

# Michigan Law Review

---

Volume 88 | Issue 3

---

1989

## Periodical Index

Michigan Law Review

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

---

### Recommended Citation

Michigan Law Review, *Periodical Index*, 88 MICH. L. REV. 637 (1989).

Available at: <https://repository.law.umich.edu/mlr/vol88/iss3/7>

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](mailto:mlaw.repository@umich.edu).

## PERIODICAL INDEX

This Index includes *articles*, *comments*, and some of the longer *notes* and *recent developments* that have appeared in leading reviews since the publication of the last issue of this *Review*.

### ADMINISTRATIVE AGENCIES

Bargaining for justice: an examination of the use and limits of conditions by the Federal Reserve Board. Alfred C. Aman, Jr. 74 Iowa L. Rev. 837-99 (May).

### AGE DISCRIMINATION

Union liability under the Age Discrimination in Employment Act. 56 U. Chi. L. Rev. 1087-119 (Summer).

### ALIENS

Legal fictions mask human suffering: the detention of the Mariel Cubans, constitutional, statutory, international law, and human considerations. 62 S. Cal. L. Rev. 1733-804 (Sept.).

Overcoming mootness in the H-2A temporary foreign farmworker program. 78 Geo. L.J. 197-230 (Oct.).

### ARBITRATION AND AWARD

See *Insider Trading*.

### ATTORNEYS

See *Criminal Procedure*.

### ATTORNEYS' FEES

Contingent fees without contingencies: *Hamlet* without the Prince of Denmark. Lester Brickman. 37 UCLA L. Rev. 29-137 (Oct.).

### CAPITAL PUNISHMENT

A capital defendant's right to a continuance between the two phases of a death penalty trial. 64 N.Y.U. L. Rev. 579-627 (June).

Challenging the death penalty under state constitutions. James R. Acker & Elizabeth R. Walsh. 42 Vand. L. Rev. 1299-363 (Oct.).

Fairness to the end: the right to confront adverse witnesses in capital sentencing proceedings. 89 Colum. L. Rev. 1345-73 (Oct.).

The meaning of "life" for Virginia jurors and its effect on reliability in capital sentencing. 75 Va. L. Rev. 1605-38 (Nov.).

### CIVIL RICO ACTIONS

A new proposal for limiting private civil RICO. Norman Abrams. 37 UCLA L. Rev. 1-28 (Oct.).

### CIVIL RIGHTS

See also *Discrimination*.

On taking back our civil rights promises: when equality doesn't compute. Richard Delgado. 1989 Wis. L. Rev. 579-87 (No. 3).

### CLOSE CORPORATIONS

Professional responsibility and the close corporation: toward a realistic ethic. Lawrence E. Mitchell. 74 Cornell L. Rev. 466-509 (Mar.).

### COMMUNICABLE DISEASES

AIDS: a crisis in confidentiality. 62 S. Cal. L. Rev. 1701-32 (Sept.).

Deadly and dangerous weapons and AIDS: the *Moore* analysis is likely to be dangerous. 74 Iowa L. Rev. 951-67 (May).

### CONFRONTATION CLAUSE

The confrontation clause applied to minor victims of sexual abuse. 42 Vand. L. Rev. 1511-38 (Oct.).

### CONSTITUTIONAL LAW

See also *Civil Rights; Discrimination; First Amendment; Religion; Right of Privacy; Search and Seizure*.

The Constitution's accommodation of social change. Philip A. Hamburger. 88 Mich. L. Rev. 239-327 (Nov.).

The curvature of constitutional space: what lawyers can learn from modern physics. Laurence H. Tribe. 103 Harv. L. Rev. 1-39 (Nov.).

Damages for constitutional violations: the relation of risk to injury in constitutional torts. John C. Jeffries, Jr. 75 Va. L. Rev. 1461-85 (Nov.).

The fifth amendment: if an aid to the guilty defendant, an impediment to the innocent one. Peter W. Tague. 78 Geo. L.J. 1-70 (Oct.).

*Keystone Bituminous Coal Association v. DeBenedictis*: toward redefining takings law. 64 N.Y.U. L. Rev. 877-908 (Oct.).

### COPYRIGHT

The distribution right in the United States of America: review and reflections. John M. Kernochan. 42 Vand. L. Rev. 1407-38 (Oct.).

Infringement of the exclusive right to prepare derivative works: reducing uncertainty. 73 Minn. L. Rev. 1521-52 (June).

The "work for hire" definition in the Copyright Act of 1976: conflict over specially or-

dered or commissioned works. 74 Cornell L. Rev. 559-86 (Mar.).

#### CORPORATE ACQUISITIONS AND MERGERS

State takeover statutes and corporate theory: the revival of an old debate. John C. Coates, IV. 64 N.Y.U. L. Rev. 806-76 (Oct.).

Takeover defenses and the corporate contract. Larry E. Ribstein. 78 Geo. L.J. 71-151 (Oct.).

#### CORPORATE OFFICERS

Reshaping the corporate fiduciary model: a director's duty of independence. Alan R. Palmiter. 67 Texas L. Rev. 1351-464 (June).

#### CORPORATIONS

The "nexus of contracts" corporation: a critical appraisal. William W. Bratton, Jr. 74 Cornell L. Rev. 407-65 (Mar.).

The problem of transaction costs. Pierre Schlag. 62 S. Cal. L. Rev. 1661-700 (Sept.).

#### COURTS

The Supreme Court, 1988 Term. 103 Harv. L. Rev. 40-401 (Nov.).

#### CRIMINAL PROCEDURE

See also *Capital Punishment, Constitutional Law*.

"Through a glass, darkly": how the Court sees motions to disqualify criminal defense lawyers. Bruce A. Green. 89 Colum. L. Rev. 1201-63 (Oct.).

#### DECLARATORY RELIEF

History comes calling: Dean Griswold offers new evidence about the jurisdictional debate surrounding the enactment of the Declaratory Judgment Act. Donald L. Doernberg & Michael B. Mushlin. 37 UCLA L. Rev. 139-44 (Oct.).

#### DISCRIMINATION

See also *Age Discrimination; Employment Discrimination*.

Discriminatory intent and the taming of *Brown*. David A. Strauss. 56 U. Chi. L. Rev. 935-1015 (Summer).

#### ECONOMIC JURISPRUDENCE

*Brown v. Board of Education of Topeka*: an econolegal opinion. 1989 Wis. L. Rev. 589-605 (No. 3).

#### EMPLOYMENT DISCRIMINATION

See also *Age Discrimination*.

Title VII remedies: reinstatement and the innocent incumbent employee. 42 Vand. L. Rev. 1441-67 (Oct.).

#### ENVIRONMENTAL LAW

Integrating thoughtways: re-opening of the environmental mind? Lakshman Guruswamy. 1989 Wis. L. Rev. 463-537 (No. 3).

Misery loves company: spreading the costs of CERCLA cleanup. 42 Vand. L. Rev. 1469-509 (Oct.).

#### ETHICS

Justice across the generations. Richard A. Epstein. 67 Texas L. Rev. 1465-89 (June).

#### FEDERAL RULES OF CIVIL PROCEDURE

Insuring rule 11 sanctions. 88 Mich. L. Rev. 344-85 (Nov.).

Public law litigation and the Federal Rules of Civil Procedure. Carl Tobias. 74 Cornell L. Rev. 270-346 (Jan.).

#### FIRST AMENDMENT

See also *Religion*.

Promises and the press: first amendment limitations on news source recovery for breach of a confidentiality agreement. 73 Minn. L. Rev. 1553-89 (June).

#### FOREIGN LAW

The judges versus the unions: the development of British labor law, 1867-1913. Michael J. Klarman. 75 Va. L. Rev. 1487-602 (Nov.).

Regulation of insider trading in Japan. 89 Colum. L. Rev. 1296-319 (Oct.).

#### GOVERNMENT IMMUNITY AND LIABILITY

The effects of consent decrees on local legislative immunity. 56 U. Chi. L. Rev. 1121-52 (Summer).

#### INSIDER TRADING

See also *Foreign Law*.

Classwide arbitration and 10b-5 claims in the wake of *Shearson American Express, Inc. v. McMahon*. 74 Cornell L. Rev. 380-406 (Jan.).

#### INSURANCE

See also *Federal Rules of Civil Procedure*.

Expanding the insurer's duty to defend in Iowa: *First Newton National Bank v. General Casualty Company of Wisconsin*. 74 Iowa L. Rev. 969-85 (May).

Insurance company insolvencies and insurance guaranty funds: a look at the nonduplication of recovery clause. 74 Iowa L. Rev. 927-50 (May).

#### INTELLECTUAL PROPERTY

Invention and ritual: notes on the interrelation of magic and intellectual property in preliterate societies. Mark C. Suchman. 89 Colum. L. Rev. 1264-94 (Oct.).

**INTERNATIONAL BANKING**

See *International Law*.

**INTERNATIONAL LAW**

Eurodollars, multinational banks, and national laws. Peter S. Smedresman & Andreas F. Lownfeld. 64 N.Y.U. L. Rev. 733-804 (Oct.).

**INTERNATIONAL TRADE**

GATT — legal application of safeguards in the context of regional trade arrangements and its implications for the Canada-United States Free Trade Agreement. 73 Minn. L. Rev. 1488-520 (June).

**JURISPRUDENCE**

See also *Economic Jurisprudence; Minorities*.

Bringing the law to life: a plea for disenchantment. Frank Michelman. 74 Cornell L. Rev. 256-69 (Jan.).

*The Great Gatsby*, the Black Sox, high finance, and American Law. Allen Boyer. 88 Mich. L. Rev. 328-42 (Nov.).

The law regained. Owen M. Fiss. 74 Cornell L. Rev. 245-55 (Jan.).

Liberalism, skepticism, and democracy. Joseph Raz. 74 Iowa L. Rev. 761-86 (May).

Revisiting the rule of law. Laurence H. Tribe. 64 N.Y.U. L. Rev. 726-31 (June).

Rhetoric and skepticism. Steven J. Burton. 74 Iowa L. Rev. 755-59 (May).

The transformation of Western legal philosophy in Lutheran Germany. Harold J. Berman & John Witte, Jr. 62 S. Cal. L. Rev. 1573-660 (Sept.).

**LAW AND THE ARTS**

See also *Jurisprudence*.

*Deweorth v. Baldinger*: making New York a haven for stolen art? 64 N.Y.U. L. Rev. 909-45 (Oct.).

*Gorgias*, law, and rhetoric. David E. Klemm. 74 Iowa L. Rev. 819-26 (May).

Is the life in the law worth living? Some critical remarks on Plato's *Gorgias*. Guenter Zoeller. 74 Iowa L. Rev. 815-17 (May).

The last judgment of Plato's *Gorgias*: *mythos* to you, *logos* to me. Marlena G. Corcoran. 74 Iowa L. Rev. 827-35 (May).

Law as myth: reflections on Plato's *Gorgias*. Ernest J. Weinrib. 74 Iowa L. Rev. 787-806 (May).

Motion picture colorization, authenticity, and the elusive moral right. 64 N.Y.U. L. Rev. 628-725 (June).

In praise of Callicles. Philippe Nonet. 74 Iowa L. Rev. 807-13 (May).

**LAW SCHOOLS**

Whatever happened to the class of 1983?

By Marilyn Tucker, Laurie A. Albright & Patricia L. Busk. 78 Geo. L.J. 153-95 (Oct.).

**LEGAL ETHICS**

Quibbles. Kenney Hegland. Response by John F. Sutton, Jr. 67 Texas L. Rev. 1491-523 (June).

**LIBEL AND SLANDER**

Dead but not forgotten: proposals for imposing liability for defamation of the dead. 67 Texas L. Rev. 1525-67 (June).

**MEDICAL JURISPRUDENCE**

Defendants' right to conduct ex parte interviews with treating physicians in drug or medical device cases. 73 Minn. L. Rev. 1451-87 (June).

**MEDICAL MALPRACTICE**

A fault-based administrative alternative for resolving medical malpractice claims. Kirk B. Johnson, Carter G. Phillips, David Orentlicher & Martin S. Hatlie. 42 Vand. L. Rev. 1365-406 (Oct.).

**MINORITIES**

Sapphire bound! Regina Austin. 1989 Wis. L. Rev. 539-78 (No. 3).

**PATENTS**

Patents and the progress of science: exclusive rights and experimental use. Rebecca S. Eisenberg. 56 U. Chi. L. Rev. 1017-86 (Summer).

**PHILOSOPHY**

See *Ethics*.

**PRECEDENTS**

"Let Congress do it": the case for an absolute rule of statutory stare decisis. Lawrence C. Marshall. 88 Mich. L. Rev. 177-238 (Nov.).

**PROBATE LAW AND PRACTICE**

Uniform Probate Code section 2-202: a proposal to include life insurance assets within the augmented estate. 74 Cornell L. Rev. 511-31 (Mar.).

**PROBATION**

See *Search & Seizure*.

**PROCESS**

Bargaining and the ethic of process. Eleanor Holmes Norton. 64 N.Y.U. L. Rev. 493-577 (June).

**PRODUCTS LIABILITY: MOTOR VEHICLES**

New seat belt defense issues: the impact of air bags and mandatory seat belt use statutes on the seat belt defense, and the basis of dam-

age reduction under the seat belt defense. Robert F. Cochran, Jr. 73 Minn. L. Rev. 1369-450 (June).

#### *REAL PROPERTY*

See *Vendors & Purchasers*.

#### *RELIGION*

Defining "religion" in the first amendment: a functional approach. 74 Cornell L. Rev. 532-58 (Mar.).

#### *RIGHT OF PRIVACY*

We've got your number! (Is it constitutional to give it out?): caller identification technology and the right to informational privacy. Glenn Chatmas Smith. 37 UCLA L. Rev. 145-223 (Oct.).

#### *SCHOOLS AND SCHOOL DISTRICTS: FINANCE*

To render them safe: the analysis of state constitutional provisions in public school finance reform litigation. 75 Va. L. Rev. 1639-79 (Nov.).

#### *SEARCH AND SEIZURE*

Conflicting perspectives from the bench and the field on probationer home searches — *Griffin v. Wisconsin* reconsidered. 1989 Wis. L. Rev. 607-65 (No. 3).

#### *SETTLEMENTS*

The century freeway consent decree. 62 S. Cal. L. Rev. 1805-44 (Sept.).

#### *SURETYSHIP AND GUARANTY*

Issues in the enforcement of carry guarantees and completion guarantees: anti-deficiency rules, suretyship statutes, and common law. 37 UCLA L. Rev. 225-71 (Oct.).

#### *TAXATION*

The Danielson Rule: an anodyne for the pain of reasoning. 89 Column. L. Rev. 1320-44 (Oct.).

#### *UNIFORM COMMERCIAL CODE*

UCC section 2-719: limited remedies and consequential damage exclusions. 74 Cornell L. Rev. 359-79 (Jan.).

#### *UNIONS*

See *Age Discrimination*.

#### *VENDORS AND PURCHASERS*

A rescission approach to vendor's damages after forfeiture of an installment real estate contract. 74 Iowa L. Rev. 901-25 (May).

#### *WITNESSES*

See *Confrontation Clause*.