

Michigan Law Review

Volume 92 | Issue 4

1994

Periodical Index

Michigan Law Review

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

Recommended Citation

Michigan Law Review, *Periodical Index*, 92 MICH. L. REV. 1037 (1994).

Available at: <https://repository.law.umich.edu/mlr/vol92/iss4/7>

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*.

ADMINISTRATION OF JUSTICE

See also *Court Administration, Courts*.

Gaining public trust in the criminal legal process. Rosann Greenspan. 66 S. Cal. L. Rev. 2199-207 (July).

ADMINISTRATIVE AGENCIES

See *Indians, Judicial Review*.

ADMISSIBILITY OF EVIDENCE

See *DNA Fingerprinting*.

ADVERTISING

Environmental marketing and federal preemption of state law: eliminating the "gray" behind the "green." 81 Cal. L. Rev. 991-1027 (July).

AIDS

See *Discrimination*.

AIR POLLUTION

OSHA's air contaminants standard revision succumbs to substantial evidence test: *AFL-CIO v. OSHA*. 62 U. Cin. L. Rev. 351-92 (No. 1).

ALIENS

The constitutionality of INS pre-hearing detention of alien children: *Flores v. Meese*. 62 U. Cin. L. Rev. 217-46 (No. 1).

APPELLATE PROCEDURE

See *Class Actions, Sentencing*.

ARBITRATION AND AWARD

Understanding the limits of court-connected ADR: a critique of federal court-annexed arbitration programs. Lisa Bernstein. 141 U. Pa. L. Rev. 2169-259 (June).

ARNOLD, RICHARD S.

A tribute to Chief Judge Richard S. Arnold. Commentary by William J. Brennan, Jr., John P. Frank & A. Leon Higginbotham, Jr., Donald P. Lay, and Patricia M. Wald. 78 Minn. L. Rev. 1-59 (Nov.).

ASYLUM

Elias-Zacarias: result-oriented reasoning and the Rehnquist Court's preclusion of asylum claims based on political neutrality. 39 Wayne L. Rev. 1385-409 (Spring).

ATTORNEYS

See *Dispute Resolution*.

BANKRUPTCY

When cities go broke: a conceptual introduction to municipal bankruptcy. Michael W. McConnell & Randal C. Picker. 60 U. Chi. L. Rev. 435-95 (Spring).

BIAS CRIMES

Ethnic intimidation statutes post-*R.A.V.*: will they withstand constitutional scrutiny? 62 U. Cin. L. Rev. 113-71 (No. 1).

CAMPAIGN FUNDS

Campaign finance reform and the return of *Buckley v. Valeo*. 103 Yale L.J. 469-503 (Nov.).

CAPITAL PUNISHMENT

Guilty but mentally ill and the death penalty: punishment full of sound and fury, signifying nothing. 43 Duke L.J. 87-112 (Oct.).

CHARITIES

See *Income Tax: Deductions*.

CHILD ABUSE

See *Legal Ethics*.

CHILD CUSTODY

Implementing custody mediation in family court: some comments on the Jefferson County Family Court experience. Louise E. Graham. 81 Ky. L.J. 1107-31 (No. 4).

CITIES

See *Counties*.

CIVIL RIGHTS

The persistence of prejudice: process-based theory and the retroactivity of the Civil Rights Act of 1991. 103 Yale L.J. 567-94 (Nov.).

CLASS ACTIONS

The appealability of class action settlements by unnamed parties. 60 U. Chi. L. Rev. 933-56 (Summer/Fall).

COLLEGES AND UNIVERSITIES

Obscuring the issue: the inappropriate application of *in loco parentis* to the campus crime question. 39 Wayne L. Rev. 1335-59 (Spring).

COMMERCE CLAUSE

Give 'em enough rope: states, subdivisions and the market participant exception to the Dormant Commerce Clause. 60 U. Chi. L. Rev. 615-42 (Spring).

COMPARATIVE LAW

See also *Slavery*.

Autonomous lawmaking: the case of the "Gypsies." Walter O. Weyrauch & Maureen A. Bell. Commentary by W. Michael Reisman. 103 Yale L.J. 323-417 (Nov.).

COMPARATIVE LAW: ENVIRONMENTAL LAW

Parallel universes: NEPA lessons for the new property. Michael Herz. 93 Colum. L. Rev. 1668-737 (Nov.).

COMPARATIVE NEGLIGENCE

Comparative negligence under the Code: protecting negligent banks against negligent customers. Julianna J. Zekan. 26 Mich. J.L. Ref. 125-94 (Fall).

CONSTITUTIONAL AMENDMENTS

Incorporation of the Bill of Rights: Akhil Amar's wishing well. Raoul Berger. 62 U. Cin. L. Rev. 1-36 (No. 1).

On misreading John Bingham and the Fourteenth Amendment. Richard L. Aynes. 103 Yale L.J. 57-104 (Oct.).

CONSTITUTIONAL LAW

See also *Domestic Relations, Elections, Homosexuality and Lesbianism, Slavery*.

Justice in plain clothes: reflections on the thinness of constitutional law. Lawrence G. Sager. Commentary by Ronald J. Allen, Akhil Reed Amar, and Terrance Sandalow. 88 Nw. U. L. Rev. 410-68 (Fall).

CONSTITUTIONAL THEORY

See also *Constitutional Amendments, Constitutional Law, Judicial Review*.

The aspirational Constitution. Robin West. Commentary by Steven G. Calabresi, Anthony E. Cook, and Sanford Levinson. 88 Nw. U. L. Rev. 241-95 (Fall).

The Constitution, the courts, and the question of minimalism. Michael J. Perry. Commentary by Martin H. Redish, Suzanna Sherry, and Steven D. Smith. 88 Nw. U. L. Rev. 84-192 (Fall).

Justice and the text: rethinking the constitutional relation between principle and prudence. Christopher L. Eisgruber. 43 Duke L.J. 1-55 (Oct.).

Tradition and insight. Rebecca L. Brown. 103 Yale L.J. 177-222 (Oct.).

CONTRACTUAL BAD FAITH

See *Insurance*.

CORPORATE ACQUISITIONS AND MERGERS

See *Corporations*.

CORPORATE OFFICERS

See also *Corporations, Fiduciary Relationships*.

Independent directors and the ALI corporate governance project. Stephen M. Bainbridge. 61 Geo. Wash. L. Rev. 1034-83 (Apr.).

CORPORATE REORGANIZATION

See *Corporations*.

CORPORATE SOCIAL RESPONSIBILITY

Private law, public interest?: the ALI *Principles of Corporate Governance*. Lawrence E. Mitchell. 61 Geo. Wash. L. Rev. 871-97 (Apr.).

CORPORATIONS

See also *Corporate Officers, Corporate Social Responsibility, Fiduciary Relationships, Stockholder Derivative Actions*.

The ALI, institutionalization, and disclosure: the quest for the outside director's spine. James D. Cox. 61 Geo. Wash. L. Rev. 1233-73 (Apr.).

The ALI's corporate governance project: the death of property rights? William J. Carney. 61 Geo. Wash. L. Rev. 898-953 (Apr.).

Corporate takeovers and corporate law: who's in control? Lyman Johnson & David Millon. 61 Geo. Wash. L. Rev. 1177-211 (Apr.).

Down the rabbit-hole and into the nineties: issues of accountability in the wake of eighties-style transactions in control. Deborah A. DeMott. 61 Geo. Wash. L. Rev. 1130-55 (Apr.).

Implications of the stakeholder model. Roberta S. Karmel. 61 Geo. Wash. L. Rev. 1156-76 (Apr.).

The mandatory nature of the ALI code. Larry E. Ribstein. 61 Geo. Wash. L. Rev. 984-1033 (Apr.).

Self-regulation, normative choice, and the structure of corporate fiduciary law. William W. Bratton. 61 Geo. Wash. L. Rev. 1084-129 (Apr.).

The transformation of the American Law Institute. Jonathan R. Macey. 61 Geo. Wash. L. Rev. 1212-32 (Apr.).

Who's being greedy?: a theoretical and empirical examination of holdouts and coercion in debt tender and exchange offers. 103 Yale L.J. 505-35 (Nov.).

COUNTIES

Local government protection of biodiversity: what is its niche? A. Dan Tarlock. 60 U. Chi. L. Rev. 555-613 (Spring).

COURT ADMINISTRATION

See also *Courts*.

Financing and managing the finances of the California court system: alternative futures. John K. Hudzik. 66 S. Cal. L. Rev. 1813-914 (July).

The impact of information technology on judicial administration: a research agenda for the future. Robert Anderson, Ellen Borgeresen, Paul Brest, William Fenwick & Jefferson Sher. 66 S. Cal. L. Rev. 1761-812 (July).

COURTS

See also *Venue*.

Access to the civil courts for those of low and moderate means. James W. Meeker & John Dombrink. 66 S. Cal. L. Rev. 2217-31 (July).

Alternative court structures in the future of the California judiciary: 2020 vision. Lawrence B. Solum. 66 S. Cal. L. Rev. 2121-82 (July).

The confirmation mess, continued. Stephen L. Carter. 62 U. Cin. L. Rev. 75-100 (No. 1).

From sociological trends of 1992 to the criminal courts of 2020. Candace McCoy. 66 S. Cal. L. Rev. 1967-91 (July).

The future relationship of California's state and federal courts: an essay on jurisdictional reform, the transformation of property, and the new age of information. John B. Oakley. 66 S. Cal. L. Rev. 2233-50 (July).

Innovation, resistance, and change: a history of judicial reform and the California courts, 1960-1990. Harry N. Scheiber. 66 S. Cal. L. Rev. 2049-120 (July).

Planning for the next century in the California courts. Stephen P. Johnson. 66 S. Cal. L. Rev. 1751-60 (July).

A report on the independence of the judiciary. J. Clark Kelso. 66 S. Cal. L. Rev. 2209-16 (July).

Surveying the future. Elizabeth Ellers. 66 S. Cal. L. Rev. 2183-97 (July).

20/20 vision: the future of the California civil courts. Samuel Krislov & Paul Kramer. 66 S. Cal. L. Rev. 1915-66 (July).

CRUEL AND UNUSUAL PUNISHMENT

See *Capital Punishment, Prisons and Prisoners*.

DAMAGES

See *Employee Benefits, Housing Discrimination, Personal Injuries, Pornography*.

DEMOCRACY

See also *Judicial Review, Jurisprudence, Sociology*.

Who's afraid of deliberative democracy? on the strategic/deliberative dichotomy in recent constitutional jurisprudence. David M. Estlund. 71 Texas L. Rev. 1437-77 (June).

DISCRIMINATION

See also *Elections, Judicial Review*.

Of diagnoses and discrimination: discriminatory nontreatment of infants with HIV infection. Mary A. Crossley. 93 Colum. L. Rev. 1581-667 (Nov.).

DISPUTE RESOLUTION

See also *Arbitration and Award, Child Custody, Courts*.

Arbitral practice and purpose in employee off-duty misconduct cases. 69 Notre Dame L. Rev. 135-56 (No. 1).

Building and maintaining a statewide mediation program: a view from the field. Sharon Press. 81 Ky. L.J. 1029-65 (No. 4).

Court-annexed arbitration — the Northern Kentucky experience. Christopher J. Mehling & Donald Stegner. 81 Ky. L.J. 1155-63 (No. 4).

The development and organization of domestic relations mediation in a multi-function mediation center in Kentucky. Gary W. Paquin. 81 Ky. L.J. 1133-53 (No. 4).

Establishing a joint state bar association and Supreme Court commission on alternative dispute resolution. Jack P. Etheridge. 81 Ky. L.J. 1085-92 (No. 4).

The neighborhood justice center movement. Edith B. Primm. 81 Ky. L.J. 1067-83 (No. 4).

Of the growth and development of dispute resolution. Patrick F. Piere & Linda Work. 81 Ky. L.J. 959-75 (No. 4).

The quiet revolution comes to Kentucky: a case study in community mediation. Thomas J. Stipanowich. 81 Ky. L.J. 855-958 (No. 4).

Reflections on the role of the neutral lawyer: the lawyer as mediator. Karen A. Zerhusen. 81 Ky. L.J. 1165-76 (No. 4).

Running statewide dispute resolution programs — the New York experience. Thomas F. Christian. 81 Ky. L.J. 1093-106 (No. 4).

State offices of mediation: thoughts on the evolution of a national network. Peter S. Adler. 81 Ky. L.J. 1013-27 (No. 4).

Training interveners for ADR processes. Joseph B. Stulberg. 81 Ky. L.J. 977-1011 (No. 4).

DNA FINGERPRINTING

The admissibility of DNA evidence in criminal proceedings. 39 Wayne L. Rev. 1411-32 (Spring).

DOMESTIC RELATIONS

See also *Dispute Resolution*.

Do siblings possess constitutional rights? 78 Cornell L. Rev. 1187-220 (Sept.).

DUE PROCESS OF LAW

See *Comparative Law: Environmental Law*.

EDUCATION: FINANCE

See *Schools and School Districts: Finance*.

ELECTIONS

See also *Representative Government*.

Challenging criminal disenfranchisement under the Voting Rights Act: a new strategy. 103 Yale L.J. 537-66 (Nov.).

Judging politics: the elusive quest for judicial review of political fairness. Samuel Issacharoff. 71 Texas L. Rev. 1643-703 (June).

Race and redistricting: drawing constitutional lines after *Shaw v. Reno*. T. Alexander Aleinikoff & Samuel Issacharoff. 92 Mich. L. Rev. 588-651 (Dec.).

Relationships of representation in Voting Rights Act jurisprudence. Kathryn Abrams. 71 Texas L. Rev. 1409-35 (June).

The rights to vote: some pessimism about formalism. Pamela S. Karlan. 71 Texas L. Rev. 1705-40 (June).

Save the baby, change the bathwater, and scrub the tub: Latino electoral participation after seventeen years of Voting Rights Act coverage. Rodolfo O. de la Garza & Louis DeSipio. 71 Texas L. Rev. 1479-539 (June).

Who rules at home?: one person/one vote and local governments. Richard Briffault. 60 U. Chi. L. Rev. 339-424 (Spring).

ELECTRICITY

The choice between markets and central planning in regulating the U.S. electricity industry. Bernard S. Black & Richard J. Pierce, Jr. 93 Colum. L. Rev. 1339-441 (Oct.).

ELECTRONIC SURVEILLANCE

Title III at a crossroads: the ordinary course of business in the home, the consent of children, and parental wiretapping. 141 U. Pa. L. Rev. 2261-310 (June).

EMPLOYEE BENEFITS

Trading places: employer strategies to avoid mandatory awards of interest, liquidated damages, and attorney's fees under the MPPAA. 78 Minn. L. Rev. 229-57 (Nov.).

EMPLOYER AND EMPLOYEE

See *Dispute Resolution, Labor Disputes*.

EMPLOYMENT DISCRIMINATION

Filling an enforcement void: using testers to uncover and remedy discrimination in hir-

ing for lower-skilled entry-level jobs. Michael J. Yelnosky. 26 Mich. J.L. Ref. 403-84 (Winter).

EMPLOYMENT DISCRIMINATION: AGE

The Age Discrimination in Employment Act, Title VII, and the Civil Rights Act of 1991: three acts and a dog that didn't bark. Howard Eglit. 39 Wayne L. Rev. 1093-216 (Spring).

**EMPLOYMENT DISCRIMINATION:
GAYS AND LESBIANS**

Reorienting the workplace: examining California's new labor code section 1102.1 and other legal protections against employment discrimination based on sexual orientation. 66 S. Cal. L. Rev. 2297-329 (July).

You've built the bridge, why don't you cross it? a call for state labor laws prohibiting private employment discrimination on the basis of sexual orientation. 26 Mich. J.L. Ref. 245-77 (Fall).

ENVIRONMENTAL LAW

See *Air Pollution*.

ENVIRONMENTAL PROTECTION

See also *Advertising, Counties, Intellectual Property*.

The challenge of indigenous self-determination. Russel L. Barsh. 26 Mich. J.L. Ref. 277-312 (Winter).

The EC vs. NAFTA: levelling up vs. social dumping. Sheldon Friedman. 68 Chi.-Kent L. Rev. 1421-26 (No. 3).

Lujan v. Defenders of Wildlife: unwarranted judicial interference with congressional power and environmental protection. 1993 Wis. L. Rev. 1337-73 (No. 5).

EQUAL PROTECTION

See *Land Use*.

ESTABLISHMENT CLAUSE

See also *Schools and School Districts*.

The constitutionality of New Jersey kosher food regulations under the Establishment Clause: *Ran-Dav's County Kosher v. State*. 62 U. Cin. L. Rev. 246-82 (No. 1).

Good faith? religious-secular parallelism and the Establishment Clause. 93 Colum. L. Rev. 1763-806 (Nov.).

EVIDENCE

See *Slavery*.

EXCLUSIONARY RULE

See *Harmless Error*.

FAIR USE DOCTRINE

Beyond *Rogers v. Koons*: a fair use standard

for appropriation. 93 Colum. L. Rev. 1473-526 (Oct.).

FAMILY COURTS

Children, families, and the courts in the twenty-first century. Gary B. Melton. 66 S. Cal. L. Rev. 1993-2047 (July).

FEDERAL JURISDICTION

See *Removal of Causes*.

FEDERAL PREEMPTION

See *Advertising*.

FEDERAL RULES OF CIVIL PROCEDURE

Rule 11 and federal sovereign immunity: respecting the explicit waiver requirement. 60 U. Chi. L. Rev. 1043-70 (Summer/Fall).

FEMINIST JURISPRUDENCE

See *Fifth Amendment Protections, Legal Ethics*.

FIDUCIARY RELATIONSHIPS

See also *Corporations*.

How should we talk about fiduciary duty? directors' conflict-of-interest transactions and the ALI's *Principles of Corporate Governance*. Marleen A. O'Connor. 61 Geo. Wash. L. Rev. 954-83 (Apr.).

FIFTH AMENDMENT PROTECTIONS

In a different register: the pragmatics of powerlessness in police interrogation. Janet E. Ainsworth. 103 Yale L.J. 259-322 (Nov.).

FIRST AMENDMENT PROTECTIONS

See also *Freedom of Association, Freedom of Religion*.

Broadcasting and speech. Jonathan Weinberg. 81 Cal. L. Rev. 1101-206 (Oct.).

The fighting words doctrine. 93 Colum. L. Rev. 1527-71 (Oct.).

Words, conduct, caste. Cass R. Sunstein. 60 U. Chi. L. Rev. 795-844 (Summer/Fall).

FOOD, DRUG & COSMETIC LAW

See *Freedom of Religion*.

FOREIGN LAW

See *Self-Incrimination*.

FREEDOM OF ASSOCIATION

Associational rights of major political parties: a skeptical inquiry. Daniel H. Lowenstein. 71 Texas L. Rev. 1741-92 (June).

FREEDOM OF RELIGION

See also *Slavery*.

Kosher food regulation and the religion clauses of the First Amendment. 60 U. Chi. L. Rev. 667-96 (Spring).

FREEDOM OF SPEECH

See *First Amendment Protections, Slavery*.

FREEDOM OF THE PRESS

See *First Amendment Protections, Slavery*.

GOVERNMENT

Decentering decentralization. Jerry Frug. 60 U. Chi. L. Rev. 253-338 (Spring).

GOVERNMENT IMMUNITY AND LIABILITY

See *Federal Rules of Civil Procedure*.

HARMLESS ERROR

Harmless error as constitutional common law: Congress's power to reverse *Arizona v. Fulminante*. 60 U. Chi. L. Rev. 985-1014 (Summer/Fall).

HATE SPEECH

See also *Bias Crimes, First Amendment Protections*.

Regulation of hate speech and pornography after *R.A.V.* Elena Kagan. 60 U. Chi. L. Rev. 873-902 (Summer/Fall).

HAZARDOUS WASTE LIABILITY

When less is more: a significant risk threshold for CERCLA liability. 60 U. Chi. L. Rev. 697-723 (Spring).

HAZARDOUS WASTE SITES

See *Land Use*.

HOME RULE

See *Government*.

HOMOSEXUALITY AND LESBIANISM

Creating controversy: essentialism and constructivism and the politics of gay identity. Daniel R. Ortiz. Commentary by Cheshire Calhoun and Morris B. Kaplan. 79 Va. L. Rev. 1833-902 (Oct.).

A history of same-sex marriage. William N. Eskridge. Commentary by Milton C. Regan, Jr. and Nancy D. Polikoff. 79 Va. L. Rev. 1419-550 (Oct.).

Litigating for lesbian and gay rights: a legal history. Patricia A. Cain. Commentary by Mary A. Case and Nan D. Hunter. 79 Va. L. Rev. 1551-719 (Oct.).

Reasoning about sodomy: act and identity in and after *Bowers v. Hardwick*. Janet E. Halley. Commentary by Anne B. Goldstein and Kendall Thomas. 79 Va. L. Rev. 1721-832 (Oct.).

HOUSING

Distressed public housing: where do we go from here? Michael H. Schill. 60 U. Chi. L. Rev. 497-554 (Spring).

HOUSING DISCRIMINATION

Bona fide damages for tester plaintiffs: an economic approach to private enforcement of the antidiscrimination statutes. 81 Geo. L.J. 2727-70 (Aug.).

HUSBAND AND WIFE

See *Electronic Surveillance*.

HYPNOSIS

"Trance on trial": an exegesis of hypnotism and criminal responsibility. 39 Wayne L. Rev. 1299-334 (Spring).

IMMIGRATION AND EMIGRATION

See also *Asylum*.

Beyond the rhetoric of assimilation and cultural pluralism: addressing the tension of separatism and conflict in an immigration-driven multiracial society. Bill Ong Hing. 81 Cal. L. Rev. 863-925 (July).

INCOME TAX: DEDUCTIONS

A full spectrum of light: rethinking the charitable contribution deduction. 141 U. Pa. L. Rev. 2371-402 (June).

INDIANS

Chevron and the canon favoring Indians. 60 U. Chi. L. Rev. 1015-42 (Summer/Fall).

INDIANS: NATURAL RESOURCES

See *Environmental Protection*.

INFANTS

See *Aliens, Discrimination, Products Liability*.

INFORMED MEDICAL CONSENT

See *Right To Refuse Treatment*.

INSANITY

See *Capital Punishment*.

INSIDER TRADING

See *Securities*.

INSURANCE

The tort of bad faith in first-party insurance transactions: refining the standard of culpability and reformulating the remedies by statute. Roger C. Henderson. 26 Mich. J.L. Ref. 1-68 (Fall).

INTELLECTUAL PROPERTY

Plants, poverty, and pharmaceutical patents. 103 Yale L.J. 223-58 (Oct.).

INTERNATIONAL ENVIRONMENTAL LAW AND PRACTICE

See *Environmental Protection*.

INTERNATIONAL LAW

See *Labor Law*.

INTERSTATE COMMERCE

See also *Commerce Clause*.

The undercharge dilemma: how the Interstate Commerce Commission has aided shippers defending against bankrupt carriers. 62 U. Cin. L. Rev. 173-215 (No. 1).

JUDGES

See also *Courts*.

The jurisprudence of Justice Byron White. Allan Ides. 103 Yale L.J. 419-61 (Nov.).

JUDGMENTS

An intent-based approach to the acceptance of benefits doctrine in the federal courts. 92 Mich. L. Rev. 742-73 (Dec.).

JUDICIAL RESTRAINT

See *Constitutional Theory, Judicial Review*.

Judicial review of the administrative record in NEPA litigation. 81 Cal. L. Rev. 929-90 (July).

JUDICIAL REVIEW

See also *Constitutional Theory, Elections*.

Deference to political decisionmakers and the preferred scope of judicial review. Nicholas S. Zeppos. Commentary by Frank H. Easterbrook, William N. Eskridge, Jr., and Thomas W. Merrill. 88 Nw. U. L. Rev. 296-409 (Fall).

Name-calling and the clear error rule. Robert F. Nagel. Commentary by Neil K. Komesar, Gary Lawson, and Jonathan R. Macey. 88 Nw. U. L. Rev. 193-240 (Fall).

Thayer's target: judicial review or democracy? Mark Tushnet. Commentary by Thomas C. Grey, Stephen B. Presser, and G. Edward White. 88 Nw. U. L. Rev. 9-83 (Fall).

JURISDICTION

See *Courts*.

JURISPRUDENCE

See also *Courts, Democracy, Judges, Legal Ethics, Personal Injuries*.

Fidelity to pre-existing law and the legitimacy of legal decision. Gregory C. Keating. 69 Notre Dame L. Rev. 1-55 (No. 1).

Public choice, civic republicanism, and American politics: perspectives of a "reasonable choice" modeler. Bernard Grofman. 71 Texas L. Rev. 1541-87 (June).

Understanding legal understanding: the legal subject and the problem of legal coherence. J.M. Balkin. 103 Yale L.J. 105-76 (Oct.).

LABOR DISPUTES

The NLRA and the duty of loyalty: protecting public disparagement. 60 U. Chi. L. Rev. 643-65 (Spring).

LABOR LAW

See also *Employment Discrimination: Gays and Lesbians*.

The impact of the EEC on labor law. Bernd Baron von Maydell. 68 Chi.-Kent L. Rev. 1401-20 (No. 3).

The impact of the European Community on labor law: some American comparisons. Marley S. Weiss. 68 Chi.-Kent L. Rev. 1427-67 (No. 3).

LAND USE

See also *Counties*.

What's fairness got to do with it?: environmental justice and the siting of locally undesirable land uses. Vicki Been. 78 Cornell L. Rev. 1001-85 (Sept.).

LANGUAGE

Lawsuit, shmawsuit. Alex Kozinski & Eugene Volokh. 103 Yale L.J. 463-67 (Nov.).

LAW CURRICULA

See *Slavery*.

LAW REFORM

See *Courts*.

LAW SCHOOLS

See *Legal Scholarship*.

LEGAL DISCOURSE

See *Language, Legal History*.

LEGAL EDUCATION

Deconstructing Los Angeles or a secret fax from Magritte regarding postliterate legal reasoning: a critique of legal education. C. Garrison Lepow. 26 Mich. J.L. Ref. 69-124 (Fall).

LEGAL ETHICS

"Bad mothers," "good lawyers," and "legal ethics." Marie Ashe. 81 Geo. L.J. 2533-66 (Aug.).

The ethic of care as an ethic for lawyers. Stephen Ellmann. 81 Geo. L.J. 2665-726 (Aug.).

Foreword: towards a postmodern ethics of service. Anthony E. Cook. 81 Geo. L.J. 2457-74 (Aug.).

Impoverished practices. Anthony V. Alfieri. 81 Geo. L.J. 2567-663 (Aug.).

Inconsistent stories. Naomi R. Cahn. 81 Geo. L.J. 2475-531 (Aug.).

LEGAL HISTORY

See also *Homosexuality and Lesbianism, Liberty, Slavery*.

A brief life of James Bradley Thayer. Jay Hook. 88 Nw. U. L. Rev. 1-8 (Fall).

"You're gonna miss me when I'm gone": early modern common law discourse and the

case of the Jews. Jonathan A. Bush. 1993 Wis. L. Rev. 1225-85 (No. 5).

LEGAL POSITIVISM

See *Jurisprudence*.

LEGAL SCHOLARSHIP

See also *Jurisprudence*.

Advocacy and scholarship. Paul F. Campos. 81 Cal. L. Rev. 817-61 (July).

Tough on scholarship. As recorded by Erik M. Jensen. 39 Wayne L. Rev. 1285-97 (Spring).

LIBERTY

"Without virtue there can be no liberty." Suzanna Sherry. 78 Minn. L. Rev. 61-82 (Nov.).

LIMITATIONS OF ACTIONS

See *Securities Fraud*.

MARRIAGE

See *Homosexuality and Lesbianism*.

MENTAL HEALTH

See *Capital Punishment*.

MINORITIES

See *Immigration and Emigration, Representative Government*.

MUNICIPAL CORPORATIONS

See *Bankruptcy*.

NATURAL LAW

See *Liberty*.

NATURAL RESOURCES

See *Intellectual Property*.

NEWS MEDIA

See *First Amendment Protections*.

OCCUPATIONAL SAFETY AND HEALTH

See *Air Pollution*.

PARENT AND CHILD

See *Electronic Surveillance*.

PATENTS

See *Intellectual Property*.

PERSONAL INJURIES

Compensation and commensurability. Margaret J. Radin. 43 Duke L.J. 56-86 (Oct.).

PICKETING

Unfriendly persuasion: enjoining residential picketing. 43 Duke L.J. 148-88 (Oct.).

POLITICAL OFFICE: TERM LIMITATIONS

Congressional term limits: good govern-

ment or minority vote dilution? 141 U. Pa. L. Rev. 2311-69 (June).

PORNOGRAPHY

See also *First Amendment Protections, Hate Speech*.

Girls should bring lawsuits everywhere . . . nothing will be corrupted: pornography as speech and product. Marianne Wesson. 60 U. Chi. L. Rev. 845-72 (Summer/Fall).

PRISONS AND PRISONERS

Prisons are dangerous places: criminal recklessness as the Eighth Amendment standard of liability in *McGill v. Duckworth*. 78 Minn. L. Rev. 165-95 (Nov.).

PRIVILEGED COMMUNICATIONS

Breaking the silence: a reconsideration of Michigan's psychiatrist-patient privilege. 39 Wayne L. Rev. 1361-84 (Spring).

PRODUCTS LIABILITY

Design defect liability: in search of a standard of responsibility. Mary J. Davis. 39 Wayne L. Rev. 1217-84 (Spring).

PRODUCTS LIABILITY: DRUGS

Ohio rejects preconception cause of action for DES grandchildren: *Grover v. Eli Lilly & Co.* 62 U. Cin. L. Rev. 283-320 (No. 1).

PROPERTY

See *Comparative Law: Environmental Law*.

PROPERTY LAW

See *Legal Ethics*.

RACE

See *Elections, Representative Government*.

RADIO AND TELEVISION

See *First Amendment Protections*.

RAPE

Legitimizing the illegitimate: a comment on *Beyond Rape*. Robin L. West. Commentary by Donald A. Dripps. 93 Colum. L. Rev. 1442-72 (Oct.).

REAL ESTATE AGENTS AND BROKERS

No intrinsic value: the failure of traditional real estate appraisal methods to value income-producing property. 66 S. Cal. L. Rev. 2251-96 (July).

REFUGEES

See *Asylum*.

REMEDIES

See *Insurance*.

REMOVAL OF CAUSES

Removal and the Eleventh Amendment:

the case for district court remand discretion to avoid a bifurcated suit. 92 Mich. L. Rev. 683-741 (Dec.).

REPRESENTATIVE GOVERNMENT

See also *Democracy, Elections, Jurisprudence*.

Expressive harms, "bizarre districts," and voting rights: evaluating election-district appearances after *Shaw v. Reno*. Richard H. Pildes & Richard G. Niemi. 92 Mich. L. Rev. 483-587 (Dec.).

Groups, representation, and race-conscious districting: a case of the emperor's clothes. Lani Guinier. 71 Texas L. Rev. 1589-42 (June).

Ugly: an inquiry into the problem of racial gerrymandering under the Voting Rights Act. Daniel D. Polsby & Robert D. Popper. 92 Mich. L. Rev. 652-82 (Dec.).

RETROACTIVE LAWS AND DECISIONS

See *Civil Rights*.

RIGHT OF PRIVACY

See *Picketing*.

RIGHT TO REFUSE TREATMENT

Ulysses in Minnesota: first steps toward a self-binding psychiatric advance directive statute. 78 Cornell L. Rev. 1152-85 (Sept.).

ROMAN LAW

See *Slavery*.

SCHOOL INTEGRATION

Jenkins v. Missouri: school choice as a method for desegregating an inner-city school district. 81 Cal. L. Rev. 1029-57 (July).

A nineteenth-century precursor of *Brown v. Board of Education*: the trial court opinion in the Kansas school segregation case of 1881. Andrew Kull. 68 Chi.-Kent L. Rev. 1199-206 (No. 3).

SCHOOLS AND SCHOOL DISTRICTS

The legal argument against private school choice. Steven K. Green. 62 U. Cin. L. Rev. 37-73 (No. 1).

SCHOOLS AND SCHOOL DISTRICTS: FINANCE

Equity in public education: school-finance reform in Michigan. 26 Mich. J.L. Ref. 195-243 (Fall).

SEARCH AND SEIZURE

The "plain feel" exception — a Fourth Amendment rendition of the princess and the pea: *State v. Dickerson*. 62 U. Cin. L. Rev. 321-50 (No. 1).

SECURITIES

The affirmative action defense of reasonable care under section 12(2) of the Securities Act of 1933. Therese H. Maynard. 69 Notre Dame L. Rev. 57-133 (No. 1).

Are viatical settlements securities within the regulatory control of the Securities Act of 1933? 60 U. Chi. L. Rev. 957-84 (Summer/Fall).

Oversimplification and the SEC's treatment of derivative securities trading by corporate insiders. Karl S. Okamoto. 1993 Wis. L. Rev. 1287-335 (No. 5).

SECURITIES FRAUD

See also *Securities*.

Section 27A of the SEA: an unplugged *Lampf* sheds no constitutional light. 78 Minn. L. Rev. 197-228 (Nov.).

SELF-INCRIMINATION

A systematic approach to privilege against self-incrimination claims when foreign prosecution is feared. 60 U. Chi. L. Rev. 903-32 (Summer/Fall).

SENTENCING

The presumption of judicial vindictiveness in multi-count resentencing. 60 U. Chi. L. Rev. 725-56 (Spring).

SETTLEMENTS

See *Securities*.

SEX CRIMES

See *Slavery*.

SHIPPING

See *Interstate Commerce*.

SLAVERY

The centrality of the peculiar institution in American legal development. Paul Finkelman. 68 Chi.-Kent L. Rev. 1009-33 (No. 3).

"Details are of a most revolting character": cruelty to slaves as seen in appeals to the Supreme Court of Louisiana. Judith K. Schafer. 68 Chi.-Kent L. Rev. 1283-311 (No. 3).

The 1859 crisis over Hinton Helper's book, *The Impending Crisis*: free speech, slavery, and some light on the meaning of the Fourteenth Amendment. Michael K. Curtis. 68 Chi.-Kent L. Rev. 1113-77 (No. 3).

A federal assault: African Americans and the impact of the Fugitive Slave Law of 1850. James O. Horton & Lois E. Horton. 68 Chi.-Kent L. Rev. 1179-97 (No. 3).

Ideology and imagery in the law of slavery. William W. Fisher III. 68 Chi.-Kent L. Rev. 1051-83 (No. 3).

Learning the three "I's" of America's slave heritage. Derrick Bell. 68 Chi.-Kent L. Rev. 1037-49 (No. 3).

Lords of lash, loom, and law: Justice Story, slavery and *Prigg v. Pennsylvania*. Barbara Holden-Smith. 78 Cornell L. Rev. 1086-151 (Sept.).

Seventeenth-century jurists, Roman law, and the law of slavery. Alan Watson. 68 Chi.-Kent L. Rev. 1343-54 (No. 3).

Sexual cruelty to slaves: the unreported case of *Humphreys v. Utz*. Judith K. Schafer. 68 Chi.-Kent L. Rev. 1313-40 (No. 3).

Slavery in the canon of constitutional law. Sanford Levinson. 68 Chi.-Kent L. Rev. 1087-111 (No. 3).

Slaves and the rules of evidence in criminal trials. Thomas D. Morris. 68 Chi.-Kent L. Rev. 1209-40 (No. 3).

South Carolina's largest slave auctioneering firm. Thomas D. Russell. 68 Chi.-Kent L. Rev. 1241-82 (No. 3).

Thinking property at Memphis: an application of Watson. Jacob I. Corré. 68 Chi.-Kent L. Rev. 1373-87 (No. 3).

Thinking property at Rome. Alan Watson. 68 Chi.-Kent L. Rev. 1355-71 (No. 3).

SOCIOLOGICAL JURISPRUDENCE

See *Comparative Law, Courts, Slavery*.

SOCIOLOGY

A search for community: the problem of governance in a democratic society. John J. Gilligan. 62 U. Cin. L. Rev. 101-12 (No. 1).

STALKING

Stopping stalking. 81 Geo. L.J. 2771-813 (Aug.).

STANDING TO SUE

See *Environmental Protection*.

STATUTORY INTERPRETATION

See *Civil Rights*.

STOCK EXCHANGES

A failure of communication: an argument for the closing of the NYSE floor. 26 Mich. J.L. Ref. 485-526 (Winter).

STOCKHOLDER DERIVATIVE ACTIONS

Derivative suits and pro rata recovery. Richard A. Booth. 61 Geo. Wash. L. Rev. 1274-93 (Apr.).

STOCKHOLDER VOTING

Shareholder voting and the Chicago school: now is the winter of our discontent. 43 Duke L.J. 189-216 (Oct.).

STRICT LIABILITY

See *Products Liability*.

*STRIKES AND LOCKOUTS: PUBLIC
SECTOR*

Public employees' right to strike: law and experience. Martin H. Malin. 26 Mich. J.L. Ref. 313-401 (Winter).

TAXATION

Gumming up the works: how the Supreme Court's *Wrigley* opinion redefined "solicitation of orders" under the Interstate Commerce Tax Act (15 U.S.C. § 381). 1993 Wis. L. Rev. 1375-404 (No. 5).

Quill Corp. v. North Dakota: tax nexus under the Due Process and Commerce Clauses no longer the same. 1993 Wis. L. Rev. 1405-33 (No. 5).

UNIFORM LAWS

Interest group politics, federalism, and the uniform laws process: some lessons from the

Uniform Commercial Code. Kathleen Patchel. 78 Minn. L. Rev. 83-164 (Nov.).

VENUE

Considerations relating to the enactment of venue schemes as applied to specialty courts. 93 Colum. L. Rev. 1738-62 (Nov.).

WHITE, BYRON R.

Tributes to Byron R. White. Commentary by Dennis J. Hutchinson, Louis F. Oberdorfer, William H. Rehnquist, Kate Stith, and Kenneth W. Starr. 103 Yale L.J. 1-56 (Oct.).

WOMEN

See also *Fifth Amendment Protections*. Women's body image and the law. 43 Duke L.J. 113-47 (Oct.).