

University of Michigan Journal of Law Reform

Volume 42

2009

Front Matter

Journal of Law Reform

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

Recommended Citation

Journal of Law Reform, *Front Matter*, 42 U. MICH. J. L. REFORM i (2009).

Available at: <https://repository.law.umich.edu/mjlr/vol42/iss4/1>

This Front Matter is brought to you for free and open access by the University of Michigan Journal of Law Reform at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in University of Michigan Journal of Law Reform by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mLaw.repository@umich.edu.

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

VOLUME 42 • ISSUE 4

SUMMER 2009

UNIV. OF MICH.

AUG 05 2009

LAW LIBRARY

UNIVERSITY OF MICHIGAN
LAW SCHOOL
ANN ARBOR, MICHIGAN



Cite as: 42 U. MICH. J.L. REFORM ____ (2009)

Copyright © 2009 by the *University of Michigan Journal of Law Reform*. All rights reserved. Except where otherwise expressly indicated, copies of scholarship printed in the *University of Michigan Journal of Law Reform* may be made for course use in any public or private institution of learning provided that (1) copies are distributed at or below cost, (2) the author and the *University of Michigan Journal of Law Reform* are identified on the copies, and (3) proper notice of copyright is affixed to each copy.

The *University of Michigan Journal of Law Reform* is published quarterly by students of the University of Michigan Law School. Fourth-class postage paid at Ann Arbor, Michigan 48109. Printed by Joe Christensen, Inc., Lincoln, Nebraska 68521.

University of Michigan Journal of Law Reform
University of Michigan Law School
625 S. State Street
Ann Arbor, MI 48109-1215
Telephone: (734) 763-6100
<http://students.law.umich.edu/mjlr/>

PUBLICATION POLICY

The *Journal* seeks to improve the law and its administration by providing a forum for discussion that identifies contemporary issues for reform efforts, proposes concrete means to accomplish change, and evaluates the impact of law reform. As contributions to this discussion, the *Journal* also welcomes multidisciplinary and empirical work.

We encourage the submission of unsolicited manuscripts for publication. Submissions should be sent electronically to jlr-submissions@umich.edu. Articles should generally conform to *The Bluebook: A Uniform System of Citation* (18th ed. 2005) and *The Chicago Manual of Style* (15th ed. 2003).

Views expressed in the *Journal* are those of the authors and not necessarily those of the editorial staff.

SUBSCRIPTIONS

The current subscription rate is \$35.00 domestic and \$40.00 foreign. All business inquiries should be made to (734) 763-6100. Subscribers should report the nonreceipt of copies within six months of the mailing date.

INDIVIDUAL AND BACK ISSUES

Copies of individual issues from the current volume can be obtained directly from the *Journal* for \$15.00 each.

Back issues in complete sets, volumes, or single issues can be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209—Telephone (716) 882-2600. The *Journal* is also available on microfilm through ProQuest, 300 North Zeeb Road, Ann Arbor, Michigan 48106-1346—Telephone (800) 521-0600. Back issues are also available in PDF format through HeinOnline at <http://heinonline.org>.

INDEXES

The *Journal* is indexed in the Current Law Index, Index to Legal Periodicals, Legal Resource Index, and PAIS Bulletin.

ISSN 0033-1546

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

Editorial Board

Volume 42 • 2008–2009

Editor in Chief
AMY L. COCUZZA

Managing Editor
SUNIL V. SHENOI

Managing Article Editor
ELYSE M. GREENWALD

Managing Executive Editor
EMILY A. MCCOY

Managing Note Editor
ASHLEY L. THOMPSON

Article Editors
MICHELLE BAZU
JENNIFER E. BLACK
MEGAN G. CRANE
ROGER P. MEYERS
CHRISTOPHER E. MILLER

Executive Editors
DANIEL P. BROOKS
DANIEL P. HIPSKIND
ROBERT E. KIM
ROBERT L. MAUGER
HEATHER M. POOLE

Note Editors
ISABEL M. DANIELS
CHRISTOPHER J. KRIVA
MICHELLE G. LEE
JUSTIN M. WINERMAN
EVANGELINE A. ZIMMERMAN

Managing Technology Editor
BRIAN HAYDEN PASCAL

GRACE O. ADUROJA
ASHA R. AGRAWAL
BRIAN C. AVELLO
CHARLES C. BALLEW
JON BOGUTH
SHELBY A. BOXENBAUM
STACY L. BRAVERMAN
ERIC A. BUKSTEIN
WILLIAM A. CHRISTOPHER
ELIZABETH C. CROUSE

Contributing Editors
METTA J. DWYER
KATHERINE E. EKLUND
MICHAEL W. FELDMAN
PATRICK E. GILLETTE
SAMEERA HAQUE
KRISTEN L. HEISE
NATHANIEL KRITZER
KRISTEN KULIK
CHRISTOPHER G. LEE
JORDAN MARTELL

MAX MILSTEIN
BRIAN P. MURPHY
DANIEL R. PALMADESSO
RUSSELL C. PETRELLA
ANTHONY M. RAMIREZ
JUSTINA KAHN SESSIONS
ROHAN C. SHETTY
BRENNAM M. SPEISER
LISA YUN
JING ZHAO

JOSEPH D. ADAMSON
MIR Y. ALI
JOHN C. ALLERDING
NICHOLAS ANTONIOU
MATTHEW D. BARTLEBAUGH
ELIZABETH BEERMAN
SARAH A. BENNETT
W. TURNER BOOTH
EVAN P. BRENNAN
ALEXANDER BROWN
AMY LYNN BRUNING
BRIAN CATHEY
ALICE CHEN
CHRISTOPHER M. CHUBB
MARGIA K. Y. CORNER

Associate Editors
NATHANIEL CURTIS
THERESA M. DEAN
SAMUEL M. DUNCAN
JULIA R. FINKEL
JORDAN H. FLOURNOY
SARAH BETH GLEICH
KEITH D. GREENBERG
EMILY P. GRIM
ROBYN J. KONKEL
BRENT LAPOINTE
BARRY LUONG
JAN PETER MENSZ
KERRY L. MONROE
ZOE A. RASMUSSEN
ELIZABETH A. REYNOLDS
KRISTINA SALEH

RENA A. SETH
KELA SHANG
RYAN M. SHANNON
SHANNON SHIN
BRADLEY M. SMYER
RACHAEL S. STEENBERGH
GRANT T. STERN
ERICA N. TURCIOS
LILLIAN M. WAFFORD
JACOB ALLEN WALKER
WILLIAM T. WALL
RINA WANG
MEREDITH S. WEILL
MATTHEW J. WEISER
JASON E. WRIGHT

Manager
MAUREEN A. BISHOP

Editorial Assistants
CATHERINE T. LEGGIERI
MATTHEW S. REDDING
BARBARA I. SUMMERS

Clerk
SARAH L. HALL

ANNOUNCEMENT OF AWARDS

SARAH HONIGMAN MEMORIAL AWARD

This award has been given to William T. Wall, Editor in Chief of Volume 43 of the *University of Michigan Journal of Law Reform*, in recognition of his superior scholastic record, effective leadership, and outstanding contribution to the *Journal*.

LOUIS HONIGMAN MEMORIAL AWARD

This award has been given to Sunil V. Shenoi for significant contributions to the *University of Michigan Journal of Law Reform* during his junior and senior years.

RAYMOND K. DYKEMA SCHOLARSHIP AWARD

This award has been given to Margia K. Y. Corner and Sarah A. Bennett for significant contributions to the *University of Michigan Journal of Law Reform* during their junior year and in recognition of qualifications that indicate the likelihood of future contributions to the legal profession.

E. BLYTHE STASON AWARD

This award has been given to Alan A. Martinson, author of the best student contribution to Volume 42 of the *University of Michigan Journal of Law Reform*.

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

Announcement of Editorial Board

Volume 43 • 2009–2010

Editor in Chief
WILLIAM T. WALL

Managing Editor
MARGIA K. Y. CORNER

Managing Executive Editor
SARAH A. BENNETT

Managing Article Editor
KRISTINA SALEH

Managing Note Editor
JULIA R. FINKEL

Executive Editors
NICHOLAS ANTONIOU
ALEXANDER BROWN
SARAH BETH GLEICH
RACHAEL S. STEENBERGH
RINA WANG

Article Editors
JOSEPH D. ADAMSON
SAMUEL M. DUNCAN
KEITH D. GREENBERG
BRENT LAPOINTE
BARRY LUONG*
JAN PETER MENSZ

Note Editors
ELIZABETH BEERMAN
NATHANIEL CURTIS
BRADLEY M. SMYER
GRANT T. STERN
ERICA N. TURCIOS

MIR Y. ALI
JOHN C. ALLERDING
MATTHEW D. BARTLEBAUGH
W. TURNER BOOTH
EVAN P. BRENNAN
AMY LYNN BRUNING
BRIAN CATHEY
ALICE CHEN

Contributing Editors
CHRISTOPHER M. CHUBB
THERESA M. DEAN
JORDAN H. FLOURNOY
EMILY P. GRIM
ROBYN J. KONKEL
KERRY L. MONROE
ZOE A. RASMUSSEN
ELIZABETH A. REYNOLDS
RENA A. SETH

KELA SHANG
RYAN M. SHANNON
SHANNON SHIN
LILLIAN M. WAFFORD
JACOB ALLEN WALKER
MEREDITH S. WEILL
MATTHEW J. WEISER
JASON E. WRIGHT



*TECHNOLOGY EDITOR

Manager
MAUREEN A. BISHOP

Editorial Assistants
CATHERINE T. LEGGIERI
MATTHEW S. REDDING
BARBARA I. SUMMERS

Clerk
SARAH L. HALL

UNIVERSITY OF MICHIGAN LAW SCHOOL

Summer 2009

Administrative Officers

MARY SUE COLEMAN, B.A., PH.D., *President of the University*
TERESA A. SULLIVAN, B.A., PH.D., *Provost and Executive Vice President for Academic Affairs*
EVAN H. CAMINKER, B.A., J.D., *Branch Rickey Collegiate Professor, Dean*
MARK D. WEST, B.A., J.D., *Nippon Life Professor of Law, Associate Dean for Academic Affairs*
BRIDGET M. McCORMACK, B.A., J.D., *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*
MARYANN SAROSI, B.A., J.D., *Assistant Dean of Public Service*
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
ALFRED F. CONARD, A.B., LL.B., LL.M.,
J.S.D., LL.D.,
Henry M. Butzel Professor of Law
LUKE K. COOPERRIDER, B.S., J.D.
ROBBEN W. FLEMING, B.A., LL.B., LL.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. Yntema 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*
ROY F. PROFFITT, B.S., J.D., LL.M.
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
A.W. BRIAN SIMPSON, B.A., M.A., D.C.L.,
Charles F. and Edith J. Clyne 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
ERIC STEIN, J.U.D., J.D., DR.H.C.,
Hessel E. Yntema Professor of Law
PETER O. STEINER, A.B., M.A., PH.D.
JOSEPH VINING, B.A., M.A., J.D.,
Harry Burns Hutchins Collegiate 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
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
SUSAN P. CRAWFORD, B.A., J.D.
STEVEN P. CROLEY, A.B., J.D., M.A., PH.D.
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.,
Ralph W. Aigler 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.,
DONALD J. HERZOG, A.B., A.M., PH.D.,
Edson R. Sunderland Professor of Law
JAMES HINES JR., B.A., M.A., PH.D.
JILL R. HORWITZ, B.A., M.P.P., J.D., PH.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
DOUGLAS LAYCOCK, B.A., J.D.,
Yale Kamisar Collegiate 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. McCree, Jr., Collegiate Professor of Law
CATHARINE A. MACKINNON, B.A., J.D., PH.D.,
Elizabeth A. Long Professor of Law
NINA A. MENDELSON, B.A., J.D.
WILLIAM I. MILLER, B.A., PH.D., J.D.,
Thomas G. Long Professor of Law
EDWARD A. PARSON, B.Sc., M.Sc., PH.D.
SALLYANNE PAYTON, B.A., LL.B.,
William W. Cook Professor of Law
JOHN A.E. POTTOW, A.B., 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.
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
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*
LAWRENCE W. WAGGONER, B.B.A., J.D.,
D.PHIL., *Lewis M. Simes Professor 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., MA., J.D.,
Francis A. Allen Collegiate Professor of Law

Assistant Professors of Law

ALICIA DAVIS EVANS, B.S., J.D., M.B.A.
MONICA R. HAKIMI, B.A., J.D.
SCOTT HERSHOVITZ, A.B., M.A., D.PHIL., J.D.
NICHOLAS C. HOWSON, B.A., J.D.

MADLINE KOCHEN, B.A., J.D., A.M., PH.D.
JAMES J. PRESCOTT, B.A., J.D., PH.D.
EVE BRENSIKE PRIMUS, B.A., J.D.
GIL SEINFELD, 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.
DAVID A. SANTACROCE, B.A., J.D., LL.M.
ANNE N. SCHROTH, 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.
DEBRA CHOPP, B.A., J.D.
RACHEL CROSKERY-ROBERTS, B.A., J.D.
PAUL H. FALON, B.A., M.A., J.D.

MARK K. OSBECK, A.B., M.A., J.D.
VIVEK SANKARAN, B.A., J.D.
THOMAS H. SEYMOUR, B.A., M.A., J.D.
KIMBERLY A. THOMAS, B.S., J.D.
FRANK E. VANDERVORT, B.A., J.D.
BETH H. WILENSKY, B.A., J.D.

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

VOLUME 42 • ISSUE 4

SUMMER 2009

CONTENTS

ARTICLES

- A “Fair Contracts” Approval Mechanism:
Reconciling Consumer Contracts and
Conventional Contract Law
Shmuel I. Becher 747
- Families for Tax Purposes: What About the Steps?
Wendy C. Gerzog 805
- How Many Plaintiffs Are Enough?
Venue in Title VII Class Actions
Piper Hoffman 843
- Privacy 3.0—The Principle of Proportionality
Andrew B. Serwin 869

NOTES

- Give Smaller Companies a Choice:
Solving Sarbanes-Oxley Section 404 Inefficiency
Paul P. Arnold 931
- The Unintended Consequence of Tort Reform in Michigan:
An Argument for Reinstating Retailer Product Liability
Ashley L. Thompson 961