

Michigan Law Review

Volume 90 | Issue 8

1992

Periodical Index

Michigan Law Review

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

Recommended Citation

Michigan Law Review, *Periodical Index*, 90 MICH. L. REV. 2651 (1992).

Available at: <https://repository.law.umich.edu/mlr/vol90/iss8/11>

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.

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*.

ABORTION

Unenumerated rights: whether and how *Roe* should be overruled. Ronald Dworkin. 59 U. Chi. L. Rev. 381-432 (Winter).

When is a pregnant minor mature? When is an abortion in her best interests? The Ohio Supreme Court applies Ohio's abortion parental notification law: *In re Jane Doe 1*. 60 U. Cin. L. Rev. 907-61 (No. 3).

ACTIONS AND DEFENSES

See *Civil Procedure*.

ADMINISTRATIVE AGENCIES

See also *Administrative Law, Constitutional Theory, Statutes*.

Forbearance agreements: invalid contracts for the surrender of sovereignty. 92 Colum. L. Rev. 426-73 (Mar.).

ADMINISTRATIVE LAW

See also *Government*.

Coordinating judicial review in administrative law. Harold H. Bruff. Commentary by Alex Kozinski. 39 UCLA L. Rev. 1193-250 (June).

Organizing adjudication: reflections on the prospect for artisans in the age of robots. Jerry L. Mashaw. 39 UCLA L. Rev. 1055-65 (June).

Reflections upon the federal administrative Judiciary. Paul R. Verkuil. Commentary by William Robie. 39 UCLA L. Rev. 1341-69 (June).

Revisiting *Overton Park*: political and judicial controls over administrative actions affecting the community. Peter L. Strauss. Commentary by Lucie E. White. 39 UCLA L. Rev. 1251-340 (June).

Thurgood Marshall and the administrative state. Jonathan Weinberg. 38 Wayne L. Rev. 115-61 (Fall).

ADMINISTRATIVE PROCEDURE

Toward a new California administrative procedure act: adjudication fundamentals. Michael Asimow. 39 UCLA L. Rev. 1067-192 (June).

ADOPTION

"A lost generation": the battle for private enforcement of the Adoption Assistance and Child Welfare Act of 1980. Barbara L. Atwell. 60 U. Cin. L. Rev. 593-647 (No. 3).

Getting the whole truth and nothing but the truth: the limits of liability for wrongful adoption. D. Marianne Brower Blair. 67 Notre Dame L. Rev. 851-969 (No. 4).

When love is not enough: toward a unified wrongful adoption tort. 105 Harv. L. Rev. 1761-79 (May).

ADVERTISING

See *Insurance*.

AFFIRMATIVE ACTION

Fighting minority underrepresentation in publicly funded construction.

The silenced majority: *Martin v. Wilks* and the legislative response. Susan S. Grover. 1992 U. Ill. L. Rev. 43-103 (No. 1).

AGE DISCRIMINATION

Jury computation of front pay under the Age Discrimination in Employment Act. 76 Minn. L. Rev. 985-1016 (Apr.).

ANTITRUST LAW

See also *Prices*.

Corporate law through an antitrust lens. Edward B. Rock. 92 Colum. L. Rev. 497-561 (Apr.).

The courts' assault on the Robinson-Patman Act. 92 Colum. L. Rev. 634-50 (Apr.).

ATTORNEY-CLIENT PRIVILEGE

See *Attorneys*.

ATTORNEYS

Pluralizing the client-lawyer relationship. John Leubsdorf. 77 Cornell L. Rev. 825-42 (May).

Regulation of attorneys under California's Talent Agencies Act: a tautological approach to protecting artists. 80 Cal. L. Rev. 471-511 (Mar.).

ATTORNEYS' FEES

See also *Settlements*.

Nominal damages, nominal victory: *Estate of Farrar v. Cain*'s improper limit on awards of attorneys' fees under § 1988. 76 Minn. L. Rev. 1251-81 (May).

BANKS AND BANKING

See also *Administrative Agencies*.

Capital-based regulation and U.S. banking reform. 101 Yale L.J. 1525-49 (May).

BAR ASSOCIATIONS

See also *Legal Profession*.

A proposal for an empirical interpretation of canon 5. 65 S. Cal. L. Rev. 1639-74 (Mar.).

BATTERED WOMEN

See *Expert Witnesses*.

BLUE SKY LAWS

State Blue Sky laws: a stronger case for federal pre-emption due to increasing internationalization of securities markets. 86 Nw. U. L. Rev. 753-81 (Spring).

CAPITAL PUNISHMENT

See *First Amendment*.

CHILD ABUSE

See *Confrontation Clause*.

CHILDREN

See *Adoption*.

CIVIL PROCEDURE

See also *Affirmative Action*.

Discovery in federal demand-refused derivative litigation. 105 Harv. L. Rev. 1025-44 (Mar.).

The fate of pending motions on appeal from judgment: the consequences of Minnesota's Rule of Civil Appellate Procedure 104.01. 76 Minn. L. Rev. 1041-70 (Apr.).

Punitive civil sanctions: the middleground between criminal and civil law. Kenneth Mann. Comments by John C. Coffee, Jr., Abraham S. Goldstein & Franklin E. Zimring. 101 Yale L.J. 1795-908 (June).

The sanction for violation of California's one-action rule. 79 Cal. L. Rev. 1601-42 (Dec.).

Work product revisited: a comment on rethinking work product. Ronald J. Allen. Reply by Elizabeth G. Thornburg. 78 Va. L. Rev. 949-66 (May).

CIVIL RIGHTS

See also *Affirmative Action, Philosophy*.

Decisions denying the appointment of counsel and the final judgment rule in civil rights litigation. 86 Nw. U. L. Rev. 782-819 (Spring).

The imperial scholar revisited: how to marginalize outside writing, ten years later. Richard Delgado. 140 U. Pa. L. Rev. 1349-72 (Apr.).

Retrospective application of the Civil Rights Act of 1991 to pending cases. 90 Mich. L. Rev. 2035-78 (June).

The Sherman amendment: congressional rejection of communal liability for civil rights violations. 39 UCLA L. Rev. 1371-424 (June).

CLASS ACTIONS

Merit-based class action certification: old wine in a new bottle. 78 Va. L. Rev. 1001-44 (May).

COLLATERAL ESTOPPEL

Exposing the extortion gap: an economic analysis of the rules of collateral estoppel. 105 Harv. L. Rev. 1940-60 (June).

COLLEGES AND UNIVERSITIES

See *Inventions*.

COMMERCIAL SPEECH

See *Freedom of Speech*.

COMPARATIVE LAW

See *Foreign Law*.

COMPUTER SOFTWARE

See *Intellectual Property*.

COMPUTERS

See also *Copyright*.

Dueling forums: the public forum doctrine's failure to protect the electronic forum. 60 U. Cin. L. Rev. 757-95 (No. 3).

CONFLICT OF LAWS: CONTRACTS

My way and the highway: the law and economics of choice of forum clauses in consumer form contracts. Lee Goldman. 86 Nw. U. L. Rev. 700-41 (Spring).

CONFRONTATION CLAUSE

To hide in plain sight: child abuse, closed circuit television, and the confrontation clause. 60 U. Cin. L. Rev. 827-56 (No. 3).

CONSTITUTIONAL AMENDMENTS

See *Environmental Law*.

CONSTITUTIONAL LAW

See also *Abortion, Courts, Evidence, Feminism, Freedom of Speech, Infants, Marriage, Religion*.

The article I, section 7 game. William N. Eskridge, Jr. & John Ferejohn. 80 Geo. L.J. 523-64 (Feb.).

The Bill of Rights: a century of progress. John Paul Stevens. 59 U. Chi. L. Rev. 13-38 (Winter).

Celebrating (?) the Bill of Rights: the root, branch, and foliage of American liberty. Norman Dorsen. 80 Ky. L.J. 843-60 (No. 3).

Constitution and *kulturkampf*: a reading of the shadow theology of Justice Brennan. 140 U. Pa. L. Rev. 1049-110 (Jan.).

The constitutional implications of school choice. 1992 Wis. L. Rev. 459-510 (No. 2).

Disposing of the dormant commerce clause barrier: keeping waste at home. 76 Minn. L. Rev. 1219-50 (May).

An economic appreciation of the Bill of Rights: the limits and potential of law and economics in discussing constitutional issues. Thomas S. Ulen. 1992 U. Ill. L. Rev. 189-212 (No. 1).

The Hughes Court and the beginning of the end of the "separate but equal" doctrine. A. Leon Higginbotham, Jr. & William C. Smith. 76 Minn. L. Rev. 1099-131 (May).

Legal reasoning from the top down and from the bottom up: the question of unenumerated constitutional rights. Richard A. Posner. 59 U. Chi. L. Rev. 433-50 (Winter).

Liberties, fair values, and constitutional method. Frank I. Michelman. 59 U. Chi. L. Rev. 91-114 (Winter).

An open letter to Justice Clarence Thomas from a federal judicial colleague. A. Leon Higginbotham, Jr. 140 U. Pa. L. Rev. 1005-28 (Jan.).

Partisan rhetoric, constitutional reality, and political responsibility: the troubling constitutional consequences of achieving D.C. statehood by simple legislation. Adam H. Kurland. 60 Geo. Wash. L. Rev. 475-505 (Jan.).

Penumbral reasoning on the right. Glenn H. Reynolds. 140 U. Pa. L. Rev. 1333-48 (Apr.).

Rights in twentieth-century constitutions. Mary Ann Glendon. 59 U. Chi. L. Rev. 519-38 (Winter).

The role of a Bill of Rights. David A. Strauss. 59 U. Chi. L. Rev. 539-65 (Winter).

The Senate, the Constitution, and the confirmation process. David A. Strauss & Cass R. Sunstein. 101 Yale L.J. 1491-524 (May).

The structural Constitution: unitary executive, plural judiciary. Steven G. Calabresi & Kevin H. Rhodes. 105 Harv. L. Rev. 1153-216 (Apr.).

Toward a constitutional analysis of the right to intrastate travel. 86 Nw. U. L. Rev. 820-57 (Spring).

Toward a new functional methodology in appointments clause analysis. 60 Geo. Wash. L. Rev. 536-61 (Jan.).

Uncommon law and the Bill of Rights: the woes of constitutionalizing state common-law torts. Elaine W. Shoben. 1992 U. Ill. L. Rev. 173-87 (No. 1).

What is a postmodern constitutionalism? J.M. Balkin. 90 Mich. L. Rev. 1966-90 (June).

Whatever happened to the Bill of Rights? a criminal defense lawyer's perspective. J. Steven Beckett. 1992 U. Ill. L. Rev. 213-18 (No. 1).

CONSTITUTIONAL THEORY

A civic republican justification for the bureaucratic state. Mark Seidenfeld. 105 Harv. L. Rev. 1511-76 (May).

Justice Scalia's history and tradition: the chief nightmare in Professor Tribe's anxiety closet. 78 Va. L. Rev. 581-622 (Mar.).

The meaning of equality and the interpretive turn. Robin West. 66 Chi.-Kent L. Rev. 451-80 (No. 2).

Originalism through Raz-colored glasses. 140 U. Pa. L. Rev. 1389-428 (Apr.).

Republican revival/interpretive turn. Stephen M. Feldman. 1992 Wis. L. Rev. 679-732 (No. 3).

CONTRACTS

See also *Legal History*.

Balancing the buyer's right to recover for precontractual misstatements and the seller's ability to disclaim express warranties. 76 Minn. L. Rev. 1189-218 (May).

The sound of silence: default rules and contractual consent. Randy E. Barnett. 78 Va. L. Rev. 821-911 (May).

A survey of contract practice and policy. Russell J. Weintraub. 1992 Wis. L. Rev. 1-60 (No. 1).

CONTRACTS: OFFER AND ACCEPTANCE

See *Contracts*.

COPYRIGHT

Does a copyright coowner's duty to account arise under federal law? 90 Mich. L. Rev. 1998-2034 (June).

Let the hackers hack: allowing the reverse engineering of copyrighted computer programs to achieve compatibility. 140 U. Pa. L. Rev. 1999-2050 (May).

CORPORATE ACQUISITIONS AND MERGERS

See *Corporate Reorganization*.

CORPORATE OFFICERS

Two thoughts about insider preferences. Jay L. Westbrook. 76 Minn. L. Rev. 73-99 (Oct.).

CORPORATE REORGANIZATION

A problem of mixed motives: applying *Unocal* to defensive ESOPs. 92 Colum. L. Rev. 851-86 (May).

CORPORATE TAXES

See *Taxation*.

CORPORATIONS

See *Antitrust Law, Taxation*.

Corporate bondholders and debtor opportu-

nism; in bad times and good. Victor Brudney. 105 Harv. L. Rev. 1821-78 (June).

Corporate probation under the new organizational sentencing guidelines. 101 Yale L.J. 2017-42 (June).

Federalism and the corporation: the desirable limits on state competition in corporate law. Lucian Arye Bebchuck. 105 Harv. L. Rev. 1435-510 (May).

Game theory, law, and the concept of competition. Martin Shubik. 60 U. Cin. L. Rev. 285-303 (Fall).

Pedro v. Pedro: consequences for closely held corporations and the At-Will Doctrine in Minnesota. 76 Minn. L. Rev. 1071-97 (Apr.).

COURTS

See also *Legislative Bodies, Sex Crimes, Statutes*.

Divesting the courts: breaking the judicial monopoly on constitutional interpretation. Lawrence C. Marshall. 66 Chi.-Kent L. Rev. 481-505 (No. 2).

Divided justice: a commentary on the nomination and confirmation of Justice Thomas. Michael J. Gerhardt. 60 Geo. Wash. L. Rev. 969-96 (Apr.).

Liberation, dreams, and hard work: an essay on tribal court jurisprudence. Frank Pommersheim. 1992 Wis. L. Rev. 411-57 (No. 2).

CRIMINAL LAW

See *Constitutional Law*.

CRIMINAL PROCEDURE

See *International Law*.

CRIMINAL RESPONSIBILITY

See *Philosophy*.

CRITICAL LEGAL STUDIES

Sympathy as a legal structure. 105 Harv. L. Rev. 1961-80 (June).

DEBTOR AND CREDITOR

Much ado about lending: continuing vitality of the *Fleet Factors* decision. 80 Geo. L.J. 809-41 (Feb.).

DELEGATION OF POWERS

See *Constitutional Law*.

DEMOCRACY

See *Elections*.

DISCRIMINATION

See *Affirmative Action, Civil Rights*.

DOMESTIC RELATIONS

See also *Family Law*.

Light thoughts and night thoughts on the American family. Judith T. Younger. 76 Minn. L. Rev. 891-915 (Apr.).

DRIVING WHILE INTOXICATED

See *Government Immunity & Liability*.

DUE PROCESS OF LAW

See *Constitutional Theory*.

ECONOMICS

See also *Constitutional Law, Income Tax*. Self-paternalism in the marketplace. Bailey Kuklin. 60 U. Cin. L. Rev. 649-712 (No. 3).

EDUCATION

Inner-city single-sex schools: educational reform or invidious discrimination? 105 Harv. L. Rev. 1741-60 (May).

Theoretical foundations for a right to education under the U.S. Constitution: a beginning to the end of the national education crisis. Susan H. Bitensky. 86 Nw. U. L. Rev. 550-642 (Spring).

ELECTIONS

See also *Voting*.

President Quayle? Akhil Reed Amar & Vik Amar. 78 Va. L. Rev. 913-47 (May).

Voting rights, home rule, and metropolitan governance: the secession of Staten Island as a case study in the dilemmas of local self-determination. Richard Briffault. 92 Colum. L. Rev. 775-850 (May).

ELECTRONIC SURVEILLANCE

See *National Security*.

EMINENT DOMAIN

See *Rents & Rent Control*.

EMPLOYER AND EMPLOYEE

See *Family Law*.

ENDANGERED SPECIES

See *Environmental Protection*.

ENVIRONMENTAL LAW

See also *International Law*.

"Ask a silly question . . .": contingent valuation of natural resource damages. 105 Harv. L. Rev. 1981-2000 (June).

Hunt v. Chemical Waste Management, Inc.: Alabama attempts to spread the nation's hazardous waste disposal burden by imposing a higher tax on out-of-state hazardous waste. 67 Notre Dame L. Rev. 1215-67 (No. 4).

Lender liability under CERCLA: interpreting the security interest exemption using common-law principles of lender liability. 67 Notre Dame L. Rev. 1161-213 (No. 4).

Reclaiming environmental law: a normative critique of comparative risk analysis. Donald T. Hornstein. 92 Colum. L. Rev. 562-633 (Apr.).

Remedies for environmental racism: a view

from the field. Luke W. Cole. 90 Mich. L. Rev. 1991-97 (June).

Should we green the bill? Eric T. Freyfogle. 1992 U. Ill. L. Rev. 159-71 (No. 1).

ENVIRONMENTAL PROTECTION

See also *Environmental Law*.

Ecosystems, economics, and ethics: protecting biological diversity at home and abroad. 65 S. Cal. L. Rev. 2039-79 (May).

EQUAL PROTECTION

See also *Constitutional Theory*.

Corruption of blood and equal protection: why the sins of the parents should not matter. 44 Stan. L. Rev. 727-57 (Feb.).

ESTABLISHMENT CLAUSE

Alternatives to entanglement. David E. Steinberg. 80 Ky. L.J. 691-737 (No. 3).

Rethinking the incorporation of the Establishment Clause: a federalist view. 105 Harv. L. Rev. 1700-19 (May).

ETHICS

See *Philosophy, Transsexualism*.

EUGENICS

Vital essences and human wholeness: the social readings of biological information. Daniel J. Kevles. Comments by E. Donald Elliott & Evelyn Fox Keller. 65 S. Cal. L. Rev. 255-91 (Nov.).

EUTHANASIA

See *Right To Die*.

EVIDENCE

Constitutional dimensions of hearsay reform: toward a three-dimensional Confrontation Clause. Eileen A. Scallen. 76 Minn. L. Rev. 623-54 (Feb.).

The constitutionalization of hearsay: the extent to which the Fifth and Sixth Amendments permit or require the liberalization of the hearsay rules. Edward J. Imwinkelried. 76 Minn. L. Rev. 521-55 (Feb.).

The deconstitutionalization of the Confrontation Clause: a proposal for a prosecutorial restraint model. Margaret A. Berger. Commentary by Randolph N. Jonakait. 76 Minn. L. Rev. 557-621 (Feb.).

Experts as hearsay conduits: confrontation abuses in opinion testimony. Ronald L. Carlson. Commentary by David L. Faigman. 76 Minn. L. Rev. 859-89 (Feb.).

The Federal Rules of Evidence after sixteen years—the effect of “plain meaning” jurisprudence, the need for an advisory committee on the Rules of Evidence, and suggestions for selective revision of the rules. Edward R. Becker & Aviva Orenstein. 60 Geo. Wash. L. Rev. 857-914 (Apr.).

Hearsay logic. Peter Tillers & David Schum. 76 Minn. L. Rev. 813-58 (Feb.).

The Hearsay Rule at work: has it been abolished de facto by judicial decision? Eleanor Swift. Commentary by Myrna S. Raeder. 76 Minn. L. Rev. 473-519 (Feb.).

Juror decision making and the evaluation of hearsay evidence. Peter Miene, Roger C. Park & Eugene Borgida. 76 Minn. L. Rev. 683-701 (Feb.).

Jurors' perceptions of eyewitness and hearsay evidence. Margaret Bull Kovera, Roger C. Park & Steven D. Penrod. 76 Minn. L. Rev. 703-22 (Feb.).

Of hearsay and its analogues. Mirjan Damaska. Commentary by Dale A. Nance. 76 Minn. L. Rev. 425-72 (Feb.).

Post-modern hearsay reform: the importance of complexity. Christopher B. Mueller. 76 Minn. L. Rev. 367-423 (Feb.).

Researching the Hearsay Rule: emerging findings, general issues, and future directions. Richard F. Rakos & Stephan Landsman. 76 Minn. L. Rev. 655-82 (Feb.).

Toward a partial economic, game-theoretic analysis of hearsay. Richard D. Friedman. Commentary by Ronald J. Allen. 76 Minn. L. Rev. 723-812 (Feb.).

EXPERT WITNESSES

Expert witnesses and sufficiency of evidence in toxic substances litigation: the legacy of *Agent Orange* and *Bendectin* litigation. 86 Nw. U. L. Rev. 643-99 (Spring).

Ohio joins the majority and allows expert testimony on the battered woman syndrome: *State v. Koss*. 60 U. Cin. L. Rev. 877-905 (No. 3).

FAMILY LAW

Conflicting demands meet conflict of laws: ERISA preemption of Wisconsin's Family and Medical Leave Act. 1992 Wis. L. Rev. 809-47 (No. 3).

FEDERAL PREEMPTION

See *Blue Sky Laws*.

FEMINISM

See also *International Law*.

The book of “A”. Linda R. Hirshman. Responses by Richard A. Posner & Martha C. Nussbaum. 70 Texas L. Rev. 971-1037 (Mar.).

Feminism, labor, and power. Marion Crain. 65 S. Cal. L. Rev. 1819-86 (May).

The politics of women's wrongs and the Bill of “Rights”: a bicentennial perspective. Mary E. Becker. 59 U. Chi. L. Rev. 453-517 (Winter).

FIFTH AMENDMENT

See *Securities*.

FIRST AMENDMENT

See also *Freedom of Speech*.

Bigotry, pornography, and the First Amendment: a theory of unprotected speech. Alon Harel. 65 S. Cal. L. Rev. 1887-931 (May).

First amendment analysis of state regulations prohibiting the filming of prisoner executions. 60 Geo. Wash. L. Rev. 1042-80 (Apr.).

The new First Amendment jurisprudence: a threat to liberty. Charles Fried. 59 U. Chi. L. Rev. 225-53 (Winter).

FOOD, DRUG AND COSMETIC LAW

See *State Law*.

FOREIGN LAW

Last days. Inga Markovits. 80 Cal. L. Rev. 55-129 (Jan.).

FORMS, LEGAL

On ending the battle of the forms: problems with solutions. Corneill A. Stephens. 80 Ky. L.J. 815-42 (No. 3).

FOURTEENTH AMENDMENT

See *Rape*.

FOURTH AMENDMENT

High Noon revisited: commands of assistance by peace officers in the age of the Fourth Amendment. Jon C. Blue. 101 Yale L.J. 1475-90 (May).

Justice Thurgood Marshall: taking the Fourth Amendment seriously. Tracey Maclin. 77 Cornell L. Rev. 723-812 (May).

FRAUD

See *Securities*.

FREE EXERCISE CLAUSE

See *Establishment Clause*.

FREEDOM OF RELIGION

See also *Establishment Clause*.

Religious freedom at a crossroads. Michael W. McConnell. 59 U. Chi. L. Rev. 115-94 (Winter).

FREEDOM OF SPEECH

See also *Computers*.

The case of the vanishing public forum. G. Sidney Buchanan. 1991 U. Ill. L. Rev. 949-81 (No. 4).

Do not go gentle into that good night: the unquiet death of political patronage. 1992 Wis. L. Rev. 511-46 (No. 2).

Free speech now. Cass R. Sunstein. 59 U. Chi. L. Rev. 255-316 (Winter).

Justice Holmes and the modernization of

free speech jurisprudence: the human dimension. G. Edward White. 80 Cal. L. Rev. 391-467 (Mar.).

Movies and product placement: is Hollywood turning films into commercial speech? 1992 U. Ill. L. Rev. 301-37 (No. 1).

Whither the public's right (not) to know? Milton, Malls, and multicultural speech. Steven Helle. 1991 U. Ill. L. Rev. 1077-100 (No. 4).

GENETIC ENGINEERING

See also *Eugenics, International Trade*.

Birthright or life sentence: controlling the threat of genetic testing. 65 S. Cal. L. Rev. 2081-128 (May).

Ownership of cell lines. Jean de Vellis. 65 S. Cal. L. Rev. 697-703 (Nov.).

Toward a general theory of constitutional personhood: a theory of constitutional personhood for transgenic humanoid species. 39 UCLA L. Rev. 1425-510 (June).

GOVERNMENT

Twenty years of the Federal Advisory Committee Act: it's time for some changes. 65 S. Cal. L. Rev. 957-97 (Jan.).

GOVERNMENT CONTRACTS

See *Administrative Agencies*.

GOVERNMENT IMMUNITY AND LIABILITY

Governmental liability for negligent failure to detain drunk drivers. 77 Cornell L. Rev. 873-904 (May).

GRAND JURY

A critical look at rules governing grand jury subpoenas of attorneys. Fred C. Zacharias. 76 Minn. L. Rev. 917-56 (Apr.).

HEALTH

See *Genetic Engineering, Sports*.

HEALTH CARE INDUSTRY

The bias of American politics: rationing health care in a weak state. James A. Morone. 140 U. Pa. L. Rev. 1923-38 (May).

Combining deliberation and fair representation in community health decisions. Jack H. Nagel. 140 U. Pa. L. Rev. 1965-85 (May).

Consumer expectations and access to health care. Leslie Pickering Francis. 140 U. Pa. L. Rev. 1881-917 (May).

Consumer expectations and access to health care: a commentary. Paul T. Menzel. 140 U. Pa. L. Rev. 1919-22 (May).

Cutting waste by making rules: promises, pitfalls, and realistic prospects. Jan Blustein & Theodore R. Marmor. 140 U. Pa. L. Rev. 1543-72 (May).

Defining an "adequate" package of health

care benefits. Paul E. Kalb. 140 U. Pa. L. Rev. 1987-98 (May).

The Emergency Medical Treatment & Active Labor Act: denial of emergency medical care because of improper economic motives. 67 Notre Dame L. Rev. 1121-60 (No. 4).

Health insurers' assessment of medical necessity. Mark A. Hall & Gerard F. Anderson. 140 U. Pa. L. Rev. 1637-712 (May).

Introduction to rationing. Theodore R. Marmor & Jan Blustein. 140 U. Pa. L. Rev. 1539-42 (May).

Just health care rationing: a democratic decisionmaking approach. Leonard M. Fleck. 140 U. Pa. L. Rev. 1597-636 (May).

Older Americans and the rationing of health care. Andrew H. Smith & John Rother. 140 U. Pa. L. Rev. 1847-57 (May).

Political accountability in health care rationing: in search of a new Jerusalem. Howard M. Leichter. 140 U. Pa. L. Rev. 1939-63 (May).

Professional judgment and the rationing of medical care. David Mechanic. 140 U. Pa. L. Rev. 1713-54 (May).

Prospective self-denial: can consumers contract today to accept health care rationing tomorrow? Clark C. Havighurst. 140 U. Pa. L. Rev. 1755-808 (May).

Rationing health care: the unnecessary solution. Joseph A. Califano, Jr. 140 U. Pa. L. Rev. 1525-38 (May).

Rationing of health care: inevitable and desirable. Richard D. Lamm. 140 U. Pa. L. Rev. 1511-23 (May).

Rationing without justice: children and the American health system. Sara Rosenbaum. 140 U. Pa. L. Rev. 1859-80 (May).

Regulatory rationing: a solution to health care resource allocation. Robert H. Blank. 140 U. Pa. L. Rev. 1573-96 (May).

Should ethical and legal standards for physicians be changed to accommodate new models for rationing health care? Edward B. Hirshfeld. 140 U. Pa. L. Rev. 1809-46 (May).

HISTORY

See *Foreign Law*.

HUMAN RIGHTS

See *International Law*.

IMPLIED TRUSTS

See *Securities*.

INCOME TAX

A proposal for the indexation of debt for inflation. 140 U. Pa. L. Rev. 2051-95 (May).

INDIGENOUS PEOPLE

See *Tort Claims Act*.

INFANTS

See also *Adoption, Equal Protection, Health Care Industry, Witnesses*.

Children and the Constitution. Homer H. Clark, Jr. 1992 U. Ill. L. Rev. 1-41 (No. 1).

INFORMATION SYSTEMS

See *Computers, Legal History*.

INSIDER TRADING

Insider trading in junk bonds. 105 Harv. L. Rev. 1720-40 (May).

INSURANCE

See also *Liability Insurance, Unemployment Insurance*.

Advertising injury coverage: an overview. 65 S. Cal. L. Rev. 919-56 (Jan.).

INTELLECTUAL PROPERTY

Sui generis intellectual property protection for computer software. 60 Geo. Wash. L. Rev. 997-1041 (Apr.).

INTERNATIONAL LAW

The benevolent paternalism of Japanese criminal justice. Daniel H. Foote. 80 Cal. L. Rev. 317-90 (Mar.).

International extradition, the principle of specialty, and effective treaty enforcement. 76 Minn. L. Rev. 1017-39 (Apr.).

International human rights and feminism: when discourses meet. Karen Engle. 13 Mich. J. Intl. L. 517-610 (Spring).

International regulation and control of the production and use of chemicals and pesticides: perspectives for a convention. Hans-Wolfgang Micklitz. 13 Mich. J. Intl. L. 653-97 (Spring).

International service of process by mail under the Hague Service Convention. 13 Mich. J. Intl. L. 698-719 (Spring).

Measuring freedom? The UNDP Human Freedom Index. 13 Mich. J. Intl. L. 720-38 (Spring).

Perestroika African style: one-party government and human rights in Tanzania. 13 Mich. J. Intl. L. 611-52 (Spring).

Prosecution review commissions: Japan's answer to the problem of prosecutorial discretion. 92 Colum. L. Rev. 684-723 (Apr.).

INTERNATIONAL TRADE

Amgen, Inc. v. United States International Trade Commission: designer genes don't fit. 76 Minn. L. Rev. 161-91 (Oct.).

INVENTIONS

Faculty-generated inventions: who owns the golden egg? Pat K. Chew. 1992 Wis. L. Rev. 259-314 (No. 2).

INVESTMENTS

Agents watching agents: the promise of institutional investor voice. Bernard S. Black. 39 UCLA L. Rev. 811-93 (Apr.).

The value of institutional investor monitoring: the empirical evidence. Bernard S. Black. 39 UCLA L. Rev. 895-939 (Apr.).

JUDGES

See *Constitutional Law*.

JUDGMENTS

For one litigant's sole relief: unforeseeable preclusion and the *Second Restatement*. 77 Cornell L. Rev. 905-53 (May).

JUDICIAL ETHICS

See *Bar Associations*.

JUDICIAL REVIEW OF ADMINISTRATIVE ACTS

See *Administrative Law*.

JURIES

See also *Evidence*.

Beyond *Batson*: eliminating gender-based peremptory challenges. 105 Harv. L. Rev. 1920-39 (June).

Ending race discrimination in jury selection: whose right is it, anyway? Barbara D. Underwood. 92 Colum. L. Rev. 725-74 (May).

State v. Louis: a missed opportunity to clarify when law enforcement officials may serve as petit jurors in criminal trials. 1992 Wis. L. Rev. 751-84 (No. 3).

JURISPRUDENCE

See also *Constitutional Theory, Courts, Legal Theory, Philosophy*.

A critical reexamination of the takings jurisprudence. Glynn S. Lunney, Jr. 90 Mich. L. Rev. 1892-965 (June).

JURY SELECTION

State action and the peremptory challenge: evolution of the Court's treatment and implications for *Georgia v. McCollum*. 67 Notre Dame L. Rev. 1049-78 (No. 4).

LABOR LAW

The new teamsters and the labor movement. George Feldman. 38 Wayne L. Rev. 527-83 (Winter).

LAW AND ECONOMICS

See *Conflict of Laws: Contracts*.

LAW SCHOOLS

The Catholic law school. John T. Noonan, Jr. 67 Notre Dame L. Rev. 1037-48 (No. 4).

LEASES

Kemp v. Miller: commercial lessors beware. 1992 Wis. L. Rev. 171-96 (No. 1).

LEGAL DRAFTING

See *Forms, Legal*.

LEGAL EDUCATION

See *Law Schools*.

LEGAL ETHICS

See also *Legal Profession*.

Keeping sex out of the attorney-client relationship: a proposed rule. 92 Colum. L. Rev. 887-922 (May).

LEGAL HISTORY

Paratexts. Ronald K.L. Collins & David M. Skover. 44 Stan. L. Rev. 509-52 (Feb.).

Proving the will of another: the specialty requirement in covenant. 105 Harv. L. Rev. 2001-20 (June).

LEGAL PERIODICALS

See *Statistics*.

LEGAL PROFESSION

Civility: a tale of deconstruction and constraint. Steven Lubet. 1992 Wis. L. Rev. 158-69 (No. 1).

The problem of the parachuting practitioner. Burnele V. Powell. 1992 U. Ill. L. Rev. 105-58 (No. 1).

LEGAL SCHOLARSHIP

See *Civil Rights*.

LEGAL THEORY

See also *Constitutional Theory, Philosophy, Shadowboxing: an essay on power*. Richard Delgado. 77 Cornell L. Rev. 813-24 (May).

LEGISLATIVE BODIES

Bridging the statutory gulf between courts and Congress: a challenge for positive political theory. Robert A. Katzmann. 80 Geo. L.J. 653-69 (Feb.).

LEGISLATIVE DRAFTING

Legislative history values. William N. Eskridge, Jr. 66 Chi.-Kent L. Rev. 365-440 (No. 2).

What does legislative history tell us? Frank H. Easterbrook. 66 Chi.-Kent L. Rev. 441-50 (No. 2).

LEGISLATIVE INTENT

Why Learned Hand would never consult legislative history today. 105 Harv. L. Rev. 1005-24 (Mar.).

LENDER LIABILITY

See *Environmental Law*.

LIABILITY INSURANCE

Voluntary intoxication: a defense to intentional injury exclusion clauses in homeowner's policies? 90 Mich. L. Rev. 2113-53 (June).

LIMITATION OF ACTIONS

One statute, one statute of limitations; at last uniformity for section 10(b) claims. 60 U. Cin. L. Rev. 533-63 (Fall).

MARRIAGE

Constitutional protection for the right to marry: a dissenting view. Earl M. Maltz. 60 Geo. Wash. L. Rev. 949-68 (Apr.).

"Honey, the judge says we're history": abrogating the marital privileges via modern doctrines of marital worthiness. 77 Cornell L. Rev. 843-72 (May).

MARRIED WOMEN

See *Domestic Relations*.

MEDICAL ETHICS

See *Medical Technology*.

MEDICAL JURISPRUDENCE

See *Genetic Engineering*.

MEDICAL TECHNOLOGY

(Com)modifying experience. Scott Altman. Comments by Margaret J. Radin & Nancy A. Davis. 65 S. Cal. L. Rev. 293-371 (Nov.).

Transforming mortality: technology and the allocation of resources. Daniel Callahan. Comments by Norman Daniels & Aaron Wildavsky. 65 S. Cal. L. Rev. 205-53 (Nov.).

MOTION PICTURES

See *Freedom of Speech*.

MOTOR VEHICLE SEARCHES

California v. Acevedo: the Court establishes one rule to govern all automobile searches and opens the door to another "frontal assault" on the warrant requirement. 67 Notre Dame L. Rev. 1269-86 (No. 4).

NATIONAL SECURITY

The Foreign Intelligence Surveillance Act and standards of probable cause: an alternative analysis. 80 Geo. L.J. 843-71 (Feb.).

NONPROFIT CORPORATIONS

Nonprofit corporations. 105 Harv. L. Rev. 1578-699 (May).

OCCUPATIONAL DISEASES

Cumulative trauma disorders: OSHA's general duty clause and the need for an ergonomics standard. 90 Mich. L. Rev. 2079-112 (June).

OCCUPATIONAL SAFETY AND HEALTH

See *Occupational Diseases*.

PARTNERSHIPS

See *Taxation*.

PATENTS

See also *International Trade, Inventions*.

The best mode requirement refined: the federal circuit's objective standard, mandate for detail and the penalty for nondisclosure. 37 Wayne L. Rev. 1721-37 (Winter).

PEACE OFFICERS

See *Juries*.

PHILOSOPHY

See also *Constitutional Theory, Feminism*.

Abstraction and authority. Frank H. Easterbrook. 59 U. Chi. L. Rev. 349-80 (Winter).

From social contract to hypothetical agreement: consent and the obligation to obey the law. 92 Colum. L. Rev. 651-83 (Apr.).

If . . . : counterfactuals in the law. Robert N. Strassfeld. 60 Geo. Wash. L. Rev. 339-416 (Jan.).

Liberating abstraction. Bruce Ackerman. 59 U. Chi. L. Rev. 317-48 (Winter).

Michael Moore's realist approach to law. Brian Bix. 140 U. Pa. L. Rev. 1293-330 (Apr.).

Reflections on Dworkin and the two faces of law. Richard H. Fallon, Jr. 67 Notre Dame L. Rev. 553-85 (No. 3).

Responsibility and the boundaries of the self. Meir Dan-Cohen. 105 Harv. L. Rev. 959-1003 (Mar.).

Richard Rorty and the radical left. 78 Va. L. Rev. 729-57 (Apr.).

Rorty, radicalism, romanticism: the politics of the gaze. Joan C. Williams. 1992 Wis. L. Rev. 131-55 (No. 1).

What can you expect from anti-foundationalist philosophers?: a reply to Lynn Baker. Richard Rorty. 78 Va. L. Rev. 719-27 (Apr.).

PLEA BARGAINING

Plea bargaining as contract. Robert E. Scott & William J. Stuntz. Comments by Frank H. Easterbrook & Stephen J. Schulhofer, and reply by authors. 101 Yale L.J. 1909-2015 (June).

POLITICAL SCIENCE

See also *Corporations, Foreign Law, Freedom of Speech, Politics*.

Positive political theory in the nineties. Daniel A. Farber & Philip P. Frickey. 80 Geo. L.J. 457-76 (Feb.).

POLITICS

See also *Constitutional Law, Elections, Freedom of Speech, Philosophy*.

Melodrama and memory. Tania Modleski. 65 S. Cal. L. Rev. 1353-55 (Mar.).

October tragedy. Erwin Chemerinsky. 65 S. Cal. L. Rev. 1497-516 (Mar.).

PORNOGRAPHY

See *First Amendment*.

PRETRIAL PROCEDURE

See *Civil Procedure*.

PRICES

A unified approach to predatory pricing analysis under the Sherman and Robinson-Patman Acts: *A.A. Poultry Farms, Inc. v. Rose Acre Farms, Inc.*, a case against the tide. 76 Minn. L. Rev. 1283-312 (May).

PRIVILEGED COMMUNICATIONS

The beginning of the end for the psychotherapist-patient privilege. 60 U. Cin. L. Rev. 797-826 (No. 3).

PRIVILEGES AND IMMUNITIES

Immunity under 42 U.S.C. § 1983: interpretive approach and the search for the legislative will. David Achtenberg. 86 Nw. U. L. Rev. 497-549 (Spring).

Reconstructing the Privileges or Immunities Clause. 101 Yale L.J. 1385-474 (May).

PROPERTY

Copy wrong: plagiarism, process, property, and the law. 80 Cal. L. Rev. 513-53 (Mar.).

He thought he was right (but wasn't): property law in Anthony Trollope's *The Eustace Diamonds*. 44 Stan. L. Rev. 879-97 (Apr.).

International News Service v. Associated Press: custom and law as sources of property rights in news. Richard A. Epstein. Commentaries by Stephen L. Carter & Lloyd L. Weinreb. 78 Va. L. Rev. 85-147 (Feb.).

Property, speech, and the politics of distrust. Richard A. Epstein. 59 U. Chi. L. Rev. 41-89 (Winter).

PROSECUTORS

See *International Law*.

PUNITIVE DAMAGES

An economic analysis of the plaintiff's windfall from punitive damage litigation. 105 Harv. L. Rev. 1900-19 (June).

RACE DISCRIMINATION

See also *Environmental Law, Juries*.

The devaluation of nonwhite community in remedies for subsidized housing discrimination. 140 U. Pa. L. Rev. 1463-503 (Apr.).

Reassessing *Dred Scott*: the possibilities of federal power in the antebellum context. Eric T. Dean, Jr. 60 U. Cin. L. Rev. 713-55 (No. 3).

RACES

See also *First Amendment, Race Discrimination*.

Brown and the Afrocentric curriculum. Sonia R. Jarvis. 101 Yale L.J. 1285-304 (Apr.).

Posner on Duncan Kennedy and racial difference: white authority in the legal academy. Jerome McCristal Culp, Jr. 41 Duke L.J. 1095-114 (Apr.).

"The black community," its lawbreakers, and a politics of identification. Regina Austin. 65 S. Cal. L. Rev. 1769-817 (May).

RAPE

Whither statutory rape laws: of *Michael M.*, the Fourteenth Amendment, and protecting women from sexual aggression. 65 S. Cal. L. Rev. 1933-92 (May).

REFUGEES

Membership in a particular social group under the Refugee Act of 1980: social identity and the legal concept of the refugee. 92 Colum. L. Rev. 923-53 (May).

RELIGION

See also *Establishment Clause, Freedom of Religion, Law Schools*.

A constitutional right of religious exemption: an historical perspective. Philip A. Hamburger. 60 Geo. Wash. L. Rev. 915-48 (Apr.).

Religion and liberal democracy. Kathleen M. Sullivan. 59 U. Chi. L. Rev. 195-223 (Winter).

RELIGIOUS ORGANIZATIONS

See *Law Schools*.

RENTS AND RENT CONTROL

Yee v. City of Escondido: will mobile homes provide an open road for the *Nollan* analysis? 67 Notre Dame L. Rev. 821-49 (No. 3).

RES JUDICATA

See *Judgments*.

RIGHT OF PRIVACY

Caller ID: privacy protector or privacy invader? 1992 U. Ill. L. Rev. 219-48 (No. 1).

RIGHT TO DIE

Physician-assisted suicide and the right to die with assistance. 105 Harv. L. Rev. 2021-40 (June).

RULE OF LAW

Bias in the evolution of legal rules. Gillian K. Hadfield. 80 Geo. L.J. 583-616 (Feb.).

SCIENCE

See *Sports*.

SEARCH AND SEIZURE

See also *Motor Vehicle Searches*.

Search and seizure: sliding scale used to determine reasonableness eroded probable cause in *United States v. Chaidez*. 60 U. Cin. L. Rev. 857-75 (No. 3).

SECURITIES

See also *Blue Sky Laws*.

Benign restraint: the SEC's regulation of execution systems. 101 Yale L.J. 1551-75 (May).

Even after *Reves*, securities do not have families: returning to economic and legal realities through a connotative definition of a security. 1992 U. Ill. L. Rev. 249-300 (No. 1).

The fraud-created-the-market theory: the presumption of reliance in the primary issue context. 60 U. Cin. L. Rev. 495-532 (Fall).

Qualitative materiality under the SEC proxy rules and the Fifth Amendment: a disclosure accident waiting to happen or two ships passing in the night? James D. Redwood. 1992 Wis. L. Rev. 315-409 (No. 2).

Rule 14e-3's disclose-or-abstain rule and its validity under section 14(e). 60 U. Cin. L. Rev. 449-93 (Fall).

Securities fraud and the mirage of repose. Lyman Johnson. 1992 Wis. L. Rev. 607-77 (No. 3).

SECURITIES FRAUD

See *Securities*.

SENTENCING

See also *Plea Bargaining*.

An argument for confrontation under the Federal Sentencing Guidelines. 105 Harv. L. Rev. 1880-99 (June).

Conference on the federal sentencing guidelines. Keynote address by Marvin E. Frankel. Summary of conference. 101 Yale L.J. 2043-75 (June).

Federal sentencing in the wake of guidelines: unacceptable limits on the discretion of sentencers. Daniel J. Freed. Comments by Donald P. Lay & Dale G. Parent. 101 Yale L.J. 1681-793 (June).

The sentencing guidelines: downward departures based on a defendant's extraordinary family ties and responsibilities. 76 Minn. L. Rev. 957-84 (Apr.).

SEPARATION OF POWERS

See *Constitutional Law, Politics*.

SETTLEMENTS

See also *Tort Claims Act*.

Three attorney fee-shifting rules and contingency fees: their impact on settlement incentives. 90 Mich. L. Rev. 2154-89 (June).

SEX CRIMES

Judicial discretion in sexual assault cases after *State v. Pullizzano*: the Wisconsin Supreme Court giveth, can the Wisconsin legislature taketh away? 1992 Wis. L. Rev. 785-807 (No. 3).

SEXUAL HARASSMENT

See *Politics*.

SOCIOLOGICAL JURISPRUDENCE

"Just do it": pragmatism and progressive social change. Lynn A. Baker. 78 Va. L. Rev. 697-718 (Apr.).

SPORTS

The technology of perfection: performance enhancement and the control of attributes. Michael H. Shapiro. Comment by Norman Fost. 65 S. Cal. L. Rev. 11-120 (Nov.).

STATE LAW

See also *Administrative Procedure*.

Annual survey of Michigan law: June 1, 1990 - May 31, 1991. 38 Wayne L. Rev. 587-1316 (Winter).

Rethinking the aim of the "war on drugs": states' roles in preventing substance abuse by pregnant women. 1992 Wis. L. Rev. 197-232 (No. 1).

State action and the obligation of the states to prevent private harm: the Rehnquist transformation and the betrayal of fundamental commitments. Alan R. Madry. 65 S. Cal. L. Rev. 781-844 (Jan.).

STATES' RIGHTS

See *Constitutional Law*.

STATISTICS

Chicago-Kent Law Review Faculty scholarship survey. 66 Chi.-Kent L. Rev. 509-28 (No. 2).

STATUTES

See also *Legislative Drafting, Patents, Statutory Interpretation*.

An "internal" critique of Justice Scalia's theory of statutory interpretation. William D. Popkin. 76 Minn. L. Rev. 1133-87 (May).

Marshall's plan: the early Supreme Court and statutory interpretation. 101 Yale L.J. 1607-30 (May).

Retaining the rule of law in a *Chevron* world. Michael A. Fitts. 66 Chi.-Kent L. Rev. 355-64 (No. 2).

The Shakespeare canon of statutory construction. John Paul Stevens. 140 U. Pa. L. Rev. 1373-87 (Apr.).

When the judge is not the primary official with responsibility to read: agency interpretation and the problem of legislative history. Pe-

ter L. Strauss. 66 Chi.-Kent L. Rev. 321-53 (No. 2).

STATUTORY INTERPRETATION

Nonjudicial statutory interpretation. William D. Popkin. 66 Chi.-Kent L. Rev. 301-20 (No. 2).

STOCKHOLDER VOTING

See *Corporations*.

STOCKHOLDERS

See *Civil Procedure*.

SUICIDE

See *Right To Die*.

TAX PENALTIES

Criminal liability under the Internal Revenue Code: a proposal to make the "voluntary" compliance system a little less "voluntary". 140 U. Pa. L. Rev. 1429-61 (Apr.).

TAXATION

See also *Tax Penalties*.

The *Campbell* controversy: is it soup yet? 78 Va. L. Rev. 967-99 (May).

Corporate governance and stockholder abdication: missing factors in tax policy analysis. James R. Repetti. 67 Notre Dame L. Rev. 971-1035 (No. 4).

Corporate sponsorships of charity events and the unrelated business income tax: will Congress or the courts block the IRS rush to sack the college football bowl games? 67 Notre Dame L. Rev. 1079-120 (No. 4).

TORT CLAIMS ACT

The Alaska Native Claims Settlement Act: tribal sovereignty and the corporate form. 101 Yale L.J. 1331-55 (Apr.).

TORTS

See also *Adoption, Constitutional Law*.

Do we really know anything about the behavior of the tort litigation system—and why not? Michael J. Saks. 140 U. Pa. L. Rev. 1147-292 (Apr.).

Justice improved: the unrecognized benefits of aggregation and sampling in the trial of mass torts. Michael J. Saks & Peter D. Blanck. 44 Stan. L. Rev. 815-51 (Apr.).

A sociolegal history of the tobacco tort litigation. Robert L. Rabin. 44 Stan. L. Rev. 853-78 (Apr.).

TOXIC TORTS

See *Expert Witnesses*.

TRADE REGULATION

See *Economics*.

TRANSSEXUALISM

Self-transformability. Ronald R. Garet. 65 S. Cal. L. Rev. 121-203 (Nov.).

UNEMPLOYMENT INSURANCE

The private provision of unemployment insurance. Michael B. Rappaport. 1992 Wis. L. Rev. 61-129 (No. 1).

UNFAIR COMPETITION

See *Antitrust Law*.

UNIONS

See *Labor Law*.

VOTING

Polarized voting and the political process: the transformation of voting rights jurisprudence. Samuel Issacharoff. 90 Mich. L. Rev. 1833-91 (June).

WARRANTY

See *Contracts*.

WITNESSES

Children as witnesses after *Maryland v. Craig*. 65 S. Cal. L. Rev. 1993-2037 (May).