

# Michigan Law Review

---

Volume 91 | Issue 1

---

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*, 91 MICH. L. REV. 158 (1992).

Available at: <https://repository.law.umich.edu/mlr/vol91/iss1/8>

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

Settling for a judge: a comment on Clermont and Eisenberg. Samuel R. Gross. 77 Cornell L. Rev. 1178-87 (July).

### ADMINISTRATIVE AGENCIES

Evaluating regulatory interpretations: individual statements. Russell L. Weaver. 80 Ky. L.J. 987-1035 (No. 4).

### ADVERTISING

Advertising and a democratic press. C. Edwin Baker. 140 U. Pa. L. Rev. 2097-243 (June).

### ANTITRUST LAW

See *Unions*.

### APPELLATE PROCEDURE: CRIMINAL RULES

The Seventh Circuit as a criminal court; the role of a federal appellate court in the nineties. Adam H. Kurland. 67 Chi.-Kent L. Rev. 3-27 (No. 1).

### ATTORNEY ADVERTISING

An empirical examination of the Iowa Bar's approach to regulating lawyer advertising. 77 Iowa L. Rev. 179-268 (Oct.).

### BANKRUPTCY

The need for speed and common sense: re-writing § 365(c)(2) to recognize the practice of prepetition agreements for § 364 debtor-in-possession financing. 140 U. Pa. L. Rev. 2471-99 (June).

### CAMPAIGN FUNDS

Modeling campaign contributions: the market for access and its implications for regulation. 80 Geo. L.J. 1891-911 (June).

### CAPITAL PUNISHMENT

Death for drug related killings: revival of the federal death penalty. Sandra D. Jordan. 67 Chi.-Kent L. Rev. 79-125 (No. 1).

### CHILD ABUSE

Birth control as a condition of probation—a new weapon in the war against child abuse. 80 Ky. L.J. 1037-53 (No. 4).

### CIVIL PROCEDURE

See *Discovery*.

### COMMUNISM

See *International Law*.

### CONSTITUTIONAL LAW

See also *Equitable Remedies*, *Fourth Amendment*, *International Law*, *Parties to Action*, *Public Officials & Employees*.

*Brown and Miranda*. Louis Michael Seidman. 80 Cal. L. Rev. 673-753 (May).

The vesting clauses, the *Nixon* test, and the pharaoh's dreams. 78 Va. L. Rev. 1353-89 (Aug.).

### CONSTITUTIONAL THEORY

See also *Statutes*.

"Interpreting" the Constitution: Posner on Bork. Lino A. Graglia. 44 Stan. L. Rev. 1019-50 (May).

### CONTRACTS

Conflicting visions: a critique of Ian Macneil's relational theory of contract. 78 Va. L. Rev. 1175-206 (Aug.).

Dancing to music: an interpretation of mutuality. Ronald R. Garet. 80 Ky. L.J. 893-952 (No. 4).

The principle of *Hadley v. Baxendale*. Melvin Aron Eisenberg. 80 Cal. L. Rev. 563-613 (May).

The use of open terms in contract. Mark P. Gergen. 92 Colum. L. Rev. 997-1081 (June).

### CONTRACTS: CONSIDERATION

The promissory basis of past consideration. Steve Thel & Edward Yorio. 78 Va. L. Rev. 1045-101 (Aug.).

### CORPORATE OFFICERS

RCRA and the responsible corporate officer doctrine: getting tough on corporate offenders by sidestepping the mens rea requirement. 80 Ky. L.J. 1055-73 (No. 4).

### CORPORATIONS

Corporate law and the longterm shareholder model of corporate governance. John H. Matheson & Brent A. Olson. 76 Minn. L. Rev. 1313-91 (June).

Pennsylvania's antitakeover statute: an impermissible regulation of the interstate market for corporate control. 66 Chi.-Kent L. Rev. 863-901 (No. 3).

**CORRUPT PRACTICES**

See *Public Officials & Employees*.

**CRIMINAL LAW**

The construction of responsibility in the criminal law. Richard C. Boldt. 140 U. Pa. L. Rev. 2245-332 (June).

**CRIMINAL PROCEDURE**

See *Sentencing*.

**DECONSTRUCTION**

See *International Law*.

**DISCOVERY**

Discovery in modern times: a voyage around the common law world. Colin Tapper. 67 Chi-Kent L. Rev. 217-71 (No. 1).

**DISCRIMINATION**

Minority scholarships: a new battle in the war on affirmative action. 77 Iowa L. Rev. 307-45 (Oct.).

**DISPUTE RESOLUTION:  
INTERNATIONAL LAW**

Drafting dispute resolution clauses for Western investment and joint ventures in Eastern Europe. 13 Mich. J. Intl. L. 981-1001 (Summer).

**DOMESTIC RELATIONS**

A more perfect union: a legal and social analysis of domestic partnership ordinances. 92 Colum. L. Rev. 1164-211 (June).

**ELECTRONIC FUNDS TRANSFERS**

Allocation of loss due to fraudulent wholesale wire transfers: is there a negligence action against a beneficiary's bank after article 4A of the Uniform Commercial Code? 90 Mich. L. Rev. 2565-611 (Aug.).

**ELECTRONIC SURVEILLANCE**

See *Telecommunications*.

**EMPLOYEE OWNERSHIP**

In defense of employee ownership. Alan Hyde. 67 Chi-Kent L. Rev. 159-211 (No. 1).

**EMPLOYER AND EMPLOYEE**

See *Sex Crimes*.

**ENVIRONMENTAL LAW**

Foolish consistency? Compliance with the National Contingency Plan under CERCLA § 107. 70 Texas L. Rev. 1297-324 (Apr.).

**EQUAL PROTECTION**

Strict scrutiny and social choice: an economic inquiry into fundamental rights and suspect classifications. Lynn A. Stout. 80 Geo. L.J. 1787-834 (June).

**EQUITABLE REMEDIES**

Injunctive relief for constitutional violations: does the Civil Service Reform Act preclude equitable remedies? 90 Mich. L. Rev. 2612-45 (Aug.).

**EVIDENCE**

Federal Rule of Evidence 606(b) and the post-trial reformation of civil jury verdicts. 76 Minn. L. Rev. 1421-49 (June).

**EXTRATERRITORIALITY**

Freezer burn: United States extraterritorial freeze orders and the case for efficient risk allocation. 140 U. Pa. L. Rev. 2333-84 (June).

**FEDERALIST SOCIETY**

The Federalist Society Fifth Annual Lawyers Convention: individual responsibility and the law. Articles by Steven G. Calabresi, Gary Lawson, Orrin G. Hatch, William Bradford Reynolds, Randall L. Kennedy, Alan Keys, Nadine Strossen, William Kristol, Elizabeth Fox-Genovese, Jane E. Larson, Phyllis Schlafly, Karl Zinsmeister, Robert H. Bork, Randy E. Barnett, E. Allan Farnsworth, Joseph R. Grodin, Walter Olson, Lois Height Herrington, Joseph D. Grano, Adam Walinsky, C. Boyden Gray, Frank H. Easterbrook, Edith H. Jones, Elizabeth Warren, Harris Weinstein, Jonathan R. Macey, Kevin M. Clermont & Theodore Eisenberg. 77 Cornell L. Rev. 955-1177 (July).

**FEMINISM**

Feminist legal scholarship. Patricia A. Cain. 77 Iowa L. Rev. 19-39 (Oct.).

**FIRST AMENDMENT**

See *Freedom of the Press*.

**FOREIGN INVESTMENTS**

See *Dispute Resolution: International Law*.

**FOURTH AMENDMENT**

The Fourth Amendment: elusive standards; elusive review. Anne Bowen Poulin. 67 Chi-Kent L. Rev. 127-153 (No. 1).

**FRAUD**

See *Joinder of Actions*.

**FREEDOM OF RELIGION**

Smith and the Religious Freedom Restoration Act: an iconoclastic assessment. 78 Va. L. Rev. 1407-62 (Sept.).

**FREEDOM OF SPEECH**

Freedom of speech and workplace harassment. 39 UCLA L. Rev. 1791-872 (Aug.).

**FREEDOM OF THE PRESS**

Newsgathering, press access, and the First

Amendment. Timothy B. Dyk. 44 Stan. L. Rev. 927-60 (May).

#### GOVERNMENT CONTRACTS

Expansion of the government contractor defense: applying *Boyle* to vaccine manufacturers. 70 Texas L. Rev. 1261-96 (Apr.).

#### GOVERNMENT IMMUNITY AND LIABILITY

Clothing state governmental entities with sovereign immunity: disarray in the Eleventh Amendment arm-of-the-state doctrine. 92 Colum. L. Rev. 1243-309 (June).

#### HEALTH CARE INDUSTRY

An economic analysis of informed consent to medical care. 80 Geo. L.J. 1941-71 (June).

#### IMMUNITY

An act-based analysis of immunity and its application to unconstitutional acts of court clerks. 76 Minn. L. Rev. 1393-420 (June).

#### INDUSTRIAL ARBITRATION

See also *Labor Disputes, Labor Law*.

Labor arbitration as a continuation of the collective bargaining process. Charles B. Craver. 66 Chi.-Kent L. Rev. 571-629 (No. 3).

Labor arbitration thirty years after the Steelworkers Trilogy. Martin H. Malin. 66 Chi.-Kent L. Rev. 551-70 (No. 3).

#### INHERITANCE AND SUCCESSION

Intestate succession rights of adopted children: should the stepparent exception be extended? 77 Cornell L. Rev. 1188-232 (July).

#### INTELLECTUAL PROPERTY

See *Technology*.

#### INTERNATIONAL ENVIRONMENTAL LAW AND PRACTICE

Environmental reforms in post-communist Central Europe: from high hopes to hard reality. Margaret Bowman & David Hunter. 13 Mich. J. Intl. L. 921-80 (Summer).

Montreal Protocol noncompliance procedure: the best approach to resolving international environmental disputes? 80 Geo. L.J. 1973-2001 (June).

#### INTERNATIONAL LAW

A bitter inheritance: East German real property and the supreme constitutional court's "land reform" decision of April 23, 1991. Jonathan J. Doyle. 13 Mich. J. Intl. L. 832-64 (Summer).

Capitalism and democracy. Owen M. Fiss. 13 Mich. J. Intl. L. 908-20 (Summer).

Devolution or deconstruction Czecho-

Slovak style. Eric Stein. 13 Mich. J. Intl. L. 786-805 (Summer).

Judicial review of the compensation law in Hungary. Peter Paczolay. 13 Mich. J. Intl. L. 806-31 (Summer).

The new East European constitutional courts. Herman Schwartz. 13 Mich. J. Intl. L. 741-85 (Summer).

The state rebuilding civil society: constitutionalism and the post-communist paradox. Ethan Klingsberg. 13 Mich. J. Intl. L. 865-907 (Summer).

#### JOINDER OF ACTIONS

Reintroducing "fraud" to the doctrine of fraudulent joinder. 78 Va. L. Rev. 1377-405 (Sept.).

#### JURIES

Jural rights under Kentucky's constitution: realities grounded in myth. Thomas P. Lewis. 80 Ky. L.J. 953-85 (No. 4).

#### LABOR DISPUTES

Arbitration of employment disputes without unions. Samuel Estreicher. Comment by Matthew W. Finken with reply by Samuel Estreicher. 66 Chi.-Kent L. Rev. 753-822 (No. 3).

#### LABOR LAW

See also *Unions*.

Afterword to symposium on labor arbitration. Theodore J. St. Antoine. 66 Chi.-Kent L. Rev. 845-60 (No. 3).

Limiting section 301 preemption: three cheers for the Trilogy, only one for *Lingle* and *Lueck*. Michael C. Harper. 66 Chi.-Kent L. Rev. 685-752 (No. 3).

The Steelworkers Trilogy in the public sector. Ann C. Hodges. 66 Chi.-Kent L. Rev. 631-83 (No. 3).

#### LABOR MANAGEMENT RELATIONS

Grievance procedures in nonunion workplaces: an empirical analysis of usage, dynamics, and outcomes. David Lewin. 66 Chi.-Kent L. Rev. 823-44 (No. 3).

#### LAW SCHOOLS

See also *Women*.

Controversial scholarship and faculty appointments: a dean's view. Geoffrey R. Stone. 77 Iowa L. Rev. 73-77 (Oct.).

#### LEGAL ETHICS

Eliminating conflict at the termination of the attorney-client relationship: a proposed standard governing property rights in the client's file. 76 Minn. L. Rev. 1483-512 (June).

#### LEGAL HISTORY

Convicting the morally blameless: reasses-

sing the relationship between legal and moral accountability. Peter Arenella. 39 UCLA L. Rev. 1511-622 (Aug.).

#### LEGAL PROFESSION

See *Sex Discrimination, Women*.

#### LEGAL SCHOLARSHIP

See also *Feminism*.

The left critique of normativity: a comment. Mark V. Tushnet. 90 Mich. L. Rev. 2325-47 (Aug.).

Moral reality revisited. Michael S. Moore. 90 Mich. L. Rev. 2424-533 (Aug.).

Moral responsibility in the age of bureaucracy. David Luban, Alan Strudler & David Wasserman. 90 Mich. L. Rev. 2348-92 (Aug.).

The use of case histories. James Willard Hurst. 1992 Wis. L. Rev. 875-76 (No. 3A).

#### LENDER LIABILITY

Bank director liability under FIRREA: a new defense for directors and officers of insolvent depository institutions—or a tighter noose? 39 UCLA L. Rev. 1703-90 (Aug.).

#### MALICIOUS PROSECUTION

Censorship by multiple prosecution: "annihilation, by attrition if not conviction." 77 Iowa L. Rev. 279-306 (Oct.).

#### MARSHALL, THURGOOD

A tribute to Justice Thurgood Marshall. William H. Rehnquist, Byron R. White, Sandra Day O'Connor, Anthony M. Kennedy, Warren E. Burger, Lewis F. Powell, Jr., Janet Cooper Alexander, Lucius J. Barker, Julius L. Chambers, Deborah L. Rhode, Cass R. Sunstein & Mark Tushnet. 44 Stan. L. Rev. 1209-99 (Special Issue).

#### MEDICAL TECHNOLOGY

See also *Patents*.

Reimbursing new technologies: why are the courts judging experimental medicine? 44 Stan. L. Rev. 1095-131 (May).

#### MINORITIES

See *Discrimination*.

#### NATURAL LAW

Some natural confusions about natural law. Philip Soper. 90 Mich. L. Rev. 2393-423 (Aug.).

#### OIL AND GAS

Arguments for and against legislative attacks on downstream vertical integration in the oil industry. 80 Ky. L.J. 1075-93 (No. 4).

#### PARENT AND CHILD

Pluralism, parental preference, and child

custody. Elizabeth S. Scott. 80 Cal. L. Rev. 615-72 (May).

#### PARTIES TO ACTION

Perspectives on group representation. Deborah L. Rhode. 80 Ky. L.J. 887-92 (No. 4).

The rights of groups: introduction. John H. Garvey. 80 Ky. L.J. 862-67 (No. 4).

Tuskegee modern, or group rights under the Constitution. Richard A. Epstein. 80 Ky. L.J. 869-85 (No. 4).

#### PATENTS

Recombinant DNA technology: a science struggling with the patent law. 44 Stan. L. Rev. 1051-94 (May).

#### POLICE

*Florida v. Wells*: the Supreme Court bypasses an opportunity to protect motorists from abuses of police discretion. 77 Iowa L. Rev. 347-70 (Oct.).

#### POLITICS

Controlling Congress: presidential influence in domestic fiscal policy. Michael Fitts & Robert Inman. 80 Geo. L.J. 1737-87 (June).

#### PREPAID LEGAL SERVICES

See *Public Interest*.

#### PROSECUTORS

Banishing the thirteenth juror: an approach to the identification of prosecutorial racism. 92 Colum. L. Rev. 1212-42 (June).

#### PUBLIC INTEREST

Client-centeredness multiplied: individual autonomy and collective mobilization in public interest lawyers' representation of groups. Stephen Ellmann. 78 Va. L. Rev. 1103-73 (Aug.).

#### PUBLIC OFFICIALS AND EMPLOYEES

Can they throw the bums out? The constitutionality of state-imposed congressional term limits. 80 Geo. L.J. 1913-40 (June).

Limiting public corruption prosecutions under the Hobbs Act: will *United States v. Evans* be the next *McNally*? Dan K. Webb, Steven F. Molo & James F. Hurst. 67 Chi.-Kent L. Rev. 29-50 (No. 1).

#### PUNISHMENT

Correcting harms versus righting wrongs: the goal of retribution. Jean Hampton. 39 UCLA L. Rev. 1659-702 (Aug.).

Justifiably punishing the justified. Heidi M. Hurd. 90 Mich. L. Rev. 2203-324 (Aug.).

Three mistakes of retributivism. David Dolinko. 39 UCLA L. Rev. 1623-57 (Aug.).

**RACE DISCRIMINATION**

See also *Prosecutors*.

Whose common good? Racism in the political community. Stephen M. Feldman. 80 *Geo. L.J.* 1835-77 (June).

Zero-based racial politics and an infinity-based response: will endless talking cure America's racial ills? Richard Delgado. 80 *Geo. L.J.* 1879-90 (June).

**REAL PROPERTY**

See *International Law*.

**RIGHT OF PRIVACY**

Confidentiality: a measured response to the failure of privacy. 140 *U. Pa. L. Rev.* 2385-470 (June).

**SENTENCING**

The Seventh Circuit and departures from the sentencing guidelines: sentencing by numbers. Terence F. MacCarthy & Nancy B. Murnighan. 67 *Chi.-Kent L. Rev.* 51-78 (No. 1).

**SEX CRIMES**

"Scope of employment" redefined: holding employers vicariously liable for sexual assaults committed by their employees. 76 *Minn. L. Rev.* 1513-41 (June).

**SEX DISCRIMINATION**

The gendered curriculum: of contracts and careers. Marjorie Maguire Shultz. 77 *Iowa L. Rev.* 55-71 (Oct.).

Good intentions are not enough: an agenda on gender for law school deans. Sylvia A. Law. 77 *Iowa L. Rev.* 79-86 (Oct.).

Visible on "women's issues." Judith Resnik. 77 *Iowa L. Rev.* 41-53 (Oct.).

**SLAVERY**

Conflicting obligations: slave law and the late antebellum North Carolina Supreme Court. 78 *Va. L. Rev.* 1207-51 (Aug.).

**STATUTES**

See also *Taxation*.

Legal interpretation and a constitutional case: *Home Building & Loan Association v. Blaisdell*. 90 *Mich. L. Rev.* 2534-64 (Aug.).

The use of authority in statutory interpretation: an empirical analysis. Nicholas S. Zeppos. 70 *Texas L. Rev.* 1073-144 (Apr.).

**TAXATION**

Fairness and the consumption tax. Barbara H. Fried. 44 *Stan. L. Rev.* 961-1017 (May).

State taxation of Puerto Rican obligations: an interest(ing) question. 66 *Chi.-Kent L. Rev.* 903-56 (No. 3).

Tax policy under a hybrid income-consumption tax. Edward J. McCaffery. 70 *Texas L. Rev.* 1145-218 (Apr.).

*United States v. Leach* and Internal Revenue Code section 7521(c): applying a text-based analysis to provisions of the tax code. 77 *Iowa L. Rev.* 371-401 (Oct.).

**TECHNOLOGY**

Above all, do no harm: the application of the Exon-Florio Amendment to dual-use technologies. 13 *Mich. J. Intl. L.* 1002-31 (Summer).

**TELECOMMUNICATIONS**

The Electronic Communications Privacy Act of 1986 and satellite descramblers: toward preventing statutory obsolescence. 76 *Minn. L. Rev.* 1451-81 (June).

**TORTS**

Negligence, strict liability, and the cheapest cost-avoider. Stephen G. Gilles. 78 *Va. L. Rev.* 1291-375 (Sept.).

*Vosburg v. Putney*: a centennial story. Zigurds L. Zile. 1992 *Wis. L. Rev.* 877-996 (No. 3A).

*Vosburg v. Putney* in three-part disharmony. Robert L. Rabin. 1992 *Wis. L. Rev.* 863-73 (No. 3A).

Why *Vosburg* comes first. James A. Henderson, Jr. 1992 *Wis. L. Rev.* 853-61 (No. 3A).

**TREATIES**

Treaty-based rights and remedies of individuals. Carlos Manuel Vázquez. 92 *Colum. L. Rev.* 1082-163 (June).

**UNIONS**

See also *Labor Law*.

The antitrust liability of labor unions for anticompetitive litigation. 80 *Cal. L. Rev.* 757-800 (May).

Unions without majority—a black hole? Clyde Summers. 66 *Chi.-Kent L. Rev.* 531-48 (No. 3).

**WOMEN**

The future of women law professors. Herma Hill Kay. 77 *Iowa L. Rev.* 5-18 (Oct.).

Women and legal scholarship: a bibliography. Paul M. George & Susan McGlamery. 77 *Iowa L. Rev.* 87-177 (Oct.).