

University of Michigan Journal of Law Reform

Volume 28

1995

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*, 28 U. MICH. J. L. REFORM i (1995).

Available at: <https://repository.law.umich.edu/mjlr/vol28/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 28
ISSUE 2
WINTER 1995

UNIVERSITY OF MICHIGAN
LAW SCHOOL
ANN ARBOR, MICHIGAN

Cite as: 28 U. MICH. J.L. REF. __ (1995).

Copyright © 1995 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 48106. Printed by Joe Christensen, Inc., Lincoln, Nebraska 68521.

University of Michigan Journal of Law Reform
University of Michigan Law School
Ann Arbor, MI 48109-1215
Telephone: (313) 763-6100

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 Article Editors at the above address. Articles should generally conform to *A Uniform System of Citation* (15th ed. 1991) and *The Chicago Manual of Style* (14th ed. 1993). The *Journal* encourages authors to use gender-neutral language in their scholarly work. 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 subscription rate for Volume 28 is \$31.00 domestic and \$35.00 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 individual issues from the current volume can be obtained directly from the *Journal* for \$10.00 each. The following Special Issue is available for \$20.00: Revitalizing America's Cities Symposium 27:3&4.

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 (313) 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 28
ISSUE 2
WINTER 1995

CONTENTS

ARTICLES

- Furthering the Accountability Principle in Privatized
Federal Corrections: The Need for Access to Private
Prison Records
Nicole B. Casarez 249
- Legislatively Directed Judicial Activism: Some Reflections
on the Meaning of the Civil Justice Reform Act
Matthew R. Kipp
Paul B. Lewis 305
- Diluting Justice on Appeal?: An Examination of the
Use of District Court Judges Sitting by Designation
on the United States Courts of Appeals
Richard B. Saphire
Michael E. Solimine 351

NOTES

- The Emerging Role of the Quid Pro Quo Requirement in
Public Corruption Prosecutions Under the Hobbs Act
Peter D. Hardy 409
- Professional Responsibility and Choice of Law:
A Client-Based Alternative to the Model Rules
of Professional Conduct
Colin Owyang 459

UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

JAMES J. DUDERSTADT, M.S., PH.D., *President of the University*
GILBERT R. WHITAKER, JR., M.S., PH.D., *Provost and Vice President for Academic Affairs*
JEFFREY S. LEHMAN, A.B., J.D., M.P.P., *Dean*
KENT D. SYVERUD, B.S.F.S., J.D., M.A., *Associate Dean for Academic Affairs*
SUSAN M. EKLUND, A.B., J.D., *Associate Dean for Student Affairs and Operations*
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for Student Affairs*
ANNE P. KNOTT, B.S., M.A.T., *Assistant Dean and
Director for Development & Alumni Relations*
DENNIS J. SHIELDS, B.A., J.D., *Assistant Dean and Admissions Officer*

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,
Edson R. Sunderland Professor of Law
OLIN L. BROWDER, JR., 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.
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.
ROY F. PROFFITT, B.S., J.D., LL.M.
JOHN W. REED, A.B., LL.B., LL.M., JUS.SC.D.,
Thomas M. Cooley Professor of Law
RUSSELL A. SMITH, A.B., J.D.
ERIC STEIN, J.U.D., J.D., DR.H.C., DR.H.C.,
Hessel E. Yntema Professor of Law
PETER O. STEINER, A.B., M.A., PH.D.
ANDREW S. WATSON, B.S., M.D., M.S. IN MED.

Professors of Law

T. ALEXANDER ALEINIKOFF,** B.A., J.D.
LAYMAN E. ALLEN, A.B., M.P.A., LL.B.
JOSE E. ALVAREZ, A.B., B.A., J.D.
MICHAEL H. BRADLEY, M.B.A., PH.D.
DAVID L. CHAMBERS, A.B., LL.B.,
Wade H. McCree Professor of Law
EDWARD H. COOPER,** A.B., LL.B.,
Thomas M. Cooley Professor of Law
DONALD N. DUQUETTE,†† B.A., J.D.
REBECCA S. EISENBERG,** B.A., J.D.
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.
BRUCE W. FRIER, B.A., PH.D.,
Henry King Ransom Professor of Law
KOICHIRO FUJIKURA,* B.A., LL.M.
THOMAS A. GREEN, B.A., PH.D., J.D.,
John Philip Dawson Professor of Law
SAMUEL R. GROSS, A.B., J.D.
ROBERT J. HARRIS,† B.A., LL.B.
DONALD J. HERZOG,** A.B., A.M., PH.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
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
PIETER KUIJPER,* LL.M., M.A., LL.D.
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
CATHARINE A. MACKINNON,** B.A.,
J.D., PH.D.
MICHAEL J. MCINTYRE,* A.B., J.D.
WILLIAM I. MILLER,** B.A., PH.D., J.D.
LEO O'BRIEN,* A.B., J.D.
SALLYANNE PAYTON, A.B., LL.B.
RICHARD H. PILDES, A.B., J.D.
BEVERLEY J. POOLEY, B.A., LL.B.,
LL.M., S.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.
ANDREAS REINDL,* MAG.JURIS.,
DOC.JURIS., LL.M.
PAUL D. REINGOLD,†† B.A., J.D.
THEODORE J. ST. ANTOINE, A.B., J.D.,
*James E. and Sarah A. Degan
Professor of Law*
TERRANCE SANDALOW,** A.B., J.D.,
Edson R. Sunderland Professor of Law
SUELLYN SCARNECCHIA,†† B.A., J.D.
CARL E. SCHNEIDER, A.B., J.D.
JOEL SELIGMAN, A.B., J.D.
A.W. BRIAN SIMPSON, B.A., M.A., D.C.L.,
*Charles F. and Edith J. Clyne
Professor of Law*
STEVEN D. SMITH,* B.S., J.D.
ALPHONSE A. SOMMER,* A.B., J.D.
PHILIP SOPER,** B.A., M.A., J.D., PH.D.,
James V. Campbell Professor of Law
KENT D. SYVERUD, B.S.F.S., J.D., M.A.
MARK C. VAN PUTTEN, B.A., J.D.

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

CYNTHIA A. BAKER,* B.G.A., J.D.
SHERMAN J. CLARK, B.S., J.D.
STEVEN P. CROLEY, A.B., J.D., M.A.
HEIDI L. FELDMAN,** B.A., J.D., PH.D.
JULIE M. FIELD,†† B.A., J.D.
RICHARD B. GINSBERG,†† B.A., J.D.
MICHAEL A. HELLER, A.B., J.D.
RODERICK M. HILLS, JR., B.A., J.D.

ROCHELLE E. LENTO,†† B.A., J.D.
KYLE D. LOGUE, B.A., J.D.
DEBORAH C. MALAMUD, B.A., J.D.
MARK D. MITSHKUN,†† B.A., J.D.
NICHOLAS J. RINE,†† B.A., J.D.
THEODORE M. SHAW,** B.A., J.D.
MARY ANN SNOW,† A.B., M.S.W., J.D.

Instructors in Law

MARGARET A. LEARY,† B.A., M.A., J.D.
ROBERTA J. MORRIS,* A.B., J.D., PH.D.

VICKI L. SMITH,* B.A., PH.D.

Lecturers in Law

CHARLES W. BORGS DORE,† A.B., J.D.
WILLIAM E. FISHER,† A.B., J.D.
RODERIC M. GLOGOWER,† B.A., M.S., M.A.
ELIZABETH KINNEY,† A.B., J.D.
CYRIL MOSCOW,† A.B., J.D.
STEVEN D. PEPE,† B.A., J.D.

STEVEN W. RHODES,† B.S., J.D.
MARK D. ROSENBAUM,† B.A., J.D.
BENJAMIN O. SCHWENDENER, JR.,†
B.A., LL.B.
EDWARD R. STEIN,† B.A., J.D.

*Visiting
**On Leave

†Adjunct
††Clinical



UNIVERSITY OF MICHIGAN
JOURNAL OF
LAW REFORM

Volume 28

Editor in Chief
REEM F. JISHI

Managing Editor
AREN L. FAIRCHILD

Executive Article Editor
DAVID VAN'T HOF

Article Editors
ANNE C. AUTEN
SCOTT LEWIS GARLAND
CHERYL A. LEANZA

*Research &
Development Editor*
JENNIFER LEWIS

MARIA TSITSIS ARETAKIS
NATALIE CADAVID
AMY M. COLTON
JEFFREY PAUL EHRlich

KRISTY L. ALLEN
BRIAN R. BODOR
LOUISE S. BROCK
MARTIN C. BROOK
BRUCE M. CHING
MARLA D. CLARK
USHA DHEENAN
JOHN W. DUNFEE
CHARLES E. DUROSS IV
KATHLEEN M. EGGERS
RICHARD W. FANNING
CHARLES C. FISCHER
LAUREN E. FISCHER

Business Manager
MAUREEN A. BISHOP

Executive Editors
RUSSELL J. HERRON
LAURA A. PAGANO
DANIEL A. WENTWORTH

Symposium Editor
GLORIA KAY MILLER

Contributing Editors

KATHERINE C. GALVIN
MITCHELL H. GORDON
SEAN BERNARD HECHT
KRISTINE M. JOHNSON

Associate Editors
ANDREA GACKI
M. BRYANT GATRELL
STEPHANIE J. GOLD
ALLYSON D. GOODWIN
MARK F. HOFFMAN
DANIEL F. HUNTER
JOHN C. HUTT
BEN F. JOHNSON IV
MIRANDA B. JONES
ANNA C. LINCOLN
BRADLEY S. MILLER
SUSAN M. MOSSER
MELISSA A. NEWA
PAUL J. NIEWIADOMSKI

Editorial Assistants
CATHERINE T. LEGGIERI
JOYCE E. REESE

Executive Note Editor
WARREN H. MONDSCHHEIN

Note Editors
VINCENT BASULTO
STACIE L. BROWN
ERIC J. GORMAN
MARC A. HOWZE
ALMA L. LOWRY
JOSEPH P. TOPOLSKI

JASON MICHAEL KATZ
LYNNE OLMAN LOURIM
DANA L. SCHMITT
GREGORY J. STANTON

COLIN G. OWYANG
ANDY PORTINGA
JESSE S. REYES
EMMA B. RODRIGUEZ
REBECCA P. ROKOS
KENT G. RUTTER
ALISON M. SAWKA
ERIC M. SHERMAN
LAURIE J. STERNBERG
TRENT J. TAYLOR
JEFFREY C. TORRES
C. ALAN WALTERS
MILES A. YANICK

Administrative Assistant
DELLAREESE WEATHERSPOON