

Michigan Law Review

Volume 115 | Issue 2

2016

Front Matter

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



Part of the [Law Commons](#)

Recommended Citation

Front Matter, 115 MICH. L. REV. (2016).

Available at: <https://repository.law.umich.edu/mlr/vol115/iss2/4>

This Front Matter 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.

MICHIGAN LAW REVIEW

Vol. 115, No. 2

November 2016

CONTENTS

ARTICLES

- AN OPT-IN OPTION FOR CLASS ACTIONS *Scott Dodson* 171
- AMENDMENT CREEP *Jonathan L. Marshfield* 215

NOTES

- CONFESSIONS IN AN INTERNATIONAL AGE:
RE-EXAMINING ADMISSIBILITY THROUGH
THE LENS OF FOREIGN INTERROGATIONS *Julie Tanaka Siegel* 277

Except where otherwise expressly provided, the author of each Article, Essay, and Note in this issue has granted permission for copies of that Article, Essay, or Note to be made for educational use, provided that (i) copies are distributed at or below cost; (ii) the author and the *Michigan Law Review* are identified; (iii) prior written notice of the use is given to the Michigan Law Review Association; and (iv) proper notice of copyright is affixed to each copy, attributing copyright to the author.

Michigan Law Review (ISSN 0026-2234) is published in October, November, December, February, March, April, May, and June. Subscriptions: United States, \$60 per year in advance, eight numbers; Foreign, \$70. Editorial and Business Offices: University of Michigan Law School, 625 S. State St., Ann Arbor, Michigan 48109-1215; MLR-business@umich.edu (Business); 734/647-5817 (Fax). Website: <http://www.michiganlawreview.org>. Periodicals postage paid at Ann Arbor, Michigan and additional mailing offices. POSTMASTER: send address changes to Michigan Law Review, 625 S. State St., Ann Arbor, Michigan 48109-1215.

Printed at Joe Christensen, Inc., Lincoln, Nebraska 68521.

Recent Volumes: Single Issues \$10, Book Review \$16, and Special Issues \$12, postpaid, at Editorial and Business Offices.

Volumes 1 through 112, as well as single issues in those volumes, are available in print and microform from William S. Hein & Co., Inc., 2350 North Forest Road, Getzville, New York 14068.

Because back stock of the *Review* is turned over to a dealer, back numbers are available to the *Review* for a short time only. We must therefore ask that subscribers report the nonreceipt of copies within six months of the mailing date.

We gladly consider unsolicited manuscripts for publication via Scholastica. Citations in manuscripts should follow the form prescribed in *The Bluebook: A Uniform System of Citation* (20th ed. 2015) and *The Chicago Manual of Style* (16th ed. 2010). Please see our website for submission instructions.

MICHIGAN LAW REVIEW ONLINE

The Online Companion of the *Michigan Law Review*

Call for Submissions

The editors of the *Michigan Law Review* invite essay submissions on current areas of legal thought and research for the *Michigan Law Review Online*.

Michigan Law Review Online publishes short articles and op-ed style pieces by academics, judges, practitioners, and law students, as well as timely responses to articles in the print journal of the *Michigan Law Review*. Our online companion quickly disseminates the legal community's initial impressions of important judicial decisions and legislative developments.

Michigan Law Review Online prefers submissions under 6,000 words inclusive of footnotes and can only very rarely accept longer pieces. Submissions should be written in a style accessible to a general audience of practitioners and policymakers. Pieces will be published on an expedited production schedule.

Visit *Michigan Law Review Online* at
www.michiganlawreview.org.

Please send questions and comments to the
Executive Online Editors at
mlr.online@umich.edu

The editors of the *Michigan Law Review*
are pleased to announce

2016 SURVEY OF BOOKS
RELATING TO THE LAW
published April 2016

The 2016 Survey presents reviews of law-related
books published in 2013, 2014, and 2015.

Please address inquiries to:

Michigan Law Review
University of Michigan Law School
Attn: Book Review Editors
625 S. State St.
Ann Arbor, MI 48109-1215

Visit our website at
www.michiganlawreview.org.

UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

MARK SCHLISSEL, B.A., M.D., Ph.D., *President of the University*
MARTHA E. POLLACK, A.B., M.S.E., Ph.D., *Provost and Executive Vice President for Academic Affairs*
MARK D. WEST, B.A., J.D., *Nippon Life Professor of Law, Dean*
ALICIA DAVIS, B.S., M.B.A., J.D., *Professor of Law, Associate Dean for Strategic Initiatives*
DANIEL HALBERSTAM, B.A., J.D., *Eric Stein Collegiate Professor of Law, Associate Dean for Faculty and Research*
DAVID SANTACROCE, B.A., J.D., LL.M., *Clinical Professor of Law, Associate Dean for Experiential Education*
GIL SEINFELD, A.B., J.D., *Professor of Law, Associate Dean for Academic Programming*
DAVID H. BAUM, B.A., J.D., *Assistant Dean for Student Life and Special Counsel to the Dean*
MICHAEL DUBIN, B.S., M.A., *Assistant Dean for Development and Alumni Relations*
THERESA KAISER-JARVIS, B.A., B.S.J., Ed.M, J.D., *Assistant Dean for International Affairs*
RAMJI KAUL, B.A., J.D., *Assistant Dean for Career Planning*
LINDSEY STETSON, B.A., J.D., *Assistant Dean for Financial Aid*
SARAH C. ZEARFOSS, A.B., J.D., *Senior Assistant Dean for Admissions, Financial Aid, and Career Planning*

Professors Emeriti of Law

LAYMAN E. ALLEN, A.B., M.P.A., LL.B.
DAVID L. CHAMBERS, A.B., LL.B.,
Wade H. McCree, Jr. Collegiate Professor of Law
WHITMORE GRAY, A.B., J.D., LL.D.
THOMAS A. GREEN, B.A., Ph.D., J.D.,
John Philip Dawson Collegiate Professor of Law
JEROLD H. ISRAEL, B.B.A., LL.B.,
Alene and Allan F. Smith Professor of Law
CHARLES W. JOINER, A.B., J.D.
YALE KAMISAR, A.B., LL.B., LL.D.,
Clarence Darrow Distinguished University Professor of Law
THOMAS E. KAUPER, A.B., J.D.,
Henry M. Butzel Professor of Law
RICHARD O. LEMPERT, A.B., J.D., Ph.D.,
Eric Stein Distinguished University Professor of Law and Sociology
SALLYANNE PAYTON, B.A., LL.B.,
William W. Cook Professor of Law
MARGARET JANE RADIN, A.B., M.F.A., J.D., LL.D.,
Henry King Ransom Professor of Law
JOHN W. REED, A.B., LL.B., LL.M., Jur.Sc.D., LL.D.,
Thomas M. Cooley Professor of Law
TERRANCE SANDALOW, A.B., J.D.,
Edson R. Sunderland Professor of Law
E. PHILIP SOPER, B.A., M.A., J.D., Ph.D.,
James V. Campbell Professor of Law
THEODORE J. ST. ANTOINE, A.B., J.D.,
James E. and Sarah A. Degan Professor of Law
JOSEPH VINING, B.A., M.A., J.D.,
Harry Burns Hutchins Collegiate Professor of Law
LAWRENCE W. WAGGONER, B.B.A., J.D., D.Phil.,
Lewis M. Simes Professor of Law
PETER K. WESTEN, B.A., J.D.,
Frank G. Millard Professor of Law
JAMES BOYD WHITE, A.B., A.M., LL.B.,
L. Hart Wright Collegiate Professor of Law
JAMES J. WHITE, B.A., J.D.,
Robert A. Sullivan Professor of Law

Professors of Law

REUVEN S. AVI-YONAH, B.A., A.M., Ph.D., J.D.,
Irwin I. Cohn Professor of Law
SAMUEL BAGENSTOS, B.A., J.D.,
Frank G. Millard Professor of Law
NICHOLAS BAGLEY, B.A., J.D.
MICHAEL S. BARR, B.A., M.Phil., J.D.,
Roy F. and Jean Humphrey Proffitt Professor of Law
LAURA N. BENY, B.A., M.A., J.D., Ph.D.
EVAN H. CAMINKER, B.A., J.D.,
Branch Rickey Collegiate Professor of Law
SHERMAN J. CLARK, B.S., J.D.,
Kirkland and Ellis Professor of Law
EDWARD H. COOPER, A.B., LL.B.,
Thomas M. Cooley Professor of Law
DANIEL CRANE, B.A., J.D.,
Frederick Paul Furth, Sr. Professor of Law
STEVEN P. CROLEY, A.B., J.D., M.A., Ph.D.,
Harry Burns Hutchins Collegiate Professor of Law
KRISTINA DAUGIRDAS, A.B., J.D.
ALICIA DAVIS, B.S., J.D., M.B.A.
REBECCA S. EISENBERG, B.A., J.D.,
Robert and Barbara Luciano Professor of Law
PHOEBE C. ELLSWORTH, A.B., Ph.D.,
Frank Murphy Distinguished Professor of Law and Psychology
RICHARD D. FRIEDMAN, B.A., J.D., D.Phil.,
Alene and Allan F. Smith Professor of Law
BRUCE W. FRIER, B.A., Ph.D.,
John and Teresa D'Arms Distinguished University Professor of Classics and Roman Law
SAMUEL R. GROSS, A.B., J.D.,
Thomas G. and Mabel Long Professor of Law
MONICA R. HAKIMI, B.A., J.D.
DANIEL HALBERSTAM, B.A., J.D.,
Eric Stein Collegiate Professor of Law
JAMES C. HATHAWAY, LL.B., LL.M., J.S.D.,
James E. and Sarah A. Degan Professor of Law
SCOTT HERSHOVITZ, A.B., M.A., D.Phil., J.D.
DONALD J. HERZOG, A.B., A.M., Ph.D.,
Edson R. Sunderland Professor of Law

JAMES HINES JR., B.A., M.A., Ph.D.,
L. Hart Wright Collegiate Professor of Law
NICHOLAS C. HOWSON, B.A., J.D.
DOUGLAS A. KAHN, B.A., J.D.,
Paul G. Kauper Professor of Law
ELLEN D. KATZ, B.A., J.D.,
Ralph W. Aigler Professor of Law
VIKRAMADITYA S. KHANNA, B.C.A., LL.B., S.J.D.,
William W. Cook Professor of Law
JAMES E. KRIER, B.S., J.D.,
Earl Warren DeLano Professor of Law
JESSICA D. LITMAN, B.A., M.F.A., J.D.,
John F. Nickoll Professor of Law
KYLE D. LOGUE, B.A., J.D.,
*Wade H. and Dores M. McCree Collegiate
Professor of Law*
CATHARINE A. MACKINNON, B.A., J.D., Ph.D.,
Elizabeth A. Long Professor of Law
NINA A. MENDELSON, A.B., J.D.,
Joseph L. Sax Collegiate Professor of Law
WILLIAM I. MILLER, B.A., Ph.D., J.D.,
Thomas G. Long Professor of Law
JULIAN DAVIS MORTENSON, A.B., J.D.
WILLIAM NOVAK, B.A., M.A., Ph.D.,
Charles F. and Edith J. Clyne Professor of Law
JOHN A.E. POTTOW, A.B., J.D.,
*John Philip Dawson Collegiate Professor of
Law*

JAMES J. PRESCOTT, B.A., J.D., Ph.D.
EVE BRENSIKE PRIMUS, B.A., J.D.
RICHARD A. PRIMUS, A.B., D.Phil., J.D.,
Theodore J. St. Antoine Collegiate Professor of Law
ADAM C. PRITCHARD, B.A., M.P.P., J.D.,
Frances and George Skestos Professor of Law
STEVEN R. RATNER, A.B., M.A., J.D.,
Bruno Simma Collegiate Professor of Law
DONALD H. REGAN, A.B., LL.B., B.Phil., Ph.D.,
William W. Bishop, Jr. Collegiate Professor of Law
MATHIAS W. REIMANN, Dr.Iur., LL.M.,
Hessel E. Yntema Professor of Law
MARGO SCHLANGER, B.A., J.D.,
Henry M. Butzel Professor of Law
CARL E. SCHNEIDER, A.B., J.D.,
*Chauncey Stillman Professorship for Ethics,
Morality, and the Practice of Law*
REBECCA J. SCOTT, A.B., M.Phil., Ph.D.,
*Charles Gibson Distinguished University
Professor of History*
GIL SEINFELD, A.B., J.D.
BRUNO SIMMA, Doctorate of Law
SONJA B. STARR, A.B., J.D.
MARK D. WEST, B.A., J.D.,
Nippon Life Professor of Law
CHRISTINA B. WHITMAN, A.B., M.A., J.D.,
Francis A. Allen Collegiate Professor of Law

Assistant Professors of Law

KATE ANDRIAS, B.A., J.D.
MAUREEN CARROLL, B.S., J.D.
GABRIEL MENDLOW, A.B., Ph.D., J.D.
W. NICHOLSON PRICE, II, A.B., J.D., Ph.D.
GABRIEL RAUTERGERG, B.S., J.D.
VERONICA SANTAROSA, LL.B., B.A., M.A.,
LL.M., Ph.D.

Clinical Professors of Law

ALICIA ALVAREZ, B.A., J.D.
EDWARD R. BECKER, B.A., J.D.
HOWARD BROMBERG, B.A., J.D., J.S.M.
BRIDGETTE CARR, B.A., J.D.
DAVID A. MORAN, B.S., B.A., M.A., M.S., J.D.
MARK K. OSBECK, A.B., M.A., J.D.
PAUL D. REINGOLD, B.A., J.D.
NICHOLAS J. RINE, B.A., J.D.
VIVEK SANKARAN, B.A., J.D.
DAVID A. SANTACROCE, B.A., J.D., LL.M.
SUELLYN SCARNECCHIA, B.A., J.D.
KIMBERLY A. THOMAS, B.S., J.D.
DANA THOMPSON, B.S., J.D.
FRANK E. VANDERVORT, B.A., J.D.

Clinical Assistant Professors of Law

NICOLE APPLEBERRY, A.B., J.D., LL.M.
PATRICK BARRY, B.A., J.D., Ph.D.
MICHAEL BLOOM, B.A., J.D.
ELIZABETH CAMPBELL, B.A., J.D.
DEBRA CHOPP, B.A., J.D.
PAUL H. FALON, B.A., M.A., J.D.
STEVE GRAY, B.A., J.D.
DAVID GUENTHER, B.A., M.A., J.D.
MARGARET HANNON, B.A., J.D.
JOSHUA KAY, B.A., M.A., Ph.D., J.D.
SAMMY MANSOUR, B.A., J.D.
TIMOTHY PINTO, B.A., J.D.
AMY SANKARAN, B.A., J.D.
IMRAN SYED, A.B., J.D.
NANCY VETTORELLO, B.A., M.U.P., J.D.
NANCY WANG, B.S.E., J.D.
BETH H. WILENSKY, B.A., J.D.

Affiliated LS&A Faculty

MARTHA S. JONES, B.A., J.D.

Professors from Practice

J. PHILLIP ADAMS, B.A., J.D., LL.M.
TIMOTHY L. DICKINSON, B.A., J.D., LL.M.
ROBERT HIRSHON, B.A., J.D.,
Frank G. Millard Professor from Practice
LEONARD NIEHOFF, A.B., J.D.
DAVID UHLMANN, B.A., J.D.,
*Jeffrey F. Liss Faculty Development Professor
from Practice*

William W. Cook Global Law Professors

PAUL BRAND, B.A., M.A., D.Phil
CHRISTINE CHINKIN, LL.B., LL.M., Ph.D.
JOHN G. H. HUDSON, M.A., D.Phil
HAW-JIN KIM, B.S., Dr. Jur., LL.M.
J. CHRISTOPHER MCCRUDDEN, LL.B., LL.M., D.Phil

MICHIGAN LAW REVIEW

Vol. 115, No. 2

November 2016

EDITORIAL BOARD

Editor-in-Chief

ERIN R. CHAPMAN, *of Ohio*

Managing Editor

JOSEPH M. PILIGIAN, *of California*

Executive Articles Editor

MARIEL A. EBEN, *of Michigan*

Articles Editors

EVAN J. BALLAN, *of New York*

ADELE A. DANIEL, *of Kansas*

ERIKA L. GIROUX, *of Michigan*

STEPHEN J. HOUCK, *of Virginia*

JONATHAN A. HUBERMAN, *of New York*

Executive Editors

KATHERINE STALLINGS BAILEY, *of Illinois*

CLAIRE M. LALLY, *of Illinois*

ANDREA L. SCANLAN, *of Idaho*

SARAH R. SCHEINMAN, *of New York*

SACHI SCHURICHT, *of California*

JULIE T. SIEGEL, *of Japan*

Executive Development Editor

ALYSHA M. NAIK, *of New York*

Executive Notes Editor

MATTHEW M. WALLACE, *of California*

Notes Editors

ANDREA AMULIC, *of New York*

ANDREW T. KRAMER, *of California*

EVAN C. LUM, *of Hawai'i*

THOMAS F. MARTECCHINI, *of Connecticut*

ALEXANDRA PEACOCK, *of California*

Book Review Editors

ALEXIS M. BAILEY, *of Michigan*

EMMA ELLMAN-GOLAN, *of New York*

GREG MARGOLIS, *of North Carolina*

Executive Online Editors

RICHARD S. HUBER, *of Florida*

KATIE M. HURRELBRINK, *of North Carolina*

Executive Production Editor

DANIEL R. WHITMAN, *of New York*

Contributing Editors

DON W. BLEVINS, *of Michigan*

FACUNDO BOUZAT, *of Ohio*

MADÉLINE E. BUCK, *of Minnesota*

CORY M. CARONE, *of Michigan*

DANNY S. CHAMI, *of Michigan*

DAVID J. CHO, *of New York*

KEVIN J. ELLIS, *of Michigan*

MATTHEW B. G. LINDGREN, *of Minnesota*

ASHLEY P. GROLOG, *of Maryland*

RACHEL L. HAMPTON, *of Michigan*

EMILY HANTVERK, *of New York*

CHRISTIAN HOKANS, *of Michigan*

AVERY M. JOHNSON, *of Minnesota*

ELIZABETH H. JONES, *of California*

KATE F. LAMBERT, *of Michigan*

ERICA J. LEE, *of California*

JENNA N. NEUMANN, *of Michigan*

MARISSA K. PERRY, *of Michigan*

ALEXANDRA M. PETERSON, *of Illinois*

ALEXANDRA L. REED, *of Illinois*

HALLAM STANTON, *of England*

BROOKE THEODORA, *of California*

CYNTHIA P. WEAVER, *of California*

Associate Editors

MELODY E. ALVARADO LATINO, *of Washington*

MORGAN S. AVENI, *of Alabama*

HELEN MARIE S. BERG, *of Michigan*

KATHRYN M. BROWN, *of Ohio*

EMERSON M. BURSIS, *of Pennsylvania*

KAMIE CASCHETTE, *of Nevada*

MELISSA C. CASSEL, *of California*

MICHAEL A. CHRYSOSOS, *of Ohio*

LAURA BETH COHEN, *of Michigan*

ALEXANDRA M. FEDORAK, *of Michigan*

GARY M. FOX, *of New Jersey*

NATHAN T. FROST, *of New Jersey*

SALLY Z. GU, *of California*

PHILIP W. HAMMERSLEY, *of Michigan*

JOHN C. HE, *of California*

ALLISON M. HIGHT, *of Ohio*

DANIEL K. HOFMAN, *of Michigan*

PAUL A. HOVERSTEN, *of Colorado*

AMELIA K. HUCKINS, *of Mississippi*

SAMANTHA JAFFE, *of California*

MICHAEL L. JESPERSEN, *of Wyoming*

RACHEL A. JUNE-GRABER, *of Oregon*

SPENCER W. KLEIN, *of New Jersey*

ADAM R. KLEVEN, *of Michigan*

ERIC HUANG KOENIGSBERG, *of New York*

CAROLINE F. KOTILA, *of New York*

SHIRIN MAKHKAMOVA, *of New Jersey*

REED J. MCCALIB, *of Minnesota*

CONOR P. MCNAMARA, *of Illinois*

JAMES R. S. MESTICHELLI, *of Pennsylvania*

MATTHEW G. MILLER, *of Illinois*

CALEB L. NAGEL, *of Indiana*

DAVID J. PARK, *of Massachusetts*

ROSA PARMOSE, *of Italy*

ELIZABETH G. PETERKORT, *of Oregon*

ANDREW PODRYGULA, *of North Dakota*

JOHN D. RAMER, *of Michigan*

AMANDA L. RAUH-BIERI, *of Michigan*

MARIA N. RICAU RTE, *of Ohio*

ADAM N. ROSENBERG, *of Minnesota*

EMMA F. E. SHOUCAIR, *of Pennsylvania*

MATTHEW E. SIERAWSKI, *of Michigan*

CHRIS STACKHOUSE, *of Minnesota*

ETHAN C. STERN, *of New York*

CHARLES D. STEWART, *of Ohio*

JOHN TURQUET BRAVARD, *of Colorado*

CAROLYN J. WELTMAN, *of Ohio*

JENNY A. WHALEN, *of Michigan*

Z. ZHENG, *of Indiana*

Manager

JESSICA L. HANES

Editorial Assistants

CATHERINE T. LEGGIERI

BARBARA I. VIBBERT

