

# University of Michigan Journal of Law Reform

---

Volume 34  
*Issues 1&2*

---

2000

## 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*, 34 U. MICH. J. L. REFORM i (2000).

Available at: <https://repository.law.umich.edu/mjlr/vol34/iss1/1>

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](mailto:mLaw.repository@umich.edu).



UNIVERSITY OF MICHIGAN  
*JOURNAL OF*  
*LAW REFORM*

VOLUME 34  
ISSUES 1 & 2  
FALL 2000  
AND  
WINTER 2001

UNIVERSITY OF MICHIGAN  
LAW SCHOOL  
ANN ARBOR, MICHIGAN

70 270 45 3634  
07/02 XL 02-013-06 REC

Cite as: 34 U. MICH. J.L. REFORM \_\_\_ (2001)

Copyright © 2001 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://www.law.umich.edu/JournalsandOrgs/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 Managing Article Editor at the above address. Articles should generally conform to *A Uniform System of Citation* (17th ed. 2000) and *The Chicago Manual of Style* (14th ed. 1993). 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 subscription inquiries should be made, by mail or phone as stated above, to the Business Manager. Subscribers should report the nonreceipt of copies within six months of the mailing date.

#### INDIVIDUAL AND BACK ISSUES

Copies of the current issue (Title IX Symposium 34:1 & 2) are available for \$30.00 each. 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 University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106—Telephone (734) 761-4700.

#### 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

VOLUME 34

*Editor in Chief*  
KRISTIN V. COLLINS

*Managing Editor*  
DANIEL J. KELLY

*Managing Article Editor*  
JASON H. CASELL

*Article Editors*  
J. PATRICK RAULERSON  
ANI B. SATZ  
CHRISTINA L. THACKER

*Executive Editors*  
KATHERINE Y. BARNES  
BEATRICE S. CHANDLER  
MELISSA A. KERN  
KASSON C. STONE

*Executive Note Editor*  
BONNIE H. WALKER

*Note Editors*  
GREGORY P. FELDKAMP  
JASON T. KUZMA  
KATHARINE M. SWANSON  
DENNIS E. WESTLIND

MICHAEL K. BLISSENBACH  
SHAWN M. DRAPER  
JODY B. GREENBERG  
BRIAN L. HOWARD  
CHARU L. JAIN

*Contributing Editors*  
ERIN P. KAPPLER  
WARREN METLITZKY  
REBECCA MIN  
HUN OHM

PURVEE K. PAREKH  
SEAN T. PEPPARD  
SARAH M. RILEY  
CATHERINE A. THOMPSON  
ADAM B. WOLF

MONICA H. BECK  
ANNE S. BECKER\*  
JESSICA A. BERETS  
CAROLINE E. BROWN  
JONATHAN R. BUCK  
JENNIFER A. BUCKLEY  
ANN MARIE BYERS  
JASON A. CATZ  
LAURA A. CONSIDINE  
MELISSA A. CORDNER  
FREDRICK C. CROMBIE  
RYAN J. DANKS  
MICHAEL A. DEL NEGRO  
JOSEPH M. DOWNES III  
JOHN W. GADDIS JR.  
JESSICA L. GIBSON

*Associate Editors*  
BERYL GOLDSWEIG  
JEROME F. GORGON  
RYAN M. HARDING  
SHERMIN IZADPANAH  
LAURA E. JUHNKE  
SARAH P. KELLY  
JOANNE H. KIM  
JOHN H. KIM  
BRETON T. LEONE-QUICK  
JENNIFER L. MARKS\*  
HARALAMBOS D. MIHAS  
AVERI R. MILES  
JULIA N. MILLER  
MICHAEL P. MORELAND  
PETER B. NEMEROVSKI

EMILY C. PALACIOS  
MATTHEW M. RICCARDI  
JEFFREY D. ROUSH  
JONATHAN G. SANCHEZ  
RACHEL E. SCHNELLER  
KYLE P. SEEDORF  
BEJAL J. SHAH  
WILLIAM F. SHERMAN  
JESSICA E. SIMS  
RHAN SOH  
JASON A. SPAK  
NATHAN L. STUART  
JALYN SWEENEY\*  
DOUGLAS W. TANSEY  
VERNON P. WALLING  
REBECCA L. WESTPHAL

*Business Manager*  
MAUREEN A. BISHOP

*Editorial Assistants*  
CATHERINE T. LEGGIERI  
MATTHEW S. REDDING

*Office Assistant*  
MONICA G. FINCH

\* *Symposium Coordinators*



# UNIVERSITY OF MICHIGAN LAW SCHOOL

Fall 2000

## Administrative Officers

LEE C. BOLLINGER, B.S., J.D., *President of the University*  
NANCY E. CANTOR, B.A., PH.D., *Provost and Executive Vice President for Academic Affairs*  
JEFFREY S. LEHMAN, A.B., J.D., M.P.P., *Dean*  
CHRISTINA B. WHITMAN, A.B., M.A., J.D., *Associate Dean for Academic Affairs*  
SUELLYN SCARNECCHIA, B.A., J.D., *Associate Dean for Clinical Affairs*  
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for International Programs*  
ERICA A. MUNZEL, B.A., J.D., *Assistant Dean and Director of Admissions*  
KATHY A. OKUN, M.A., PH.D., *Assistant Dean for Development and Alumni Relations*  
DAVID H. BAUM, B.A., J.D., *Assistant Dean of Students*  
CHARLOTTE H. JOHNSON, B.A., J.D., *Assistant Dean of Students*

## Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,  
*Edson R. Sunderland Professor of Law*  
OLIN L. BROWDER, A.B., LL.B., S.J.D.,  
*James V. Campbell 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.  
SAMUEL D. ESTEP, A.B., J.D.  
ROBBEN 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.  
FRANK R. KENNEDY, A.B., LL.B., J.S.D.,  
*Thomas M. Cooley Professor of Law*  
MARVIN L. NIEHUSS, A.B., LL.B.  
WILLIAM J. PIERCE, A.B., J.D.  
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.  
ROY F. PROFFITT, B.S., J.D., LL.M.  
JOHN W. REED, A.B., LL.B., LL.M., JUR.SG.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*  
RUSSELL A. SMITH, A.B., J.D.  
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

LAYMAN E. ALLEN, A.B., M.P.A., LL.B.  
REUVEN S. AVI-YONAH, B.A., A.M., PH.D., J.D.  
LEE C. BOLLINGER, B.S., J.D.  
EVAN H. CAMINKER, B.A., J.D.  
DAVID L. CHAMBERS,\* A.B., LL.B.,  
*Wade H. McCree Professor of Law*  
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.  
REBECCA S. EISENBERG, B.A., J.D.,  
*Robert and Barbara Luciano Professor of Law*  
PHOEBE C. ELLSWORTH,\* A.B., PH.D.,  
*Kirkland & Ellis Professor of Law*  
MERRITT B. FOX, B.A., J.D., PH.D.  
RICHARD D. FRIEDMAN, B.A., J.D., D.PHIL.  
*Ralph W. Aigler Collegiate 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 Professor of Law*  
SAMUEL R. GROSS,\* A.B., J.D.,  
*Thomas G. and Mabel Long Professor of Law*  
JAMES C. HATHAWAY, LL.B., LL.M., J.S.D.  
MICHAEL A. HELLER,\* A.B., J.D.  
DONALD J. HERZOG, A.B., A.M., PH.D.  
*Edson R. Sunderland Professor of Law*  
RODERICK M. HILLS, JR., B.A., J.D.  
ROBERT L. HOWSE, B.A., LL.B., LL.M.  
DOUGLAS A. KAHN, B.A., J.D.,  
*Paul G. Kauper Professor of Law*  
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*  
JAMES E. KRIER, B.S., J.D.,  
*Earl Warren DeLano Professor of Law*  
JEFFREY S. LEHMAN, A.B., J.D., M.P.P.  
RICHARD O. LEMPERT, A.B., J.D., PH.D.,  
*Francis A. Allen Professor of Law*  
KYLE D. LOGUE, B.A., J.D.  
CATHARINE A. MACKINNON,\* B.A., J.D., PH.D.,  
*Elizabeth A. Long Professor of Law*  
DEBORAH C. MALAMUD, B.A., J.D.  
RONALD J. MANN,\* B.A., J.D.  
*Roy F. and Jean Humphrey Proffitt Research  
Professor of Law*  
WILLIAM I. MILLER, B.A., PH.D., J.D.,  
*Thomas G. Long Professor of Law*  
SALLYANNE PAYTON,\* A.B., LL.B.

RICHARD H. PILDES,\* A.B., J.D.,  
DONALD H. REGAN, A.B., LL.B., B.PHIL.,  
PH.D.,  
*William W. Bishop, Jr. Professor of Law*  
MATHIAS W. REIMANN,\* DR. IUR., LL.M.  
CARL E. SCHNEIDER, A.B., J.D.,  
*Stillman Professor of Law*  
A.W. BRIAN SIMPSON,\* B.A., M.A., D.C.L.,  
*Charles F. and Edith J. Clyne, Professor of Law*  
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 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 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.

#### *Assistant Professors of Law*

OMRI BEN-SHAHAR, B.A., LL.B., LL.M., PH.D.  
SUSANNA L. BLUMENTHAL, A.B., M.A., J.D.,  
M.PHIL.  
DANIEL HALBERSTAM, B.A., J.D.,

PETER J. HAMMER,\* B.S., B.A., J.D., PH.D.  
ELLEN D. KATZ,\* B.A., J.D.  
NINA A. MENDELSON, B.A., J.D.  
ADAM C. PRITCHARD, B.A., M.P.P., J.D.  
MARK D. WEST, B.A., J.D.

#### *Clinical Professors of Law*

DONALD N. DUQUETTE, B.A., J.D.  
ROCHELLE E. LENTO, B.A., J.D.

PAUL D. REINGOLD, B.A., J.D.  
NICHOLAS J. RINE,\* B.A., J.D.  
SUELLYN SCARNECCHIA, B.A., J.D.

#### *Clinical Assistant Professors of Law*

LAURA B. ANDONI, B.A., J.D.  
EDWARD R. BECKER, B.A., J.D.  
MELISSA BREGER, B.S., J.D.  
MARGARET CERNAK, B.A., J.D.  
KENNETH D. CHESTEK, B.A., J.D.  
JULIE P. CLOSE, B.A., J.D.  
WILLIAM L. COOPER, A.B. J.D., A.M.L.S.

PHILIP M. FROST, B.A., J.D.  
TERESA N. GUEYSER, B.S., J.D.  
BRIDGET M. McCORMACK, B.A., J.D.  
ANNE N. SCHROTH, B.A., J.D.  
THOMAS H. SEYMOUR, B.A., M.A., J.D.  
GRACE C. TONNER, B.A., J.D.  
MATTHEW WEBER, B.A., J.D., M.P.A.

#### *Visiting Professors of Law*

ANNALISE ACORN, B.A., B.L., B.C.L.  
ELIZABETH S. ANDERSON, A.M., PH.D.  
ALAIN BOUREAU, L.M., PH.D.,  
*Thomas E. Sunderland Fellow and  
Visiting Professor of Law*  
KATHLEEN CLARK, B.A., J.D.  
ROBERT N. CLINTON, B.A., J.D.  
MICHAEL COESTER, 1<sup>ST</sup> DEG., 2<sup>ND</sup> DEG., LL.M.  
DAGMAR COESTER-WALTJEN, 1<sup>ST</sup> DEG.,  
2<sup>ND</sup> DEG., LL.M.

HANOCH DAGAN, LL.B., LL.M., J.S.D.  
JOSHUA DRESSLER, B.A., J.D.  
RODGER HAINES, B.A., B.L.  
SCOTT E. MASTEN, M.A., PH.D.  
CHRISOPHER MCCRUDDEN, LL.B., LL.M.,  
D.PHIL.  
WILLIAM M. RICHMAN, B.A., J.D.  
BRUNO E. SIMMA, DOCTORATE OF LAW  
JAY H. TIDMARSH, A.B., J.D.

#### *Visiting Assistant Professors of Law*

ALYSON M. COLE, B.A., M.A., PH.D.

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

#### *Adjunct Professors of Law*

JOHN E. BOS., B.A., J.D.  
ANDREW P. BUSCHSBAUM, A.B., J.D.  
RODERIC M. GLOGOWER, B.A., M.A.  
LAURENCE D. CONNOR, A.B., J.D.

WILLIAM R. JENTES, J.D.  
KARL E. LUTZ, B.A., J.D.  
JEFFREY H. MIRO, B.A., J.D., LL.M.  
ROBERTA J. MORRIS, A.B., J.D.  
CYRIL MOSCOW, B.S., J.D.

#### *Adjunct Clinical Professors of Law*

HOWARD J. BROMBERG, B.A., J.D., J.S.M.  
KATHLEEN Q. HEGARTY, B.A., J.D.  
NEIL S. KAGAN, B.S., M.S., J.D.  
VALERIE R. NEWMAN, B.A., J.D.

DAVID A. SANTACROCE, B.A., J.D., LL.M.  
J. TAYLOR TEASDALE, B.A., J.D., LL.M.  
FRANK E. VANDERVORT, B.A., J.D.  
PETER VAN HOEK, B.A., J.D.

\* *On Leave*



# UNIVERSITY OF MICHIGAN LAW SCHOOL

Winter 2001

## Administrative Officers

LEE C. BOLLINGER, B.S., J.D., *President of the University*  
NANCY E. CANTOR, B.A., PH.D., *Provost and Executive Vice President for Academic Affairs*  
JEFFREY S. LEHMAN, A.B., J.D., M.P.P., *Dean*  
CHRISTINA B. WHITMAN, A.B., M.A., J.D., *Associate Dean for Academic Affairs*  
SUELLYN SCARNACCIA, B.A., J.D., *Associate Dean for Clinical Affairs*  
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for International Programs*  
ERICA A. MUNZEL, B.A., J.D., *Assistant Dean and Director of Admissions*  
DAVID H. BAUM, B.A., J.D., *Assistant Dean of Students*  
CHARLOTTE H. JOHNSON, B.A., J.D., *Assistant Dean of Students*  
KATHERINE B. GOTTSCHALK, B.A., *Assistant Dean for Financial Aid*  
SUSAN M. GUINDI, B.A., J.D., *Assistant Dean for Career Services*  
GEORGE L. FOLLANSBEE, JR., A.B., J.D., *Assistant Dean for Development and Alumni Relations*

## Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,  
*Edson R. Sunderland Professor of Law*  
OLIN L. BROWDER, A.B., LL.B., S.J.D.,  
*James V. Campbell 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.  
SAMUEL D. ESTEP, A.B., J.D.  
ROBBEN 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.  
FRANK R. KENNEDY, A.B., LL.B., J.S.D.,  
*Thomas M. Cooley Professor of Law*  
MARVIN L. NIEHUSS, A.B., LL.B.  
WILLIAM J. PIERCE, A.B., J.D.  
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.  
ROY F. PROFFITT, B.S., J.D., LL.M.  
JOHN W. REED, A.B., LL.B., LL.M., JUR.SC.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*  
RUSSELL A. SMITH, A.B., J.D.  
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

LAYMAN E. ALLEN, A.B., M.P.A., LL.B.  
REUVEN S. AVI-YONAH, B.A., A.M., PH.D., J.D.  
LEE C. BOLLINGER, B.S., J.D.  
EVAN H. CAMINKER, B.A., J.D.  
DAVID L. CHAMBERS, A.B., LL.B.,  
*Wade H. McCree, Jr. Collegiate Professor of Law*  
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.  
REBECCA S. EISENBERG, B.A., J.D.,  
*Robert and Barbara Luciano Professor of Law*  
PHOEBE C. ELLSWORTH,\* A.B., PH.D.,  
*Kirkland & Ellis Professorship of Law*  
MERRITT B. FOX, B.A., J.D., PH.D.,  
*Alene and Allan F. Smith Professor of Law*  
RICHARD D. FRIEDMAN,\* B.A., J.D., D.PHIL.  
*Ralph W. Aigler Collegiate Professor of Law*  
BRUCE W. FRIER, B.A., PH.D.,  
*Henry King Ransoms 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*  
JAMES C. HATHAWAY, LL.B., LL.M., J.S.D.  
MICHAEL A. HELLER,\* A.B., J.D.  
DONALD J. HERZOG,\* A.B., A.M., PH.D.,  
*Edson R. Sunderland Professor of Law*  
RODERICK M. HILLS,\* JR., B.A., J.D.  
ROBERT L. HOWSE, B.A., LL.B., LL.M.  
DOUGLAS A. KAHN, B.A., J.D.,  
*Paul G. Kauper Professor of Law*  
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*  
JAMES E. KRIER, B.S., J.D.,  
*Earl Warren DeLano Professor of Law*  
JEFFREY S. LEHMAN, A.B., J.D., M.P.P.  
RICHARD O. LEMPERT, A.B., J.D., PH.D.,  
*Francis A. Allen Collegiate Professor of Law*  
KYLE D. LOGUE, B.A., J.D.  
CATHARINE A. MACKINNON,\* B.A., J.D., PH.D.,  
*Elizabeth A. Long Professor of Law*  
DEBORAH C. MALAMUD, B.A., J.D.  
RONALD J. MANN, B.A., J.D.  
*Roy F. and Jean Humphrey Proffitt Research  
Professor of Law*  
WILLIAM I. MILLER, B.A., PH.D., J.D.,  
*Thomas G. Long Professor of Law*  
SALLYANNE PAYTON, A.B., LL.B.  
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*  
A.W. BRIAN SIMPSON, B.A., M.A., D.C.L.,  
*Charles F. and Edith J. Clyne Professor of Law*  
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*  
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., M.A., J.D.

*Assistant Professors of Law*

OMRI BEN-SHAHAR, B.A., LL.B., LL.M., PH.D. ELLEN D. KATZ, B.A., J.D.  
SUSANNA L. BLUMENTHAL, A.B., M.A., J.D., M.PHIL. NINA A. MENDELSON, B.A., J.D.  
DANIEL HALBERSTAM, B.A., J.D. ADAM C. PRITCHARD, B.A., M.P.P., J.D.  
PETER J. HAMMER, B.S., B.A., J.D., PH.D. MARK D. WEST, B.A., J.D.

*Clinical Professors of Law*

DONALD N. DUQUETTE, B.A., J.D. PAUL D. REINGOLD, B.A., J.D.  
ROCHELLE E. LENTO, B.A., J.D. NICHOLAS J. RINE, B.A., J.D.  
SUELLYN SCARNECCHIA, B.A., J.D.

*Clinical Assistant Professors of Law*

EDWARD R. BECKER, B.A., J.D. PHILIP M. FROST, B.A., J.D.  
MELISSA BREGER, B.S., J.D. TERESA N. GUEYSER, B.S., J.D.  
MARGARET CERNAK, B.A., J.D. BRIDGET M. MCCORMACK, B.A., J.D.  
KENNETH D. CHESTEK, B.A., J.D. ANNE N. SCHROTH, B.A., J.D.  
JULIE P. CLOSE, B.A., J.D. THOMAS H. SEYMOUR, B.A., M.A., J.D.  
WILLIAM L. COOPER, A.B. J.D., A.M.L.S. GRACE C. TONNER, B.A., J.D.  
MATTHEW WEBER, B.A., J.D., M.P.A.

*Visiting Professors of Law*

KARIMA BENNOUNE, B.A., M.A., J.D. HAROLD K. JACOBSON, B.A., M.A., PH.D.  
ELIZABETH S. ANDERSON, A.M., PH.D. GARETH H. JONES, LL.B., M.A., LL.B. LL.M., LL.D.  
CHRISTINE CHINKIN, LL.B., LL.M., LL.M., PH.D. DANA M. MUIR, A.B., M.B.A., J.D.  
SHELDON H. DANZIGER, B.A., PH.D. MINORU NAKAZATO, LL.B.  
GRAINNE DE BURCA REBECCA J. SCOTT, A.B., M.PHIL., PH.D.  
TOMOTOKA FUJITA, B.A. BRUNO E. SIMMA, DOCTORATE OF LAW  
KARTHY GOVENDER, LL.B., LL.M. MICHEL WAELEBROECK, DOCTOR OF LAW, LL.M.

*Visiting Assistant Professors of Law*

ALYSON M. COLE, B.A., M.A., PH.D. JOAN L. LARSEN, B.A., J.D.

*Adjunct Professors of Law*

ELIZABETH BARRY, B.A., J.D. ALISON HIRSCHL, B.A., J.D.  
JOHN E. BOS, B.A., J.D. MARVIN KRISLOV, M.A., J.D.  
LAURENCE D. CONNOR, A.B., J.D. ROBERTA J. MORRIS, A.B., J.D.  
PATRICIA CURTNER, B.A., J.D. CYRIL MOSCOW, B.S., J.D.  
TIMOTHY DICKINSON, A.B., J.D., LL.M. STEVEN W. RHODES, B.S., J.D.  
JAMES FORMAN, B.A., J.D. MASK D. ROSENBAUM, B.A., J.D.  
EDWARD STEIN, B.A., J.D.

*Adjunct Clinical Professors of Law*

CHARI GROVE, B.A., J.D. VALERIE R. NEWMAN, B.A., J.D.  
KATHLEEN Q. HEGARTY, B.A., J.D. DAVID A. SANTACROCE, B.A., J.D., LL.M.  
NEIL S. KAGAN, B.S., M.S., J.D. J. TAYLOR TEASDALE, B.A., J.D., LL.M.  
FRANK E. VANDERVORT, B.A., J.D.

*Affiliated Professor*

RIYAZ KANJI, A.B., J.D.

*Adjunct Instructor*

MARGARET A. LEARY, B.A., M.A., J.D.

\* On Leave



UNIVERSITY OF MICHIGAN

VOLUME 34  
ISSUES 1 & 2  
FALL 2000  
AND  
WINTER 2001

JOURNAL OF  
LAW REFORM

SYMPOSIUM

COMPETING IN THE 21ST CENTURY:  
TITLE IX, GENDER EQUITY, AND ATHLETICS

CONTENTS

INTRODUCTION

The Mixed Messages of Title IX  
*Sherman J. Clark* . . . . . 1

ARTICLES

The Struggle for Sex Equality in Sport and the  
Theory Behind Title IX  
*Deborah Brake* . . . . . 13

Gender and Intercollegiate Athletics: Data and Myths  
*Julia Lamber* . . . . . 151

Pay Equity for Coaches and Athletic Administrators:  
An Element of Title IX?  
*Barbara Osborne*  
*Marilyn V. Yarbrough* . . . . . 231

Equally Bad is Not Good: Allowing Title IX  
“Compliance” By the Elimination of Men’s  
Collegiate Sports  
*Honorable Donald E. Shelton* . . . . . 253

**SPEECH**

An “Olympics” Approach: A More Equitable Approach to  
Athletics than Title IX Offers  
*Marcia Federbush* . . . . . 265

**NOTE**

Who Is an Indian? Searching for an Answer to the Question  
at the Core of Federal Indian Law  
*Margo S. Brownell* . . . . . 275