS**

See *Reproductive Technology*.

**INTELLECTUAL PROPERTY**

See also *Patents, Teachers & Teaching*.

Protecting United States intellectual property abroad: toward a new multilateralism. Marshall A. Leaffer. 76 Iowa L. Rev. 273-308 (Jan.).

**INTERNATIONAL ECONOMIC RELATIONS**

See *Federalism*.

**INTERNATIONAL LAW**

See *Foreign Law, Foreign Relations, Intellectual Property, Intervention: International Law*.

**INTERVENTION: INTERNATIONAL LAW**

In mitigation of illegality: the U.S invasion of Panama. Alan Berman. 79 Ky. L.J. 735-800 (No. 4).

**INVESTMENT TRUSTS**

Political elements in the creation of a mutual fund industry. Mark J. Roe. 139 U. Pa. L. Rev. 1469-511 (June).

**JUDGES**

See also *Constitutional Law, Courts, Economics, Elections, Law Clerks, Opinions*.

Hundred-ton-gun control: preserving impeachment as the exclusive removal mechanism for federal judges. Warren S. Grimes. 38 UCLA L. Rev. 1209-55 (June).

Justice Brennan and the freedom of speech: a first amendment odyssey. Geoffrey R. Stone. 139 U. Pa. L. Rev. 1333-55 (May).

Justice Brennan and the religion clauses: the concept of a "living Constitution". Arlin M. Adams. 139 U. Pa. L. Rev. 1319-31 (May).

Justice Brennan, equality, and majority rule. Mark Tushnet. 139 U. Pa. L. Rev. 1357-71 (May).

**JURISDICTION**

See *Bankruptcy: Arrangements, Reorganizations, and Other Plans*.

**JURISPRUDENCE**

See also *Legal History, Races*.

Activist censures of Robert Bork. Raoul

Berger. 85 Nw. U. L. Rev. 993-1040 (Summer).

**LAW AND THE ARTS**

Whose art is it anyway? Title disputes and resolutions in art theft cases. 79 Ky. L.J. 883-99 (No. 4).

**LAW CLERKS**

Confessions of a bad apple. Alex Kozinski. 100 Yale L.J. 1707-30 (Apr.).

**LAW REFORM**

See *Prosecutors*.

**LAW SCHOOLS**

See also *Trial Practice*.

How not to succeed in law school. James D. Gordon, III. 100 Yale L.J. 1679-706 (Apr.).

**LAW TEACHING**

See also *Trial Practice*.

Teaching moral analysis in law school. Paul G. Haskell. 66 Notre Dame L. Rev. 1025-51 (No. 4).

Teaching sensitivity to facts. Abraham P. Ordover. 66 Notre Dame L. Rev. 813-23 (No. 3).

**LEGAL CITATIONS**

See *Legal Periodicals*.

**LEGAL ETHICS**

See also *Attorneys, Law Teaching, Religion*.

The duty of zealous advocacy and the ethics of the federal government lawyer: the three hardest questions. Catherine J. Lanctot. 64 S. Cal. L. Rev. 951-1017 (May).

**LEGAL HISTORY**

See also *Common Law*.

Historism in late nineteenth-century constitutional thought. Stephen A. Siegel. 1990 Wis. L. Rev. 1431-547 (No. 6).

Legal traditionalism. David Luban. 43 Stan. L. Rev. 1035-60 (May).

**LEGAL PERIODICALS**

Elixir for the elites. Carl Tobias. 76 Iowa L. Rev. 353-54 (Jan.).

**LEGAL PROFESSION**

See also *Poverty Law*.

Satanic cases: a means of confronting the law's immorality. Stephan A. Landsman. 66 Notre Dame L. Rev. 785-99 (No. 3).

Turning practice into progress: better lawyering through experimentation. Michael J. Saks. 66 Notre Dame L. Rev. 801-12 (No. 3).

**LEGAL REALISM**

See *Opinions*.

**LEGAL THEORY**

See also *Criminal Law, Environmental Law, Legal History, Legal Profession.*

On the moral obligation to obey the law. George C. Christie. 1990 Duke L.J. 1311-36 (Dec.).

**LEGISLATIVE BODIES**

National representation for the District of Columbia: a legislative solution. 139 U. Pa. L. Rev. 1659-709 (June).

**LENDER LIABILITY**

Troubled waters: a reaction to the Eleventh Circuit's pollution of CERCLA's safe harbor for lenders. 79 Ky. L.J. 829-45 (No. 4).

**LIABILITY INSURANCE**

See *Child Abuse.*

**LIBERTY**

The ideal of liberty: a comment on *Michael H. v. Gerald D.* Robin West. 139 U. Pa. Rev. 1373-91 (May).

**LIMITATION OF ACTIONS**

See *Child Abuse.*

**MANDAMUS**

See *Right to Trial by Jury.*

**MARRIAGE**

See *Probate Law & Practice.*

**MEDICAL TECHNOLOGY**

See *Antitrust Law, Pension Plans.*

**MENTAL HEALTH LAW**

See *Prisons & Prisoners.*

**MINORITIES**

See *Races.*

**MONEY**

See *Electronic Funds Transfers.*

**NARCOTICS**

See also *Antitrust Law.*

Airborne drug trafficking deterrence: can a shootdown policy fly? 38 UCLA L. Rev. 1287-324 (June).

**NUCLEAR WEAPONS**

See also *Weapons.*

War and the social contract: nuclear policy, distribution, and the right to bear arms. Elaine Scarry. 139 U. Pa. L. Rev. 1257-318 (May).

**OPINIONS**

See also *Constitutional Law, Legal Profession, Slavery.*

Beyond candor. Gail Heriot. 89 Mich. L. Rev. 1945-49 (June)

**PARENT AND CHILD**

See *Reproductive Technology, Women.*

**PARTIES TO ACTION**

See *Fraud.*

**PATENTS**

See also *Antitrust Law, Teachers & Teaching.*

Experimental use as patent infringement: the impropriety of a broad exception. 100 Yale L.J. 2169-88 (May).

The federal circuit's patent nonobviousness standards: theoretical perspectives on recent doctrinal changes. 85 Nw. U. L. Rev. 1051-102 (Summer).

A plea for due processes: defining the proper scope of patent protection for computer software. 85 Nw. U. L. Rev. 1103-38 (Summer).

**PENSION PLANS**

Denial of coverage for "experimental" medical procedures: the problem of *de novo* review under ERISA. 79 Ky. L.J. 801-27 (No. 4).

Employer recapture of ERISA contributions made by mistake: a federal common law remedy to prevent unjust enrichment. 89 Mich. L. Rev. 2000-55 (June).

Pension insurance, bankruptcy and moral hazard. Daniel Keating. 1991 Wis. L. Rev. 65-108 (No. 1).

Regulations 14A and 13D: impediments to pension fund participation in corporate governance. 1991 Wis. L. Rev. 175-201 (No. 1).

**POLICE**

Defining "reasonable" police conduct: *Graham v. Connor* and excessive force during arrest. 38 UCLA L. Rev. 1257-86 (June).

**POLITICAL SCIENCE**

See *Investment Trusts.*

**POLITICS**

See *Government, Products Liability.*

**POLLUTION**

See also *Air Pollution.*

The pollution exclusion under Ohio law: staying the course. Thomas M. Reiter, David J. Strasser & William J. Pohlman. 59 U. Cin. L. Rev. 1165-229 (Spring).

**POVERTY LAW**

Reconstructive poverty law practice: learning lessons of client narrative. Anthony V. Alfieri. 100 Yale L.J. 2107-47 (May).

The rhetoric of poverty: their immorality, our helplessness. Thomas Ross. 79 Geo. L.J. 1499-547 (June).



**PRISONS AND PRISONERS**

Washington state prison procedure for the forcible administration of antipsychotic medication to prison inmates does not violate due process. 59 U. Cin. L. Rev. 1373-414 (Spring).

**PROBATE LAW AND PRACTICE**

The multiple-marriage society and spousal rights under the revised Uniform Probate Code. Lawrence W. Waggoner. 76 Iowa L. Rev. 223-72 (Jan.).

**PRODUCTS LIABILITY**

Pistols, politics and products liability. Carl T. Bogus. 59 U. Cin. L. Rev. 1103-64 (Spring).

**PROPERTY**

See also *Economics*.

The acquisition of property rights. Stephen R. Munzer. 65 Notre Dame L. Rev. 661-86 (No. 3).

**PROSECUTORS**

See also *Witnesses*.

A proposed check on the charging discretion of Wisconsin prosecutors. 1990 Wis. L. Rev. 1695-743 (No. 6).

**PUBLIC LAW**

A normative theory of public law remedies. Susan P. Sturm. 79 Geo. L.J. 1355-446 (June).

**QUASI-CONTRACTS**

See *Contracts*.

**RACES**

See also *Adoption*, *Discrimination*.

The new voice of color. Alex M. Johnson, Jr. 100 Yale L.J. 2007-63 (May).

**RAPE**

See also *Child Abuse*.

Limiting disclosure of rape victims' identities. Paul Marcus & Tara L. McMahon. 64 S. Cal. L. Rev. 1019-55 (May).

Rejecting unreasonable sexual expectations: limits on using a rape victim's sexual history to show the defendant's mistaken belief in consent. 79 Calif. L. Rev. 541-76 (Mar.).

**RELIGION**

Love, human dignity, and justice: some legacies from Protestant and Catholic ethics. Harlan R. Beckley. 66 Notre Dame L. Rev. 1053-73 (No. 4).

**REPRESENTATIVE GOVERNMENT**

See *Legislative Bodies*.

**REPRODUCTIVE TECHNOLOGY**

Can a pregnant woman morally refuse fetal surgery? 79 Calif. L. Rev. 499-540 (Mar.).

**RESTITUTION**

See *Bankruptcy: Discharge*.

**RETROACTIVE LAWS AND DECISIONS**

New law, non-retroactivity, and constitutional remedies. Richard H. Fallon, Jr. & Daniel J. Meltzer. 104 Harv. L. Rev. 1731-833 (June).

**RIGHT OF PRIVACY**

Autonomy, community, and traditions of liberty: the contrast of British and American privacy law. 1990 Duke L.J. 1398-454 (Dec.).

**RIGHT TO TRIAL BY JURY**

Mandamus as a remedy for the denial of jury trial. 58 U. Chi. L. Rev. 769-93 (Spring).

**SCHOOL INTEGRATION**

See *Discrimination*.

**SCHOOLS AND SCHOOL DISTRICTS**

See *Sports*.

**SEARCH AND SEIZURE**

See also *Fourth Amendment, State Law*.

Anticipatory search warrants: constitutionality, requirements, and scope. James A. Adams. 79 Ky. L.J. 681-733 (No. 4).

**SECURITIES FRAUD**

See also *Economics*.

The fraud-on-the-market theory revisited. Jonathan R. Macey & Geoffrey P. Miller. 77 Va. L. Rev. 1001-16 (Aug.).

**SEGREGATION**

See *Discrimination*.

**SELF-INCRIMINATION**

Self-incrimination and self-preservation: a skeptical view. Donald A. Dripps. 1991 U. Ill. L. Rev. 329-52 (No. 2).

**SENTENCING**

See also *Capital Punishment*.

Bright lines, dark deeds: counting convictions under the Armed Career Criminal Act. 89 Mich. L. Rev. 1951-99 (June).

**SEPARATION OF POWERS**

Separated powers and ordered liberty. Rebecca L. Brown. 139 U. Pa. L. Rev. 1513-66 (June).

**SEX CRIMES**

See *Child Abuse*.

**SEXUAL HARASSMENT**

Gender-based harassment and the hostile

work environment. 1990 Duke L.J. 1361-97 (Dec.).

### SEXUAL ORIENTATION

See *Discrimination*.

### SLAVERY

Judging the Fugitive Slave Acts. 100 Yale L.J. 1835-54 (Apr.).

### SOVEREIGNTY

The locus of sovereignty: judicial review, legislative supremacy, and federalism in the constitutional traditions of Canada and the United States. Calvin R. Massey. 1990 Duke L.J. 1229-310 (Dec.).

### SPORTS

A high price to compete: the feasibility and effect of waivers used to protect schools from liability for injuries to athletes with high medical risks. 79 Ky. L.J. 867-81 (No. 4).

### STATE LAW

See also *Pollution, Venue*.

Property rights protection under article I, section 10 of the Minnesota constitution: a rationale for providing possessory crimes defendants with automatic standing to challenge unreasonable searches and seizures. 75 Minn. L. Rev. 1255-301 (Apr.).

State activism and state censorship. Owen M. Fiss. 100 Yale L.J. 2087-106 (May).

### STATUTES

See also *Antitrust Law, Elections, Handicapped Persons, Pension Plans, Sentencing*.

Shall we dance? steps for legislators and judges in statutory interpretation. Shirley S. Abrahamson & Robert L. Hughes. 75 Minn. L. Rev. 1045-93 (Apr.).

### STOCKHOLDERS

Directors' responsibilities and shareholders' interests in the aftermath of *Paramount Communications v. Time, Inc.* 65 Chi-Kent L. Rev. 885-917 (No. 3).

Toward unlimited shareholder liability for corporate torts. Henry Hansmann & Reinier Kraakman. 100 Yale L.J. 1879-934 (May).

### TAX PENALTIES

Accuracy-related penalties: a question of values. Richard J. Wood. 76 Iowa L. Rev. 309-51 (Jan.).

### TAXATION

The taxation of athletic scholarships: a problem of consistency. 1991 U. Ill. L. Rev. 581-617 (No. 2).

### TEACHERS AND TEACHING

Academic tenure and "white male" stan-

dards: same lessons from the patent law. Stephen L. Carter. 100 Yale L.J. 2065-85 (May).

### TECHNOLOGY

Addressing the new hazards of the high technology workplace. 104 Harv. L. Rev. 1898-916 (June).

### TORTS

See also *Construction Contracts, Hospitals, Stockholders*.

The effect of equity on mass tort law. Jack B. Weinstein & Eileen B. Hershenov. 1991 U. Ill. L. Rev. 269-327 (No. 2).

Illinois rejects market share liability: a policy based analysis of *Smith v. Eli Lilly & Co.* Kurt M. Zitzer & Marc D. Ginsberg. 79 Ky. L.J. 617-60 (No. 4).

### TRIAL PRACTICE

See also *Attorneys, Legal Ethics*.

Advocacy education: the case for structural knowledge. Steven Lubet. 66 Notre Dame L. Rev. 721-37 (No. 3).

Discovery and invention: the NITA method in the contracts classroom. Jonathan M. Hyman. 66 Notre Dame L. Rev. 759-84 (No. 3).

NITA and the university. Ronald J. Allen. 66 Notre Dame L. Rev. 705-20 (No. 3).

On achieving synergy in the law school curriculum. Edward J. Imwinkelried. 66 Notre Dame L. Rev. 739-57 (No. 3).

Teaching trial advocacy in the 90s and beyond. Thomas F. Geraghty. 66 Notre Dame L. Rev. 687-703 (No. 3).

### TRIALS

See *Double Jeopardy, Witnesses*.

### UNIFORM LAWS

See *Probate Law & Practice*.

### UNIONS

See *Collective Bargaining*.

### VENUE

See also *Bankruptcy: Arrangements, Reorganizations, and Other Plans*.

Errie and court access. Allan R. Stein. 100 Yale L.J. 1935-2006 (May).

### WAR

See *Nuclear Weapons*.

### WEAPONS

See also *Nuclear Weapons, Products Liability*.

Back to the future and up to the sky: legal implications of "open skies" inspection for arms control. David A. Koplow. 79 Calif. L. Rev. 421-96 (Mar.).

**WITNESSES**

See also *Confrontation Clause*.

Demeanor. Olin Guy Wellborn, III. 76  
Cornell L. Rev. 1075-105 (July).

Failure to protect witnesses: are prosecutors liable? 66 Notre Dame L. Rev. 1111-33  
(No. 4).

The efficacy and constitutionality of criminal punishment for maternal substance abuse. 64 S. Cal. L. Rev. 1103-41 (May).

The prosecution of maternal fetal abuse: is this the answer. 1991 U. Ill. L. Rev. 533-80  
(No. 2).

**WOMEN**

See also *Dispute Resolution, Reproductive Technology*.