

Michigan Law Review

Volume 111 | Issue 7

2013

Front Matter

Michigan Law Review

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



Part of the [Law Commons](#)

Recommended Citation

Michigan Law Review, *Front Matter*, 111 MICH. L. REV. (2013).

Available at: <https://repository.law.umich.edu/mlr/vol111/iss7/5>

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. 111, No. 7

May 2013

CONTENTS

ARTICLES

- RETHINKING REPORTER'S PRIVILEGE . . . *RonNell Andersen Jones* 1221
- STANDING'S EXPECTED VALUE *Jonathan Remy Nash* 1283

NOTES

- COUNSEL'S CONTROL OVER THE PRESENTATION
OF MITIGATING EVIDENCE DURING
CAPITAL SENTENCING *James Michael Blakemore* 1337
- LAW-ENFORCEMENT OFFICERS AND SELF-HELP
REPOSSESSION: A STATE-ACTION APPROACH *Aaron Loterstein* 1361

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 110, as well as single issues in those volumes, are available in print and microform from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

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 ExpressO. Citations in manuscripts should follow the form prescribed in *The Bluebook: A Uniform System of Citation* (19th ed. 2010) and *The Chicago Manual of Style* (16th ed. 2010). Please see our website for submission instructions.

UNIVERSITY OF MICHIGAN LAW SCHOOL

Spring 2013

Administrative Officers

MARY SUE COLEMAN, B.A., Ph.D., *President of the University*
MARTHA E. POLLOCK, A.B., M.S.E., Ph.D., *Provost and Executive Vice President for Academic Affairs*
EVAN H. CAMINKER, B.A., J.D., *Branch Rickey Collegiate Professor of Law, Dean*
MARK D. WEST, B.A., J.D., *Nippon Life Professor of Law, Associate Dean for Academic Affairs*
PAUL D. REINGOLD, B.A., J.D., *Interim Associate Dean for Clinical Affairs*
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for International Affairs*
DAVID H. BAUM, B.A., J.D., *Assistant Dean for Student Affairs*
KATHERINE B. GOTTSCHALK, B.A., *Assistant Dean for Financial Aid*
SUSAN M. GUINDI, B.A., J.D., *Assistant Dean for Career Services*
SARAH C. ZEARFOSS, A.B., J.D., *Assistant Dean and Director of Admissions*
TODD BAILY, B.A., *Assistant Dean for Development and Alumni Relations*
CHRISTINE GREGORY, B.A., J.D., *Assistant Dean for Student Affairs*

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
LUKE K. COOPERRIDER, B.S., J.D.
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
JOHN H. JACKSON, B.A., J.D.,
Hessel E. Yniema 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
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

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.
MICHAEL S. BARR, B.A., M.Phil., J.D.
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.
EDWARD H. COOPER, A.B., LL.B.,
Thomas M. Cooley Professor of Law
DANIEL CRANE, B.A., J.D.
STEVEN P. CROLEY, A.B., J.D., M.A., Ph.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
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.
VIKRAMADITYA S. KHANNA, B.C.A., LL.B., S.J.D.
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.
 WILLIAM I. MILLER, B.A., PH.D., J.D.,
Thomas G. Long Professor of Law
 WILLIAM NOVAK, B.A., M.A., PH.D.
 JOHN A.E. POTTOW, A.B., J.D.
 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.
 ADAM C. PRITCHARD, B.A., M.P.P., J.D.,
Frances and George Skestos Professor of Law
 MARGARET JANE RADIN, A.B., M.F.A., J.D., LL.D.,
Henry King Ransom 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.
 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
 MARK D. WEST, B.A., J.D.,
Nippon Life Professor of Law
 JAMES J. WHITE,* B.A., J.D.,
Robert A. Sullivan Professor of Law
 CHRISTINA B. WHITMAN, A.B., M.A., J.D.,
Francis A. Allen Collegiate Professor of Law

Assistant Professors of Law

NICHOLAS BAGLEY, B.A., J.D.
 KRISTINA DAUGIRDAS, A.B., J.D.
 MONICA R. HAKIMI, B.A., J.D.
 GABRIEL MENDLOW, A.B., PH.D., J.D.

JULIAN DAVIS MORTENSON, A.B., J.D.
 VERONICA SANTAROSA, J.D., B.A., M.A.,
 LL.M., PH.D.
 SONJA B. STARR, A.B., J.D.

Clinical Professors of Law

ALICIA ALVAREZ, B.A., J.D.
 DONALD N. DUQUETTE, B.A., J.D.
 PHILIP M. FROST, B.A., J.D.
 BRIDGET M. McCORMACK, B.A., J.D.
 DAVID A. MORAN, B.S., B.A., M.A., M.S., 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.
 ANNE N. SCHROTH, B.A., J.D.
 KIMBERLY A. THOMAS, B.S., J.D.
 FRANK E. VANDERVORT, B.A., J.D.

Clinical Assistant Professors of Law

EDWARD R. BECKER, B.A., J.D.
 HOWARD BROMBERG, B.A., J.D., J.S.M.
 BRIDGETTE CARR, B.A., J.D.
 DEBRA CHOPP, B.A., J.D.
 PAUL H. FALON, B.A., M.A., J.D.

MARK K. OSBECK, A.B., M.A., J.D.
 TIMOTHY PINTO, B.A., J.D.
 DANA THOMPSON, B.S., J.D.
 NANCY VETTORELLO, B.A., M.U.P., J.D.
 BETH H. WILENSKY, B.A., J.D.

Business Faculty Fellows

DEBORAH BURAND, B.A., M.S.F.S., J.D.

Public Service/Public Interest Faculty Fellows

DAVID UHLMANN, B.A., J.D.,
*Jeffrey F. Liss Faculty Development Professor
 from Practice*

Adjunct Professor

RICHARD "ERIK" GORDON, B.A., J.D.
 ROBERT HIRSHON, B.A., J.D.
Frank G. Millard Professor from Practice

JOAN L. LARSEN, B.A., J.D.
 LEONARD NIEHOFF, A.B., J.D.

Adjunct Clinical Assistant Professors

NICOLE APPLEBERRY, A.B., J.D., LL.M.
 MICHAEL BLOOM, B.A., J.D.
 RACHEL DEMING, A.B., J.D.

JOSHUA KAY, B.A., M.A., PH.D., J.D.
 BRYCE PILZ, B.S., J.D.
 AMY SANKARAN, B.A., J.D.

FIRST IMPRESSIONS
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 *First Impressions*, our online publication.

First Impressions publishes op-ed style articles 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.

First Impressions prefers submissions under 3,000 words and cannot accept essays over 3,500 words. 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 *First Impressions* at
www.michiganlawreview.org

Please send questions and comments to the
Executive Editors of *First Impressions* at
mlr.fi@umich.edu

MICHIGAN LAW REVIEW

CALL FOR SUBMISSIONS

The Editors of the *Michigan Law Review* invite submissions in all areas of legal research and scholarship.

The *Michigan Law Review* accepts manuscripts submitted through ExpressO.

We also accept manuscripts delivered to us in hard copy. They may be sent to:

Michigan Law Review
University of Michigan Law School
Attn: Article Editors
625 South State Street
Ann Arbor, MI 48109-1215

Whether submitted electronically or by hard copy, manuscripts should follow *The Bluebook: A Uniform System of Citation* and *The Chicago Manual of Style*.

Our submissions policy is available on our website at www.michiganlawreview.org

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

**2013 SURVEY OF BOOKS
RELATING TO THE LAW**
published April 2013

The 2013 Survey presents reviews of law-related
books published in 2011, 2012, and 2013.

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

Michigan Law Review

Vol. 111, No. 7

May 2013

EDITORIAL BOARD

Editor-in-Chief

KIMBERLY G. ANG, *of Massachusetts*

Managing Editor

JACK A. MORGAN, *of Georgia*

Executive Articles Editor

JESSICA ANNE MORTON, *of Illinois*

Articles Editors

VARUN BEHL, *of California*

AARON P. BRECHER, *of Florida*

JACOB BREGE, *of Michigan*

CAROLINE A. FLYNN, *of California*

AARON LOTERSTEIN, *of Illinois*

Executive Editors

MICHELLE CHEN, *of New Jersey*

ANDREW W. HARTLAGE, *of Minnesota*

SEAN B. KARUNARATNE, *of Florida*

TANIA T. NGUYEN, *of New York*

ELISSA C. REIDY, *of New York*

Executive Notes Editor

MARGARET L. METTLER, *of Michigan*

Notes Editors

JOHANNA DENNEHY, *of Rhode Island*

HANNAH MILLER, *of New Jersey*

ALLISON M. NICHOLS, *of Illinois*

ROBERT J. O'LOUGHLIN III, *of New York*

SPENCER A. WINTERS, *of Washington*

Book Review Editors

RACHEL J. EZZELL, *of Pennsylvania*

CHRISTIANA M. MARTENSON, *of Minnesota*

Executive Editor of First Impressions

SARAH A. PALMER, *of Missouri*

Executive Production Editor

JOANNA G. ROGOW, *of New York*

Contributing Editors

ANKIT BAHRI, *of India*

SARAH L. BLACK, *of Maryland*

JAMES MICHAEL BLAKEMORE, *of Utah*

ELI BRAUN, *of Maryland*

CONNIE CHANG, *of Michigan*

ROBERT J. COUCH, *of Idaho*

MARGARET E. DUNLAY, *of Texas*

JAY J. EMERICK, *of Texas*

JEREMY B. FANCHER, *of South Dakota*

JOSHUA GARCIA, *of New York*

JOSH HAZAN, *of Michigan*

BRIAN L. HOWARD II, *of Pennsylvania*

MATTHEW LONGARINI, *of Illinois*

SCOTT G. ROBINSON, *of Pennsylvania*

TRAVIS SCHER, *of New York*

PETER STARR, *of Georgia*

GABRIEL TABAK, *of Pennsylvania*

LYMAN THAI, *of Texas*

SARAH E. WADELICH, *of Michigan*

LAURA WOLFF, *of California*

Associate Editors

AUSTIN V. ARNETT, *of Michigan*

JOSHUA H. AROCHO, *of Michigan*

SETH R. BOWERS, *of Indiana*

RACHEL E. BRAVER, *of New York*

JENNIFER E. BRONSON, *of Illinois*

ANDREW C. BUDZINSKI, *of New Jersey*

ASHLEY J. BUTLER, *of North Carolina*

KATELYN A. CANNELLA, *of New York*

BENJAMIN L. CAVATARO, *of Florida*

POLINA DEMINA, *of Kansas*

KEITH E. DIGGS, *of Virginia*

JEFFREY D. EDWARDS, *of Utah*

COLLEEN P. FITZHARRIS, *of Washington*

NATHANIEL L. FREELAND, *of California*

TAYLOR E. FRENCH, *of Kansas*

DAVID FRISOF, *of Ohio*

EZRA D. GEGGEL, *of Massachusetts*

CHARLIE GERSTEIN, *of New Jersey*

KATHRYN E. GILBERT, *of Wisconsin*

EMILY R. GOEBEL, *of Illinois*

STEPHANIE M. GOLDFARB, *of Ohio*

MATTHEW S. GREGORY, *of Oregon*

KELLY M. HAGEN, *of Ohio*

WILLIAM A. HARRIS, *of Tennessee*

NICHOLAS T. HERRERA, *of California*

ELIZABETH A. HOMAN, *of Missouri*

DEBORAH R. HUERTA, *of Michigan*

JULIAN W. KLEINBRODT, *of California*

MATTHEW W. LANAHAN, *of Virginia*

DANIEL S. MAGY, *of Michigan*

ROBERT R. S. MANHAS, *of Washington*

STEPHEN T. MAYER, *of California*

JOSEPH X. MICHAELS, *of Michigan*

MARGUERITE L. MOELLER, *of Iowa*

MATTHEW W. MUMA, *of Michigan*

JAKE J. PERKOWSKI, *of California*

ELIZABETH M. PHILLIPS, *of Connecticut*

MICHAEL J. B. PITT, *of Illinois*

COLLIN D. RAY, *of Alabama*

KATHARINE A. ROLLER, *of Iowa*

MICHELLE A. SARGENT, *of New York*

ARIEL W. SCHEPERS, *of Michigan*

JUSTIN SILVER, *of New Jersey*

ELIZABETH A. SIMON, *of Michigan*

ALLYSON R. TERPSMA, *of Michigan*

JOHN D. VANDEVENTER, *of Michigan*

DAYNA J. ZOLLE, *of Colorado*

Manager

JESSICA L. HANES

Editorial Assistants

CATHERINE T. LEGGIERI

BARBARA I. SUMMERS