

# Michigan Law Review

---

Volume 88 | Issue 7

---

1990

## 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. 2254 (1990).

Available at: <https://repository.law.umich.edu/mlr/vol88/iss7/9>

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*.

Pierce, Jr. 674 N.Y.U. L. Rev. 1239-85 (Dec.).

### ABORTION

See also *Constitutional Law, Feminist Jurisprudence*.

Beyond the *Roe* debate: judicial experience with the 1980's "reasonableness" test. Daniel A. Farber & John E. Nowak. 76 Va. L. Rev. 519-38 (Apr.).

In the beginning: the legal status of early embryos. John A. Robertson. 76 Va. L. Rev. 437-517 (Apr.).

The prohibition on abortion counseling and referral in federally-funded family planning clinics. 77 Calif. L. Rev. 1181-210 (Oct.).

### ACCRETION

Periodicity and accretion taxation: norms and implementation. Jeff Strnad. 99 Yale L.J. 1817-911 (June).

### ACTIONS AND DEFENSES

Separating the joint-defense doctrine from the attorney-client privilege. 68 Texas L. Rev. 1273-302 (May).

### ADMINISTRATION OF CRIMINAL JUSTICE

See *Law Reform*.

### ADMINISTRATION OF JUSTICE

See *Separation of Powers*.

### ADMINISTRATIVE AGENCIES

See also *Administrative Law*.

The death of the gullible consumer: towards a more sensible definition of deception at the FTC. Roger E. Schechter. 1989 U. Ill. L. Rev. 571-623 (No. 3).

### ADMINISTRATIVE LAW

See also *Politics*.

Interagency privity and claim preclusion. 57 U. Chi. L. Rev. 195-220 (Winter).

### ADMINISTRATIVE PROCEDURE

In lieu of preclusion: reconciling administrative decisionmaking and federal civil rights claims. Marjorie A. Silver. 65 Ind. L.J. 367-442 (Spring).

### AGENCY

See also *Torts*.

The role of the judiciary in implementing an agency theory of government. Richard J.

### AIRLINES

The legal and regulatory implications of airline computer reservation systems. 103 Harv. L. Rev. 1930-50 (June).

### ALCOHOLIC BEVERAGES

Warning labels may be hazardous to your health: common-law and statutory response to alcoholic beverage manufacturers' duty to warn. 75 Cornell L. Rev. 158-89 (Nov.).

### AMICUS CURIAE

See also *Attorneys General*.

The development of legal doctrine through amicus participation: the SEC experience. David S. Ruder. 1989 Wis. L. Rev. 1167-91 (No. 6).

### ANIMALS

See *Equine Law*.

### ANTITRUST LAW

See also *Entertainment, Sports*.

Antitrust and the market for corporate control. Edward B. Rock. 77 Calif. L. Rev. 1365-428 (Dec.).

The indirect-purchaser rule and cost-plus sales. Herbert Hovenkamp. 103 Harv. L. Rev. 1717-31 (May).

The leasing monopolist. John Shepard Wiley, Jr., Eric Rasmusen & J. Mark Ramseyer. 37 UCLA L. Rev. 693-731 (Apr.).

Market power and monopoly power in antitrust analysis. 75 Cornell L. Rev. 190-217 (Nov.).

Maximum resale price maintenance and the antitrust injury requirement. 58 U. Cin. L. Rev. 689-716 (No. 2).

Raising rivals' costs: of bottlenecks, bottled wine, and bottled soda. 84 Nw. U. L. Rev. 321-74 (Fall).

The Sealy restraints: restrictions on free riding or output? William F. Mueller. 1989 Wis. L. Rev. 1255-321 (No. 6).

### ANTITRUST LAW: MERGERS

See *Tender Offers*.

### APPELLATE PROCEDURE

See also *Confessions, Constitutional Law*.

The appealability of partial judgments in

consolidated cases. 57 U. Chi. L. Rev. 169-94 (Winter).

The risk of legal error in criminal cases: some consequences of the asymmetry in the right to appeal. Kate Stith. 57 U. Chi. L. Rev. 1-61 (Winter).

#### APPELLATE PROCEDURE: CRIMINAL RULES

Speedy criminal appeal: a right without a remedy. Marc M. Arkin. 74 Minn. L. Rev. 437-506 (Feb.).

#### ARBITRATION AND AWARD

See also *Securities*.

Arbitration of securities disputes: *Rodriguez* and new arbitration rules leave investors holding a mixed bag. 65 Ind. L.J. 697-722 (Summer).

#### ASSOCIATIONS

Dilemmas of group autonomy: residential associations and community. Gregory S. Alexander. 75 Cornell L. Rev. 1-61 (Nov.).

#### ASYLUM

Reforming asylum adjudication: on navigating the coast of Bohemia. David A. Martin. 138 U. Pa. L. Rev. 1247-381 (May).

#### ATTORNEY-CLIENT PRIVILEGE

See *Actions & Defenses, Securities*.

#### ATTORNEYS

Gender & race bias against lawyers: a classroom response. Suelyn Scarnecchia. 23 U. Mich. J. L. Ref. 319-51 (Winter).

#### ATTORNEYS' FEES

The validity and propriety of contingent fee controls. 37 UCLA L. Rev. 949-84 (June).

#### ATTORNEYS-GENERAL

The Solicitor General and the evolution of activism. 65 Ind. L.J. 675-96 (Summer).

#### AUTOMATION

Automating the workplace: mandatory bargaining under *Otis II*. 1989 U. Ill. L. Rev. 435-70 (No. 2).

#### BANKRUPTCY

Accounting for relational financing in the creditors' ex ante bargain: beyond the general average model. 76 Va. L. Rev. 815-51 (May).

Constructive trusts in bankruptcy. Emily L. Sherwin. 1989 U. Ill. L. Rev. 297-365 (No. 2).

Involuntary bankruptcy and the bona fides of a bona fide dispute. Lawrence Ponoroff. 65 Ind. L.J. 315-65 (Spring).

#### BANKS AND BANKING

See *International Banking*.

#### BIRTH CONTROL

See *Abortion, Constitutional Law*.

#### BLOOD TESTS

See *Constitutional Law, Paternity*.

#### BONDS

See *Corporations, Torts*.

#### BUSINESS

See *International Trade*.

#### CAMPAIGN FUNDS

The best laid schemes of mice and men: campaign finance reform gone awry. 1989 Wis. L. Rev. 1465-93 (No. 6).

#### CAPITAL PUNISHMENT

Death penalty for female offenders. Victor L. Streib. 58 U. Cin. L. Rev. 845-80 (No. 3).

The death penalty in late imperial, modern, and post-Tiananmen China. 11 Mich. J. Intl. L. 987-1038 (Spring).

*Tison v. Arizona*: the death penalty and the non-triggerman: the scales of justice are broken. 75 Cornell L. Rev. 123-57 (Nov.).

#### CHILD ABUSE

See *Child Custody*.

#### CHILD CUSTODY

See also *Torts*.

The relevance of temporary child custody orders to the formation of an established custodial environment: a model statute for uniform application under Michigan law. 23 U. Mich. J. L. Ref. 353-73 (Winter).

The voice of a child: independent legal representation of children in private custody disputes when sexual abuse is alleged. 138 U. Pa. L. Rev. 1383-409 (May).

"You get the house. I get the car. You get the kids. I get their souls." The impact of spiritual custody awards on the free exercise rights of custodial parents. 138 U. Pa. L. Rev. 583-613 (Dec.).

#### CIVIL PROCEDURE

See also *Civil RICO Actions, Federal Rules of Civil Procedure, Race Discrimination*.

Jacks or better to open: procedural limitations on co-party and third-party claims. Arthur F. Greenbaum. 74 Minn. L. Rev. 507-62 (Feb.).

Mandatory mediation and summary jury trial: guidelines for ensuring fair and effective processes. 1989 Duke L.J. 1086-104 (Mar.).

Restraining the overly zealous advocate: time for judicial intervention. 65 Ind. L.J. 445-69 (Spring).

#### CIVIL RICO ACTIONS

"Mother of mercy, is this the beginning of

RICO?": the proper point of accrual of a private civil RICO action. 65 N.Y.U. L. Rev. 172-242 (Apr.).

RICO and a uniform rule of accrual. 99 Yale L.J. 1399-418 (Apr.).

RICO's "pattern" requirement: void for vagueness? 90 Colum. L. Rev. 489-527 (Mar.).

#### CIVIL RIGHTS

See also *Administrative Procedure, Critical Legal Studies*.

Correlating municipal liability and official immunity under section 1983. Mark R. Brown. 1989 U. Ill. L. Rev. 625-90 (No. 3).

Implementing *Brown* in the nineties: political reconstruction, liberal recollection, and litigatively enforced legislative reform. James S. Liebman. 76 Va. L. Rev. 349-435 (Apr.).

Qualified immunity for civil rights violations: refining the standard. 75 Cornell L. Rev. 462-95 (Jan.).

Relief for hostile work environment discrimination: restoring title VII's remedial powers. 99 Yale L.J. 1611-30 (May).

Stirring the ashes: race, class and the future of civil rights scholarship. Frances Lee Ansley. 74 Cornell L. Rev. 993-1077 (Sept.).

#### COASE THEOREM

"Ol' man river . . . he keeps on rollin' along": a reply to Donohue's *Diverting the Coasean River*. James Lindgren. 78 Geo. L.J. 577-91 (Feb.).

#### COLLECTIVE BARGAINING

See *Employer & Employee*.

#### COLLEGES AND UNIVERSITIES

The doctrine of *in loco parentis*, tort liability and the student-college relationship. 65 Ind. L.J. 471-90 (Spring).

#### COMMERCIAL SPEECH

Who's afraid of commercial speech? Alex Kozinski & Stuart Banner. 76 Va. L. Rev. 627-53 (May).

#### COMMON LAW

See also *Environmental Law, Opinions, Right of Privacy*.

James Wilson's "assimilation of the common-law mind." Stephen A. Conrad. 84 Nw. U. L. Rev. 186-219 (Fall).

#### COMMUNICATIONS

See *Sociological Jurisprudence*.

#### COMMUNITY PROPERTY

See *Associations*.

#### COMPARATIVE LAW

See *International Trade*.

#### COMPUTERS

See also *Airlines, Copyright, Representative Government*.

Artificial intelligence and law: stepping stones to a model of legal reasoning. Edwina L. Rissland. 99 Yale L.J. 1957-81 (June).

Computer intellectual property and conceptual severance. 103 Harv. L. Rev. 1046-65 (Mar.).

#### CONFESSIONS

Voluntariness of confessions in habeas corpus proceedings: the proper standard for appellate review. 57 U. Chi. L. Rev. 141-67 (Winter).

#### CONFLICT OF LAWS

See *Employer & Employee*.

#### CONSTITUTIONAL AMENDMENTS

See *Constitutional Law, Evidence, Informed Medical Consent, Labor Law, Law & the Arts*.

#### CONSTITUTIONAL HISTORY

See also *Federalism*.

Dead stepfathers. Suzette Hemberger. 84 Nw. U. L. Rev. 221-31 (Fall).

#### CONSTITUTIONAL LAW

See also *Appellate Procedure: Criminal Rules, Corporate Acquisitions & Mergers, Debtor & Creditor, Evidence, Executive Power, Federalism, First Amendment, Foreign Investments, Informed Medical Consent, Judgments, Labor Law, Libel & Slander, Military Law, Minority Business Enterprises, Nonprofit Corporations, Right to Counsel, Search & Seizure, Statutes*.

The American war in Indochina. Part I: the (troubled) constitutionality of the war they told us about. Part II: the unconstitutionality of the war they didn't tell us about. John Hart Ely. 42 Stan. L. Rev. 877-926; 1093-149 (Apr. & May).

Article III courts and the constitutional structure. David A. Strauss. 65 Ind. L.J. 307-12 (Spring).

Aspects of deconstruction: the "easy case" of the under-aged president. Anthony D'Amato. 84 Nw. U. L. Rev. 250-56 (Fall).

Closing the circle of constitutional review from *Griswold v. Connecticut* to *Roe v. Wade*: an outline of a decision merely overruling *Roe*. William Van Alstyne. 1989 Duke L.J. 1677-88 (Dec.).

*The Constitution as Architecture*: a charette. Larry Kramer. 65 Ind. L.J. 283-89 (Spring).

The Constitution as architecture: legislative and administrative courts under article III. Paul M. Bator. 65 Ind. L.J. 233-75 (Spring).

The constitutional catechism of Antonin Scalia. 99 Yale L.J. 1297-357 (Apr.).

The constitutional conundrum of black lung appeals: two proposed solutions. Pete S. Michaels. 23 U. Mich. J. L. Ref. 27-45 (Fall).

Constitutional protections in FBI investigations. William Sessions. 78 Ky. L.J. 393-401 (No. 2).

Constitutional stare decisis. 103 Harv. L. Rev. 1344-62 (Apr.).

Exchange on the eleventh amendment. Calvin Massey, William P. Marshall, Lawrence C. Marshall & William A. Fletcher. 57 U. Chi. L. Rev. 117-40 (Winter).

Exposing Sunstein's naked preferences. Stephen M. Feldman. 1989 Duke L.J. 1335-56 (Nov.).

Flag burning and the Constitution. Geoffrey R. Stone. 75 Iowa L. Rev. 111-24 (Oct.).

The free exercise boundaries of permissible accommodation under the establishment clause. 99 Yale L.J. 1127-46 (Mar.).

In search of a fourth amendment for the twenty-first century. Lewis R. Katz. 65 Ind. L.J. 549-90 (Summer).

Is prosecution a core executive function? *Morrison v. Olson* and the framers' intent. 99 Yale L.J. 1069-88 (Mar.).

Legislative courts, legislative power, and the Constitution. Daniel J. Meltzer. 65 Ind. L.J. 291-305 (Spring).

The lessons of *Miller* and *Hudnut*: on proposing a pornography ordinance that passes constitutional muster. 23 U. Mich. J. L. Ref. 179-215 (Fall).

Mandatory testing of public employees for the human immunodeficiency virus: the fourth amendment and medical reasonableness. 90 Colum. L. Rev. 720-59 (Apr.).

*Morrison v. Olson*: a balancing approach to the appointments clause and the separation of powers. 36 Wayne L. Rev. 161-87 (Fall).

Political rights and freedoms in the context of American constitutionalism: a view of a concerned Soviet scholar. Vasily A. Vlasihin. 84 Nw. U. L. Rev. 257-89 (Fall).

Reassessing the applicability of fundamental rights analysis: the fourteenth amendment and the shaping of educational policy after *Kadrmas v. Dickinson Public Schools*. Stuart Biegel. 74 Cornell L. Rev. 1078-117 (Sept.).

Sentence enhancement based on unconstitutional prior convictions. 64 N.Y.U. L. Rev. 1373-415 (Dec.).

"Success" and the judicial power. Frank H. Easterbrook. 65 Ind. L.J. 277-82 (Spring).

The takings clause: in search of underlying principles. Part I — a critique of current takings clause doctrine. Andrea L. Peterson. 77 Calif. L. Rev. 1299-363 (Dec.).

#### CONSUMER PROTECTION

See *Administrative Agencies, Antitrust Law*.

#### CONTRACTS

See also *Corporate Officers, Franchising, Marriage, Taxation*.

Contract modification and "self-help specific performance": a reaction to Professor Narasimhan. Robert A. Hillman. 75 Cornell L. Rev. 62-82 (Nov.).

Relationship or boundary? Handling successive contracts. Subha Narasimhan. 77 Calif. L. Rev. 1077-122 (Oct.).

#### COPYRIGHT

Digital audio tape: new fuel stokes the smoldering home taping fire. 37 UCLA L. Rev. 733-76 (Apr.).

Fair's fair: a comment on the fair use doctrine. Lloyd L. Weinreb. 103 Harv. L. Rev. 1137-61 (Mar.).

*Manufacturers Technologies, Inc. v. Cams, Inc.* — the legal fiction created by a single copyright registration of a computer program and its display screens. 65 Notre Dame L. Rev. 536-63 (No. 3).

Of bread and roses and copyrights. Linda J. Lacey. 1989 Duke L.J. 1532-96 (Dec.).

Toward a fair use standard. Pierre N. Leval. 103 Harv. L. Rev. 1105-36 (Mar.).

Underlying copyright renewal and derivative works. 58 U. Cin. L. Rev. 1069-95 (No. 3).

The value of copyright law as a deterrent to discovery abuse. 138 U. Pa. L. Rev. 549-82 (Dec.).

#### CORPORATE ACQUISITIONS AND MERGERS

See also *Corporations, Stocks*.

Delaware's section 203 antitakeover statute survives constitutional challenge: *BNS, Inc. v. Koppers Co.* 75 Iowa L. Rev. 235-58 (Oct.).

When the medium is the message: corporate buybacks as signals. F.H. Buckley. 65 Ind. L.J. 493-547 (Summer).

#### CORPORATE OFFICERS

See also *Corporations, Environmental Law*.

A framework for satisfying corporate directors' responsibilities under state non-shareholder constituency statutes: the use of explicit contracts. 138 U. Pa. L. Rev. 1451-97 (May).

#### CORPORATE REORGANIZATION

See also *Corporations*.

Failed markets and failed solutions: the unwitting formulation of the corporate reorganization technique. 90 Colum. L. Rev. 783-802 (Apr.).

#### CORPORATE SOCIAL RESPONSIBILITY

See *Corporations*.

### CORPORATE TAXES

Disaggregation and subchapter C: rethinking corporate tax reform. Paul B. Stephan III. 76 Va. L. Rev. 655-711 (May).

### CORPORATIONS

See also *Antitrust Law, Stockholders*.

Are takeover premiums really premiums? Market price, fair value, and corporate law. Lynn A. Stout. 99 Yale L.J. 1235-96 (Apr.).

Corporations, shareholders, and moral choice: a new perspective on corporate social responsibility. Jeffrey Nesteruk. 58 U. Cin. L. Rev. 451-75 (No. 2).

The Delaware judiciary and the meaning of corporate life and corporate law. Lyman Johnson. 68 Texas L. Rev. 865-936 (Apr.).

Does a target corporation have standing to sue under the all holders rule? The Third Circuit says no in *Polaroid Corp. v. Disney*. 58 U. Cin. L. Rev. 717-49 (No. 2).

Equity financing for public corporations: reasons and methods to encourage it. 138 U. Pa. L. Rev. 1411-49 (May).

Fiduciary obligations to holders of convertible debentures. 58 U. Cin. L. Rev. 751-77 (No. 2).

Poison pills: recent developments in Delaware law. 58 U. Cin. L. Rev. 611-51 (No. 2).

A preliminary inquiry into the utility of vote buying in the market for corporate control. Thomas J. Andre, Jr. 63 S. Cal. L. Rev. 533-636 (Mar.).

Radically altered states: entering the "Revlon zone". 90 Colum. L. Rev. 760-82 (Apr.).

The relevance of the duty of care standard in corporate governance. Michael Bradley & Cindy A. Schipani. 75 Iowa L. Rev. 1-74 (Oct.).

Review of board actions: greater scrutiny for greater conflicts of interests. 103 Harv. L. Rev. 1697-716 (May).

Swaps, the modern process of financial innovation and the vulnerability of a regulatory paradigm. Henry T.C. Hu. 138 U. Pa. L. Rev. 333-435 (Dec.).

### COURTS

See also *Agency, Constitutional Law, Corporations, Criminal Procedure, Employer & Employee, Opinions*.

The D.C. Circuit Review, September 1988-August 1989. 58 Geo. Wash. L. Rev. 821-1104 (June).

Judicial lawmaking. Sol Wachtler. 65 N.Y.U. L. Rev. 1-22 (Apr.).

The Supreme Court and the separation of powers: a welcome return to normalcy? Dean Alfange, Jr. 58 Geo. Wash. L. Rev. 668-761 (Apr.).

"To establish justice": politics, the Judici-

ary Act of 1789, and the invention of the federal courts. Wythe Holt. 1989 Duke L.J. 1421-531 (Dec.).

### CRIMINAL INVESTIGATION

See *Constitutional Law*.

### CRIMINAL LAW

See *Electronic Surveillance, Ethics, First Amendment*.

### CRIMINAL PROCEDURE

See also *Appellate Procedure, Race Discrimination*.

Nineteenth annual review of criminal procedure: United States Supreme Court and courts of appeals 1988-1989. 78 Geo. L.J. 699-1473 (Apr.).

### CRITICAL LEGAL STUDIES

See also *Jurisprudence*.

Beyond critical legal studies: the reconstructive theology of Dr. Martin Luther King, Jr. Anthony E. Cook. 103 Harv. L. Rev. 985-1044 (Mar.).

Legal iconoclasts and legal ideals. A.W.B. Simpson. 58 U. Cin. L. Rev. 819-44 (No. 3).

### CULTURAL PROPERTY

Group rights in cultural property: justifying strict inalienability. 74 Cornell L. Rev. 1179-227 (Sept.).

### DEBTOR AND CREDITOR

*American Savings Bank v. Waschkat*: Iowa continues to frustrate the rights of codebtors. 75 Iowa L. Rev. 259-76 (Oct.).

The debtor as modern day peon: a problem of unconstitutional conditions. Karen Gross. 65 Notre Dame L. Rev. 165-205 (No. 2).

### DEMOCRACY

See *Judicial Review*.

### DIPLOMACY

See *Foreign Relations*.

### DIPLOMATIC PROTECTION OF CITIZENS ABROAD

The Omnibus Diplomatic Security and Antiterrorism Act of 1986: prescribing and enforcing United States law against terrorist violence overseas. 37 UCLA L. Rev. 985-1024 (June).

### DISCOVERY

See *Copyright, Federal Rules of Civil Procedure*.

### DISCRIMINATION

See also *Civil Rights*.

Accelerating integration: effective remedies in public housing discrimination suits. 23 U. Mich. J. L. Ref. 375-400 (Winter).

The Richmond set-aside case: a tougher look at affirmative action. Gary Charles Leedes. 36 Wayne L. Rev. 1-49 (Fall).

#### DISPUTE RESOLUTION

See *Civil Procedure*.

#### DOMESTIC RELATIONS

See also *Child Custody*.

This child does have two mothers: redefining parenthood to meet the needs of children in lesbian-mother and other nontraditional families. Nancy D. Polikoff. 78 Geo. L.J. 459-575 (Feb.).

#### DRUG TESTING

See *Employer & Employee*.

#### DUE PROCESS OF LAW

See also *Economic Jurisprudence, Judgments, Landlord & Tenant*.

Substantive due process analysis and the Lockean liberal tradition: rethinking the modern privacy cases. 65 Ind. L.J. 723-76 (Summer).

#### ECONOMIC JURISPRUDENCE

See also *Coase Theorem*.

The first great law & economics movement. Herbert Hovenkamp. 42 Stan. L. Rev. 993-1058 (Apr.).

Good finance, bad economics: an analysis of the fraud-on-the-market theory. Jonathan R. Macey & Geoffrey P. Miller. 42 Stan. L. Rev. 1059-92 (Apr.).

Resurrecting economic rights: the doctrine of economic due process reconsidered. 103 Harv. L. Rev. 1363-83 (Apr.).

#### ECONOMICS

See *Liability Insurance*.

#### EDUCATION

See *Constitutional Law*.

#### ELECTIONS

See also *Campaign Funds, Minorities*.

Regulating our mischievous factions: presidential nominations and the law. Andrew Pierce. 78 Ky. L.J. 311-75 (No. 2).

Restricting election day exit polling: freedom of expression vs. the right to vote. 58 U. Cin. L. Rev. 1003-21 (No. 3).

#### ELECTRONIC SURVEILLANCE

Electronic surveillance and conversations in plain view: admitting intercepted communications relating to crimes not specified in the surveillance order. 65 Notre Dame L. Rev. 490-535 (No. 3).

#### EMINENT DOMAIN

See *Landlord & Tenant*.

#### EMPLOYEE OWNERSHIP

When does worker ownership work? ES-OPs, law firms, codetermination, and economic democracy. Henry Hansmann. 99 Yale L.J. 1749-816 (June).

#### EMPLOYER AND EMPLOYEE

See also *Civil Rights, Constitutional Law, Language, Torts, Women*.

Beyond collective bargaining and employment at will. Panel Discussion. 58 U. Cin. L. Rev. 431-50 (No. 2).

Expanded employee drug-detection programs and the public good: big brother at the bargaining table. Marion Crain. 64 N.Y.U. L. Rev. 1286-345 (Dec.).

Food for thought and thoughts about food: can meals and lodging provided to domestic servants be for the convenience of the employer? Erik M. Jensen. 65 Ind. L.J. 639-47 (Summer).

The future of wrongful dismissal claims: where does employer self interest lie? Henry H. Perritt, Jr. 58 U. Cin. L. Rev. 397-430 (No. 2).

The Sixth Circuit's double standard in hostile work environment claims. 58 U. Cin. L. Rev. 779-817 (No. 2).

The specific incident exemption of the Employee Polygraph Protection Act: deceptively straightforward. 65 Notre Dame L. Rev. 262-86 (No. 2).

Welcome to the big world: the emerging tort of the public policy exception to employment at will and its chaotic encounter with conflict of laws. 1989 U. Ill. L. Rev. 795-827 (No. 3).

Wrongful discharge: proposals for change. 36 Wayne L. Rev. 143-60 (Fall).

#### EMPLOYMENT AT WILL

See *Employer & Employee, Federal Preemption, Torts*.

#### EMPLOYMENT DISCRIMINATION

Employment discrimination and the reconsideration of *Runyon*. Lee Modjeska. 78 Ky. L.J. 377-91 (No. 2).

#### ENTERTAINMENT

See also *Copyright*.

Colorization of films: painting a moustache on the "Mona Lisa"? 58 U. Cin. L. Rev. 1023-41 (No. 3).

Vertical integration, monopoly power, and antitrust policy: a case study of video entertainment. Walter Adams & James W. Brock. 36 Wayne L. Rev. 51-92 (Fall).

#### ENVIRONMENTAL LAW

CERCLA, successor liability, and the federal common law: responding to an uncertain

legal standard. 68 Texas L. Rev. 1237-72 (May).

Disclosing the environmental impact of human activities: how a federal pollution control program based on individual decision making and consumer demand might accomplish the environmental goals of the 1970s in the 1990s. 138 U. Pa. L. Rev. 505-48 (Dec.).

Improving California's Safe Drinking Water and Toxic Enforcement Act Scientific Advisory Panel through regulatory reform. 77 Calif. L. Rev. 1211-58 (Oct.).

Reluctant soldiers: the criminal liability of corporate officers for negligent violations of the Clean Water Act. 138 U. Pa. L. Rev. 935-78 (Jan.).

Superfund Amendments and Reauthorization Act of 1986: limiting judicial review to the administrative record in cost recovery actions by the EPA. 74 Cornell L. Rev. 1152-78 (Sept.).

#### ENVIRONMENTAL PROTECTION

See *Environmental Law*.

#### EQUAL PROTECTION

See *Government Contracts*.

#### EQUINE LAW

See also *Investments, Sales & Use Taxes, Securities*.

Practice and procedure before racing commissions. Jewel N. Klein & Ray H. Garrison. 78 Ky. L.J. 477-515 (No. 3).

The priority race: winner takes the horse. R. David Lester & David E. Fleenor. 78 Ky. L.J. 615-58 (No. 3).

Thoroughbred certificate law: a proposal. Cary Robertson. 78 Ky. L.J. 659-703 (No. 3).

Thoroughbred racing — getting back on track. Thomas H. Meeker. 78 Ky. L.J. 435-45 (No. 3).

#### EQUITY

See *Corporations, Insider Trading*.

#### ESTABLISHMENT CLAUSE

See *Constitutional Law*.

#### ETHICS

See also *Law & the Arts, Liability Insurance*.

America for sale: when well-connected former federal officials peddle their influence to the highest foreign bidder — a statutory analysis and proposals for reform of the Foreign Agents Registration Act and the Ethics in Government Act. Michael I. Spak. 78 Ky. L.J. 237-92 (No. 2).

Ethics in Congress: agenda and action. Ann McBride. 58 Geo. Wash. L. Rev. 451-87 (Feb.).

Ethics in government and the vision of pub-

lic service. Robert G. Vaughn. 58 Geo. Wash. L. Rev. 417-50 (Feb.).

Finally, government ethics as if people mattered: some thoughts on the Ethics Reform Act of 1989. Eric J. Murdock. 58 Geo. Wash. L. Rev. 502-25 (Feb.).

From ethics issues to criminalization: deterring the wrong conduct. Thomas L. Patten. 58 Geo. Wash. L. Rev. 526-35 (Feb.).

Litigation ethics: a Niebuhrian view of the adversarial legal system. 99 Yale L.J. 1089-108 (Mar.).

The quest for equality in regulating the behavior of government officials: the case of extrajudicial compensation. Thomas D. Morgan. 58 Geo. Wash. L. Rev. 488-501 (Feb.).

Regulating government ethics: when it's not enough to just say no. Beth Nolan. 58 Geo. Wash. L. Rev. 405-16 (Feb.).

#### EUTHANASIA

Do not resuscitate: the failure to protect the incompetent patient's right of self-determination. 75 Cornell L. Rev. 218-45 (Nov.).

#### EVIDENCE

See also *Electronic Surveillance, Federal Rules of Civil Procedure, Opinions*.

On justifying fourth amendment exclusion. William C. Heffernan. 1989 Wis. L. Rev. 1193-254 (No. 6).

Power and responsibility in evidence law. David P. Leonard. 63 S. Cal. L. Rev. 937-1013 (May).

*Spencer v. Commonwealth* and recent developments in the admissibility of DNA fingerprint evidence. 76 Va. L. Rev. 853-76 (May).

#### EXCLUSIONARY RULE

The exclusionary rule's application in tax proceedings: reconciling the rule's purpose for tax defendants. 68 Texas L. Rev. 789-817 (Mar.).

#### EXECUTIVE POWER

See also *Constitutional Law*.

The president's power of the purse. J. Gregory Sidak. 1989 Duke L.J. 1162-253 (Nov.).

#### EXPERT WITNESSES

Defining the boundaries of admissible expert psychological testimony on rape trauma syndrome. Karla Fischer. 1989 U. Ill. L. Rev. 691-734 (No. 3).

#### EXPORTS AND IMPORTS

See also *International Trade*.

Regulation of imports and foreign investment in the United States on national security grounds. David Scott Nance & Jessica Wasserman. 11 Mich. J. Intl. L. 926-86 (Spring).



**EXTRADITION**

Human rights v. extradition: the *Soering* case. Stephan Breitenmoser & Gunter E. Wilms. 11 Mich. J. Intl. L. 845-86 (Spring).

**FEDERAL JURISDICTION**

See *Jurisdiction*.

**FEDERAL PREEMPTION**

Federal labor law preemption of state wrongful discharge claims. 58 U. Cin. L. Rev. 491-558 (No. 2).

Preemption and regulatory efficiency in federal energy statutes. 103 Harv. L. Rev. 1306-24 (Apr.).

**FEDERAL RULES OF CIVIL PROCEDURE**

See also *Civil Procedure, Public Interest*.

The preservation and discovery of evidence under Federal Rule of Civil Procedure 27. 78 Geo. L.J. 593-623 (Feb.).

**FEDERAL RULES OF CRIMINAL PROCEDURE**

FRCrP 6(E) and the disclosure of documents reviewed by a grand jury. 57 U. Chi. L. Rev. 221-47 (Winter).

**FEDERAL RULES OF EVIDENCE**

See *Impeachment of Witnesses*.

**FEDERALISM**

The ancient Constitution vs. the Federalist empire: anti-Federalism from the attack on "monarchism" to modern localism. Carol M. Rose. 84 Nw. U. L. Rev. 74-105 (Fall).

Anti-Federalist/Federalist dialogue and its implications for constitutional understanding. Daniel Walker Howe. 84 Nw. U. L. Rev. 1-11 (Fall).

The anti-Federalists, representation, and party. Wilson Carey McWilliams. 84 Nw. U. L. Rev. 12-38 (Fall).

The changing historical fortunes of the anti-Federalists. Saul A. Cornell. 84 Nw. U. L. Rev. 39-73 (Fall).

Democracy, justice, and the multiplicity of voices: alternatives to the Federalist vision. Jennifer Nedelsky. 84 Nw. U. L. Rev. 232-49 (Fall).

The original misunderstanding: the English, the Americans, and the dialectic of Federalist constitutional jurisprudence. Stephen B. Presser. 84 Nw. U. L. Rev. 106-85 (Fall).

**FEMINIST JURISPRUDENCE**

See also *Attorneys, Law & the Arts*.

Feminism, theology, and abortion: toward love, compassion, and wisdom. Ruth Colker. 77 Calif. L. Rev. 1011-75 (Oct.).

Rethinking (m)otherhood: feminist theory

and state regulation of pregnancy. 103 Harv. L. Rev. 1325-43 (Apr.).

**FIRST AMENDMENT**

See also *Constitutional Law, Freedom of Religion, Freedom of the Press, Libel & Slander*.

Criminal attempts and the "clear and present danger" theory of the first amendment. Edward J. Bloustein. 74 Cornell L. Rev. 1118-50 (Sept.).

The first amendment and the paratroopers' paradox. Ronald K.L. Collins & David M. Skover. Responses by Max Lerner, David M. O'Brien, Martin H. Redish, Edward Rubin, Herbert I. Schiller & Mark V. Tushnet. 68 Texas L. Rev. 1087-193 (May).

First amendment claims against public broadcasters: testing the public's right to a balanced presentation. 1989 Duke L.J. 1386-419 (Nov.).

Modern-day sirens: rock lyrics and the first amendment. 63 S. Cal. L. Rev. 777-832 (Mar.).

O'er the land of the free: flag burning as speech. Kent Greenawalt. 37 UCLA L. Rev. 925-47 (June).

**FOOD, DRUG AND COSMETIC LAW**

See also *Narcotics*.

I want a new drug: RU-486 and the right to choose. 63 S. Cal. L. Rev. 1113-49 (May).

**FOREIGN AGENTS IN THE UNITED STATES**

See *Ethics*.

**FOREIGN INVESTMENTS**

See also *Exports & Imports, International Trade*.

The constitutionality of state attempts to regulate foreign investment. 99 Yale L.J. 2023-42 (June).

**FOREIGN LAW**

See also *Capital Punishment, International Trade*.

Constitutional development of Estonia in 1988. Igor Gryazin. 65 Notre Dame L. Rev. 141-64 (No. 2).

**FOREIGN RELATIONS**

See also *International Law*.

Controlling tin cup diplomacy. 99 Yale L.J. 2043-62 (June).

**FOREIGN RELATIONS OF THE UNITED STATES**

See *Foreign Relations*.

**FORFEITURE**

Asset forfeiture and third party rights: the need for further law reform. Michael Gold-

smith & Mark Jay Linderman. 1989 Duke L.J. 1254-301 (Nov.).

#### FORUM NON CONVENIENS

See *Jurisdiction*.

#### FRANCHISING

Problematic relations: franchising and the law of incomplete contracts. Gillian K. Hadfield. 42 Stan. L. Rev. 927-92 (Apr.).

#### FRAUD

See *Economic Jurisprudence, Securities*.

#### FREE EXERCISE CLAUSE

See *Child Custody, Constitutional Law*.

#### FREEDOM OF RELIGION

The origins and historical understanding of free exercise of religion. Michael W. McConnell. 103 Harv. L. Rev. 1409-517 (May).

#### FREEDOM OF SPEECH

See also *Elections, First Amendment, Law & the Arts*.

Beyond "public concern": new free speech standards for public employees. 57 U. Chi. L. Rev. 249-77 (Winter).

#### FREEDOM OF THE PRESS

Free press v. privacy: haunted by the ghost of Justice Black. Peter B. Edelman. 68 Texas L. Rev. 1195-234 (May).

#### GOVERNMENT

See *Agency, Ethics, Municipal Corporations, Politics*.

#### GOVERNMENT CONTRACTS

See also *Products Liability*.

Standards of review of specifications in government procurements: an equal protection analog. 58 Geo. Wash. L. Rev. 573-98 (Feb.).

#### GOVERNMENT IMMUNITY AND LIABILITY

See *Civil Rights*.

#### GOVERNORS

The Wisconsin partial veto: past, present and future. 1989 Wis. L. Rev. 1395-432 (No. 6).

#### GRAND JURY

See *Federal Rules of Criminal Procedure*.

#### HABEAS CORPUS

See *Confessions*.

#### HAZARDOUS WASTE LIABILITY

See *Environmental Law*.

#### HEALTH

See *Medical Jurisprudence, Torts*.

#### HEALTH CARE INDUSTRY

Controlling health care costs by controlling technology: a private contractual approach. 99 Yale L.J. 1109-26 (Mar.).

Rational health policy and the legal standard of care: a call for judicial deference to medical practice guidelines. 77 Calif. L. Rev. 1483-528 (Dec.).

#### HISTORY

See *Constitutional Law, War*.

#### HOMICIDE

The importance of clarity in the law of homicide: the Wisconsin revision. Walter Dickey, David Schultz & James L. Fullin, Jr. 1989 Wis. L. Rev. 1323-93 (No. 6).

#### HOUSING

See also *Discrimination, Sociological Jurisprudence*

Law and racial geography: public housing and the economy in New Orleans. 42 Stan. L. Rev. 1251-90 (May).

#### HUMAN RIGHTS

See *Extradition*.

#### HUSBAND AND WIFE

See *Marriage*.

#### IMPEACHMENT OF WITNESSES

Character evidence by any other name . . . : a proposal to limit impeachment by prior conviction under rule 609. 58 Geo. Wash. L. Rev. 762-801 (Apr.).

#### IMPLIED TRUSTS

See *Corporations*.

#### INCOME TAX: CORPORATIONS

See *Corporate Taxes*.

#### INDEPENDENT COUNSEL

Independent counsel — checks and balances. Thomas S. Martin & David E. Zerhusen. 58 Geo. Wash. L. Rev. 536-48 (Feb.).

#### INFANTS

See *Abortion, Parent & Child*.

#### INFORMATION SYSTEMS

See *Representative Government*.

#### INFORMED MEDICAL CONSENT

"She's got Bette Davis[s] eyes": assessing the nonconsensual removal of cadaver organs under the takings and due process clauses. 90 Colum. L. Rev. 528-74 (Mar.).

#### INHERITANCE AND SUCCESSION

(E)state of the law: an estate's right to purchase its decedent's apartment during a co-

operative conversion. 64 N.Y.U. L. Rev. 1347-72 (Dec.).

The spousal share in intestate succession: stepparents are getting shortchanged. 74 Minn. L. Rev. 631-59 (Feb.).

#### INJUNCTIONS

See also *Jurisdiction*.

The dual role of the structural injunction. 99 Yale L.J. 1983-2002 (June).

#### INSIDER TRADING

Equitable claims to disgorged insider trading profits. 1989 Wis. L. Rev. 1433-63 (No. 6).

#### INTELLECTUAL PROPERTY

See *Computers, Copyright, Trademarks*.

#### INTERNATIONAL BANKING

See also *Corporations*.

A safety net for the Eurodollar market?: *Wells Fargo Asia Ltd. v. Citibank*. 65 N.Y.U. L. Rev. 126-71 (Apr.).

Throwing a monkey wrench into the wheels of international finance: *Wells Fargo Asia Ltd. v. Citibank, N.A.* 11 Mich. J. Intl. L. 1039-72 (Spring).

United States home bank liability for foreign branch deposits. 1989 U. Ill. L. Rev. 735-59 (No. 3).

#### INTERNATIONAL COURTS AND TRIBUNALS

See also *International Law*.

"Normative surrender" and the "duty" to appear before the International Court of Justice: a reply. H.W.A. Thirlway. 11 Mich. J. Intl. L. 912-25 (Spring).

#### INTERNATIONAL ECONOMIC RELATIONS

See *International Banking*.

#### INTERNATIONAL LAW

See also *Asylum, Foreign Law*.

The boundaries of the Hague Evidence Convention: lower court interest balancing after the *Aérospatiale* decision. 68 Texas L. Rev. 1003-30 (Apr.).

A community within the community: prospects for foreign policy integration in the European Community. 103 Harv. L. Rev. 1066-85 (Mar.).

Constitutional developments in the European Community and the impact of the single European Market after 1992. F.G. Jacobs. 11 Mich. J. Intl. L. 887-96 (Spring).

Deviation and the package limitation in the Hague Rules and the Carriage of Goods by Sea Act: an alternative approach to the interpretation of international uniform acts. 68 Texas L. Rev. 977-1002 (Apr.).

A European peace order and the German question: legal and political aspects. Jost Delbrueck. 11 Mich. J. Intl. L. 897-911 (Spring).

A functional approach to "general principles of international law". M. Cherif Bassiouni. 11 Mich. J. Intl. L. 768-818 (Spring).

The Nuremberg legacy: an unfulfilled promise. 63 S. Cal. L. Rev. 833-905 (Mar.).

Panel discussion: Europe 1992. With bibliography. 11 Mich. J. Intl. L. 525-670 (Winter).

Resisting enforcement of foreign arbitral awards under article V(1)(e) and article VI of the New York Convention: a proposal for effective guidelines. 68 Texas L. Rev. 1031-71 (Apr.).

The role of international law as a canon of domestic statutory construction. Ralph G. Steinhardt. 43 Vand. L. Rev. 1103-97 (May).

The role of the Court of Justice in the implementation of the single European act. Michel Waelbroeck. 11 Mich. J. Intl. L. 671-90 (Spring).

#### INTERNATIONAL LAW: CODIFICATION

See *International Law*.

#### INTERNATIONAL TRADE

See also *International Law, Labor Law*.

Comparative development strategies of South Korea and Taiwan as reflected in their respective international trade policies. J.W. Wheeler. 11 Mich. J. Intl. L. 472-508 (Winter).

European Community trade policies vis-à-vis Korea and Taiwan in the eighties: a comparative perspective. Jean-François Bellis. 11 Mich. J. Intl. L. 509-24 (Winter).

The GATT Uruguay round: its significance for U.S. bilateral trade with Korea and Taiwan. Judith H. Bello & Alan F. Holmer. 11 Mich. J. Intl. L. 307-25 (Winter).

The hormone conflict between the EEC and the United States within the context of GATT. Werne P. Meng. 11 Mich. J. Intl. L. 819-39 (Spring).

The impact of U.S. trade law actions on government policy decisions in Korea. Jong-Kap Kim. 11 Mich. J. Intl. L. 410-22 (Winter).

The impact of U.S. trade law on government policy making in the Republic of China. P.K. Chiang. 11 Mich. J. Intl. L. 279-87 (Winter).

International trade and investment regulation: developing jurisprudence in Taiwan. Paul S.P. Hsu. 11 Mich. J. Intl. L. 368-93 (Winter).

Legal and policy perspectives on United States trade initiatives and economic liberalization in the Republic of China. Lawrence S. Liu. 11 Mich. J. Intl. L. 326-67 (Winter).

Natural gas in the European internal market: a comparative analysis of common carriage and price transparency. Ernst-Joachim Mestmäcker. 11 Mich. J. Intl. L. 691-767 (Spring).

Overview: U.S.-Korea and U.S.-Taiwan trade law issues in comparative perspective. Clyde D. Stoltenberg. 11 Mich. J. Intl. L. 273-78 (Winter).

Panel discussion: the impact of U.S. trade law actions on business decisions in Korea. 11 Mich. J. Intl. L. 452-65 (Winter).

Panel discussion: the impact of U.S. trade law actions on business decisions in Taiwan. 11 Mich. J. Intl. L. 288-306 (Winter).

Regulation and liberalization of imports and foreign investment and the role of trade actions in the Republic of Korea. David A. Laverty. 11 Mich. J. Intl. L. 423-51 (Winter).

Section 301 and the appearance of unilateralism. Warren Maruyama. 11 Mich. J. Intl. L. 394-402 (Winter).

The U.S. importer's perspective on U.S. antitrade actions against Korea and Taiwan. Valerie A. Slater. 11 Mich. J. Intl. L. 403-09 (Winter).

A U.S. perspective on the EEC hormones directive. Holly Hammonds. 11 Mich. J. Intl. L. 840-44 (Spring).

U.S. trade policy toward the new NICs of Southeast Asia. Linda Y.C. Lim. 11 Mich. J. Intl. L. 466-71 (Winter).

#### INTERVENTION (CIVIL PROCEDURE)

See *Civil Procedure*.

#### INVESTMENTS

See also *International Trade, Securities*.

The sale of horses and horse interests: a transactional approach. Robert S. Miller. 78 Ky. L.J. 517-600 (No. 3).

#### JUDGMENTS

See also *Appellate Procedure, Separation of Powers*.

Due process requires notice of entry of final judgments in Ohio. 58 U. Cin. L. Rev. 1043-67 (No. 3).

#### JUDICIAL ACTIVISM

See *Courts, Prisons & Prisoners, Separation of Powers*.

#### JUDICIAL REVIEW

See also *Corporations, Military Law, Representative Government*.

Judicial review of direct democracy. Julian N. Eule. 99 Yale L.J. 1503-90 (May).

#### JUDICIAL REVIEW OF ADMINISTRATIVE ACTS

See *Environmental Law, Labor Law*.

#### JURIES

See *Civil Procedure*.

#### JURISDICTION

Access to state courts in transnational personal injury cases: forum non conveniens and antisuit injunctions. David W. Robertson & Paula K. Speck. 68 Texas L. Rev. 937-75 (Apr.).

Clarifying comity: state court jurisdiction and section 1983 state tax challenges. 103 Harv. L. Rev. 1888-908 (June).

Constructing the state extraterritorially: jurisdictional discourse, the national interest, and transnational norms. 103 Harv. L. Rev. 1237-305 (Apr.).

*Finley v. United States*: unstringing pendent jurisdiction. Wendy Collins Perdue. 76 Va. L. Rev. 539-73 (Apr.).

Forum shopping reconsidered. 103 Harv. L. Rev. 1677-96 (May).

"Incorporating" limited partnerships into federal diversity jurisdiction: correcting *Carden v. Arkoma Associates*. 65 Notre Dame L. Rev. 287-307 (No. 2).

Rethinking choice of law. Larry Kramer. 90 Colum. L. Rev. 277-345 (Mar.).

#### JURISPRUDENCE

See also *Legal Realism*.

Law's limits. Richard Janda. 63 S. Cal. L. Rev. 727-75 (Mar.).

#### LABOR BOYCOTTS

See *Unions*.

#### LABOR LAW

See also *Employer & Employee, Federal Preemption*.

Deference to NLRB adjudicatory decision making: has judicial review become meaningless? 58 U. Cin. L. Rev. 653-87 (No. 2).

Equal access in NLRB elections: determining the voting eligibility of economic strikers. 58 Geo. Wash. L. Rev. 549-72 (Feb.).

Labor rights conditionality: United States trade legislation and the international trade order. 65 N.Y.U. L. Rev. 79-125 (Apr.).

The labor vision of the thirteenth amendment. Lea S. VanderVelde. 138 U. Pa. L. Rev. 437-504 (Dec.).

A primer on power balancing under the National Labor Relations Act. James B. Zimarowski. 23 U. Mich. J. L. Ref. 47-104 (Fall).

#### LABOR MANAGEMENT RELATIONS

Reflections on workers' participation, influence and powersharing: the future of industrial relations. William B. Gould, IV. 58 U. Cin. L. Rev. 381-95 (No. 2).

**LANDLORD AND TENANT**

Tenants' rights in police power condemnations under state statutes and procedural due process. 23 U. Mich. J. L. Ref. 105-49 (Fall).

**LANGUAGE**

English-only rules and the right to speak one's primary language in the workplace. Juan F. Perea. 23 U. Mich. J. L. Ref. 265-318 (Winter).

**LAW AND THE ARTS**

See also *Entertainment*.

Convergences: law, literature, and feminism. Carolyn Heilbrun & Judith Resnik. 99 Yale L.J. 1913-56 (June).

Panthers and pinstripes: the case of Ezra Pound and Archibald MacLeish. Jean Stefancic & Richard Delgado. 63 S. Cal. L. Rev. 907-36 (May).

Post-modern art and the death of obscenity law. 99 Yale L.J. 1359-78 (Apr.).

Standards for federal funding of the arts: free expression and political control. 103 Harv. L. Rev. 1969-88 (June).

"Tilted" justice: site-specific art and moral rights after U.S. adherence to the Berne Convention. 77 Calif. L. Rev. 1431-82 (Dec.).

**LAW ENFORCEMENT**

See *Narcotics*.

**LAW FIRMS**

Why the big get bigger: the promotion-to-partner tournament and the growth of large law firms. Marc Galanter & Thomas M. Palay. 76 Va. L. Rev. 747-811 (May).

**LAW REFORM**

See also *Civil Rights, Employer & Employee, Ethics, Forfeiture, Homicide, Libel & Slander, Military Law, Products Liability, Torts, Water & Watercourses*.

"Truth in criminal justice" series Office of Legal Policy. Introduction by Joseph D. Grano and foreword by Stephen J. Markman. 22 U. Mich. J. L. Ref. 393-1122 (Spring & Summer 1989).

**LAW SCHOOLS**

Responses to Randall Kennedy's *Racial Critiques of Legal Academia*. By Scott Brewer, Milner S. Ball, Robin D. Barnes, Richard Delgado & Leslie G. Espinoza. 103 Harv. L. Rev. 1844-86 (June).

**LEGAL EDUCATION**

See *Law Schools, Philosophy*.

**LEGAL ETHICS**

See also *Attorneys' Fees, Ethics*.  
Can lawyers be trusted? Sissela Bok. 138 U. Pa. L. Rev. 913-33 (Jan.).

Lying to clients. Lisa G. Lerman. Commentaries by Carrie Menkel-Meadow, Frederick Miller & Edmund B. Spaeth, Jr. 138 U. Pa. L. Rev. 659-804 (Jan.).

**LEGAL HISTORY**

See also *Common Law, Courts, Critical Legal Studies, Precedents*.

Culture and certainty: legal history and the reconstructive project. Joan C. Williams. 76 Va. L. Rev. 713-46 (May).

**LEGAL POSITIVISM**

See *Jurisprudence*.

**LEGAL PROFESSION**

See *Philosophy*.

**LEGAL REALISM**

Reconstructing the origins of realistic jurisprudence: a prequel to the Llewellyn-Pound exchange over legal realism. N.E.H. Hull. 1989 Duke L.J. 1302-34 (Nov.).

**LEGISLATION**

See also *Governors, Statutes*.

Legislation, well-being, and public choice. Herbert Hovenkamp. 57 U. Chi. L. Rev. 63-116 (Winter).

**LEGISLATIVE BODIES**

See *Privileges & Immunities*.

**LIABILITY INSURANCE**

The ethics and the economics of tort liability insurance. Gary T. Schwartz. 75 Cornell L. Rev. 313-675 (Jan.).

**LIBEL AND SLANDER**

Libel reform: an appraisal. C. Thomas Dienes. 23 U. Mich. J. L. Ref. 1-26 (Fall).

*Masson v. New Yorker Magazine*: actual malice and direct quotations — the constitutional right to lie. 65 Notre Dame L. Rev. 564-85 (No. 3).

**LIE DETECTORS**

See also *Employer & Employee*.

The Employee Polygraph Protection Act of 1988 — should the federal government regulate the use of polygraphs in the private sector? 58 U. Cin. L. Rev. 559-609 (No. 2).

**LIENS**

See *Equine Law*.

**LOANS**

See *Bankruptcy*.

**MARRIAGE**

The partnership theory of marriage: a borrowed solution fails. Bea Ann Smith. 68 Texas L. Rev. 689-743 (Mar.).

Promulgating the marriage contract. Lynn

A. Baker. 23 U. Mich. J. L. Ref. 217-64 (Winter).

#### MEDICAL ETHICS

Genetic causation and the physician-patient privilege in Michigan: shield or sword? 36 Wayne L. Rev. 189-220 (Fall).

#### MEDICAL JURISPRUDENCE

Claim preclusion in modern latent disease cases: a proposal for allowing second suits. 103 Harv. L. Rev. 1989-2008 (June).

#### MEDICAL MALPRACTICE

The medical malpractice imbroglio: a non-adversarial suggestion. Elliott M. Abramson. 78 Ky. L.J. 293-310 (No. 2).

#### MEDICAL PROFESSION

See *Health Care Industry*.  
Medical technology and the law. 103 Harv. L. Rev. 1519-676 (May).

#### MENTAL HEALTH LAW

See *Parent & Child*.

#### MILITARY LAW

Judicial abdication of military tort accountability: but who is to guard the guards themselves? Barry Kellman. 1989 Duke L.J. 1597-653 (Dec.).

Military justice and article III. 103 Harv. L. Rev. 1909-29 (June).

#### MILITARY SERVICE

See *National Defense*.

#### MINORITIES

See also *Discrimination, Stockholders*.  
Defining the minority-preferred candidate under section 2. 99 Yale L.J. 1651-68 (May).

#### MINORITY BUSINESS ENTERPRISES

FCC tax certificates for minority ownership of broadcast facilities: a critical re-examination of policy. 138 U. Pa. L. Rev. 979-1026 (Jan.).

Minority business set-asides must be supported by specific evidence of prior discrimination. 58 U. Cin. L. Rev. 1097-135 (No. 3).

#### MORTGAGE FORECLOSURES

The new mortgage foreclosure law: redemption and reinstatement. 1989 U. Ill. L. Rev. 471-91 (No. 2).

#### MOTION PICTURES

See *Entertainment*.

#### MOTOR VEHICLES

Preemption of airbag litigation: just a lot of hot air? 76 Va. L. Rev. 577-626 (Apr.).

#### MUNICIPAL CORPORATIONS

Our localism: part II — localism and legal theory. Richard Briffault. 90 Colum. L. Rev. 346-454 (Mar.).

#### NARCOTICS

Special project: current issues in drug enforcement law. 43 Vand. L. Rev. 1255-400 (May).

#### NATIONAL DEFENSE

Reform of the National Guard: a proposal to strengthen the national defense. 78 Geo. L.J. 625-47 (Feb.).

#### NATIONAL SECURITY

See *Exports & Imports*.

#### NATURAL LAW

See *Jurisprudence*.

#### NEWS MEDIA

See *First Amendment*.

#### NONPROFIT CORPORATIONS

Religious nonprofits and the commercial manner test. 99 Yale L.J. 1631-50 (May).

#### OBSCENITY

See *Constitutional Law, Law & the Arts*.

#### OIL AND GAS

See *International Trade*.

#### OPINIONS

A common law lawyer on the Supreme Court: the opinions of Justice Stevens. William D. Popkin. 1989 Duke L.J. 1087-161 (Nov.).

The Supreme Court, plain meaning, and the changed rules of evidence. Randolph N. Jonakait. 68 Texas L. Rev. 745-86 (Mar.).

#### PARENT AND CHILD

See also *Child Custody, Colleges & Universities, Domestic Relations, Inheritance & Succession, Support of Dependents*.

Compensating parents for the loss of their nonfatally injured child's society: extending the notion of consortium to the filial relationship. 1989 U. Ill. L. Rev. 761-93 (No. 3).

Presumptions of justice: law, politics, and the mentally retarded parent. Robert L. Hayman, Jr. 103 Harv. L. Rev. 1201-71 (Apr.).

Setting the standard: a mother's duty during the prenatal period. 1989 U. Ill. L. Rev. 493-516 (No. 2).

#### PARTIES TO ACTION

See *Corporations*.

#### PARTNERSHIPS

See *Jurisdiction*.

**PATERNITY**

The probability of an ultimate issue: the strange cases of paternity testing. D.H. Kaye. 75 Iowa L. Rev. 75-109 (Oct.).

**PENSION PLANS**

Who should pay when federally insured pension funds go broke?: a strategy for recovering from the wrongdoers. 65 Notre Dame L. Rev. 308-74 (No. 2).

**PERSONAL INJURIES**

See *Jurisdiction*.

**PHILOSOPHY**

The *I and thou*: a new dialogue for the law. Maria L. Ciampi. 58 U. Cin. L. Rev. 881-907 (No. 3).

**PHYSICIANS AND SURGEONS**

See *Medical Ethics*.

**POLICE POWER**

See *Landlord & Tenant*.

**POLITICS**

See also *Abortion, Courts, Parent & Child, Prisons & Prisoners*.

The politics of unregulation: public choice and limits on government. Peter L. Kahn. 75 Cornell L. Rev. 280-312 (Jan.).

**POLLUTION**

See *Environmental Law*.

**POVERTY LAW**

See *Right to Counsel*.

**PRECEDENTS**

See also *Constitutional Law*.  
Precedent and tradition. Anthony T. Kronman. 99 Yale L.J. 1029-68 (Mar.).

**PRETRIAL PROCEDURE**

Compelled participation in innovative pretrial proceedings. 84 Nw. U. L. Rev. 290-320 (Fall).

**PRISONS AND PRISONERS**

Haven or hell? Inside Lorton Central Prison: experiences of punishment justified. Robert Blecker. 42 Stan. L. Rev. 1149-249 (May).

The politics of prison crowding. 77 Calif. L. Rev. 1125-80 (Oct.).

Resolving the remedial dilemma: strategies of judicial intervention in prisons. Susan Sturm. 138 U. Pa. L. Rev. 805-912 (Jan.).

**PRIVILEGED COMMUNICATIONS**

See *Securities*.

**PRIVILEGES AND IMMUNITIES**

*Chastain v. Sundquist*: a narrow reading of

the doctrine of legislative immunity. 75 Cornell L. Rev. 384-410 (Jan.).

**PROBATE LAW AND PRACTICE**

See *Inheritance & Succession*.

**PROBATION**

The modern day scarlet letter: a critical analysis of modern probation conditions. 1989 Duke L.J. 1357-85 (Nov.).

**PRODUCTS LIABILITY**

See also *Torts*.

The evolution of useful life statutes in the products liability reform effort. 1989 Duke L.J. 1689-751 (Dec.).

The Supreme Court and the products liability crisis: lessons from *Boyle's* government contractor defense. Michael D. Green & Richard A. Matasar. 63 S. Cal. L. Rev. 637-726 (Mar.).

**PROSECUTORS**

See *Constitutional Law*.

**PUBLIC INTEREST**

See also *Support of Dependents*.

Public interest groups, public law litigation, and Federal Rule 24(a). 57 U. Chi. L. Rev. 279-310 (Winter).

**PUBLIC OFFICIALS AND EMPLOYEES**

See *Freedom of Speech*.

**PUNISHMENT**

See *Prisons & Prisoners*.

**PUNITIVE DAMAGES**

Should punitive damages be nondeductible? The expansion of the public-policy doctrine. 68 Texas L. Rev. 819-40 (Mar.).

**RACE DISCRIMINATION**

See also *Attorneys, Civil Rights, Minority Business Enterprises, Segregation*.

Racism in the adversary system: the defendant's use of peremptory challenges. J. Alexander Tanford. 63 S. Cal. L. Rev. 1015-60 (May).

**RACES**

See *Civil Rights, Housing, Law Schools, Sociological Jurisprudence*.

**RADIO AND TELEVISION**

See *First Amendment*.

**RAPE**

See *Expert Witnesses*.

**RELIGION**

See *Nonprofit Corporations*.

**REPRESENTATIVE GOVERNMENT**

See also *Elections*.

Computer models and post-*Bandemer* redistricting. 99 Yale L.J. 1379-98 (Apr.).

**RES IPSA LOQUITUR**

See *Torts*.

**RETROACTIVE LAWS AND DECISIONS**

Resolving retroactivity after *Teague v. Lane*. 65 Ind. L.J. 651-74 (Summer).

**RIGHT OF PRIVACY**

See also *Due Process of Law, Freedom of the Press*.

The social foundations of privacy: community and self in the common law tort. Robert C. Post. 77 Calif. L. Rev. 957-1010 (Oct.).

**RIGHT TO COUNSEL**

The constitutional basis of the indigent appellant's right to appointed counsel. 58 U. Cin. L. Rev. 1137-60 (No. 3).

**RIGHT TO DIE**

Model aid-in-dying act. 75 Iowa L. Rev. 125-215 (Oct.).

**SALES AND USE TAXES**

Sales and use tax planning for the horse industry. Richard W. Craigo. 78 Ky. L.J. 601-14 (No. 3).

**SCHOOL INTEGRATION**

See *Constitutional Law*.

**SCHOOLS AND SCHOOL DISTRICTS**

See *Segregation*.

**SEARCH AND SEIZURES**

An ill wind blows: restricting the public's right of access to search warrant affidavits. 74 Minn. L. Rev. 661-88 (Feb.).

Making sense of sense-enhanced searches. David E. Steinberg. 74 Minn. L. Rev. 563-629 (Feb.).

**SECURITIES**

See also *Amicus Curiae, Arbitration & Award, Equine Law*.

*Basic, Inc. v. Levinson*: the Supreme Court's analysis of fraud on the market and its impact on the reliance requirement of SEC rule 10b-5. 78 Ky. L.J. 403-33 (No. 2).

Disclosure under the securities laws: implications for the attorney-client privilege. 90 Colum. L. Rev. 456-88 (Mar.).

Protecting security interests in equine collateral under the clear title provision of the Food Security Act of 1985. Richard A. Vance. 78 Ky. L.J. 447-76 (No. 3).

Securities arbitration after *McMahon, Rodriguez*, and the new rules: can investors' rights

really be protected? Perry E. Wallace, Jr. 43 Vand. L. Rev. 1199-251 (May).

Using finance theory to measure damages in fraud on the market cases. Bradford Cornell & R. Gregory Morgan. 37 UCLA L. Rev. 883-924 (June).

Using rule 9(b) to reduce nuisance securities litigation. 99 Yale L.J. 1591-609 (May).

**SECURITIES FRAUD**

See *Securities*.

**SEGREGATION**

See also *Women*.

Attacking school segregation root and branch. 99 Yale L.J. 2003-22 (June).

**SENTENCING**

See *Constitutional Law*.

**SEPARATION OF POWERS**

See also *Constitutional Law, Courts*.

Reaganist realism comes to Detroit. Stephen F. Ross. 1989 U. Ill. L. Rev. 399-433 (No. 2).

Separation of powers and the Reagan administration's policy on consent decrees: have the courts overstepped the limits of judicial powers? 1989 U. Ill. L. Rev. 541-70 (No. 2).

**SETTLEMENTS**

The costs of settlement: the impact of scarcity of adjudication on litigating lawyers. Kevin C. McMunigal. 37 UCLA L. Rev. 833-81 (June).

**SEXUAL HARASSMENT**

Pluralist myths and powerless men: the ideology of reasonableness in sexual harassment law. Nancy S. Ehrenreich. 99 Yale L.J. 1177-234 (Apr.).

**SOCIOLOGICAL JURISPRUDENCE**

See also *Associations, Civil Rights, Legislation*.

Law, community, and communication. Meir Dan-Cohen. 1989 Duke L.J. 1654-76 (Dec.).

Racial diversity in residential communities: societal housing patterns and a proposal for a "racial inclusionary ordinance". 63 S. Cal. Rev. 1151-235 (May).

Social movements, law, and implementation: a clinical dimension for the new legal process. Harold A. McDougall. 75 Cornell L. Rev. 83-122 (Nov.).

**SOVEREIGNTY**

Sovereignty in silence. Heidi M. Hurd. 99 Yale L.J. 945-1028 (Mar.).

**SPECIFIC PERFORMANCE**

See *Contracts*.



**SPORTS**

Sports and antitrust: should college students be paid to play? Lee Goldman. 65 Notre Dame L. Rev. 206-61 (No. 2).

**STANDING TO SUE**

See *Corporations*.

**STATISTICAL EVIDENCE**

See *Verdicts*.

**STATUTES**

See also *International Law*.

Gadamer/statutory interpretation. William N. Eskridge, Jr. 90 Colum. L. Rev. 609-81 (Apr.).

The new textualism. William N. Eskridge, Jr. 37 UCLA L. Rev.

**STOCKHOLDER VOTING**

See *Corporations*.

**STOCKHOLDERS**

See also *Corporations*.

The evolution of effective remedies for minority shareholders and its impact upon valuation of minority shares. Charles W. Murdock. 65 Notre Dame L. Rev. 425-89 (No. 3).

**STOCKS**

Analyzing stock lock-ups: do target treasury sales foreclose or facilitate takeover auctions? Ian Ayres. 90 Colum. L. Rev. 682-718 (Apr.).

**STRIKES AND LOCKOUTS**

See *Labor Law*.

**SUPPORT OF DEPENDENTS**

Child support reassessed: limits of private responsibility and the public interest. Harry D. Krause. 1989 U. Ill. L. Rev. 367-98 (No. 2).

**TAX PRACTICE**

See *Exclusionary Rule*.

**TAXATION**

See also *Accretion, Jurisdiction, Minority Business Enterprises*.

Tax treatment of notional principal contracts. 103 Harv. L. Rev. 1951-68 (June).

**TENDER OFFERS**

The regulation of market sweeps in connection with tender offers. Terence L. Blackburn. 58 Geo. Wash. L. Rev. 619-67 (Apr.).

**TERRORISM**

See *Diplomatic Protection of Citizens Abroad*.

**TORTS**

See also *Alcoholic Beverages, Colleges &*

*Universities, Constitutional Law, Corporations, Employer & Employee, Liability Insurance, Medical Malpractice, Parent & Child, Punitive Damages, Right of Privacy*.

A critique of torts. Richard L. Abel. 37 UCLA L. Rev. 785-831 (June).

From *res ipsa loquitur* to diethylstilbestrol: the unidentifiable tortfeasor in California. Stephen A. Spitz. 65 Ind. L.J. 591-636 (Summer).

Injuries and institutions: tort reform, tort theory, and beyond. Neil K. Komesar. 65 N.Y.U. L. Rev. 23-77 (Apr.).

Intentional infliction of emotional distress in the child custody context: proposed guidelines. 36 Wayne L. Rev. 125-42 (Fall).

Smoker battery: an antidote to second-hand smoke. 63 S. Cal. L. Rev. 1061-112 (May).

Unraveling the Illinois retaliatory discharge tort. 1989 U. Ill. L. Rev. 517-39 (No. 2).

What standard of care should govern the world's shortest editorials?: an analysis of bond rating agency liability. 75 Cornell L. Rev. 411-61 (Jan.).

**TRADEMARKS**

Expressive genericity: trademarks as language in the Pepsi generation. Rochelle Cooper Dreyfuss. 65 Notre Dame L. Rev. 397-424 (No. 3).

**TRIALS**

See *Civil Procedure*.

**TRUSTS AND TRUSTEES**

See *Bankruptcy*.

**UNFAIR COMPETITION**

See *Antitrust Law*.

**UNIFORM LAWS**

See *Child Custody*.

**UNIONS**

See also *Labor Law*.

Keeping the faith: the problem of apparent bias in labor representation elections. John W. Teeter, Jr. 58 U. Cin. L. Rev. 909-87 (No. 3).

Secondary boycotts after *DeBartolo*: has the Supreme Court handed unions a powerful new weapon? 75 Iowa L. Rev. 217-34 (Oct.).

**VENUE**

See *Jurisdiction*.

**VERDICTS**

Veridical verdicts: increasing verdict accuracy through the use of overtly probabilistic evidence and methods. Jonathan J. Koehler & Daniel N. Shaviro. 75 Cornell L. Rev. 247-79 (Jan.).

*WAR*

See also *Constitutional Law*.  
Vietnam haiku. Louis J. Sirico, Jr. 74 Cornell L. Rev. 1228-33 (Sept.).

*WAR CRIMES*

See *International Law*.

*WATER AND WATERCOURSES*

Replacing riparianism in the twenty-first century. Robert H. Abrams. 36 Wayne L. Rev. 93-124 (Fall).

Toward a rational scheme of interstate water compact adjudication. 23 U. Mich. J. L. Ref. 151-78 (Fall).

*WATER POLLUTION*

See *Environmental Law*.

*WOMEN*

See also *Attorneys, Capital Punishment, Feminist Jurisprudence, Sexual Harassment*.

Telling stories about women and work: judicial interpretations of sex segregation in the workplace in title VII cases raising the lack of interest argument. Vicki Schultz. 103 Harv. L. Rev. 1749-843 (June).