

University of Michigan Journal of Law Reform

Volume 41

2008

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*, 41 U. MICH. J. L. REFORM i (2008).

Available at: <https://repository.law.umich.edu/mjlr/vol41/iss2/1>

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 41 • ISSUE 2

WINTER 2008

UNIV. OF MICH.

MAR 14 2008

LAW LIBRARY

UNIVERSITY OF MICHIGAN
LAW SCHOOL
ANN ARBOR, MICHIGAN



Cite as: 41 U. MICH. J.L. REFORM ____ (2008)

Copyright © 2008 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. Each manuscript should be typed, double-spaced and sent to the Editor in Chief at the above address or e-mailed 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). We regret that we cannot return submitted articles unless they are accompanied by a self-addressed postage-paid envelope.

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 41 • 2007–2008

Editor in Chief
CHAD J. LINDNER

Managing Editor
MONICA R. COSTELLO

Managing Article Editor
CHRISTINE M. HINTZ

Managing Executive Editor
ALAN W. KRANTZ

Managing Note Editor
PARIJAT SHARMA

Article Editors
STEPHANIE J. BLACK
AILEEN M. CANNON
ALAN A. MARTINSON
AESHA R. PALLESEN
KATE E. POMPER

Executive Editors
STEVEN BABINSKI
JENNIFER R. GARNER
DIANA M. URIBE
DAVID M. WAGENER*
YAN XIAO

Note Editors
ALANNA G. CLAIR
SOLANDRA J. CRAIG
MALINDA A. ELLWOOD
WILLIAM POLLAK
ELIZABETH L. SIMPSON

ARIN C. ARAGONA
PAUL P. ARNOLD
CORIE A. D'ANGELO
ELIZABETH A. DINSMORE
BRIAN W. FERRY
BRIAN A. FOGERTY
AMANDA L. FOX
MELANIE J. FOX
ZACHARY J. GARRETT

Contributing Editors
CAROLYN M. GRUNST
ARIEL E. HENDERSON
AMANDA N. HEYMAN
MITCHELL D. HOLZRICHTER
STEPHEN W. KILAR
SHELLY M. KLAUS
KARIN M. KRINGEN
KATYA LAZAREV
JULIE S. MARDER

SARAH E. MEHLMAN
ARIANA M. MELLOW
LARRY S. PERLMAN
SCOTT EVAN SIMPSON
ZACHARY R. SMITH
MICHAEL R. TUNICK
JOEL F. VISSER
WENDY M. WATSON
KELSEY N. WRIGHT

GRACE O. ADUROJA
ASHA R. AGRAWAL
BRIAN C. AVELLO
CHARLES C. BALLEW
MICHELLE BAZU
JENNIFER E. BLACK
JON BOGUTH
SHELBY A. BOXENBAUM
STACY L. BRAVERMAN
DANIEL P. BROOKS
ERIC A. BUKSTEIN
WILLIAM A. CHRISTOPHER
AMY L. COCUZZA
MEGAN G. CRANE
ELIZABETH C. CROUSE
ISABEL M. DANIELS
METTA J. DWYER

Associate Editors
KATHERINE E. EKLUND
MICHAEL W. FELDMAN
PATRICK E. GILLETTE
ELYSE M. GREENWALD
SAMEERA HAQUE
KRISTEN L. HEISE
DANIEL P. HIPSKIND
ROBERT E. KIM
NATHANIEL KRITZER
CHRISTOPHER J. KRIVA
KRISTEN KULIK
CHRISTOPHER G. LEE
MICHELLE G. LEE
JORDAN MARTELL
ROBERT L. MAUGER
EMILY A. MCCOY
ROGER P. MEYERS

CHRISTOPHER E. MILLER
MAX MILSTEIN
BRIAN P. MURPHY
DANIEL R. PALMADESSO
BRIAN HAYDEN PASCAL
RUSSELL C. PETRELLA
HEATHER M. POOLE
ANTHONY M. RAMIREZ
JUSTINA KAHN SESSIONS
SUNIL V. SHENOI
ROHAN C. SHETTY
BRENNAM M. SPEISER
ASHLEY L. THOMPSON
JUSTIN M. WINERMAN
LISA YUN
JING ZHAO
EVANGELINE A. ZIMMERMAN

**Technology Editor*

Manager
MAUREEN A. BISHOP

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

UNIVERSITY OF MICHIGAN LAW SCHOOL

Winter 2008

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., *Dean*
KYLE D. LOGUE, B.A., J.D., *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.
ROBEN W. FLEMING, B.A., LL.B., LL.D.
WHITMORE GRAY, A.B., J.D., LL.D.
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*
FRANK R. KENNEDY, A.B., LL.B., J.S.D.,
Thomas M. Cooley Professor of Law
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
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.

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.
OMRI BEN-SHAHAR, B.A., LL.B., LL.M., S.J.D.,
PH.D., *Kirkland & Ellis Professor of Law*
EVAN H. CAMINKER, B.A., J.D.
SHERMAN J. CLARK,* B.S., J.D.
EDWARD H. COOPER,* A.B., LL.B.,
Thomas M. Cooley Professor of Law
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.,
Henry King Ransom Professor of Law
THOMAS A. GREEN,* B.A., PH.D., J.D.,
John Philip Dawson Collegiate Professor of Law
SAMUEL R. GROSS,* A.B., J.D.,
Thomas G. and Mabel Long Professor of Law
DANIEL HALBERSTAM, B.A., J.D.
JAMES C. HATHAWAY,* LL.B., LL.M., J.S.D.,
James E. and Sarah A. Degan Professor of Law
DONALD J. HERZOG,* A.B., A.M., PH.D.,
Edson R. Sunderland Professor of Law
JAMES HINES JR., B.A., M.A., PH.D.
ROBERT L. HOWSE,* B.A., LL.B., LL.M.,
Alene and Allan F. Smith Professor of Law
DOUGLAS A. KAHN, B.A., J.D.,
Paul G. Kauper Professor of Law
ELLEN D. KATZ, B.A., J.D.
THOMAS E. KAUPER,* A.B., J.D.,
Henry M. Butzel Professor of Law
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
RICHARD O. LEMPERT,* A.B., J.D., PH.D.,
*Eric Stein Distinguished University Professor of
Law and Sociology*
JESSICA D. LITMAN,* B.A., M.F.A., J.D.
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, A.B., 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
RICHARD A. PRIMUS, A.B., D.PHIL., J.D.

ADAM C. PRITCHARD, B.A., M.P.P., J.D.
MARGARET JANE RADIN, A.B., M.F.A., J.D., LL.D.
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*
SCOTT J. SHAPIRO,* B.A., J.D., PH.D.
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
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*
MARK D. WEST,* B.A., J.D.,
Nippon Life 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
CHRISTINA B. WHITMAN, A.B., MA., J.D.,
Francis A. Allen Collegiate Professor of Law

Assistant Professors of Law

LAURA N. BENY, B.A., M.A., J.D., PH.D.
EVE BRENSIKE PRIMUS,* B.A., J.D.
ALICIA DAVIS EVANS, B.S., J.D., M.B.A.
DAVID M. HASEN,* B.A., PH.D., J.D.
SCOTT HERSHOVITZ, A.B., M.A., D.PHIL., J.D.

JILL R. HORWITZ, B.A., M.P.P., J.D., PH.D.
NICHOLAS C. HOWSON, B.A., J.D.
MADELINE KOCHEN,* B.A., J.D., A.M., PH.D.
JOHN A.E. POTTOW, A.B., J.D.
JAMES J. PRESCOTT, B.A., J.D., PH.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.

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.
GRACE C. TONNER, 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.

ROSHUNDA PRICE, B.B.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.

Affiliate Overseas Professors

CHRISTINE CHINKIN, LL.B., LL.B., LL.M., PH.D.

Visiting Professors of Law

JAMES DESIMPELARE, B.S., M.B.A.
KARTHY GOVENDER, LL.B., LL.M.

NOAH HALL, B.S., J.D.
DINO KRITSIOTIS, LL.B., LL.M.
MARC SPINDELMAN, B.A., J.D.

Visiting Assistant Professors of Law

GAVIN S. CLARKSON, B.A., M.B.A., PH.D., J.D.

RACHEL NEIS, LL.B., M.A., PH.D.

Business Faculty Fellows

BARRY A. ADELMAN, B.A., J.D.

TIMOTHY L. DICKINSON, B.A., J.D., LL.M.

Public Service/Public Interest Faculty Fellows

SAUL GREEN, B.A., J.D.
JUDY LEVY, B.S., J.D.

MARK ROSENBAUM, B.A., J.D.
DAVID UHLMANN, B.A., J.D.
MARK VAN PUTTEN, B.A., J.D.

Adjunct Professors

J. PHILLIP ADAMS, B.A., J.D., LL.M.
JACK BERNARD, M.A., J.D.
JARED GENSER, B.S., M.P.P., J.D.
RODERICK GLOGOWER, B.A., M.A.
SARA GOSMAN, A.B., J.D.
DEAN GOULD, B.A., J.D.

HOWARD HERTZ, B.A., J.D.
ALLYN KANTOR, B.S., J.D.
YORAM KEINAN, LL.B., B.A., ITP/MPA, LL.M./
S.J.D.
SUSAN KORNFELD, B.A., J.D.
JOAN LARSEN, B.A., J.D.

MARGARET LEARY, B.A., M.A., J.D.
ANNA-ROSE MATHIESON, B.A., J.D.
CYRIL MOSCOW, B.S., J.D.
LEONARD NIEHOFF, A.B., J.D.
JOHN NIEHUSS, B.A., J.D.
BARBARA NOVAK, A.B., J.D.

BRUCE PETERSON, B.A., J.D.
VICTORIA ROBERTS, B.A., J.D.
GERALD ROSEN, B.A., J.D.
EDWARD R. STEIN, B.A., J.D.
ANDREW STUMPF, A.B., J.D.
SONIA ROLLAND, B.A., M.A., J.D.
L. MICHAEL WICKS, B.A., J.D.

Visiting Clinical Professors

ANDREA LYON, B.A., J.D.

Adjunct Clinical Assistant Professors

NICOLE APPLEBERRY, A.B., J.D., LL.M.
ROBERT GILLET, B.A., J.D.

NEIL S. KAGAN, B.S., M.S., J.D.
VALERIE NEWMAN, B.A., J.D.
PETER VAN HOEK, B.A., J.D.

UNIVERSITY OF MICHIGAN
JOURNAL of LAW REFORM

VOLUME 41 • ISSUE 2

WINTER 2008

CONTENTS

TRIBUTES

- Francis A. Allen—Dean and Colleague
Theodore J. St. Antoine 359
- Frank Allen: An Appreciation
Richard Lempert 363
- The Articulate Frank Allen
James J. White 367
- In Memoriam: Francis A. Allen
Yale Kamisar 373

ARTICLES

- Interrogation of Detainees: Extending a Hand or a Boot?
Amos N. Guiora 375
- Where Equity Meets Expertise: Re-Thinking Appellate
Review in Complex Litigation
Michael J. Hays 421
- Addressing Segregation in the Brown Collar Workplace:
Toward a Solution for the Inexorable 100%
Leticia M. Saucedo 447

NOTES

- Systemic Compliance Complaints: Making IDEA's
Enforcement Provisions a Reality
Monica Costello 507
- Long Live the Lie Bill!
Lucila I. van Dam 525

