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Punishing drug addicts who have babies: women of color, equality, and the right of privacy. Dorothy E. Roberts. 104 Harv. L. Rev. 1419-82 (May).

NATURAL RESOURCES

See *Environmental Protection, International Environmental Law & Practice.*

NEGLIGENCE

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NINTH AMENDMENT

The anti-Federalist ninth amendment and its implications for state constitutional law. Calvin R. Massey. 1990 Wis. L. Rev. 1229-66 (No. 5).

OBSCENITY

See *Zoning*.

PARDON

Problems with forgiveness: granting amnesty under the Arias Plan in Nicaragua and El Salvador. 43 Stan. L. Rev. 733-77 (Feb.).

The quality of mercy strained: wresting the pardoning power from the king. Daniel T. Kobil. 69 Texas L. Rev. 569-641 (Feb.).

PARENT AND CHILD

See also *Adoption, Child Abuse, Child Custody, Domestic Relations*.

Making form follow function: considerations in creating and applying a statutory parent-child privilege. 1990 U. Ill. L. Rev. 879-913 (No. 4).

Parental control of a minor's right to sue in federal court. 58 U. Chi. L. Rev. 333-57 (Winter).

Parental responsibility laws: cure for crime or exercise in futility? 37 Wayne L. Rev. 161-87 (Fall).

Visiting the sins of the child on the parent: the legality of criminal parental liability statutes. 64 S. Cal. L. Rev. 859-901 (Mar.).

PATENTS

See also *Intellectual Property*.

The economic irrationality of the patent misuse doctrine. 78 Calif. L. Rev. 1599-632 (Dec.).

The return of the *Walter* test: patentability of claims containing mathematical algorithms after *In re Grams*. 76 Cornell L. Rev. 962-83 (May).

PHILOSOPHY

Fighting philosophical anarchism with fairness: the moral claims of law in the liberal statute. 91 Colum. L. Rev. 919-64 (May).

PLEA BARGAINING

Plea bargains and nonprosecution agreements: what interest should be protected when prosecutors renege? 1991 U. Ill. L. Rev. 107-36 (No. 1).

POLICE

See *Confessions, Insanity Defense*.

POLITICAL SCIENCE

Pursuing a perfect politics: the allure and failure of process theory. Daniel R. Ortiz. 77 Va. L. Rev. 721-45 (May).

The puzzling resistance to political process

theory. Michael J. Klarman. 77 Va. L. Rev. 747-832 (May).

Why the liberal state can promote moral ideals after all. Stephen A. Gardbaum. 104 Harv. L. Rev. 1350-71 (Apr.).

POLITICS

See *Political Science*.

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POSTCONVICTION REMEDIES

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PRISONS AND PRISONERS

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Resolving prisoners' grievances out of court: 42 U.S.C. § 1997e. 104 Harv. L. Rev. 1309-29 (Apr.).

PRIVILEGED COMMUNICATIONS

See *Parent & Child*.

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PRODUCTS LIABILITY

Complex product design litigation: a need for more capable fact-finders. Ora Fred Harris, Jr. 79 Ky. L.J. 477-517 (No. 3).

PROPERTY

See *Cultural Property*.

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PUBLIC INTEREST

Public access to public courts: discouraging secrecy in the public interest. Lloyd Doggett & Michael J. Mucchetti. 69 Texas L. Rev. 643-89 (Feb.).

PUNISHMENT

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RACE DISCRIMINATION

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RAPE

See also *Sexual Harassment*.

Guilty of the crime of trust: nonstranger

rape. Beverly Balos & Mary Louise Fellows. 75 Minn. L. Rev. 599-618 (Feb.).

REAL PROPERTY: COVENANTS

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RESTITUTION

See *Class Actions*.

RIGHT TO PRIVACY

See also *Narcotics*.

Florida Sun v. F.J.F.: the right of privacy collides with the first amendment. 76 Iowa L. Rev. 139-65 (Oct.).

RIGHT TO COUNSEL

See also *Criminal Procedure*.

Defending the defenseless: *Murray v. Giarratano* and the right to counsel in capital post-conviction proceedings. 75 Iowa L. Rev. 1305-34 (July).

RIGHT TO DIE

The changing face of death: computers, consciousness, and Nancy Cruzan. Steven Goldberg. 43 Stan. L. Rev. 659-84 (Feb.).

RIGHT TO REFUSE TREATMENT

See *Mental Health Law*.

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SALES AND USE TAXES

Collecting the use tax on mail-order sales. 79 Geo. L.J. 535-65 (Feb.).

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Unfulfilled promises: school finance remedies and state courts. 104 Harv. L. Rev. 1072-92 (Mar.).

SECURITIES

See also *Employee Ownership, Insider Trading*.

Do the merits matter? a study of settlements in securities class actions. Janet Cooper Alexander. 43 Stan. L. Rev. 497-598 (Feb.).

The NASD's enforcement agenda. John E. Pinto, Jr. 85 Nw. U. L. Rev. 739-47 (Spring).

Penny stock markups and markdowns. Joseph I. Goldstein & L. Delane Cox. 85 Nw. U. L. Rev. 676-97 (Spring).

Prescience and vindication: federal courts, SEC rule 10b-5, and the work of David S. Ruder. Douglas M. Branson. 85 Nw. U. L. Rev. 613-36 (Spring).

Rule 2(e): Securities and Exchange Commission discipline of professionals. Daniel L. Goelzer & Susan Ferris Wyderko. 85 Nw. U. L. Rev. 652-75 (Spring).

Securities and Exchange Commission enforcement practices. David S. Ruder. 85 Nw. U. L. Rev. 607-12 (Spring).

SECURITIES: FRAUD

See also *Securities*.

Sections 9(a)(2) of the Securities Exchange Act of 1934: an analysis of two important anti-manipulative provisions under the federal securities laws. Lewis D. Lowenfels. 85 Nw. U. L. Rev. 698-714 (Spring).

SEGREGATION

De jure housing segregation in the United States and South Africa: the difficult pursuit for racial justice. A. Leon Higginbotham, Jr., F. Michael Higginbotham & S. Sandile Ngcobo. 1990 U. Ill. L. Rev. 763-877 (No. 4).

SENTENCING

Sentencers, bureaucrats, and the administrative law perspective on the Federal Sentencing Commission. Ronald F. Wright. 79 Calif. L. Rev. 1-90 (Jan.).

Sentencing reform in Minnesota, ten years after: reflections on Dale G. Parent's *Structuring Criminal Sentences: The Evolution of Minnesota's Sentencing Guidelines*. Richard S. Frase. 75 Minn. L. Rev. 727-54 (Feb.).

Substantial assistance under the guidelines: how *Smitherman* transfers sentencing discretion from judges to prosecutors. 76 Iowa L. Rev. 187-207 (Oct.).

SETTLEMENTS

See also *Federal Rules of Civil Procedure, Securities*.

Rewriting history: the propriety of eradicating prior decisional law through settlement and vacatur. Jill E. Fisch. 76 Cornell L. Rev. 589-642 (Mar.).

SEX CRIMES

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SEX DISCRIMINATION

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SEXUAL HARASSMENT

Sex at work. Susan Estrich. 43 Stan. L. Rev. 813-61 (Apr.).

SOVEREIGNTY

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SPORTS

Unsportsmanlike conduct: the lack of free agency in the NFL. 64 S. Cal. L. Rev. 797-857 (Mar.).

STANDING TO SUE

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See also *Parent & Child*.

Pragmatics and the maxims of interpretation. Geoffrey P. Miller. 1990 Wis. L. Rev. 1179-227 (No. 5).

STOCK EXCHANGES

The enforcement rule of the New York Stock Exchange. David P. Doherty, Arthur S. Okun, Steven F. Korostoff & James A. Nofi. 85 Nw. U. L. Rev. 637-51 (Spring).

STOCKHOLDER VOTING

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The logic and (uncertain) significance of institutional shareholder activism. Edward B. Rock. 79 Geo. L.J. 445-506 (Feb.).

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See *Insider Trading*.

TARIFF AND CUSTOMS LAWS

See *International Trade*.

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See also *Commerce Clause, Inheritance, Estate & Gift Taxes*.

Congress, the courts, and the Code: legislative history and the interpretation of tax statutes. Michael Livingston. 69 Texas L. Rev. 819-87 (Mar.).

The holy grail of tax simplification. Edward J. McCaffery. 1990 Wis. L. Rev. 1267-322 (No. 5).

Taxes, agency costs, and the price of incorporation. Hideki Kanda & Saul Levmore. 77 Va. L. Rev. 211-56 (Mar.).

TORTS

See also *Damages, Government Immunity & Liability, Legislation, Parent & Child*.

The modern prima facie tort doctrine. Kenneth J. Vandevelde. 79 Ky. L.J. 519-55 (No. 3).

TRADE SECRETS

See also *Intellectual Property*.

Trade secrets in discovery: from first amendment disclosure to fifth amendment protection. 104 Harv. L. Rev. 1330-49 (Apr.).

TRADEMARKS

See also *Intellectual Property*.

The interplay of product definition, design and trade dress. Daniel J. Gifford. 75 Minn. L. Rev. 769-92 (Feb.).

TREATIES

See also *International Economic Relations, International Environmental Law & Practice*.

Treaty interpretation: the authority of interpretive communities. Ian Johnstone. 12 Mich. J. Intl. L. 371-419 (Winter).

UNFAIR COMPETITION

See also *Intellectual Property, International Environmental Law & Practice*.

A goodly apple rotten at the heart: commercial disparagement in comparative advertising as common-law tortious unfair competition. Paul T. Hayden. 76 Iowa L. Rev. 67-106 (Oct.).

Replacing skepticism: an economic justification for competitors' actions for false advertising under section 43(a) of the Lanham Act. 77 Va. L. Rev. 563-601 (Apr.).

The risk of chill: a cost of the standards governing the regulation of false advertising under section 43(a) of the Lanham Act. 77 Va. L. Rev. 339-95 (Mar.).

UNIFORM LAWS

The uniformity clause and Puerto Rican statehood. 43 Stan. L. Rev. 685-732 (Feb.).

UNIONS

Article XX of the AFL-CIO constitution: managing and resolving inter-union disputes. Lea B. Vaughn. 37 Wayne L. Rev. 1-87 (Fall).

Feminizing unions: challenging the gendered structure of wage labor. Marion Crain. 89 Mich. L. Rev. 1155-221 (Mar.).

VENUE

Review and appeal of forum non conveniens and venue transfer orders. 59 Geo. Wash. L. Rev. 715-46 (Mar.).

VOTING

The triumph of tokenism: the Voting Rights Act and the theory of black electoral success. Lani Guinier. 89 Mich. L. Rev. 1077-154 (Mar.).

WATER AND WATERCOURSES

Water law and economic power: a reinterpretation of Morton Horwitz's subsidy thesis. 77 Va. L. Rev. 397-426 (Mar.).

WILLS

Legislative deals and statutory bequests. Daniel A. Farber. 75 Minn. L. Rev. 667-89 (Feb.).

WITNESSES

See *Criminal Procedure*.

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See *Communicable Diseases, Narcotics, Unions.*

ZONING

Zoning adult entertainment: a reassessment of Renton. 79 Calif. L. Rev. 119-60 (Jan.).