

Michigan Law Review

Volume 92 | Issue 8

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. 2649 (1994).

Available at: <https://repository.law.umich.edu/mlr/vol92/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*.

ACADEMIC FREEDOM

Academic freedom in public colleges and universities: o say does that star-spangled First Amendment banner yet wave? Richard H. Hiers. 40 Wayne L. Rev. 1-107 (Fall).

ACCOMPLICES

Depravity thrice removed: using the "heinous, cruel, or depraved" factor to aggravate convictions of nontriggermen accomplices in capital cases. 103 Yale L.J. 2471-501 (June).

ADMINISTRATION OF CRIMINAL JUSTICE

See also *Conflict of Interests*, *Criminology*, *Entrapment*, *Domestic Violence*, *Race Discrimination*.

The role of luck in the criminal law. 142 U. Pa. L. Rev. 2183-237 (June).

ADMINISTRATION OF JUSTICE

See also *Jurisprudence*, *Precedents*.

The Equal Access to Justice Act — are the bankruptcy courts less equal than others? 92 Mich. L. Rev. 2248-86 (June).

Updated guidelines for juvenile curfews: *City of Maquoketa v. Russell*. 79 Iowa L. Rev. 465-84 (Jan.).

ADMINISTRATION OF JUVENILE JUSTICE

Juvenile curfews and gang violence. 107 Harv. L. Rev. 1693-710 (May).

ADMINISTRATIVE AGENCIES

See *Judicial Review of Administrative Acts*.

ADMINISTRATIVE LAW

American administrative law under siege: is Germany a model? Susan Rose-Ackerman. 107 Harv. L. Rev. 1279-302 (Apr.).

Civic republican administrative theory: bureaucrats as deliberative Democrats. 107 Harv. L. Rev. 1401-18 (Apr.).

Regulation at risk: are courts part of the solution or most of the problem? Patricia M. Wald. 67 S. Cal. L. Rev. 621-57 (Mar.).

The rise and rise of the administrative state. Gary Lawson. 107 Harv. L. Rev. 1231-54 (Apr.).

ADMISSIBILITY OF EVIDENCE

The evidentiary scope of de novo review in ERISA benefits litigation after *Firestone Tire & Rubber Co. v. Bruch*. 78 Minn. L. Rev. 1575-606 (June).

Manufacturing evidence for trial: the prejudicial implications of videotaped crime scene reenactments. 142 U. Pa. L. Rev. 2125-81 (June).

ADOPTION

Grandparents' visitation rights following adoption: expanding traditional boundaries in Wisconsin. 1994 Wis. L. Rev. 483-510 (No. 2).

Unwed fathers and adoption: a theoretical analysis in context. Deborah L. Forman. 72 Texas L. Rev. 967-1045 (Apr.).

ADVERSE POSSESSION

An environmental critique of adverse possession. John G. Sprankling. 79 Cornell L. Rev. 816-84 (May).

AFFIRMATIVE ACTION PROGRAMS

Colorblindness, individuality, and merit: an analysis of the rhetoric against affirmative action. John E. Morrison. 79 Iowa L. Rev. 313-66 (Jan.).

ANTITRUST LAW

See also *Federal Rules of Civil Procedure*.

College financial aid and antitrust: applying the Sherman Act to collaborative non-profit activity. 46 Stan. L. Rev. 919-58 (Apr.).

ANTITRUST LAW: FOREIGN

The historical background of Japan's antimonopoly law. Alex Y. Seita & Jiro Tamura. 1994 U. Ill. L. Rev. 115-85 (No. 1).

APPELLATE PROCEDURE

The appealability of conditional consent judgments. 1994 U. Ill. L. Rev. 241-64 (No. 1).

ATTORNEY-CLIENT PRIVILEGE

"Limited waiver" of protection afforded by the attorney-client privilege and the work-product doctrine. 1993 U. Ill. L. Rev. 981-1005 (No. 4).

ATTORNEY MALPRACTICE

The Ohio attorney disciplinary process — 1892 to 1991: an empirical study, critique, and recommendations for change. Jack A. Guttenberg. 62 *Cinn. L. Rev.* 947-1028 (No. 3).

ATTORNEY'S FEES

The power of bankruptcy courts to shift fees under the Equal Access to Justice Act. 61 *U. Chi. L. Rev.* 985-1010 (Summer).

Tracing proceeds to attorneys' pockets (and the dilemma of paying for bankruptcy). Steve H. Nickles & Edward S. Adams. 78 *Minn. L. Rev.* 1079-189 (May).

BAIL

A market test for race discrimination in bail setting. Ian Ayres & Joel Waldfogel. 46 *Stan. L. Rev.* 987-1047 (May 1994).

BANKRUPTCY

See also *Attorney's Fees*.

Can they do that? the due process and Article III problems of proposed findings of criminal contempt in bankruptcy court. 78 *Minn. L. Rev.* 1607-38 (June).

Cross-collateralization in chapter 11: protecting the small business. 40 *Wayne L. Rev.* 219-36 (Fall).

Determining insider status under Bankruptcy Code section 547(b)(4)(B): when "I resign" may not terminate insider status. 41 *UCLA L. Rev.* 1541-80 (Aug.).

An essay on optimal bankruptcy rules and social justice. Robert K. Rasmussen. 1994 *U. Ill. L. Rev.* 1-43 (No. 1).

BORDER SEARCHES

A balancing approach to the constitutionality of drug courier profiles. 1993 *U. Ill. L. Rev.* 1007-36 (No. 4).

BREACH OF PROMISE

Promises broken vs. promises betrayed: metaphor, analogy, and the new fiduciary principle. Eileen A. Scallen. 1993 *U. Ill. L. Rev.* 897-980 (No. 4).

BROKERS

The perils of payment for order flow. 107 *Harv. L. Rev.* 1675-92 (May).

BUSINESS

"An honest living": street vendors, municipal regulation, and the black public square. Regina Austin. 103 *Yale L.J.* 2119-31 (June).

The informal economy: between new developments and old regulations. Saskia Sassen. 103 *Yale L.J.* 2289-304 (June).

The moral and practical dilemmas of an underground economy. Richard A. Epstein. 103 *Yale L.J.* 2157-77 (June).

The underground economy: new estimates from household income and expenditure surveys. Morton Paglin. 103 *Yale L.J.* 2239-57 (June).

CAMPAIGN FUNDS

See also *First Amendment Protections*.

Campaign finance reform: a key to restoring the health of our democracy. Fred Wertheimer & Susan Weiss Manes. 94 *Colum. L. Rev.* 1126-59 (May).

Campaign finance reform: specious arguments, intractable dilemmas. Lillian R. BeVier. 94 *Colum. L. Rev.* 1258-80 (May).

The constitutional imperative and practical superiority of democratically financed elections. Jamin Raskin & John Bonifaz. 94 *Colum. L. Rev.* 1160-203 (May).

Corruption, equality, and campaign finance reform. David A. Strauss. 94 *Colum. L. Rev.* 1369-89 (May).

Equal-dollar-per-voter: a constitutional principle of campaign finance. Edward B. Foley. 94 *Colum. L. Rev.* 1204-57 (May).

Free speech and the widening gyre of fund-raising: why campaign spending limits may not violate the First Amendment after all. Vincent Blasi. 94 *Colum. L. Rev.* 1281-325 (May).

Political equality and unintended consequences. Cass R. Sunstein. 94 *Colum. L. Rev.* 1390-414 (May).

CAPITAL PUNISHMENT

See *Eighth Amendment Protections*.

CHILD SEXUAL ABUSE

See *Confrontation Clause*.

CIVIL PROCEDURE

The misunderstood consequences of modern civil procedure. Stephen C. Yeazell. 1994 *Wis. L. Rev.* 631-78 (No. 3).

CIVIL RICO ACTIONS

Attorney liability under RICO § 1962(c) after *Reves v Ernst & Young*. 61 *U. Chi. L. Rev.* 1153-79 (Summer).

CIVIL RIGHTS

See also *Employment Discrimination, Race*.

The anticaste principle. Cass R. Sunstein. 92 *Mich. L. Rev.* 2410-55 (Aug.).

Banking, finance, and community economic empowerment: structural economic theory, procedural civil rights, and substantive racial justice. Anthony D. Taibbi. 107 *Harv. L. Rev.* 1463-545 (May).

Caste and the civil rights laws: from Jim Crow to same-sex marriages. Richard A. Epstein. 92 Mich. L. Rev. 2456-78 (Aug.).

Federal prosecution of cross-burners. 107 Harv. L. Rev. 1729-46 (May).

COLLEGES AND UNIVERSITIES

See *Due Process of Law*.

COMITY

Taking comity seriously: how to neutralize the abstention doctrine. James C. Rehnquist. 46 Stan. L. Rev. 1049-114 (May).

COMPARATIVE LAW

See *Administrative Law, Sex Crimes, Treaties*.

COMPUTER SOFTWARE

See *Copyright*.

COMPUTERS

The technology of insight: computers and informed citizens. Peter Seipel. 69 Chi.-Kent L. Rev. 417-57 (No. 2).

CONFLICT OF INTERESTS

The outer edge of the envelope: disqualification of white collar criminal defense attorneys under the joint defense doctrine. 78 Minn. L. Rev. 1219-51 (May).

CONFRONTATION CLAUSE

See also *Witnesses*.

Remaking Confrontation Clause and hearsay doctrine under the challenge of child sexual abuse prosecutions. Robert P. Mosteller. 1993 U. Ill. L. Rev. 691-807 (No. 4).

The true value of the Confrontation Clause: a study of child sex abuse trials. 82 Geo. L.J. 1605-42 (Apr.).

CONSTITUTIONAL AMENDMENTS

Is the Twenty-seventh Amendment 200 years too late? Stewart Dalzell & Eric J. Beste. 62 Geo. Wash. L. Rev. 501-45 (Apr.).

CONSTITUTIONAL HISTORY

See also *Legal History, Self-Incrimination*.

The Constitution in Congress: substantive issues in the First Congress, 1789-1791. David P. Currie. 61 U. Chi. L. Rev. 775-865 (Summer).

CONSTITUTIONAL LAW

See also *Civil Rights, Crime Prevention, Executive Power, Opinions*.

The demise of constitutional prospectivity: new life for *Owen*? Mark R. Brown. 79 Iowa L. Rev. 273-312 (Jan.).

Is Lloyd Bentsen unconstitutional? Michael Stokes Paulsen. 46 Stan. L. Rev. 907-18 (Apr.).

1001 attorneys general: executive-employee *qui tam* suits and the Constitution. 62 Geo. Wash. L. Rev. 609-45 (Apr.).

Political unity and the powers of government. Christopher L. Eisgruber. 41 UCLA L. Rev. 1297-336 (June).

The troubled constitutionality of antigang loitering laws. 69 Chi.-Kent L. Rev. 461-503 (No. 2).

When is the Senate in recess for purposes of the Recess Appointments Clause? 92 Mich. L. Rev. 2204-47 (June).

CONTRACT LAW

See *Breach of Promise, Damages, Landlord and Tenant*.

COPYRIGHT

Copyrighting the yellow pages: finding originality in factual compilations. 78 Minn. L. Rev. 1319-44 (May).

Questioning the necessity of copyright protection for software interfaces. 1994 U. Ill. L. Rev. 187-216 (No. 1).

COPYRIGHT: COMPUTER SOFTWARE

Trade dress protection for computer user interface "look and feel." 61 U. Chi. L. Rev. 111-36 (Summer).

CORPORATE COUNSEL

The moral interdependence of corporate lawyers and their clients. Richard W. Painter. 67 S. Cal. L. Rev. 507-84 (Mar.).

CORPORATE LAW

Corporate cooperation, relationship management and the triological imperative for corporate law. John H. Matheson & Brent A. Olson. 78 Minn. L. Rev. 1443-91 (June).

CORPORATIONS

Investor liability: financial innovations in the regulatory state and the coming revolution in corporate law. 107 Harv. L. Rev. 1941-58 (June).

COST-BENEFIT ANALYSIS

The invisible Hand formula. Stephen G. Gilles. 80 Va. L. Rev. 1015-54 (Aug.).

CRIME PREVENTION

Clean sweep or witch hunt? constitutional issues in Chicago's public housing sweeps. 69 Chi.-Kent L. Rev. 505-46 (No. 2).

CRIMINAL PROCEDURE

See *Accomplices, Self-Incrimination*.

CRIMINAL RESPONSIBILITY

See also *Legal Ethics, Proximate Cause*. Action and aberration. Jennifer Hornsby. 142 U. Pa. L. Rev. 1719-47 (May).

The actus reus of Dr. Caligari. Bernard Williams. 142 U. Pa. L. Rev. 1661-73 (May).

The "battered child syndrome" as self-defense evidence in parricide cases: recent developments and a possible approach. 40 Wayne L. Rev. 237-60 (Fall).

Criminal liability and the duty to aid the distressed. Samuel Freeman. 142 U. Pa. L. Rev. 1455-92 (May).

Culpability and control. Stephen J. Morse. 142 U. Pa. L. Rev. 1587-660 (May).

Is there an act requirement in the criminal law? Michael Corrado. 142 U. Pa. L. Rev. 1529-61 (May).

Moore on intention and volition. Michael E. Bratman. 142 U. Pa. L. Rev. 1705-18 (May).

More on *Act and Crime*. Michael S. Moore. 142 U. Pa. L. Rev. 1749-840 (May).

Volition, intention, and responsibility. Robert Audi. 142 U. Pa. L. Rev. 1675-704 (May).

CRIMINOLOGY

Motive crimes and other minds. 142 U. Pa. L. Rev. 2071-123 (June).

DAMAGES

See also *Breach of Promise, Sexual Harassment*.

Contract renegotiation, mechanism design, and the liquidated damages rule. 46 Stan. L. Rev. 1195-243 (May).

DEBTOR AND CREDITOR

Bridging the gap: defining the debtor's status during the involuntary gap period. 61 U. Chi. L. Rev. 1091-125 (Summer).

DECONSTRUCTION

Transcendental deconstruction, transcendent justice. J.M. Balkin. 92 Mich. L. Rev. 1131-86 (Mar.).

DEMOCRACY

Introduction: situating political liberalism. Lawrence B. Solum. 69 Chi.-Kent L. Rev. 549-88 (No. 3).

Judicial review of the devices of democracy. Frederick Schauer. 94 Colum. L. Rev. 1326-47 (May).

On public reason. Kent Greenawalt. 69 Chi.-Kent L. Rev. 669-89 (No. 3).

Political liberalism and the possibility of a just democratic constitution. Samuel Freeman. 69 Chi.-Kent L. Rev. 619-68 (No. 3).

Relativizing Rawls. S.A. Lloyd. 69 Chi.-Kent L. Rev. 709-35 (No. 3).

Rethinking Rawls's theory of liberty and rights. James W. Nickel. 69 Chi.-Kent L. Rev. 763-85 (No. 3).

DISCRIMINATION

See *Civil Rights, Employment Discrimination, Race Discrimination*.

DISPUTE RESOLUTION

Comparative analysis of labor mediation using a bargaining strength model. Alvin L. Goldman. 82 Ky. L.J. 939-68 (No. 4).

DOMESTIC RELATIONS

See also *Adoption*.

Contested images of family values: the role of the state. Peggy Cooper Davis. 107 Harv. L. Rev. 1348-73 (Apr.).

The family in transition: from *Griswold* to *Eisenstadt* and beyond. Janet L. Dolgin. 82 Geo. L.J. 1519-71 (Apr.).

DOMESTIC VIOLENCE

See also *Expert Witnesses*.

A constitutional response to the realities of intimate violence: Minnesota's domestic homicide statute. 78 Minn. L. Rev. 1285-317 (May).

DRAM SHOP LIABILITY

In search of a drinking companion's complicity under Illinois's Dramshop Act. 1994 U. Ill. L. Rev. 217-39 (No. 1).

DRIVING WHILE INTOXICATED

See *Fourth Amendment Protections*.

DUE PROCESS OF LAW

See also *Bankruptcy*.

Due process and the National Collegiate Athletic Association: are there any constitutional standards? 41 UCLA L. Rev. 1651-84 (Aug.).

ECONOMIC JURISPRUDENCE

See *Statutory Interpretation*.

EIGHTH AMENDMENT PROTECTIONS

The Eighth Amendment and ineffective assistance of counsel in capital trials. 107 Harv. L. Rev. 1923-40 (June).

ELECTIONS

See *Campaign Funds, Democracy, First Amendment Protections, Judges*.

EMPLOYEE BENEFITS

See *Admissibility of Evidence*.

EMPLOYMENT DISCRIMINATION

See also *Civil Rights, Race Discrimination*.
Despite the smoke, there is no gun: direct evidence requirements in mixed-motives employment law after *Price Waterhouse v. Hopkins*. 46 Stan. L. Rev. 959-86 (Apr.).

Employment discrimination law in perspective: three concepts of equality. John J. Donohue III. 92 Mich. L. Rev. 2583-612 (Aug.).

No time for trumpets: Title VII, equality, and the fin de siècle. D. Marvin Jones. 92 Mich. L. Rev. 2311-69 (Aug.).

Only girls wear barrettes: dress and appearance standards, community norms, and workplace equality. Katharine T. Bartlett. 92 Mich. L. Rev. 2541-82 (Aug.).

The public policy exclusion and insurance for intentional employment discrimination. 92 Mich. L. Rev. 1256-326 (Mar.).

Structuralist and cultural domination theories meet Title VII: some contemporary influences. Martha Chamallas. 92 Mich. L. Rev. 2370-409 (Aug.).

Title VII and the complex female subject. Kathryn Abrams. 92 Mich. L. Rev. 2479-540 (Aug.).

ENTRAPMENT

"The government made me do it": a proposed approach to entrapment under *Jacobson v. United States*. 79 Cornell L. Rev. 995-1044 (May).

EQUAL PROTECTION

See also *Judicial Review, Race, Sexual Orientation*.

Gender equality: states as laboratories. 80 Va. L. Rev. 945-77 (May).

EVIDENCE

See also *Employment Discrimination*.

How to construe section 1782: a textual prescription to restore the judge's discretion. 61 U. Chi. L. Rev. 1127-51 (Summer).

Toward an equitable after-acquired evidence rule. 94 Colum. L. Rev. 1525-57 (June).

EXECUTIVE POWER

See also *War and Emergency Powers*.

Pulling the purse strings of the commander in chief. Peter Raven-Hansen & William C. Banks. 80 Va. L. Rev. 833-944 (May).

EXPERT WITNESSES

Battered woman syndrome, expert testimony, and the distinction between justification and excuses. Robert F. Schopp, Barbara J. Sturgis & Megan Sullivan. 1994 U. Ill. L. Rev. 45-113 (No. 1).

Is the law male? the role of experts. Sarah E. Burns. 69 Chi.-Kent L. Rev. 389-95 (No. 2).

Must the show go on? defining when one party may call or compel an opposing party's consultative expert to testify. 78 Minn. L. Rev. 1191-218 (May).

EXTRATERRITORIAL SEARCHES

United States v. Alvarez-Machain: extra-territorial abductions and the rule of law. 41 UCLA L. Rev. 1397-420 (June).

FAMILY LAW

Is the law male? the case of family law. Sylvia A. Law & Patricia Hennessey. 69 Chi.-Kent L. Rev. 345-58 (No. 2).

FEDERAL COURTS

The effects of gender in the federal courts: The Final Report of the Ninth Circuit Gender Bias Task Force. Ninth Circuit Gender Bias Task Force. 67 S. Cal. L. Rev. 745-1106 (May).

Introduction to the effects of gender in the federal courts. Dorothy W. Nelson. 67 S. Cal. L. Rev. 731-38 (May).

FEDERAL PREEMPTION

The nature of preemption. Stephen A. Gardbaum. 79 Cornell L. Rev. 767-815 (May).

Preemption doctrine and the failure of textualism in *Cipollone v. Liggett Group*. 80 Va. L. Rev. 979-1014 (May).

FEDERAL RULES OF CIVIL PROCEDURE

Rule 11 and the policing of access to the courts after *Professional Real Estate Investors*. 61 U. Chi. L. Rev. 1037-67 (Summer).

FEDERALISM

See also *Statutory Interpretation*.

Federalism, political accountability, and the Spending Clause. 107 Harv. L. Rev. 1419-36 (Apr.).

FEMINISM

Feminism and the state. Deborah L. Rhode. 107 Harv. L. Rev. 1181-208 (Apr.).

Four feminist theoretical approaches and the double bind of surrogacy. Mary Becker. 69 Chi.-Kent L. Rev. 303-11 (No. 2).

A kinder, gentler liberalism? visions of empathy in feminist and communitarian literature. Cynthia V. Ward. 61 U. Chi. L. Rev. 929-55 (Summer).

FIDUCIARY RELATIONSHIPS

See *Jurisdiction*.

FIFTH AMENDMENT PROTECTIONS

See also *Self-Incrimination*.

Give me liberty or give me silence: taking a stand on Fifth Amendment implications for court-oriented therapy programs. 79 Cornell L. Rev. 700-34 (Mar.).

FIRST AMENDMENT PROTECTIONS

See also *Academic Freedom, Campaign Funds, Taxation*.

The IWW free speech fights and popular conceptions of free expression before World War I. David M. Rabban. 80 Va. L. Rev. 1055-158 (Aug.).

Politics, experience, and the First Amendment. Frank J. Sorauf. 94 Colum. L. Rev. 1348-68 (May).

Two senses of autonomy. Richard H. Fallon, Jr. 46 Stan. L. Rev. 875-905 (Apr.).

FOREIGN INVESTMENTS

Protection of foreign direct investment in a new world order: Vietnam — a case study. 107 Harv. L. Rev. 1995-2012 (June).

FOREIGN RELATIONS

See *Human Rights*.

FORFEITURE

Proportionality in civil forfeiture: toward a remedial solution. 62 Geo. Wash. L. Rev. 456-85 (Mar.).

FOURTH AMENDMENT PROTECTIONS

See also *Border Searches*.

Putting the people back into the Fourth Amendment. Ronald J. Bacigal. 62 Geo. Wash. L. Rev. 359-431 (Mar.).

Trying to be reasonable about drunk driving: individualized suspicion and the Fourth Amendment. 62 Cinn. L. Rev. 1105-33 (No. 3).

GENETIC ENGINEERING

Unnatural selection: nontherapeutic preimplantation genetic screening and proposed regulation. 41 UCLA L. Rev. 1581-650 (Aug.).

GOVERNMENT

See also *Constitutional Law*.

Toward a more open and accountable government: a call for optimal disclosure under the Wisconsin Open Records Law. 1994 Wis. L. Rev. 719-61 (No. 3).

GOVERNMENT CONTRACTORS' DEFENSE

Ambulance chasers beware: *Carley v. Wheeled Coach* and the questionable expansion of the government contractor defense. 78 Minn. L. Rev. 1545-73 (June).

HEALTH CARE INDUSTRY

The future of self-funded health plans. 79 Iowa L. Rev. 413-38 (Jan.).

Securing access to care in health maintenance organizations: toward a uniform model of grievance and appeal procedures. 94 Colum. L. Rev. 1674-720 (June).

HUMAN RIGHTS

See also *Legal Storytelling*.

The "Haiti paradigm" in United States human rights policy. Harold Hongju Koh. 103 Yale L.J. 2391-435 (June).

IMMIGRATION AND EMIGRATION

"Final" orders of deportation, motions to reopen and reconsider, and tolling under the judicial review provisions of the Immigration and Nationality Act. 79 Iowa L. Rev. 439-63 (Jan.).

IMPEACHMENTS

See *Judges*.

INCOME TAX: DEDUCTIONS

From *Meldrum* to *INDOPCO*: should qualified plan professional fees be capitalized? Mary Oppenheimer. 40 Wayne L. Rev. 109-57 (Fall).

INDICTMENT AND INFORMATION

See *Prosecutors*.

INFORMATION

See *Government*.

INFORMATION SYSTEMS

See *Computers*.

INITIATIVE AND REFERENDUM

See *Sexual Orientation*.

INJUNCTIONS

Striking the "just and proper balance": a call for traditional equitable criteria for section 10(j) injunctions. 80 Va. L. Rev. 1159-92 (Aug.).

"The wild card that is the public interest": putting a new face on the fourth preliminary injunction factor. 72 Texas L. Rev. 849-92 (Mar.).

INSIDER TRADING

Insider trading deterrence versus managerial incentives: a unified theory of section 16(b). Merritt B. Fox. 92 Mich. L. Rev. 2088-203 (June).

A reconsideration of the disgorgement remedy in tipper-tippee insider trading cases. 62 Geo. Wash. L. Rev. 432-55 (Mar.).

INSURANCE LAW

Insurers' misrepresentation defense: the need for a knowledge element. 67 S. Cal. L. Rev. 659-87 (Mar.).

INTERNATIONAL JUDICIAL ASSISTANCE

See *Evidence*.

INTERNATIONAL LAW

See *Extraterritorial Searches*.

JOINT TORTFEASORS

See *Tort Law*.

JUDGES

Bribery and other not so "good behavior": criminal prosecution as a supplement to impeachment of federal judges. 94 Colum. L. Rev. 1617-73 (June).

Equal justice: applying the Voting Rights Act to judicial elections. Frederick G. Slabach. 62 Cinn. L. Rev. 823-81 (No. 3).

The role of the executive branch in the discipline and removal of federal judges. Todd D. Peterson. 1993 U. Ill. L. Rev. 809-96 (No. 4).

JUDICIAL REVIEW

See also *Democracy*.

Judicial review, equal protection and the problem with plebiscites. Robin Charlow. 79 Cornell L. Rev. 527-630 (Mar.).

JUDICIAL REVIEW OF ADMINISTRATIVE ACTS

Chevron deference to agency interpretations that delimit the scope of the agency's jurisdiction. 61 U. Chi. L. Rev. 957-83 (Summer).

JURIES

A brief history of the criminal jury in the United States. Albert W. Alschuler. 61 U. Chi. L. Rev. 867-928 (Summer).

JURISDICTION

Choice of law and the fiduciary duties of partners under the revised uniform partnership act. Allan W. Vestal. 79 Iowa L. Rev. 219-72 (Jan.).

Rethinking the Supreme Court's original jurisdiction in state-party cases. James E. Pfander. 82 Cal. L. Rev. 555-659 (May).

JURISPRUDENCE

See also *Constitutional Law, First Amendment Protections*.

The death of God in American pragmatism and realism: resurrecting the value of love in contemporary jurisprudence. Anthony E. Cook. 82 Geo. L.J. 1431-517 (Apr.).

Objectivity in legal judgment. Heidi Li Feldman. 92 Mich. L. Rev. 1187-255 (Mar.).

The other path of the law. Arthur J. Jacobson. 103 Yale L.J. 2213-37 (June).

Whose judgment? vacating judgments, preferences for settlement, and the role of adjudication at the close of the twentieth century. Judith Resnik. 41 UCLA L. Rev. 1471-539 (Aug.).

JURY SELECTION

The Supreme Court, equal protection and jury selection: denying that race still matters. Jeffrey S. Brand. 1994 Wis. L. Rev. 511-630 (No. 3).

Women's jury service: right of citizenship or privilege of difference? 46 Stan. L. Rev. 1115-60 (May).

KENTUCKY

See *Summary Judgments*.

LABOR LAW

See *Business, Jurisprudence, Migrant Labor, Morality, Parent and Child, Sexual Orientation*.

LANDLORD AND TENANT

Struggling with quicksand: the ins and outs of cotenant possession value liability and a call for default rule reform. Evelyn Alicia Lewis. 1994 Wis. L. Rev. 331-452 (No. 2).

LAW AND THE ARTS

The case against statutes of limitations for stolen art. 103 Yale L.J. 2437-69 (June).

Law, art, and the killing jar. Louise Harmon. 79 Iowa L. Rev. 367-412 (Jan.).

Visual artists' rights in a digital age. 107 Harv. L. Rev. 1977-94 (June).

LAW REFORM

See also *Attorney Malpractice, Bankruptcy, Campaign Funds, Corporate Law, Criminal Responsibility, Forfeiture, Poverty Law, Products Liability, Sex Crimes, Telecommunications*.

The communitarian state: lawlessness or law reform for African-Americans. Wendy Brown-Scott. 107 Harv. L. Rev. 1209-30 (Apr.).

LEGAL ETHICS

See also *Criminal Responsibility, Legal Profession, Medical Ethics*.

Action and crime: a fine-grained approach. Alvin I. Goldman. 142 U. Pa. L. Rev. 1563-86 (May).

Action, omission, and the stringency of duties. F.M. Kamm. 142 U. Pa. L. Rev. 1493-512 (May).

Can a corporate party ethically prevent an opposing attorney from informally contacting former employees in spite of rule 4.2 of the Model Rules of Professional Conduct? 40 Wayne L. Rev. 261-77 (Fall).

Understanding Kaye Scholer: the autonomous citizen, the managed subject and the role of the lawyer. 82 Cal. L. Rev. 663-716 (May).

LEGAL HISTORY

See also *First Amendment Protections*. Interpreting oriental cases. 107 Harv. L. Rev. 1711-28 (May).

A reaffirmation: the authenticity of the Roberts Memorandum, or Felix the Non-forgoer. Richard D. Friedman. 142 U. Pa. L. Rev. 1985-95 (June).

The state of Madison's vision of the state. Frank H. Easterbrook. 107 Harv. L. Rev. 1328-47 (Apr.).

Switching time and other thought experiments: the Hughes Court and constitutional transformation. Richard D. Friedman. 142 U. Pa. L. Rev. 1891-984 (June).

LEGAL PROFESSION

See also *Politics*.

Legal counseling in the administrative state: how to let the client decide. 103 Yale L.J. 2503-30 (June).

LEGAL SCHOLARSHIP

1994 survey of books relating to the law. 92 Mich. L. Rev. 1333-996 (May).

LEGAL STORYTELLING

Genre, narrative and judgment: legal and protest song stories in two criminal cases. 1994 Wis. L. Rev. 679-718 (No. 3).

Litigating as law students: an inside look at *Haitian Centers Council*. 103 Yale L.J. 2337-89 (June).

The making of *The Legal Process*. William N. Eskridge, Jr. & Philip P. Frickey. 107 Harv. L. Rev. 2031-55 (June).

LEGAL THEORY

See also *Equal Protection, Feminism, Jurisprudence*.

Public reason and abolitionist dissent. David A.J. Richards. 69 Chi.-Kent L. Rev. 787-842 (No. 3).

Rawls's new theory of justice. Rex Martin. 69 Chi.-Kent L. Rev. 737-61 (No. 3).

LIABILITY INSURANCE

See *Employment Discrimination*.

LIBERTY

See *Democracy*.

LIMITATION OF ACTIONS

See also *Law and the Arts*.

The 28 U.S.C. § 1406(a) transfer of time-barred claims. 79 Cornell L. Rev. 975-94 (May).

MASS TORTS

See *Scientific Evidence*.

MEDICAL ETHICS

See also *Technology*.

Death of an idea: the anencephalic as an organ donor. 72 Texas L. Rev. 893-930 (Mar.).

Personhood and death — the proper treatment of anencephalic organ donors under the law: *In re T.A.C.P.* 62 Cinn. L. Rev. 1227-79 (No. 3).

MEDICAL JURISPRUDENCE

See *Medical Ethics*.

MICHIGAN

Annual survey of Michigan law. Articles by John G. Cameron, Jr. & James J. Rabaut, Steven G. Cohen, Krishna S. Dighe & Kristin Wilcox Dighe, Susan Jezewski Evans & Cameron J. Evans, Marian L. Faupel, Michael C. Fayz & Clara G. DeQuick, Jill R. Hart, Kevin P. Kavanagh, Ann M. Kelly, Cynthia Lynne Pike, John M. Polizzi, Mary Massaron Ross, Jay A. Schwartz, Michael A. Sosin & Cynthia J. Sherburn, Julie Schwartz Silberg, James R. Stadler & Mary C. Bonnema, Stacey M. Studnicki, Laura A. Talt & Carolyn M. Claerhout, and Thomas J. Wuori. 40 Wayne L. Rev. 285-1119 (Winter).

MIGRANT LABOR

The informal economy in an advanced industrialized society: Mexican immigrant labor in Silicon Valley. Christian Zlotniski. 103 Yale L.J. 2305-35 (June).

The vulnerable and exploitable immigrant workforce and the need for strengthening worker protective legislation. Lora Jo Foo. 103 Yale L.J. 2179-212 (June).

MORALITY

See also *Business*.

The ambiguous moral foundations of the underground economy. George L. Priest. 103 Yale L.J. 2259-88 (June).

Exploitation. John Lawrence Hill. 79 Cornell L. Rev. 631-99 (Mar.).

On the moral irrelevance of bodily movements. George P. Fletcher. 142 U. Pa. L. Rev. 1443-53 (May).

Pluralism and proceduralism. Joshua Cohen. 69 Chi.-Kent L. Rev. 589-618 (No. 3).

MUNICIPAL LAW

See *Business*.

NONPROFIT CORPORATIONS

See *Antitrust Law*.

OPINIONS

Dicta and Article III. Michael C. Dorf. 142 U. Pa. L. Rev. 1997-2069 (June).

PARENT AND CHILD

Fathers and parental leave. Martin H. Malin. 72 Texas L. Rev. 1047-95 (Apr.).

PATENTS

Toward a clear standard of obviousness for biotechnology patents. 79 Cornell L. Rev. 735-65 (Mar.).

PHILOSOPHY

Political philosophy versus political theory: the case of Rawls. Stephen M. Griffin. 69 Chi.-Kent L. Rev. 691-707 (No. 3).

PLEA BARGAINING

See *Sentencing*.

POLITICS

See also *Morality*.

Considering *Zenger*: partisan politics and the legal profession in provincial New York. Eben Moglen. 94 Colum. L. Rev. 1495-524 (June).

Shouting down the voice of the people: political parties, powerful PACs, and concerns about corruption. 46 Stan. L. Rev. 1161-93 (May).

POLLUTION

CERCLA, causation, and responsibility. John Copeland Nagle. 78 Minn. L. Rev. 1493-544 (June).

PORNOGRAPHY

The pornographic state. Ronald K.L. Collins & David M. Skover. 107 Harv. L. Rev. 1374-99 (Apr.).

Sex, sin, and women's liberation: against porn-suppression. Carlin Meyer. 72 Texas L. Rev. 1097-201 (Apr.).

POVERTY LAW

Reinventing poverty law. Edgar S. Cahn. 103 Yale L.J. 2133-55 (June).

PRECEDENTS

Overruling decisions in the Supreme Court: the role of a decision's vote, age, and subject matter in the application of stare decisis after *Payne v. Tennessee*. 82 Geo. L.J. 1689-732 (Apr.).

Why must inferior courts obey superior court precedent? Evan H. Caminker. 46 Stan. L. Rev. 817-73 (Apr.).

PRODUCTS LIABILITY

See also *Government Contractors' Defense, Protective Orders*.

"Good" warnings, bad products, and cognitive limitations. Howard Latin. 41 UCLA L. Rev. 1193-295 (June).

The political economy of neocontractual proposals for products liability reform. Mark Geisfeld. 72 Texas L. Rev. 803-47 (Mar.).

PROPERTY LAW

See *Landlord and Tenant*.

PROSECUTORS

Negligent homicide prosecutions stemming from child passenger restraint infractions: a limit to prosecutorial discretion. 40 Wayne L. Rev. 201-18 (Fall).

PROTECTIVE ORDERS

Open court records in products liability litigation under Texas rule 76A. 72 Texas L. Rev. 931-65 (Mar.).

PROXIMATE CAUSE

See also *Morality, Pollution, Torts*.

Is the injury requirement obsolete in a claim for fear of future consequences? 41 UCLA L. Rev. 1337-96 (June).

Proximate cause in Michael Moore's *Act and Crime*. Leo Katz. 142 U. Pa. L. Rev. 1513-28 (May).

PUNISHMENT

See *Rehabilitation of Offenders*.

RACE

See also *Civil Rights, Jury Selection, Race Discrimination, Race Relations, Religion*.

The Michael Jackson pill: equality, race, and culture. Jerome McCristal Culp, Jr. 92 Mich. L. Rev. 2613-44 (Aug.).

Race ipsa loquitur: of reasonable racists, intelligent Bayesians, and involuntary Nephrophobes. Jody D. Armour. 46 Stan. L. Rev. 781-816 (Apr.).

RACE DISCRIMINATION

See also *Bail, Civil Rights, Employment Discrimination*.

The state, criminal law, and racial discrimination: a comment. Randall Kennedy. 107 Harv. L. Rev. 1255-78 (Apr.).

RACE RELATIONS

The boundaries of race: political geography in legal analysis. Richard Thompson Ford. 107 Harv. L. Rev. 1841-921 (June).

RAPE

Is tort law male?: foreseeability analysis and property managers' liability for third party rapes of residents. Leslie Bender with Perette Lawrence. 69 Chi.-Kent L. Rev. 313-443 (No. 2).

Rape, violence, and women's autonomy. Dorothy E. Roberts. 69 Chi.-Kent L. Rev. 359-88 (No. 2).

REHABILITATION OF OFFENDERS

"Join the Sierra Club!": imposition of ideology as a condition of probation. 142 U. Pa. L. Rev. 1841-90 (May).

RELIGION

Religion and race under the Constitution: similarities and differences. Jesse H. Choper. Commentary by Gary J. Simson and Sheri Lynn Johnson. 79 Cornell L. Rev. 491-526 (Mar.).

REPRESENTATIVE GOVERNMENT

See *Politics*.

RETROACTIVE LAWS AND DECISIONS

Is purely retroactive legislation limited by the separation of powers?: rethinking *United States v. Klein*. 79 Cornell L. Rev. 910-74 (May).

RIGHT TO TRIAL BY JURY

See *Juries*.

SCHOOL INTEGRATION

A desegregation tool that backfired: magnet schools and classroom segregation. 103 Yale L.J. 2567-92 (June).

SCHOOLS AND SCHOOL DISTRICTS: FINANCE

Providing an escape for inner-city children: creating a federal remedy for education ills of poor urban schools. 78 Minn. L. Rev. 1639-71 (June).

SCIENTIFIC EVIDENCE

Procedural paradigms for applying the *Daubert* test. Margaret A. Berger. 78 Minn. L. Rev. 1345-86 (June).

Science and the law in the wake of *Daubert*: a new search for scientific knowledge. Bert Black, Francisco J. Ayala & Carol Saffran-Brinks. 72 Texas L. Rev. 715-802 (Mar.).

Scientific validity, admissibility, and mass torts after *Daubert*. Joseph Sanders. 78 Minn. L. Rev. 1387-441 (June).

SECURED TRANSACTIONS

A quest for justice in the conversion of security interests. Russell A. Hakes. 82 Ky. L.J. 837-937 (No. 4).

SECURITIES

Hail Britannia?: institutional investor behavior under limited regulation. Bernard S. Black & John C. Coffee, Jr. 92 Mich. L. Rev. 1997-2087 (June).

SECURITIES FRAUD

See also *Brokers, Insider Trading*.

The value of bad news in securities class actions. Janet Cooper Alexander. 41 UCLA L. Rev. 1421-69 (Aug.).

SEGREGATION

See *School Integration*.

SELF-INCRIMINATION

The historical origins of the privilege against self-incrimination at common law. John H. Langbein. 92 Mich. L. Rev. 1047-85 (Mar.).

Taking the fifth: reconsidering the origins of the constitutional privilege against self-incrimination. Eben Moglen. 92 Mich. L. Rev. 1086-130 (Mar.).

SENTENCING

Prosecutorial discretion to bring a substantial assistance motion pursuant to a plea agreement: enforcing a good faith standard. 78 Minn. L. Rev. 1253-83 (May).

SEPARATION OF POWERS

See also *Constitutional Law, Retroactive Laws and Decisions*.

Standing to sue the government: are separation of powers principles really being served? 67 S. Cal. L. Rev. 689-725 (Mar.).

SEX CRIMES

Law, sexual morality, and gender equity in Qing and Communist China. 103 Yale L.J. 2531-65 (June).

New hope for the new federalism: state constitutional challenges to sodomy statutes. 62 Cinn. L. Rev. 1029-54 (No. 3).

SEX DISCRIMINATION

See also *Employment Discrimination, Expert Witnesses, Family Law, Race Discrimination*.

Is the law male? let me count the ways. Lynn Hecht Schafran. 69 Chi.-Kent L. Rev. 397-411 (No. 2).

SEXUAL HARASSMENT

The duty of schools to protect students from sexual harassment: how much recovery will the law allow? *Doe v. Taylor In-*

dependent School District. 62 Cinn. L. Rev. 1165-225 (No. 3).

SEXUAL ORIENTATION

See also *Civil Rights*.

Ballot initiatives and gay rights: equal protection challenges to the rights' campaign against lesbians and gay men. 62 Cinn. L. Rev. 1055-103 (No. 3).

Sexual exclusions: the Americans with Disabilities Act as a moral code. 94 Colum. L. Rev. 1451-93 (May).

SOCIAL WELFARE

See also *Antitrust Law*.

Dethroning the welfare queen: the rhetoric of reform. 107 Harv. L. Rev. 2013-30 (June).

Interdependence and choice in distributive justice: the welfare conundrum. Lee Anne Fennell. 1994 Wis. L. Rev. 235-329 (No. 2).

Well-being and the state. Cass R. Sunstein. 107 Harv. L. Rev. 1303-27 (Apr.).

STATISTICAL EVIDENCE

See *Race*.

STATUTORY INTERPRETATION

See also *Federal Preemption*.

Clear statement rules, federalism, and congressional regulation of states. 107 Harv. L. Rev. 1959-76 (June).

Looking it up: dictionaries and statutory interpretation. 107 Harv. L. Rev. 1437-54 (Apr.).

Reconceptualizing vagueness: legal rules and social orders. Robert C. Post. 82 Cal. L. Rev. 491-507 (May).

The sleeping giant: textualism as power struggle. Muriel Morisey Spence. 67 S. Cal. L. Rev. 585-619 (Mar.).

Vagueness in law and language: some philosophical issues. Jeremy Waldron. 82 Cal. L. Rev. 509-40 (May).

Weighing the value of vagueness: an economic perspective on precision in the law. Gillian K. Hadfield. 82 Cal. L. Rev. 541-54 (May).

STOCKS

From random walks to chaotic crashes: the linear genealogy of the efficient capital market hypothesis. Lawrence A. Cunningham. 62 Geo. Wash. L. Rev. 546-608 (Apr.).

SUMMARY JUDGMENTS

Kentucky's strict summary judgment standard in light of the Supreme Court's ruling in *Steevest, Inc. v. Scansteel Service Center*. 82 Ky. L.J. 969-95 (No. 4).

TAX PRACTICE

See *Income Tax: Deductions*.

TAXATION

Recycled newsprint laws and differential taxation of the press. 61 U. Chi. L. Rev. 1069-90 (Summer).

TECHNOLOGY

See also *Science*.

Is there a person in that body? an argument for the priority of persons and the need for a new legal paradigm. 82 Geo. L.J. 1643-87 (Apr.).

TELECOMMUNICATIONS

Will they take away my video-phone if I get lousy ratings? a proposal for a "video common carrier" statute in post-merger telecommunications. 94 Colum. L. Rev. 1558-616 (June).

TENANCY IN COMMON

See *Landlord and Tenant*.

TORTS

See also *Cost-Benefit Analysis, Morality, Proximate Cause*.

Joint and several liability: protection for plaintiffs. 1994 Wis. L. Rev. 453-81 (No. 2).

Snake pits and unseen actors: constitutional liability for indirect harm. Julie Shapiro. 62 Cinn. L. Rev. 883-946 (No. 3).

TREATIES

The distribution of treaty-implementing powers in constitutional federations: thoughts on the American and Canadian models. 94 Colum. L. Rev. 1415-50 (May).

TRIAL PRACTICE

See *Expert Witnesses*.

VIETNAM

See *Foreign Investments*.

WAR AND EMERGENCY POWERS

Collective security and the Constitution: can the commander in chief power be delegated to the United Nations? Michael J. Glennon & Allison R. Hayward. 82 Geo. L.J. 1573-603 (Apr.).

Low-level conflicts and the reserves: presidential authority under 10 U.S.C. § 673b. 62 Cinn. L. Rev. 1135-64 (No. 3).

WITNESSES

After *White v. Illinois*: fundamental guarantees to a hollow right to confront witnesses. Patricia W. Bennett. 40 Wayne L. Rev. 159-200 (Fall).

WOMEN

See also *Employment Discrimination, Federal Courts, Jury Selection, Rape.*

Introduction to the Ninth Circuit Gender Bias Task Force Report: the effects of gen-

der. Judith M. Billings & Brenda Murray.
67 S. Cal. L. Rev. 739-43 (May).

WORK PRODUCT DOCTRINE

See *Attorney-Client Privilege.*