

BOOK & PERIODICAL INDEX

BOOKS RECEIVED

ADMINISTRATION OF JUSTICE


ADMINISTRATIVE LAW


AGGRESSION (INTERNATIONAL LAW)

See War.

ANTITRUST LAW

See Press.

ATTORNEY-CLIENT PRIVILEGE


ATTORNEYS


BANKS AND BANKING

See Finance.

BATTERED WOMEN


BIOGRAPHY


CAPITAL PUNISHMENT

See Punishment.

CHILD ABUSE


CITIZENSHIP


CITY PLANNING

See also Riots.


COMMUNISM

See Politics.

COMPARATIVE LAW


Le Juge et la Constitution aux États-Unis d'Amérique et dans l'Ordre

CONSTITUTIONAL HISTORY
See Legal History.

CONSTITUTIONAL LAW
See also Biography, Citizenship, Comparative Law, Judicial Review, Police.


CONTEMPT

CONTRACTS

CORPORATIONS
See also Administration of Justice.


COURTS
See Child Abuse.

CRIMINAL LAW
See also Battered Women.


DESEGREGATION IN EDUCATION

ENVIRONMENTAL LAW


ETHICS
See Philosophy.

EXPERT WITNESSES
See Desegregation in Education.

FEDERAL COURTS
See Judicial Activism.

FEDERAL JURISDICTION

FINANCE

FIRST AMENDMENT
See Biography.

FOREIGN INVESTMENTS

FOREIGN LAW

HOMICIDE
See Battered Women.

HUMAN RIGHTS
NEW DIRECTIONS IN HUMAN RIGHTS. By Ellen L. Lutz, Hurst Hannum & Kathryn J.
INTERNATIONAL LAW

See also Comparative Law.


INTERPRETATION OF STATUTES


JUDGES

See Comparative Law.

JUDICIAL ACTIVISM


JUDICIAL REVIEW


JURIES


JURISDICTION

See Federal Jurisdiction.

LABOR LAW

See also Biography.


LABOR UNIONS


LAND USE

See City Planning.

LAW AND ECONOMICS


LEGAL ETHICS


LEGAL HISTORY

See also Marriage.


LEGAL HUMOR


LEGAL REALISM


MARRIAGE


MEDICAL ETHICS


MINORITIES

See Races.

ORGANIZED CRIME

PHILOSOPHY


PHILOSOPHY OF LAW

See Law & Economics.

POLICE


POLITICS

See also Environmental Law.


PRESS


PRISONS AND PRISONERS

See Punishment.

PROPERTY


PUBLIC LAW


PUNISHMENT


RACES

See also Riots.


WAR


WOMEN
See Right of Privacy.

WORKERS' COMPENSATION
SUBJECT 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
The scope of Noerr immunity for direct action protestors: antitrust meets the anti-abortionists. 89 Colum. L. Rev. 662-97 (Apr.).

ADDICTION
Views of addiction and the duty to warn. Alan Schwartz. 75 Va. L. Rev. 509-60 (Apr.).

ADMINISTRATION OF JUSTICE
Illusions of constitutional decisionmaking: politics and the tenure powers in the court. Theodore Y. Blumoff. 73 Iowa L. Rev. 1079-180 (July).

ADMINISTRATIVE AGENCIES
See also Environmental Law.

ADMINISTRATIVE LAW
Law and legislation in the administrative state. Edward L. Rubin. Comments by Peter L. Strauss. 89 Colum. L. Rev. 369-451 (Apr.).
Statutory interpretation and the balance of power in the administrative state. Cynthia R. Farina. 89 Colum. L. Rev. 452-528 (Apr.).

ADVICE AND CONSENT
See also Bibliography.
The intended role of the Senate in Supreme Court appointments. 56 U. Chi. L. Rev. 337-65 (Winter).

AGED
See Nursing Homes.

ALIENS
See Migrant Labor.

ALIMONY AND MAINTENANCE
The theory of alimony. Ira Mark Ellman. 77 Calif. L. Rev. 1-81 (Jan.).

ANTITRUST LAW
See also Abortion.
Meritorious litigation as a section 2 violation — In re Burlington Northern, Inc. broadens Noerr-Pennington's sham exception. 74 Iowa L. Rev. 271-86 (Oct.).

PERSE violations in antitrust law: confusing offenses with defenses. Thomas G. Krattemaker. 77 Geo. L.J. 165-80 (Oct.).

ARBITRATION
Public programs, private deciders: the constitutionality of arbitration in federal programs. Harold H. Bruff. 67 Texas L. Rev. 441-97 (Feb.).

ARMED FORCES
The militia clauses, the National Guard, and federalism: a constitutional tug of war. 57 Geo. Wash. L. Rev. 328-62 (Dec.).

ASYLUM
A refugee by any other name: an examination of the Board of Immigration Appeals' actions in asylum cases. 75 Va. L. Rev. 681-721 (Apr.).

ATTORNEY-CLIENT PRIVILEGE
Attorney-client privilege for the government entity. 97 Yale L.J. 1725-44 (July).
Rethinking confidentiality. Fred C. Zacharias. 74 Iowa L. Rev. 351-411 (Jan.).

ATTORNEYS
Legal malpractice for the negligent drafting of a testamentary instrument: Schreiner v. Scoville. 73 Iowa L. Rev. 1213-54 (July).

ATTORNEYS' FEES
See also Due Process of Law.
Fee as the wind blows: waivers of attorney's fees in individual civil rights actions since Evans v. Jeff D. 102 Harv. L. Rev. 1279-99 (Apr.).

BAIL
See Pretrial Procedure.

BANKRUPTCY
The interplay between sections 547(b) and 550 of the Bankruptcy Code. 89 Colum. L. Rev. 530-49 (Apr.).
On the nature of bankruptcy: an essay on bankruptcy sharing and the creditors' bargain. Thomas H. Jackson & Robert E. Scott. Comm-
mentaries by Theodore Eisenberg & Mark J. Roe. 75 Va. L. Rev. 155-240 (Mar.).
Setoff: why bankruptcy priority? John C. McLeod, Ill. 75 Va. L. Rev. 15-43 (Feb.).

BANKS AND BANKING
See Delegation of Powers.

BAR ASSOCIATIONS
See Judges.

BIBLIOGRAPHY
The Senate power of advice and consent on judicial appointments: an annotated research bibliography. Michael J. Slinger, Lucy Salisbury Payne & James Lloyd Gates, Jr. 64 Notre Dame L. Rev. 106-35 (No. 1).

BIOGRAPHY
See also Discrimination, Libel & Slander.
The Founders' views — according to Jefferson Powell. Raoul Berger. 67 Texas L. Rev. 1056-96 (Apr.).
Holmes and legal pragmatism. Thomas C. Grey. 41 Stan. L. Rev. 787-870 (Apr.).
In the shadow of Plessy: a portrait of McCants Stewart, Afro-American legal pioneer. J. Clay Smith, Jr. 73 Minn. L. Rev. 495-514 (Dec.).
The universe and the library: a critique of James Boyd White as writer and reader. Susan Mann. 41 Stan. L. Rev. 959-1020 (Apr.).

BUDGETS
Constitutional limitations on congressional use of conditional funding grants in light of South Dakota v. Dole. 34 Wayne L. Rev. 1643-65 (Summer).

CAPITAL PUNISHMENT
Capital punishment. Lewis F. Powell, Jr. 102 Harv. L. Rev. 1035-46 (Mar.).
Jury coercion in capital cases: How much risk are we willing to take? 57 U. Cin. L. Rev. 1073-100 (No. 3).
Mental illness as an aggravating circumstance in capital sentencing. 89 Colum. L. Rev. 291-309 (Mar.).

CENSORSHIP
How to censor films without really trying: the Beirut Agreement and the Foreign Agents Registration Act. 62 S. Cal. L. Rev. 685-730 (Jan.).

CHILDREN
See Support of Dependents.

CITY PLANNING
Impact fees: Michigan joins the national debate on who pays the cost of development. 34 Wayne L. Rev. 1667-94 (Summer).

CIVIL DISOBEDIENCE
Applying the necessity defense to civil disobedience cases. 64 N.Y.U. L. Rev. 79-112 (Apr.).

CIVIL RIGHTS
See also Attorneys' Fees, Biography, Segregation.
Comprehensive remedies and statutory section 1983 actions: context as a guide to procedural fairness. 67 Texas L. Rev. 627-57 (Feb.).

COLLATERAL SOURCE RULE

COLLECTIVE BARGAINING

COMMERCE CLAUSE

COMMUNITY PROPERTY
See Unmarried Couples.

COMPUTERS
See Copyright.

CONFLICT OF LAWS
See Treaties.

CONSTITUTIONAL AMENDMENTS
See also Constitutional History, Equal Protection.
The extraterritorial applicability of the fourth amendment. 102 Harv. L. Rev. 1672-94 (May).
Fighting the words of the eleventh amendment. Lawrence C. Marshall. 102 Harv. L. Rev. 1342-71 (Apr.).
The fourth amendment in the balance: accurately setting the scales through the least intrusive alternative analysis. Nadine Strossen. 63 N.Y.U. L. Rev. 1173-267 (Dec.).
State sovereignty and the tenth and eleventh amendments. Calvin R. Massey. 56 U. Chi. L. Rev. 61-151 (Winter).

CONSTITUTIONAL HISTORY
See also Biography, Separation of Powers.
The bicentennial of the jurisprudence of...
original intent: the recent past. Boris I. Bittker. 77 Calif. L. Rev. 235-82 (Mar.).

CONSTITUTIONAL LAW

See also Arbitration, Armed Forces, Bibliography, Budgets, Civil Rights, Discrimination: Sex, First Amendment, Housing, Interpretation, Municipal Law, Search & Seizure, Treaties.

The guarantee clause as a basis for federal prosecutions of state and local officials. Adam H. Kurian. 62 S. Cal. L. Rev. 235-82 (Jan.).

Letting statutory tails wag constitutional dogs — have the Bivens dissenters prevailed? George D. Brown. 64 Ind. L.J. 263-99 (Spring).

Modern Marbury myths. Orrin G. Hatch. 57 U. Cin. L. Rev. 891-901 (No. 3).


The “reasonable” approach to excessive force cases under section 1983. 64 Notre Dame L. Rev. 135-56 (No. 1).

Section 1983 remedies for the violation of supremacy clause rights. 97 Yale L.J. 1827-46 (July).


CONSTITUTIONAL THEORY

What is constitutional theory? The newer theory and the decline of the learned tradition. Stephen M. Griffin. 62 S. Cal. L. Rev. 493-538 (Jan.).

The fourth amendment as constitutional theory. Silas J. Wasserstrom & Louis Michael Seidman. 77 Geo. L.J. 19-112 (Oct.).

CONSUMER PROTECTION

Ohio's lemon law: Ohio joins the rest of the nation in waging war against the automobile limited warranty. 57 U. Cin. L. Rev. 1015-35 (No. 3).

CONTRACTS

See also Oil & Gas.

Gifts, bargains, and form. Jane B. Baron. 64 Ind. L.J. 155-203 (Spring).

Illegal contracts and efficient deterrence: a study in modern contract theory. Juliet P. Kostritsky. 74 Iowa L. Rev. 115-63 (Oct.).

COPYRIGHT

See also Legal Research.

An analysis of the scope of copyright protection for application programs. Peter S. Menell. 41 Stan. L. Rev. 1045-104 (May).

Baltimore Orioles, Inc. v. Major League Baseball Players Association: the right of publicity in game performances and federal copyright preemption. 36 UCLA L. Rev. 861-88 (Apr.).

Contributory copyright infringement: the tort and technological tensions. A. Samuel Oddi. 64 Notre Dame L. Rev. 47-105 (No. 1).

Governmental use of copyrighted property: the sovereign's prerogative. Roberta Roththal Kwall. 67 Texas L. Rev. 685-780 (Mar.).

Joint authorization of commissioned works. 89 Colum. L. Rev. 867-98 (May).

What happened to general commissioned works under the Copyright Act of 1976? 34 Wayne L. Rev. 1591-608 (Summer).

CORPORATIONS: DIRECTORS

See Takeovers: Corporate.

COURTS

See Federal Courts.

CRIME VICTIMS

The victim's veto: a way to increase victim impact on criminal case dispositions. 77 Calif. L. Rev. 417-53 (Mar.).

CRIMINAL LAW

See Search & Seizure.

CRIMINAL PROCEDURE

See also Capital Punishment.

Due process limits on prosecutorial peremptory challenges. 102 Harv. L. Rev. 1013-34 (Mar.).


CRIMINAL RESPONSIBILITY

Human biology and criminal responsibility: free will or free ride? 137 U. Pa. L. Rev. 615-71 (Dec.).

CRUEL AND UNUSUAL PUNISHMENT


CULTURAL PROPERTY

The public interest in cultural property. John Henry Merryman. 77 Calif. L. Rev. 339-64 (Mar.).

DAMAGES

Purely economic loss: a standard for recovery. 73 Iowa L. Rev. 1181-211 (July).

Sharing damages among multiple tortfeasors. Lewis A. Kornhauser & Richard L. Revesz. 98 Yale L.J. 831-84 (Mar.).

DEFENSE, LEGAL

See Civil Disobedience, Entrapment, Loans.

DELEGATION OF POWERS

The federal Open Market Committee and
the sharing of governmental power with private citizens. 75 Va. L. Rev. 111-53 (Feb.).

DISCRIMINATION

See also Arbitration, Emigration & Immigration, Homosexuality.

Justice Anthony M. Kennedy: will his appointment to the United States Court have an impact on employment discrimination? 57 U. Cin. L. Rev. 1037-71 (No. 3).


Teaching inequality: the problem of public school tracking. 102 Harv. L. Rev. 1318-41 (Apr.).

DISCRIMINATION: EMPLOYMENT

See also Discrimination: Handicapped, Judges.

County of Milwaukee v. LIRC: levels of abstraction and employment discrimination because of arrest or conviction record. 1988 Wis. L. Rev. 891-919 (No. 5).

The hiring and retention of minorities and women on American law school faculties. Richard H. Chused. 137 U. Pa. L. Rev. 537-69 (Dec.).

Japan's equal employment opportunity law: an alternative approach to social change. 89 Colum. L. Rev. 604-61 (Apr.).


DISCRIMINATION: HANDICAPPED

The federal employer's duties under the Rehabilitation Act: does reasonable accommodation or affirmative action include reassignment? Kathryn W. Tate. 67 Texas L. Rev. 781-849 (Mar.).

DISCRIMINATION: RACE

Arguments appealing to racial prejudice: uncertainty, impartiality, and the harmless error doctrine. 64 Ind. L.J. 375-89 (Spring).

DISCRIMINATION: SEX

The constitutionality of state laws providing employment leave for pregnancy: rethinking Geduldig after Cal Fed. 77 Calif. L. Rev. 171-221 (Jan.).

Obscuring the struggle: sex discrimination, social security, and Stone, Seldin, Sunstein & Tushnet's Constitutional Law. Mary E. Becker. 89 Colum. L. Rev. 264-89 (Mar.).

DISCRIMINATION: EMPLOYMENT

See also Alimony & Maintenance.

DRIVING WHIlE INTOXICATED

In vino veritas: the truth about blood alcohol presumptions in state drunk driving law. 64 N.Y.U. L. Rev. 141-81 (Apr.).

DRUG TESTING

See Driving While Intoxicated.

DUE PROCESS OF LAW

See also Criminal Procedure.

Forfeiture of attorneys' fees in RICO and CCE cases: a denial of due process and the right to choice of counsel. 74 Iowa L. Rev. 249-69 (Oct.).

ECONOMICS

See Damages.

EDUCATION

See also Discrimination, Handicapped.

Free exercise challenges to public school curricula: are states creating "enclaves of totalitarianism" through compulsory reading requirements? 57 Geo. Wash. L. Rev. 301-27 (Dec.).

The politics of discretion: federal intervention in bilingual education. Rachel F. Moran. 76 Calif. L. Rev. 1249-352 (Dec.).

ECONOMICS

See also Alimony.

The resolution of post-election challenges under section 5 of the Voting Rights Act. 97 Yale L.J. 1765-82 (July).

ELECTRONIC SURVEILLANCE

The walls (and wires) have ears: the background and first ten years of the Foreign Intelligence Surveillance Act of 1978. Americo R. Cinquegrana. 137 U. Pa. L. Rev. 793-828 (Jan.).

EMIGRATION AND IMMIGRATION

See also Asylum.

Abourezk v. Reagan: the need for further clarification and reform of alien excludability law. 77 Geo. L.J. 217-50 (Oct.).


EMINENT DOMAIN


The takings clause: a modern plot for an old constitutional tale. Richard G. Wilkins. 64 Notre Dame L. Rev. 1-46 (No. 1).
EMPLOYMENT
See Discrimination.

ENTRAPMENT
Entrapment reconsidered: a nonexculpatory defense based on the needs for reciprocity between the government and the governed. 35 Wayne L. Rev. 99-118 (Fall).

ENVIRONMENTAL LAW
See also Hazardous Waste Sites, Pollution: Air.
In pursuit of NEPA's promise: the role of executive oversight in the implementation of environmental policy. William L. Andreen. 64 Ind. L.J. 205-61 (Spring).

EQUAL PROTECTION

ESPIONAGE
Speaking truth to power: intelligence oversight in an imperfect world. 137 U. Pa. L. Rev. 571-613 (Dec.).

ESTABLISHMENT CLAUSE
Separation and the "secular": reconstructing the disestablishment decision. Steven D. Smith. 67 Texas L. Rev. 955-1031 (Apr.).

ESTOPPEL
See Unemployment Insurance.

EVIDENCE
See also Expert Witnesses.
Bootstrapping of hearsay under Federal Rule of Evidence 801(d)(2)(E): further erosion of the co-conspirator exemption. 74 Iowa L. Rev. 467-504 (Jan.).
Circuit roulette: the use of prior convictions to impeach credibility in civil cases under the Federal Rules of Evidence. David A. Sonnenshein. 57 Geo. Wash. L. Rev. 279-300 (Dec.).
DNA typing: acceptance and weight of the new genetic identification tests. William C. Thompson & Simon Ford. 75 Va. L. Rev. 45-108 (Feb.).
The theory of discretion in the Federal Rules of Evidence. Thomas M. Mengler. 74 Iowa L. Rev. 413-66 (Jan.).

EXPERT WITNESSES

EXPORTS AND IMPORTS
Countervailing duty law: an economic perspective. Alan O. Sykes. 89 Colum. L. Rev. 199-263 (Mar.).

FALSE IMPRISONMENT
See Nursing Homes.

FEDERAL COURTS
The federal circuit: a case study in specialized courts. Rochelle Cooper Dreyfuss. 64 N.Y.U. L. Rev. 1-77 (Apr.).
Kicking over the traces of self-government. Linda R. Hirshman. 64 Chi.-Kent L. Rev. 435-49 (No. 2).
The life and times of the big six: or, the federal courts since the good old days. Marc Galanter. 1988 Wis. L. Rev. 921-54 (No. 6).

FEDERAL PREEMPTION
The preemption dimension of abstention. 89 Colum. L. Rev. 310-31 (Mar.).

FEDERALISM
See Armed Forces, Eminent Domain.

FEMINIST JURISPRUDENCE
See Homosexuality.

FICTION
Abel Donner. (short story) Louis Auchincloss. 75 Va. L. Rev. 1-13 (Feb.).

FINANCE
A unified treatment of finance lessees' reversion or acceptance under the Uniform Commercial Code. 137 U. Pa. L. Rev. 967-1005 (Jan.).

FINES
See Segregation.

FIRST AMENDMENT
See also Abortion, Education, Separation of Powers.
Chilling injuries as a basis for standing. 98 Yale L.J. 905-24 (Mar.).
Constitutional law — Eimann v. Soldier of Fortune and "negligent advertising" actions: commercial speech in an era of reduced first amendment protection. 64 Notre Dame L. Rev. 157-70 (No. 1).
The promise of Pico: a new definition of orthodoxy. 97 Yale L.J. 1805-25 (July).

FRAUD
See Taxation.

FRAUDULENT CONVEYANCES
See Loans.

FREEDOM OF RELIGION
See also Establishment Clause.
Burdens on the free exercise of religion: a subjective alternative. 102 Harv. L. Rev. 1258-77 (Apr.).

Where rights begin: the problem of burdens on the free exercise of religion. Ira C. Lupu. 102 Harv. L. Rev. 933-90 (Mar.).

GERRYMANDERING
See Discrimination.

GOVERNMENT LIABILITY
See Attorney-Client Privilege.

GRAND JURY
See Harmless Error.

HABEAS CORPUS

An tale of two habeas. Barry Friedman. 73 Minn. L. Rev. 247-347 (Dec.).

HANDICAPPED
Mootness and the Education for All Handicapped Children Act: timely decision saves judicial and social costs. 57 U. Cin. L. Rev. 1101-22 (No. 3).

HARMLESS ERROR
Mechanical applications of the harmless error rule in cases of prosecutorial grand jury misconduct. 1988 Duke L.J. 1242-71 (Dec.).

HAZARDOUS WASTE SITES
The toxic time bomb: municipal liability for the cleanup of hazardous waste. Steven Ferrey. 57 Geo. Wash. L. Rev. 197-278 (Dec.).

HEARSAY
See Evidence.

HISTORY
See Labor Unions.

HOMOSEXUALITY
From this day forward: a feminine moral discourse on homosexual marriage. 97 Yale L.J. 1783-803 (July).

Sexual orientation and the law. 102 Harv. L. Rev. 1508-278 (May).

HOUSING
Ensuring tenant consultation before public housing is demolished or sold. 97 Yale L.J. 1745-64 (July).

Gautreaux and institutional litigation. Alexander Polikoff. 64 Chi.-Kent L. Rev. 451-78 (No. 2).

Homesteading urban America after Moore v. Detroit: the constitutionality of Detroit's nuisance abatement plan and its implications for urban homesteading legislation. 34 Wayne L. Rev. 1609-41 (Summer).

Remediing the irremediable: the lessons of Gautreaux. A. Dan Tarlock. 64 Chi.-Kent L. Rev. 573-84 (No. 2).

Shifting hardships for low-income housing residents: Wright v. City of Roanoke Redevelopment and Housing Authority. 35 Wayne L. Rev. 169-95 (Fall).

HUMAN RIGHTS
Federal questions and the human rights paradigm. Kenneth C. Randall. 73 Minn. L. Rev. 349-424 (Dec.).

ILLEGITIMACY
See Social Security.

IMMUNITY
See also Judges.

INTERNATIONAL BANKING


Recent regulatory perspectives on debt-for-equity swaps and securitization of Third World debt. Ricki Rhodarmer Tigert. 1988 U. Ill. L. Rev. 287-332 (No. 2).

Remediating the irremediable: the lessons of Gautreaux. A. Dan Tarlock. 64 Chi.-Kent L. Rev. 573-84 (No. 2).

Shifting hardships for low-income housing residents: Wright v. City of Roanoke Redevelopment and Housing Authority. 35 Wayne L. Rev. 169-95 (Fall).

HUMAN RIGHTS
Federal questions and the human rights paradigm. Kenneth C. Randall. 73 Minn. L. Rev. 349-424 (Dec.).

ILLEGITIMACY
See Social Security.

IMMUNITY
See also Judges.

INTERNATIONAL BANKING


Recent regulatory perspectives on debt-for-equity swaps and securitization of Third World debt. Ricki Rhodarmer Tigert. 1988 U. Ill. L. Rev. 287-332 (No. 2).

Selected issues in U.S. taxation of U.S. branches of foreign banks. Alfred C. Groff &


INTERNATIONAL COURTS AND TRIBUNALS

INTERNATIONAL JURISDICTION
See Constitutional Amendments.

INTERNATIONAL LAW


Implied waiver under the FSIA: a proposed exception for immunity for violations of peremptory norms of international law. 77 Calif. L. Rev. 365-415 (Mar.).


Limiting Erie in a new age of international law: toward a federal common law of international choice of law. Daniel C.K. Chow. 74 Iowa L. Rev. 165-225 (Oct.).


“Original intention” and the crucible of litigation. Louis H. Pollak. 57 U. Cin. L. Rev. 867-89 (No. 3).


INTERNATIONAL TRADE
See also Exports & Imports.


INTERPRETATION
“Original intention” and the crucible of litigation. Louis H. Pollak. 57 U. Cin. L. Rev. 867-89 (No. 3).


INTERPRETATION OF STATUTES
Can legislatures constrain judicial interpretation of statutes? Anthony D’Amato. 75 Va. L. Rev. 561-603 (Apr.).

Wittgenstein and the Code: a theory of good faith performance and enforcement under article nine. Dennis M. Patterson. 137 U. Pa. L. Rev. 335-429 (Dec.).

JUDGES
See also Administration of Justice, Advice & Consent.

The American Bar Association and judicial nominees: advice without consent? 89 Colum. L. Rev. 550-79 (Apr.).

His honor, the employer — no longer absolutely immune for hiring decisions. 57 U. Cin. L. Rev. 1141-73 (No. 3).

JUDICIAL ACTIVISM
See also Federal Courts, Housing, Public Officials & Employees.

A restrained perspective on activism. Jules B. Gerard. 64 Chi.-Kent L. Rev. 605-16 (No. 2).

Rights, remedies, and restraint. Peter M. Shane. 64 Chi.-Kent L. Rev. 531-72 (No. 2).

JUDICIAL REVIEW OF ADMINISTRATIVE ACTS
The public trust and the Constitution: routes to judicial overview of resource management decisions in Virginia. 75 Va. L. Rev. 895-917 (May).

JUDICIAL STATISTICS

JURIES
See also Capital Punishment.

**JURISPRUDENCE**

See Philosophy of Law, Shareholders.

**JURY SELECTION**

See Juries.

**LABOR LAW**

See also Migrant Labor, Statute of Limitations, Strikes & Lockouts.

Self, others, and section 7: mutualism and protected protest activities under the National Labor Relations Act. Richard Michael Fischl. 89 Colum. L. Rev. 789-865 (May).

**LABOR UNIONS**

See also Racketeer Influenced & Corrupt Organizations Act.

The shaping of the American labor movement. William E. Forbath. 102 Harv. L. Rev. 1109-256 (Apr.).

**LAW AND THE ARTS**

See Cultural Property.

**LAW REFORM**

See Public Officials & Employees.

**LEGAL EDUCATION**

See also Discrimination: Employment.

Causation, responsibility, risk, probability, naked statistics, and proof: pruning the bramble bush by clarifying the concepts. Richard W. Wright. 73 Iowa L. Rev. 1001-77 (July).

**LEGAL HISTORY**


Going to the island: a legal and economic analysis of the medieval Icelandic duel. R.S. Radford. 62 S. Cal. L. Rev. 615-44 (Jan.).


Values, ideology, and the evolution of the adversary system. Ellen E. Sward. 64 Ind. L.J. 301-55 (Spring).

**LEGAL REALISM**

See Philosophy of Law.

**LEGAL RESEARCH**

Monopolizing the law: the scope of copyright protection for law reports and statutory compilations. L. Ray Patterson & Craig Joyce. 36 UCLA L. Rev. 719-814 (Apr.).

**LEGISLATION**

Curbing legislative chaos: Executive choice or congressional responsibility? 74 Iowa L. Rev. 227-48 (Oct.).

Public choice at the dawn of the special interest state: the story of butter and margarine. Geoffrey P. Miller. 77 Calif. L. Rev. 83-131 (Jan.).

**LEGAL DRAFTING**

See Shareholders.

**LIBEL AND SLANDER**

"Libelous" petitions for redress of grievances — bad historiography makes worse law. Eric Schnapper. 74 Iowa L. Rev. 303-49 (Jan.).

Unauthorized biographies and other "books of revelations": a celebrity's legal recourse to a truthful public disclosure. 36 UCLA L. Rev. 815-60 (Apr.).

**LOANS**

Interpreting the meaning of lender management participation under section 101(20)(A) of CERCLA. 98 Yale L.J. 925-44 (Mar.).

Rethinking the regulation of coercive creditor remedies. Robert E. Scott. 89 Colum. L. Rev. 730-88 (May).

Standby letters of credit: recent limitations on the fraud in the transaction defense. 35 Wayne L. Rev. 119-51 (Fall).

**MAILS**

See Taxation.

**MALPRACTICE**

See Attorneys.

**MARITIME LAW**

See International Law.

**MEDICAL JURISPRUDENCE**

In re A.C.: foreshadowing the unfortunate expansion of court-ordered Cesarean sections. 74 Iowa L. Rev. 287-302 (Oct.).

**MENTAL HEALTH**

See Addiction, Psychiatric Malpractice.

**MENTALLY HANDICAPPED PERSONS**

See Capital Punishment.

**MIGRANT LABOR**

Exclusion and membership: the dual identity of the undocumented worker under
United States law. Linda S. Bosniak. 1988 Wis. L. Rev. 955-1042 (No. 6).

Labor standards enforcement and the realities of labor migration: protecting undocumented workers after Sure-Tan, the IRCA, and Patel. 63 N.Y.U. L. Rev. 1342-98 (Dec.).

MINORITIES

See Politics.

MORTGAGES

Neither an early nor a late payor be? — presuming to question the presumption against mortgage prepayment. Alan M. Weingerber. 35 Wayne L. Rev. 1-36 (Fall).

MOTOR VEHICLES

See Consumer Protection.

MUNICIPAL LAW

Municipal development exactions, the rational nexus test, and the federal Constitution. 102 Harv. L. Rev. 992-1012 (Mar.).

NEGLECT

See Products Liability.

NURSING HOMES

"Nowhere to go and chose to stay": using the tort of false imprisonment to redress involuntary confinement of the elderly in nursing homes and hospitals. 137 U. Pa. L. Rev. 903-27 (Jan.).

OIL AND GAS

The effect of FERC Order 451 on the marketing covenant implied in oil and gas leases. 67 Texas L. Rev. 1099-127 (Apr.).

The shut-in royalty clause: balancing the interests of lessors and lessees. 67 Texas L. Rev. 1129-51 (Apr.).

OPEN MEETINGS

The Wisconsin Supreme Court lets the sun shine in: State v. Showers and the Wisconsin open meeting law. 1988 Wis. L. Rev. 827-56 (No. 5).

PAPERWORK REDUCTION ACT


PARENT AND CHILD

See also Immunity, Medical Jurisprudence.

The criminalization of maternal conduct during pregnancy: a decisionmaking model for lawmakers. 64 Ind. L.J. 357-74 (Spring).

PATENTS

The doctrine of equivalents in patent law: questions that Pennwalt did not answer. Martin J. Adelman & Gary L. Francione. 137 U. Pa. L. Rev. 673-729 (Jan.).

PENEOLOGY

See also Biograph, Judicial Activism.

PHILOSOPHY OF LAW

The interpretive turn in modern theory: a turn for the worse? Michael S. Moore. 41 Stan. L. Rev. 871-957 (Apr.).

Legal indeterminacy. Ken Kress. 77 Calif. L. Rev. 283-337 (Mar.).

To learn and teach: lessons from Driefonten on lawyering and power. Lucie E. White. 1988 Wis. L. Rev. 699-769 (No. 5).

Why should courts obey the law? Steven D. Smith. 77 Geo. L.J. 113-64 (Oct.).

PHYSICIANS AND SURGEONS


POLITICS

See also Administration of Justice, Administrative Agencies, Judicial Statistics, Legislation, Philosophy of Law.

As if republican interpretation. Jerry Mashaw. 97 Yale L.J. 1685-701 (July).

Beyond the republican revival. Cass R. Sunstein. 97 Yale L.J. 1539-90 (July).

Further beyond the republican revival: toward radical republicanism. Paul Brest. 97 Yale L.J. 1623-31 (July).

Law's republic. Frank Michelman. 97 Yale L.J. 1493-317 (July).


The missing element in the republican revival. Jonathan R. Macey. 97 Yale L.J. 1673-84 (July).

Modern republicanism — or the flight from substance. Richard A. Epstein. 97 Yale L.J. 1633-50 (July).


The republican revival and racial politics. Derrick Bell & Preeta Bansal. 97 Yale L.J. 1609-21 (July).


What is republicanism, and is it worth reviving? Richard H. Fallon, Jr. 102 Harv. L. Rev. 1695-735 (May).
POLLUTION: AIR
Interstate air pollution: over a decade of ineffective regulation. 64 Chi.-Kent L. Rev. 619-51 (No. 2).
Prevention of significant deterioration: control-compelling versus site-shifting. Craig N. Oren. 74 Iowa L. Rev. 1-114 (Oct.).

PRETRIAL PROCEDURE

PRISONS AND PRISONERS
"Cradled on the sea": positive images of prison and theories of punishment. Martha Grace Duncan. 76 Calif. L. Rev. 1201-47 (Dec.).

PRODUCTS LIABILITY
Products liability — negligence presumed: an evolution. 67 Texas L. Rev. 851-902 (Mar.).

PROPERTY
See Municipal Law.

PROSECUTORS
See also Harmless Error.
Prosecutorial investigations and DR 7-104(A)(1). 89 Colum. L. Rev. 940-58 (May).

PSYCHIATRIC MALPRACTICE
Statutes limiting mental health professionals' liability for the violent acts of their patients. 64 Ind. L.J. 391-422 (Spring).

PUBLIC OFFICIALS AND EMPLOYEES
Legality, activism, and the patronage case. David A. Strauss. 64 Chi.-Kent L. Rev. 585-603 (No. 2).
Successful reform litigation: the Shakman patronage case. C. Richard Johnson. 64 Chi.-Kent L. Rev. 479-96 (No. 2).

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT
See also Due Process of Law.
Union receiverships under RICO: a union democracy perspective. 137 U. Pa. L. Rev. 929-66 (Jan.).

REAL PROPERTY: COVENANTS
Community association use restrictions: applying the business judgment doctrine. 64 Chi.-Kent L. Rev. 653-83 (No. 2).

REHABILITATION OF OFFENDERS
See Discrimination: Employment.

RIGHT OF PRIVACY
See Libel & Slander.

SCIENCE
See Evidence.

SCIENTIFIC EVIDENCE
See Driving While Intoxicated.

SEARCH AND SEIZURE
Criminal antiproof laws: some thoughts in favor of their constitutionality. Sue S. Okuda. 76 Calif. L. Rev. 1353-75 (Dec.).

SECURITIES
A note on materiality and soft information under the federal securities laws. Victor Brudney. 75 Va. L. Rev. 723-60 (May).
Sophisticated investors under the federal securities laws. C. Edward Fletcher, III. 1988 Duke L.J. 1081-154 (Dec.).

SECURITIES: FRAUD
Outsider trading — morality and the law of securities fraud. 77 Geo. L.J. 181-216 (Oct.).

SEGREGATION
Judicial taxation in desegregation cases. 89 Colum. L. Rev. 332-46 (Mar.).

SENTENCING
See Capital Punishment.

SEPARATION OF POWERS
See also Espionage.
The Council of Revision and the limits of judicial power. 56 U. Chi. L. Rev. 235-61 (Winter).

SEX CRIMES
See Cruel & Unusual Punishment.

SHAREHOLDERS
Free riders and the greedy gadfly: examining aspects of shareholder litigation as an exercise in integrating ethical regulation and laws of general applicability. Theresa A. Gabaldon. 73 Minn. L. Rev. 425-94 (Dec.).
Variations on the theme of shareholder derivative actions: changing the tune of rule 23.1 and the beat of the Delaware two-step. 57 Geo. Wash. L. Rev. 363-87 (Dec.).

SOCIAL SECURITY
See also Discrimination: Sex.
Adams v. Weinberger and Dubinski v. Bowen: posthumous illegitimate children and
the Social Security child survivorship provision. 73 Iowa L. Rev. 1213-29 (July).

SOVEREIGN IMMUNITY
Sovereign immunity, the officer suit fiction, and entitlement benefits. 56 U. Chi. L. Rev. 295-336 (Winter).

STATES' RIGHTS
See Constitutional Amendments.

STATUTE OF LIMITATIONS
A functional approach to borrowing limitations periods for federal statutes. 77 Calif. L. Rev. 133-70 (Jan.).

STATUTES
See Paperwork Reduction Act, Treaties.

STRIKES AND LOCKOUTS

SUPPORT OF DEPENDENTS
An unfortunate change of circumstances: Wisconsin prohibits retroactive revision of child support orders. 1988 Wis. L. Rev. 1123-56 (No. 6).

TAKEOVERS: CORPORATE
Outside directors and the modified business judgment rule in hostile takeovers: a new test for director liability. 62 S. Cal. L. Rev. 645-85 (Jan.).

TAXATION


Tax fraud — mail fraud: synonymous, cumulative, or diverse? Ellen S. Podgor. 57 U. Cin. L. Rev. 903-33 (No. 3).


TORTS
See also Damages, Legal Education.


TRADE
See Unfair Competition.

TREATIES
Congress and the P.L.O. and conflicts between statutes and treaties. John Quigley. 35 Wayne L. Rev. 83-96 (Fall).

The constitutionality of chapter nineteen of the United States-Canada Free-Trade Agreement: article III and the minimum scope of judicial review. 89 Colum. L. Rev. 897-919 (May).

Reinterpreting advice and consent: a congressional fast track for arms control treaties. 98 Yale L.J. 885-904 (Mar.).

TRIAL PRACTICE
See Discrimination: Race.

UNEMPLOYMENT INSURANCE
The estoppel effect of misconduct findings in unemployment compensation adjudications on future civil suits for wrongful discharge. 34 Wayne L. Rev. 1695-721 (Summer).

UNFAIR COMPETITION
See also Antitrust Law, Income Tax: Corporations.


UNIFORM COMMERCIAL CODE
See Finance, Interpretation of Statutes.

UNMARRIED COUPLES

VERDICTS
See Juries.

VOTING
Ballot designations: a second look. Maurice Kelman. 35 Wayne L. Rev. 63-81 (Fall).

A call for reform of New York state's ballot access laws. 64 N.Y.U. L. Rev. 182-231 (Apr.).

The disenfranchisement of ex-felons: citizenship, criminality, and "the purity of the ballot box." 102 Harv. L. Rev. 1300-17 (Apr.).

WARRANTY
See Consumer Protection.

WELFARE
The effect of the federal availability principle of state AFDC asset-transfer rules. 89 Colum. L. Rev. 580-603 (Apr.).
WILLS
See also Attorneys.
Privity as a bar to recovery in negligent will-preparation cases: a rule without a reason. 57 U. Cin. L. Rev. 1123-40 (No. 3).

WIRE TAPPING
See Electronic Surveillance.