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Alabama Law Review	60	Ala. L. Rev., No. 2, Pp. 191-546, 2009.
American Indian Law Review	33	Am. Indian L. Rev., No. 1, Pp. 1-327, 2008-2009.
American University Law Review	*58	Am. U. L. Rev., No. 4, April, 2009.
Antitrust Law Journal	75	Antitrust L.J., No. 3, Pp. 657-996, 2009.
Appalachian Journal of Law	8	Appalachian J.L., No. 2, Spring, 2009.
Berkeley Technology Law Journal	23	Berkeley Tech. L.J., No. 4, Fall, 2008.
Brooklyn Law Review	74	Brook. L. Rev., No. 2, Winter, 2009.
Cleveland State Law Review	57	Clev. St. L. Rev., No. 1, Pp. 1-197, 2009.
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Environmental Law Reporter News & Analysis	38	Envtl. L. Rep. News & Analysis, No. 8, August, 2008.
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George Washington Law Review	77	Geo. Wash. L. Rev., No. 2, February, 2009.
Georgetown Journal of Legal Ethics	22	Geo. J. Legal Ethics, No. 1, Winter, 2009.
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Journal of Criminal Law and Criminology	99	J. Crim. L. & Criminology, No. 1, Winter, 2009.
Journal of Maritime Law and Commerce	40	J. Mar. L. & Com., No. 1, January, 2009.
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University of Maryland Law Journal of Race, Religion,	8	U. Md. L.J. Race, Religion, Gender & Class, No. 1,
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University of Pennsylvania Journal of Constitutional Law	11	U. Pa. J. Const. L., No. 2, January, 2009.
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William and Mary Bill of Rights Journal	17	Wm. & Mary Bill Rts. J., No. 3, March, 2009.

\*This entire issue comprises A Review of Recent Decisions of the United States Court of Appeals for the Federal Circuit.

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#### ADMINISTRATIVE LAW

Aagaard, Todd S. Factual premises of statutory interpretation in agency review cases. 77 Geo. Wash. L. Rev. 366-430 (2009).

Bach, Wendy A. Welfare reform, privatization, and power: reconfiguring administrative law structures from the ground up. 74 Brook, L. Rev. 275-324 (2009).

Blevins, John. A fragile foundation--the role of "intermodal" and "facilities-based" competition in communications policy. 60 Ala. L. Rev. 241-289 (2009).

Caudill, Sara M. and Ashley England-Huff. Collateral consequences of felony conviction established in the Kentucky Administrative Regulations. 35 N. Ky. L. Rev. 543-606 (2008).

Dickerson, Nicholas P. Comment. What makes the Internet so special? And why, where, how, and by whom should its content be regulated? 46 Hous. L. Rev. 61-102 (2009).

Dulberg, Andrew Scott. Student article. The popcorn lung case study: a recipe for regulation? 33 N.Y.U. Rev. L. & Soc. Change 87-126 (2009).

Justiss, Alexander. Comment. State government--the Arkansas Freedom of Information Act--Houston, we have a problem: a coach and a comptroller illustrate the repercussions of releasing electronic information through the Arkansas Freedom of Information Act. 31 U. Ark. Little Rock L. Rev. 159-195 (2008).

Kane, Brian and Brett T. Delange. A tale of two Internets: Web 2.0 slices, dices, and is privacy resistant. 45 Idaho L. Rev. 317-347 (2009).

Kitrosser, Heidi. Accountability and administrative structure. 45 Willamette L. Rev. 607-657 (2009).

Lillquist, Erik and Sarah E. Waldeck. Government intervention in emerging networked technologies. 87 Or. L. Rev. 581-636 (2008).

Parker, Christine E., Robert Eli Rosen and Vibeke Lehman Nielson. The two faces of lawyers: professional ethics and business compliance with regulation. 22 Geo. J. Legal Ethics 201-248 (2009).

Rawlins, Rachael. Teething on toxins: in search of regulatory solutions for toys and cosmetics. 20 Fordham Envtl. L. Rev. 1-50 (2009).

In defense of regulatory peer review. Article by J.B. Ruhl and James Salzman; responses by Rick E. Melberth, Gary D. Bass and Brian F. Mannix. 38 Envtl. L. Rep. News & Analysis 10553-10565 (2008).

#### **ADMIRALTY**

(For other articles on ADMIRALTY see the **Tables of Contents of Indexed Law Reviews** for <u>Journal of Maritime Law and Commerce.</u>)

Bederman, David J. The pirate code. 22 Emory Int'l L. Rev. 707-725 (2008).

Higuchi, Jodi. Comment. Propagating cultural *kīpuka*: the obstacles and opportunities of establishing a community-based subsistance fishing area. 31 U. Haw. L. Rev. 193-224 (2008).

Nummey, Thomas L. Note. Environmental salvage law in the age of the tanker. 20 Fordham Envtl. L. Rev. 267-304 (2009).

#### AGRICULTURE LAW

Hoffpauir, Jennifer. Note. The environmental impact of commodity subsidies: NEPA and the Farm Bill. 20 Fordham Envtl. L. Rev. 233-265 (2009).

#### AIR AND SPACE LAW

Cooper, Nikhil D. Note. Circumventing non-appropriation: law and development of United States space commerce. 36 Hastings Const. L.Q. 457-482 (2009).

#### ANIMAL LAW

Snyder, Kristen Stuber. Note. No cracks in the wall: the standing barrier and the need for restructuring of animal protection laws. 57 Clev. St. L. Rev. 137-166 (2009).

Wilson, Kelly. Note. Catching the unique rabbit: why pets should be reclassified as inimitable property under the law. 57 Clev. St. L. Rev. 167-197 (2009).

#### ARTS AND ENTERTAINMENT

(For other articles on ARTS AND ENTERTAINMENT see the **Tables of Contents of Indexed Law Reviews** for <u>Columbia Journal of Law & the Arts.</u>)

Reeves, Timothy Dylan. Note. Tort liability for manufacturers of violent video games: a situational discussion of the causation calamity. 60 Ala. L. Rev. 519-546 (2009).

Williams, M.J. Note. Framing art vandalism: a proposal to address violence against art. 74 Brook. L. Rev. 581-631 (2009).

Special Presentation: American Indian Law and Literature. Materials Presented at the Fourth Annual Indigenous Law Conference, Michigan State university College of Law, Oct. 19-20, 2007. Articles by Richard Delgado, Jean Stefancic, Renee Newman Knake, Matthew L.M. Fletcher, Amelia V. Katanski, Jen Camden, Kathryn E. Fort, Kristen A. Carpenter and Larry Catá Backer; narrative by Margaret Montoua and Christine Zuni Cruz, interviewed by Gene Grant; afterword by Frank Pommerstein. 33 Am. Indian L. Rev. 1-241 (2008-2009).

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#### **BANKING AND FINANCE**

Erikson, Truls and Terje Berg-Utby. Preinvestment negotiation characteristics and dismissal in venture capital-backed firms. 25 Negotiation J. 41-57 (2009).

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#### **BANKRUPTCY LAW**

Efrat, Rafael. Senior entrepreneurs in bankruptcy. 42 Creighton L. Rev. 83-121 (2008).

#### **BIOGRAPHY**

Ginsburg, Jane C., et al. Tribute to Professor John M. Kernochan. In memoriam: 1919-2007. 32 Colum. J.L. & Arts 179-192 (2009).

#### CIVIL RIGHTS AND DISCRIMINATION

Helfand, Michael A. How the diversity rationale lays the groundwork for new discrimination: examining the trajectory of equal protection doctrine. 17 Wm. & Mary Bill Rts. J. 607-655 (2009).

Mandell, Craig W. Tough pill to swallow: whether Catholic institutions are obligated under Title VII to cover their employees' prescription contraceptives. 8 U. Md. L.J. Race, Religion, Gender & Class 199-239 (2008).

Meyer, Ryan Keith. Comment. The United States Supreme Court eliminates the "class of one" equal protection claim in public employment. (**Engquist v. Or. Dep't of Agric.**, 128 S. Ct. 2146, 2008.) 48 Washburn L.J. 529-562 (2009).

Mirkay, Nicholas A. Losing our religion: reevaluating the Section 501(c)(3) exemption of religious organizations that discriminate. 17 Wm. & Mary Bill Rts. J. 715-764 (2009).

Pattillo, Mary. Making Fair (public) Housing claims in a post-racism legal context. 18 J. Affordable Housing & Commun. Dev. L. 215-234 (2009).

Podolny, Erin V. Note. Are you my mother?: removing a gestational surrogate's name from the birth certificate in the name of equal protection. (*In re* Roberto d.B, 923 A.2d 115, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 351-376 (2008).

Ramirez, Maria Emilia. Barred from the polls: felony disenfranchisement in the Bluegrass. 35 N. Ky. L. Rev. 371-391 (2008).

Sullivan, Charles A. The phoenix from the **Ash**: proving discrimination by comparators. 60 Ala. L. Rev. 191-239 (2009).

Walker, Anders. "Neutral" principles: rethinking the legal history of civil rights, 1934-1964. 40 Loy. U. Chi. L.J. 385-436 (2009).

Walker, Anders. From ballots to bullets: **District of Columbia v. Heller** and the new civil rights. 69 La. L. Rev. 509-548 (2009).

Walters, Radiance A. Note. **Denny v. Elizabeth Arden Salons, Inc.**: condoning race discrimination in resembling places of public accommodation under Title II. (**Denny v. Elizabeth Arden Salons, Inc.**, 456 F.3d 427, 2006.) 8 U. Md. L.J. Race, Religion, Gender & Class 407-430 (2008).

Waterhouse, Carlton. Abandon all hope ye that enter? Equal protection, Title VI, and the divine comedy of environmental justice. 20 Fordham Envtl. L. Rev. 51-113 (2009).

#### **COMMERCIAL LAW**

Kunz, Christina L. The definitional hub of e-commerce: "record". 45 Idaho L. Rev. 399-439 (2009).

Markel, Asa. American, English and Japanese warranty law compared: should the U.S. reconsider her Article 95 declaration to the CISG? 21 Pace Int'l L. Rev. 163-204 (2009).

#### COMMUNICATIONS LAW

Blevins, John. A fragile foundation--the role of "intermodal" and "facilities-based" competition in communications policy. 60 Ala. L. Rev. 241-289 (2009).

Chilson, Jessica L. Note. Unmasking John Doe: setting a standard for discovery in anonymous Internet defamation cases. 95 Va. L. Rev. 389-433 (2009).

Dickerson, Nicholas P. Comment. What makes the Internet so special? And why, where, how, and by whom should its content be regulated? 46 Hous. L. Rev. 61-102 (2009).

Fee, John. The pornographic secondary effects doctrine. 60 Ala. L. Rev. 291-338 (2009).

Gabriel, Michelle C. Plugging leaks: the necessity of distinguishing whistleblowers and wrongdoers in the Free Flow of Information Act. 40 Loy. U. Chi. L.J. 531-556 (2009).

Honigman, Jacob. Note. Can't stop snitchin': criminalizing threats made in "stop snitching" media under the true threats exception to the Frst Amendment. 32 Colum. J.L. & Arts 207-231 (2009).

Jungman, Michael P. Comment. You've got libel: how the CAN-SPAM Act delivers defamation liability to spam-fighters and why the First Amendment should delete the problem. 58 Emory L.J. 1013-1051 (2009).

Kilby, Mitchell E. Comment. The mouse that roared: implications of the WTO ruling in **US--Gambling**. 44 Tex. Int'l L.J. 233-268 (2008).

Kwan, Onki. Note. From the Protection of Children Against Sexual Exploitation Act of 1977 to the Adam Walsh Child Protection and Safety Act of 2006: how Congress went from censoring child pornography to censoring protected sexual speech. 36 Hastings Const. L.Q. 483-516 (2009).

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Lillquist, Erik and Sarah E. Waldeck. Government intervention in emerging networked technologies. 87 Or. L. Rev. 581-636 (2008).

Macduff, Ian. Using blogs as a teaching tool in negotiation. 25 Negotiation J. 107-124 (2009).

O'Connor, Michael J. Comment. School speech in the Internet age: do students shed their rights when they pick up a mouse? 11 U. Pa. J. Const. L. 459-485 (2009).

Reed-Hoff, LaVonda N. Offensive political speech from the 1970s to 2008: a broadcaster's moral choice. 8 U. Md. L.J. Race, Religion, Gender & Class 241-290 (2008).

Ugland, Erik. Newsgathering, autonomy, and the special-rights apocrypha: Supreme Court and media litigant conceptions of press freedom. 11 U. Pa. J. Const. L. 375-422 (2009).

Wolking, Tova. Notes & Comments Competition winner. Comment. School administrators as cyber censors: cyber speech and First Amendment rights. 23 Berkeley Tech. L.J. 1507-1530 (2008).

Symposium. Internet Law: Challenges and Opportunities. Articles by Janine S. Hiller, David L. Baumer, Wade M. Chumney, Brian Kane, Brett T. Delange, Brad Frazer, Rae N. Cogar and Christina L. Kunz. 45 Idaho L. Rev. 283-439 (2009).

(For contents see the Tables of Contents of Indexed Law Reviews for  $\underline{\text{Idaho Law Review.}}$ )

Symposium. What Documentary Films Teach Us About the Criminal Justice System. Introduction by Taunya Lovell Banks; articles by Peggy Cooper Davis, Jessica Silbey and Rebecca Johnson. 8 U. Md. L.J. Race, Religion, Gender & Class 1-70 (2008).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>University of Maryland Law Journal of Race, Religion, Gender & Class.)</u>

#### COMPARATIVE AND FOREIGN LAW

Ahlborn, Christian and David S. Evans. The **Microsoft** judgment and its implications for competition policy towards dominant firms in Europe. 75 Antitrust L.J. 887-932 (2009).

Aspragkathou, Despoina. "The Asbatankovy Charterparty clauses for the commencement of laytime--interpretation under English and American law." 40 J. Mar. L. & Com. 133-148 (2009).

Backer, Larry Catá. From Hatuey to Che: indigenous Cuba without Indians and the U.N. Declaration on the Rights of Indigenous Peoples. 33 Am. Indian L. Rev. 201-238 (2008-2009).

Bitton, Miriam. Exploring European Union copyright policy through the lens of the database directive. 23 Berkeley Tech. L.J. 1411-1470 (2008).

Brauch, Jeffrey A. The dangerous search for an elusive consensus: what the Supreme Court *should* learn from the European Court of Human Rights. 52 How. L.J. 277-318 (2009).

Earle, Beverley and Anita Cava. Are anti-corruption efforts paying off? International and national measures in the Asia-Pacific region and their impact on India and multinational corporations. 31 U. Haw. L. Rev. 59-86 (2008).

Edmond, Gary. Merton and the hot tub: scientific conventions and expert evidence in Australian civil procedure. 72 Law & Contemp. Probs. 159-189 (2009).

Goldstone, Danielle E. Comment. Embracing impasse: admissibility, prosecutorial discretion, and the lessons of Uganda for the International Criminal Court. 22 Emory Int'l L. Rev. 761-798 (2008).

Jaynes, Andrew. Why intellectual property rights infringement remains entrenched in the Philippines. 21 Pace Int'l L. Rev. 55-135 (2009).

Konz, Raymond J. Note. The End-of-Life Vehicle (ELV) Directive: the road to responsible disposal. 18 Minn. J. Int'l L. 431-457 (2009).

Larouche, Pierre. The European **Microsoft** case at the crossroads of competition policy and innovation: comment on Ahlborn and Evans. 75 Antitrust L.J. 933-963 (2009).

Li, Miaoran. Comment. The Pirate Party and the Pirate Bay: how the Pirate Bay influences Sweden and international copyright relations. 21 Pace Int'l L. Rev. 281-307 (2009).

Magnuson, William. Takeover regulation in the United States and Europe: an institutional approach. 21 Pace Int'l L. Rev. 205-240 (2009).

Markel, Asa. American, English and Japanese warranty law compared: should the U.S. reconsider her Article 95 declaration to the CISG? 21 Pace Int'l L. Rev. 163-204 (2009).

McDonough, Paul. Note. Revisiting Germany's *Residenzflicht* in light of modern E.U. asylum law. 30 Mich. J. Int'l L. 515-546 (2009).

Munzer, Stephen R. and Phyllis Chen Simon. Territory, plants, and land-use rights among the San of Southern Africa: a case study in regional biodiversity, traditional knowledge, and intellectual property. 17 Wm. & Mary Bill Rts. J. 831-894 (2009).

Pugh, Jeffrey. The structure of negotiation: lessons from El Salvador for contemporary conflict resolution. 25 Negotiation J. 83-105 (2009).

Simpson, A.W.B. Constitutionalizing the right of property: the U.S., England and Europe. 31 U. Haw. L. Rev. 1-27 (2008).

Trahan, Jennifer. A critical guide to the Iraqi High Tribunal's Anfal judgment: genocide against the Kurds. 30 Mich. J. Int'l L. 305-412 (2009).

Tuininga, Kevin. International commercial arbitration in Cuba. 22 Emory Int'l L. Rev. 571-637 (2008).

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van der Zalm, C. Theodora. Comment. Protecting the innocent: Children's Act of 2005 and customary law in South Africaconflicts, consequences, and possible solutions. 22 Emory Int'l L. Rev. 891-926 (2008).

Vorspan, Rachel. Judicial power and moral ideology in wartime: shaping the legal process in World War I Britain. 87 Or. L. Rev. 401-479 (2008).

Wagner, Kristen. Comment. UNHCR's involvement in the Great Lakes refugee crisis. 21 Pace Int'l L. Rev. 365-386 (2009).

Walsh, Frank. Rethinking the legality of Columbia's attack on the FARC in Ecuador: a new paradigm for balancing territorial integrity, self-defense and the duties of sovereignty. 21 Pace Int'l L. Rev. 137-161 (2009).

Symposium: Creating a Global Rule of Law Culture. Foreword by Sarah Johnson Phillips; introduction by Robert Stein; panel participation with Robert Stein, moderator and Homer E. Moyer, Jr., Mark S. Ellis and Talbot 'Sandy' D'Alemberte, panelists; articles by Justice Paul H. Anderson, Judge Kevin Burke, Judge John Tunheim, Fionnuala Ní Aoláin, Michael Hamilton, Robert Stein, Jane Stromseth and Mark S. Ellis. 18 Minn. J. Int'l L. 291-430 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Minnesota Journal of International Law.)

### CONFLICT OF LAWS

Borchers, Patrick J. The conflict of laws and **Boumediene v. Bush**. 42 Creighton L. Rev. 1-27 (2008).

#### CONSTITUTIONAL LAW, GENERALLY

(For other articles on CONSTITUTIONAL LAW, GENERALLY see the **Tables of Contents of Indexed Law Reviews** for <u>Hastings Constitutional Law Quarterly</u>, <u>University of Pennsylvania Journal of Constitutional Law</u> and <u>William and Mary Bill of Rights Journal</u>.)

Burgess, M. Katherine. Note. **Gonzales v. Carhart**: no limits to what Congress may now "find". (**Gonzales v. Carhart**, 127 S. Ct. 1610, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 327-349 (2008).

McGiverin, Brian. The subversion of means to ends: philosophy of the extra-territorial Constitution and reflections on **Boumediene v. Bush**. 8 Appalachian J.L. 123-155 (2009).

Simpson, A.W.B. Constitutionalizing the right of property: the U.S., England and Europe. 31 U. Haw. L. Rev. 1-27 (2008).

Trask, Amy K. Comment. A history of revision: the Constitutional Convention question in Hawai'i, 1950-2008. 31 U. Haw. L. Rev. 291-329 (2008).

Wilkinson, J. Harvie III. Of guns, abortions, and the unraveling rule of law. 95 Va. L. Rev. 253-323 (2009).

Presidential Power in the 21st Century Symposium. Articles by Neal Devins, Margaret E. McGuinness, Trevor W. Morrison, Tung Yin, Stephen I. Vladeck, Neomi Rao, Kenji Yoshino, Michele Estrin Gilman, Heidi Kitrosser, Jerry L. Mashaw and Saikrishna B. Prakash. 45 Willamette L. Rev. 395-722 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Willamette Law Review.)

#### CONSUMER PROTECTION LAW

Murphy, Elizabeth. Note. The current state of *caveat emptor* in Alabama real estate sales. 60 Ala. L. Rev. 499-518 (2009).

Rawlins, Rachael. Teething on toxins: in search of regulatory solutions for toys and cosmetics. 20 Fordham Envtl. L. Rev. 1-50 (2009).

#### **CONTRACTS**

Lee, Peter. Contracting to preserve open science: consideration-based regulation in patent law. 58 Emory L.J. 889-975 (2009).

Leonhard, Chunlin. Beyond the four corners of a written contract: a global challenge to U.S. contract law. 21 Pace Int'l L. Rev. 1-36 (2009).

Page, William H. Mandatory contracting, remedies in the American and European **Microsoft** cases. 75 Antitrust L.J. 787-809 (2009).

Wilson, Emma. **Douglas v. Talk America**: making the case for proper notice. (**Douglas v. U.S. Dist. Court**, 495 F.3d 1062, 2007, *cert. denied* 128 S. Ct. 1472, 2008.) 45 Idaho L. Rev. 479-508 (2009).

### **CORPORATIONS**

Ahdieh, Robert B. Trapped in a metaphor: the limited implications of federalism for corporate governance. 77 Geo. Wash. L. Rev. 255-307 (2009).

Crusto, Mitchell F. Unconscious classism: entity equality for sole proprietors. 11 U. Pa. J. Const. L. 215-275 (2009).

Dhooge, Lucien J. Due diligence as a defense to corporate liability pursuant to the Alien Tort Statute. 22 Emory Int'l L. Rev. 455-498 (2008).

Dunne, James. Note. Taking the **Entergy** out of Louisiana's single business enterprise theory. (**Town of Haynesville, Inc. v. Entergy Corp.**, 956 S., 2d 192, *writ denied*, 964 So. 2d 334, 2007.) 69 La. L. Rev. 691-713 (2009).

Earle, Beverley and Anita Cava. Are anti-corruption efforts paying off? International and national measures in the Asia-Pacific region and their impact on India and multinational corporations. 31 U. Haw. L. Rev. 59-86 (2008).

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Erikson, Truls and Terje Berg-Utby. Preinvestment negotiation characteristics and dismissal in venture capital-backed firms. 25 Negotiation J. 41-57 (2009).

Magnuson, William. Takeover regulation in the United States and Europe: an institutional approach. 21 Pace Int'l L. Rev. 205-240 (2009).

Magraw, Kendra. Note. Universally liable? Corporate-complicity liability under the principle of universal jurisdiction. 18 Minn. J. Int'l L. 458-497 (2009).

Parker, Christine E., Robert Eli Rosen and Vibeke Lehman Nielson. The two faces of lawyers: professional ethics and business compliance with regulation. 22 Geo. J. Legal Ethics 201-248 (2009).

**The Thirteenth Annual Frankel Lecture**. Legal and Managerial "Cultures" in Corporate Representation. Essay by Geoffrey C. Hazard, Jr.; responses by Edward B. Rock and Stephen V. Arbogast. 46 Hous. L. Rev. 1-59 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Houston Law Review</u>.)

### **COURTS**

Vladeck, Stephen I. The case against national security courts. 45 Willamette L. Rev. 505-525 (2009).

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(For other articles on CRIMINAL LAW AND PROCEDURE see the **Tables of Contents of Indexed Law Reviews** for <u>Journal of Criminal Law and Criminology</u>.)

Bederman, David J. The pirate code. 22 Emory Int'l L. Rev. 707-725 (2008).

Broughton, J. Richard. **Kennedy** and the tail of Minos. 69 La. L. Rev. 593-626 (2009).

Colquitt, Joseph A. Can Alabama handle the truth (in sentencing)? 60 Ala. L. Rev. 425-441 (2009).

Dasgupta, Riddhi. **Boumediene v. Bush** and extraterritorial *habeas corpus* in wartime. 36 Hastings Const. L.Q. 425-456 (2009).

Fee, John. The pornographic secondary effects doctrine. 60 Ala. L. Rev. 291-338 (2009).

Felder, Robert D. Comment. A coroner system in crisis: the scandals and struggles plaguing Louisiana death investigation. 69 La. L. Rev. 627-659 (2009).

Fisher, Genesis. Three kinds of power: exploring the trial experience through the lost narratives of its participants. 33 N.Y.U. Rev. L. & Soc. Change 1-42 (2009).

Goldstone, Danielle E. Comment. Embracing impasse: admissibility, prosecutorial discretion, and the lessons of Uganda for the International Criminal Court. 22 Emory Int'l L. Rev. 761-798 (2008).

Hawkinson, Ashley G. Comment. The right to self-representation revisited: a return to the Star Chamber's disrespect for defendant autonomy? (**Indiana v. Edwards**, 128 S. Ct. 2379, 2008.) 48 Washburn L.J. 465-498 (2009).

Haynes, Dina Francesca. Exploitation nation: the thin and grey legal lines between trafficked persons and abused migrant laborers. 23 Notre Dame J.L. Ethics & Pub. Pol'y 1-71 (2009).

Honigman, Jacob. Note. Can't stop snitchin': criminalizing threats made in "stop snitching" media under the true threats exception to the Frst Amendment. 32 Colum. J.L. & Arts 207-231 (2009).

Jones, Jessica. Comment. India versus the United Nations: the Central Vigilance Commission Act does not satisfy the U.N. Convention Against Corruption. 22 Emory Int'l L. Rev. 799-855 (2008).

Kahn, Jonathan. Race, genes, and justice: a call to reform the presentation of forensic DNA evidence in criminal trials. 74 Brook. L. Rev. 325-375 (2009).

Karin, Marcy L. Changing federal statutory proposals to address domestic violence at work: creating a societal response by making businesses a part of the solution. 74 Brook. L. Rev. 377-428 (2009).

Kurland, Adam Harris. Court's in session: a law professor returns to the majestic chaos of a criminal jury trial. 52 How. L.J. 357-373 (2009).

Lave, Tamara Rice. Only yesterday: the rise and fall of twentieth century sexual psychopath laws. 69 La. L. Rev. 549-591 (2009).

Lawson, Tamara F. "Whites only tree," hanging nooses, no crime?: limiting the prosecutorial veto for hate crimes in Louisiana and across America. 8 U. Md. L.J. Race, Religion, Gender & Class 123-197 (2008).

Lyon, Elizabeth. Note. "A picture is worth a thousand words": the effect of spectators' display of victim photographs during a criminal jury trial on a criminal defendant's fair trial rights. 36 Hastings Const. L.Q. 517-544 (2009).

Mills, Linda G., Hon. Mary Helen Maley and Yael Shy. *Circulos de Paz* and the promise of peace: restorative justice meets intimate violence. 33 N.Y.U. Rev. L. & Soc. Change 127-152 (2009).

Moeckli, Daniel. The emergence of terrorism as a distinct category of international law. 44 Tex. Int'l L.J. 157-183 (2008).

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Palitz, Michael. Comment. Beyond our borders: the international law controversy concerning the writ of *habeas corpus* and Guantánamo Bay. 21 Pace Int'l L. Rev. 335-364 (2009).

Quigley, John. President Bush's directive on foreigners under arrest: a critique of **Medellín v. Texas**. 22 Emory Int'l L. Rev. 423-454 (2008).

Segal, Brandon. Comment. *Habeas corpus*, equitable tolling, and AEDPA's statute of limitations: why the **Schlup v. Delo** gateway standard for claims of actual innocence fails to alleviate the plight of wrongfully convicted Americans. 31 U. Haw. L. Rev. 225-256 (2008).

Sepinwall, Amy J. Failures to punish: command responsibility in domestic and international law. 30 Mich. J. Int'l L. 251-303 (2009).

Smith, Mark E. Comment. Going to the dogs: evaluating the proper standard for narcotic detector dog searches of private residences. 46 Hous. L. Rev. 103-138 (2009).

Stinson, John. Back to fundamentals: the worsening results of ignoring the social contract in Baltimore City. 8 U. Md. L.J. Race, Religion, Gender & Class 291-325 (2008).

Strauss, Marcy. The sounds of silence: reconsidering the invocation of the right to remain silent under **Miranda**. 17 Wm. & Mary Bill Rts. J. 773-829 (2009).

Taylor, William Roquemore. Comment. Federalizing street crime: the improper broadening of RICO's "affecting commerce" requirement. 46 Hous. L. Rev. 139-175 (2009).

Trahan, Jennifer. A critical guide to the Iraqi High Tribunal's Anfal judgment: genocide against the Kurds. 30 Mich. J. Int'l L. 305-412 (2009).

Williams, M.J. Note. Framing art vandalism: a proposal to address violence against art. 74 Brook. L. Rev. 581-631 (2009).

2007 ICC Moot Court Competition Winning Briefs. Winning briefs by Lauren DiLeo, Leila Parvizian, Delon Lewis, Chad D. Ehrenkranz and Bharathi Pillai. 21 Pace Int'l L. Rev. 387-429 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Pace International Law Review</u>.)

2008 Criminal Law Issue. Articles by Christopher Uggeb, Heather R. Hlavka and Maria Emilia Ramirez; notes by Nicole Y. Willet-Jones, Troy B. Daniels, Dawn L. Danley-Nichols, Kate R. Morgan, Bryce C. Rhoades, Sara M. Caudill and Ashley England-Huff. 35 N. Ky. L. Rev. 347-606 (2008).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Northern Kentucky Law Review.)

Symposium. What Documentary Films Teach Us About the Criminal Justice System. Introduction by Taunya Lovell Banks; articles by Peggy Cooper Davis, Jessica Silbey and Rebecca Johnson. 8 U. Md. L.J. Race, Religion, Gender & Class 1-70 (2008).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>University of Maryland Law Journal of Race, Religion, Gender & Class.)</u>

#### DISPUTE RESOLUTION

(For other articles on DISPUTE RESOLUTION see the **Tables** of **Contents of Indexed Law Reviews** for  $\underline{\text{Negotiation}}$   $\underline{\text{Journal}}$ .)

Belz, Matthew. Comment. Provisional application of the Energy Charter Treaty: **Kardassopoulos v. Georgia** and improving provisional application in multilateral treaties. (**Kardassopoulos v. Georgia**, ICSID (W. Bank) case no. ARB/05/18, 2007.) 22 Emory Int'l L. Rev. 727-760 (2008).

Driskill, Christopher. Note. A dangerous doctrine: the case against using concerted-misconduct estoppel to compel arbitration. 60 Ala. L. Rev. 443-468 (2009).

Meisen-Vehrs, Hannah V. Comment. Opening medical settlements for the public good: why medical cases justify secrecy in settlement. 87 Or. L. Rev. 671-713 (2008).

Mills, Linda G., Hon. Mary Helen Maley and Yael Shy. *Circulos de Paz* and the promise of peace: restorative justice meets intimate violence. 33 N.Y.U. Rev. L. & Soc. Change 127-152 (2009).

Pinkston, Jarred. Toward a uniform interpretation of the Federal Arbitration Act: the role of 9 U.S.C. § 208 in the arbitral statutory scheme. 22 Emory Int'l L. Rev. 639-706 (2008).

Richmond, Douglas R. Lawyers' professional responsibilities and liabilities in negotiations. 22 Geo. J. Legal Ethics 249-297 (2009).

Tuininga, Kevin. International commercial arbitration in Cuba. 22 Emory Int'l L. Rev. 571-637 (2008).

#### DOMESTIC RELATIONS

(For other articles on DOMESTIC RELATIONS see the **Tables of Contents of Indexed Law Reviews** for <u>Family Law</u> Quarterly.)

Hawkins-León, Cynthia G. and Anesha Worthy. 10 years out of step & out of line: Florida's statutory ban of "Lesbi-gay adoption" violates the Adoption and Safe Families Act of 1997 (ASFA). 8 U. Md. L.J. Race, Religion, Gender & Class 71-122 (2008).

King, Shani. Challenging *MonoHumanism*: an argument for changing the way we think about intercountry adoption, 30 Mich. J. Int'l L. 413-470 (2009).

Page 8 June 5, 2009

Phipps, Kelly Elizabeth. Note. Marriage and redemption: Mormon polygamy in the congressional imagination, 1862-1887. 95 Va. L. Rev. 435-487 (2009).

Podolny, Erin V. Note. Are you my mother?: removing a gestational surrogate's name from the birth certificate in the name of equal protection. (*In re* Roberto d.B, 923 A.2d 115, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 351-376 (2008).

Salas, Richard. Case comment. *In re* Marriage Cases: the fundamental right to marry and equal protection under the California Constitution and the effects of Proposition 8. (*In re* Marriage Cases, 43 Cal. 4th 757, 2008.) 36 Hastings Const. L.Q. 545-561 (2009).

#### **ECONOMICS**

Mathew, Dessi. Comment. Claims of political asylum based on non-physical forms of harm such as economic sanctions and deprivations. 21 Pace Int'l L. Rev. 309-334 (2009).

Shapiro, Carl. **Microsoft**: a remedial failure. 75 Antitrust L.J. 739-772 (2009).

#### EDUCATION LAW

Braiman, Jay. Note. A new case, an old problem, a teacher's perspective: the constitutional rights of public school students. 74 Brook. L. Rev. 439-476 (2009).

Cordes, Mark W. Making sense of high school speech after **Morse v. Frederick**. 17 Wm. & Mary Bill Rts. J. 657-713 (2009).

Frankenberg, Erica. Metropolitan schooling and housing integration. 18 J. Affordable Housing & Commun. Dev. L. 193-213 (2009).

O'Connor, Michael J. Comment. School speech in the Internet age: do students shed their rights when they pick up a mouse? 11 U. Pa. J. Const. L. 459-485 (2009).

Richman, Barak D. The antitrust of reputation mechanisms: institutional economics and concerted refusals to deal. 95 Va. L. Rev. 325-387 (2009).

Smith, Wayne S. Beyond the law: the Bush Administration's restrictions on educational travel to Cuba. 23 Notre Dame J.L. Ethics & Pub. Pol'y 223-232 (2009).

Strasser, Mark. Repudiating **Everson**: on buses, books, and teaching articles of faith. 78 Miss. L.J. 567-636 (2009).

Wolking, Tova. Notes & Comments Competition winner. Comment. School administrators as cyber censors: cyber speech and First Amendment rights. 23 Berkeley Tech. L.J. 1507-1530 (2008).

Conventions in Science and Law. Foreword by David Michaels and Neil Vidmar; articles by Susan Haack, Jerome R. Ravetz, Herbert M. Kritzer, Joseph Sanders, Charles Bazerman, David Kriebel, David Rosner and Gary Edmond. 72 Law & Contemp. Probs. 1-189 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Law and Contemporary Problems.)

#### **ELDER LAW**

Efrat, Rafael. Senior entrepreneurs in bankruptcy. 42 Creighton L. Rev. 83-121 (2008).

#### EMPLOYMENT PRACTICE

Meyer, Ryan Keith. Comment. The United States Supreme Court eliminates the "class of one" equal protection claim in public employment. (**Engquist v. Or. Dep't of Agric.**, 128 S. Ct. 2146, 2008.) 48 Washburn L.J. 529-562 (2009).

#### ENVIRONMENTAL LAW

(For other articles on ENVIRONMENTAL LAW see the **Tables of Contents of Indexed Law Reviews** for Environmental Law Reporter News & Analysis and Fordham Environmental Law Review.)

Konz, Raymond J. Note. The End-of-Life Vehicle (ELV) Directive: the road to responsible disposal. 18 Minn. J. Int'l L. 431-457 (2009).

Shah, Megha. Note. Grassroots enforcement of EISA: the need for a citizen suit provision in the Energy Independence and Security Act of 2007. 77 Geo. Wash. L. Rev. 488-523 (2009).

Thompson, Dale B. Optimal federalism across institutions: theory and applications from environmental and health care policies. 40 Loy. U. Chi. L.J. 437-482 (2009).

Wood, Blair N.C. Comment. The Oil Pollution Act of 1990: improper expenses to include in reaching the limit on liability. 8 Appalachian J.L. 179-200 (2009).

# **EVIDENCE**

Bauer, Jon. Buying witness silence: evidence-suppressing settlements and lawyers' ethics. 87 Or. L. Rev. 481-579 (2008).

Cole, James, Kate Seikaly and P.J. Meitl. Exploring every avenue: the dilemma posed by attorney-client privilege assertions in Congress. 8 Appalachian J.L. 157-178 (2009).

Glasionov, Rita. Note. In furtherance of transparency and litigants' rights: reforming the state secrets privilege. (El-Masri v. Tenet, 437 F. Supp. 2d 530, 2006, *aff'd sub nom*. El-Masri v. United States, 479 F.3d 296, 2007, *cert. denied*, 128 S. Ct. 373, 2007; Arar v. Ashcroft, 437 F. Supp. 2d 532, 2006, *aff'd*., 532 F.3d 157, 2008.) 77 Geo. Wash. L. Rev. 458-487 (2009).

Imwrinkelried, Edward J. The need to resurrect the present sense impression hearsay exception: a relapse in hearsay policy. 52 How. L.J. 319-356 (2009).

Page 9 June 5, 2009

Israel, Adam K. Note. To scrub or not to scrub: the ethical implications of metadata and electronic data creation, exchange, and discovery. 60 Ala. L. Rev. 469-497 (2009).

Kahn, Jonathan. Race, genes, and justice: a call to reform the presentation of forensic DNA evidence in criminal trials. 74 Brook. L. Rev. 325-375 (2009).

Kessler, David K. Free to leave? An empirical look at the Fourth Amendment's seizure standard. 99 J. Crim. L. & Criminology 51-88 (2009).

Rempell, Scott. Credibility assessments and the REAL ID Act's amendments to immigration law. 44 Tex. Int'l L.J. 185-232 (2008).

Smith, Mark E. Comment. Going to the dogs: evaluating the proper standard for narcotic detector dog searches of private residences. 46 Hous. L. Rev. 103-138 (2009).

Conventions in Science and Law. Foreword by David Micgaels and Niel Vidmar; articles by Susan Haack, Jerome R. Ravetz, Herbert M. Kritzer, Joseph Sanders, Charles Bazerman, David Kriebel, David Rosner and Gary Edmond. 72 Law & Contemp. Probs. 1-189 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Law and Contemporary Problems</u>.)

### FIRST AMENDMENT

Ansello, Catherine. Note. A cross to bear: the need to weigh context in determining the constitutionality of religious symbols on public land. (**Buono v. Kempthorne**, 502 F.3d 1069, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 377-406 (2008).

Cordes, Mark W. Making sense of high school speech after **Morse** v. Frederick. 17 Wm. & Mary Bill Rts. J. 657-713 (2009).

Deutsch, Norman T. May religious worship be excluded from a limited public forum? Commentary on the Ninth Circuit Court of Appeals decision in **Faith Center Church Evangelistic Ministries v. Glover.** 31 U. Haw. L. Rev. 29-57 (2008).

Esenberg, Richard. Of speeches and sermons: worship in limited purpose public forums. 78 Miss. L.J. 453-517 (2009).

Fee, John. The pornographic secondary effects doctrine. 60 Ala. L. Rev. 291-338 (2009).

Honigman, Jacob. Note. Can't stop snitchin': criminalizing threats made in "stop snitching" media under the true threats exception to the Frst Amendment. 32 Colum. J.L. & Arts 207-231 (2009).

Inniss, Lolita Buckner. A "ho new world": raced and gendered insult as ersatz carnival and the corruption of freedom of expression norms. 33 N.Y.U. Rev. L. & Soc. Change 43-86 (2009).

Jones, Bethany. Note. Monkey see, monkey do? The Establishment Clause as possibly illustrative of the Second Amendment's incorporation. 74 Brook. L. Rev. 509-541 (2009).

Jungman, Michael P. Comment. You've got libel: how the CAN-SPAM Act delivers defamation liability to spam-fighters and why the First Amendment should delete the problem. 58 Emory L.J. 1013-1051 (2009).

Reed-Hoff, LaVonda N. Offensive political speech from the 1970s to 2008: a broadcaster's moral choice. 8 U. Md. L.J. Race, Religion, Gender & Class 241-290 (2008).

Rountree, Cameron. Note. Separationism to the extreme: the Mt. Soledad Cross and the Ninth Circuit's crusade to burden the Free Exercise Clause. 17 Wm. & Mary Bill Rts. J. 925-953 (2009).

Tamashiro, Tyson. Comment. RLUIPA and the individualized assessment: special use permits and variances under strict congressional scrutiny. 31 U. Haw. L. Rev. 257-290 (2008).

Wolking, Tova. Notes & Comments Competition winner. Comment. School administrators as cyber censors: cyber speech and First Amendment rights. 23 Berkeley Tech. L.J. 1507-1530 (2008).

#### FOURTEENTH AMENDMENT

Landau, J. Aaron. Comment. Punitives, damaged: the troubling due process implications of **Philip Morris v. Williams** and the case for a sounder approach to litigating third-party harm. (**Philip Morris v. Williams**, 127 S. Ct. 1057, 2007.) 87 Or. L. Rev. 637-670 (2008).

### **GOVERNMENT CONTRACTS**

Floyd, Sheryl L., et al. 2008 Government contract decisions of the Federal Circuit. 58 Am. U. L. Rev. 1051-1117 (2009).

#### **GAMING**

Kilby, Mitchell E. Comment. The mouse that roared: implications of the WTO ruling in **US--Gambling**. 44 Tex. Int'l L.J. 233-268 (2008).

#### HEALTH LAW AND POLICY

Countryman, Phillip. International trade and world health policy: helping people reach their full potential. 21 Pace Int'l L. Rev. 241-279 (2009).

D'Antonio, Heather. Comment. The state of mental health care in post-Katrina New Orleans. 69 La. L. Rev. 661-689 (2009).

Dulberg, Andrew Scott. Student article. The popcorn lung case study: a recipe for regulation? 33 N.Y.U. Rev. L. & Soc. Change 87-126 (2009).

Kwoka, Margaret B. Vindicating the rights of people living with AIDS under the Alien Tort Claims Act. 40 Loy. U. Chi. L.J. 643-689 (2009).

Morris, Brian. Note. You've got to be kidneying me! The fatal problem of severing rights and remedies from the body of organ donation law. 74 Brook. L. Rev. 543-580 (2009).

Page 10 June 5, 2009

Richardson, L. Song. When human experimentation is criminal. 99 J. Crim. L. & Criminology 89-133 (2009).

Thompson, Dale B. Optimal federalism across institutions: theory and applications from environmental and health care policies. 40 Loy. U. Chi. L.J. 437-482 (2009).

#### HOUSING LAW

(For articles on HOUSING LAW see the **Tables of Contents of Indexed Law Reviews** for <u>Journal of Affordable Housing & Community Development Law.</u>)

### **HUMAN RIGHTS LAW**

Blake, Michael and Mathias Risse. Immigration and original ownership of the earth. 23 Notre Dame J.L. Ethics & Pub. Pol'y 133-165 (2009).

Brauch, Jeffrey A. The dangerous search for an elusive consensus: what the Supreme Court *should* learn from the European Court of Human Rights. 52 How. L.J. 277-318 (2009).

Dhooge, Lucien J. Due diligence as a defense to corporate liability pursuant to the Alien Tort Statute. 22 Emory Int'l L. Rev. 455-498 (2008).

Symposium: Creating a Global Rule of Law Culture. Foreword by Sarah Johnson Phillips; introduction by Robert Stein; panel participation with Robert Stein, moderator and Homer E. Moyer, Jr., Mark S. Ellis and Talbot 'Sandy' D'Alemberte, panelists; articles by Justice Paul H. Anderson, Judge Kevin Burke, Judge John Tunheim, Fionnuala Ní Aoláin, Michael Hamilton, Robert Stein, Jane Stromseth and Mark S. Ellis. 18 Minn. J. Int'l L. 291-430 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Minnesota Journal of International Law.</u>)

#### IMMIGRATION LAW

Frankel, Rachel. Note. Sharks and minnows: using temporary alien deportation immunity to catch the big fish. 77 Geo. Wash. L. Rev. 431-457 (2009).

Mathew, Dessi. Comment. Claims of political asylum based on non-physical forms of harm such as economic sanctions and deprivations. 21 Pace Int'l L. Rev. 309-334 (2009).

McDonough, Paul. Note. Revisiting Germany's *Residenzflicht* in light of modern E.U. asylum law. 30 Mich. J. Int'l L. 515-546 (2009).

Podgorny, Diana R. Comment. Rethinking the increased focus on penal measures in immigration law as reflected in the expansion of the "aggravated felony" concept. 99 J. Crim. L. & Criminology 287-315 (2009).

Rempell, Scott. Credibility assessments and the REAL ID Act's amendments to immigration law. 44 Tex. Int'l L.J. 185-232 (2008).

Sur, Wilma. Hawai'i's Masters and Servants Act: brutal slavery? 31 U. Haw. L. Rev. 87-112 (2008).

Symposium on Migration. Articles by Dina Francesca Haynes, Micah N. Bump, Patricia Gittelson, Robert Gittelson, Michael Blake, Mathias Risse, César Cuauhtémoc Garcia Hernández, Donald Kerwin, Stephen Steinberg and Wayne S. Smith; notes by Andrea Barton, Mark T. Fennell and Ysmael D. Fonseca. 23 Notre Dame J.L. Ethics & Pub. Pol'y 1-316 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Notre Dame Journal of Law, Ethics & Public Policy.</u>)

#### INDIAN AND ABORIGINAL LAW

(For other articles on INDIAN AND ABORIGINAL LAW see the **Tables of Contents of Indexed Law Reviews** for American Indian Law Review.)

Aguon, Julian. Comment. Other arms: the power of dual rights legal strategy for the Chamoru people of Guam using the Declaration on the Rights of Indigenous Peoples in U.S. courts. 31 U. Haw. L. Rev. 113-154 (2008).

Perry, Kekailoa and Jon Kamakawiwoole Osorio. Honoring the law and restoring a nation. (Reviewing Jon M. Van Dyke, Who Owns the Crown Lands of Hawai'i?) 31 U. Haw. L. Rev. 331-340 (2008).

Sullivan, Paul M. A very durable myth: a critical commentary on Jon M. Van Dyke's, <u>Who Owns the Crown Lands of Hawai'i?</u> 31 U. Haw. L. Rev. 341-368 (2008).

### INSURANCE LAW

Passman, Michael H. Interpreting sea piracy clauses in marine insurance contracts. 40 J. Mar. L. & Com. 59-88 (2009).

#### INTELLECTUAL PROPERTY LAW

Bitton, Miriam. Exploring European Union copyright policy through the lens of the database directive. 23 Berkeley Tech. L.J. 1411-1470 (2008).

Blair-Stanek, Andrew. Increased market power as a new secondary consideration in patent law. 58 Am. U. L. Rev. 707-746 (2009).

Bradford, Laura R. Emotion, dilution, and the trademark consumer. 23 Berkeley Tech. L.J. 1227-1298 (2008).

Creighton, Susan A. and Scott A. Sher. Resolving patent disputes through merger: a comparison of three potential approaches. 75 Antitrust L.J. 657-690 (2009).

Frazer, Brad. Open source is not public domain: evolving licensing philosophies. 45 Idaho L. Rev. 349-375 (2009).

Ginsburg, Jane C. The author's place in the future of copyright. 45 Willamette L. Rev. 381-394 (2009).

Jaynes, Andrew. Why intellectual property rights infringement remains entrenched in the Philippines. 21 Pace Int'l L. Rev. 55-135 (2009).

Page 11 June 5, 2009

Kelly, David M. and Stephanie H. Bald. 2008 trademark decisions of the Federal Circuit. 58 Am. U. L. Rev. 947-973 (2009).

Kwoka, Margaret B. Vindicating the rights of people living with AIDS under the Alien Tort Claims Act. 40 Loy. U. Chi. L.J. 643-689 (2009).

Lee, Peter. Contracting to preserve open science: consideration-based regulation in patent law. 58 Emory L.J. 889-975 (2009).

Lefstin, Jeffrey A. A formal structure of patent law and the limits of enablement. 23 Berkeley Tech. L.J. 1141-1225 (2008).

Li, Miaoran. Comment. The Pirate Party and the Pirate Bay: how the Pirate Bay influences Sweden and international copyright relations. 21 Pace Int'l L. Rev. 281-307 (2009).

Munzer, Stephen R. and Phyllis Chen Simon. Territory, plants, and land-use rights among the San of Southern Africa: a case study in regional biodiversity, traditional knowledge, and intellectual property. 17 Wm. & Mary Bill Rts. J. 831-894 (2009).

Neal, James G. A lay perspective on the copyright wars: a report from the trenches of the Section 108 Study Group. **Horace S. Manges Lecture: April 1, 2008**. 32 Colum. J.L. & Arts 193-205 (2009).

Sarnoff, Joshua D. and Christopher M. Holman. Recent developments affecting the enforcement, procurement, and licensing of research tool patents. 23 Berkeley Tech. L.J. 1299-1366 (2008).

Torrance, Andrew W. Physiological steps doctrine. 23 Berkeley Tech. L.J. 1471-1505 (2008).

Williams, Matt. Congress should amend the Copyright Act to protect transactional watermarks. 23 Berkeley Tech. L.J. 1367-1409 (2008).

Zubler, Todd, et al. 2008 patent law decisions of the Federal Circuit. 58 Am. U. L. Rev. 747-945 (2009).

#### INTERNATIONAL LAW

(For other articles on INTERNATIONAL LAW see the **Tables of Contents of Indexed Law Reviews** for Emory International Law Review, Michigan Journal of International Law, Minnesota Journal of International Law and Pace International Law Review.)

Allain, Jean. The definition of slavery in international law. 52 How. L.J. 239-275 (2009).

Backer, Larry Catá. From Hatuey to Che: indigenous Cuba without Indians and the U.N. Declaration on the Rights of Indigenous Peoples. 33 Am. Indian L. Rev. 201-238 (2008-2009).

Kraska, James and Brian Wilson. Repressing piracy in the 21st century: an international maritime threat response plan. 40 J. Mar. L. & Com. 43-58 (2009).

Lipsky, Abbott B., Jr. Managing antitrust compliance through the continuing surge in global enforcement. 75 Antitrust L.J. 965-995 (2009).

McGuinness, Margaret E. The President, Congress and the Security Council: counterterrorism and the use of force through the international lens. 45 Willamette L. Rev. 417-451 (2009).

Schrag, Jeremy K. Note. A federal framework for regulating the growing international presence of the several states. 48 Washburn L.J. 425-464 (2009).

Of Montreal and Kyoto: a tale of two protocols. Article by Cass R. Sunstein; responses by Daniel Barstow Magraw, Peter R. Orszag and Terry M. Dinan. 38 Envtl. L. Rep. News & Analysis 10566-10581 (2008).

#### INTERNATIONAL TRADE

Countryman, Phillip. International trade and world health policy: helping people reach their full potential. 21 Pace Int'l L. Rev. 241-279 (2009).

Gentile, Dominic A. Note. International trade and the environment: what is the role of the WTO? 20 Fordham Envtl. L. Rev. 197-232 (2009).

Goldfeder, Jarrod M. 2008 International trade decisions of the Federal Circuit. 58 Am. U. L. Rev. 975-1049 (2009).

Kilby, Mitchell E. Comment. The mouse that roared: implications of the WTO ruling in **US--Gambling**. 44 Tex. Int'l L.J. 233-268 (2008).

Markel, Asa. American, English and Japanese warranty law compared: should the U.S. reconsider her Article 95 declaration to the CISG? 21 Pace Int'l L. Rev. 163-204 (2009).

Trujillo, Elizabeth. From here to Beijing: public/private overlaps in trade and their effects on U.S. law. 40 Loy. U. Chi. L.J. 691-744 (2009).

# **JUDGES**

Clardy, Kristen D. Note. Judicial confusion and inconsistency in handling juror misconduct: a new proposal. 17 Wm. & Mary Bill Rts. J. 895-923 (2009).

Looper, Scott. Note. Reading Roberts: a critical framework for analyzing the Supreme Court's decision in ... (**Leegin Creative Leather Prods., Inc. v. PSKS, Inc.**, 127 S. Ct. 2705, 2007.) 46 Hous. L. Rev. 177-213 (2009).

Morrison, Trevor W. The middle ground in judicial review of enemy combatant detentions. 45 Willamette L. Rev. 453-471 (2009).

Nash, Jonathan Remy. The majority that wasn't: *stare decisis*, majority rule, and the mischief of quorum requirements. 58 Emory L.J. 831-888 (2009).

Pietruszkiewicz, Christopher M. Economic substance and the standard of review. 60 Ala. L. Rev. 339-376 (2009).

Page 12 June 5, 2009

Pimentel, David. Reframing the independence v. accountability debate: defining judicial structure in light of judges' courage and integrity. 57 Clev. St. L. Rev. 1-33 (2009).

Schneider, Daniel M. Use of judicial doctrines in federal tax cases decided by trial courts, 1993-2006: a quantitative assessment. 57 Clev. St. L. Rev. 35-75 (2009).

Sullivan, Charles A. The phoenix from the **Ash**: proving discrimination by comparators. 60 Ala. L. Rev. 191-239 (2009).

Tamanaha, Brian Z. The realism of judges past and present. 57 Clev. St. L. Rev. 77-91 (2009).

Vorspan, Rachel. Judicial power and moral ideology in wartime: shaping the legal process in World War I Britain. 87 Or. L. Rev. 401-479 (2008).

A Review of Recent Decisions of the United States Court of Appeals for the Federal Circuit. Foreword by Hon. Paul R. Michel; article by Andrew Blair-Stanek; area summaries by Todd Zubler, et al. and David M. Kelly and Stephanie H. Bald. 58 Am. U. L. Rev. 699-973 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>American University Law Review</u>.)

Symposium on Neglected Justices. Introduction by James W. Ely, Jr. and Mark E. Brandon; articles by G. Edward White, Stephen B. Presser, William R. Casto, Mark R. Killenbeck, Herbert A. Johnson, Austin Allen, Paul Finkelman, J. Gordon Hylton, James W. Ely, Jr., Samuel R. Olken, David R. Stras and Linda C. Gugin. 62 Vand. L. Rev. 311-794 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Vanderbilt Law Review</u>.)

#### JURISDICTION

Ahdieh, Robert B. Trapped in a metaphor: the limited implications of federalism for corporate governance. 77 Geo. Wash. L. Rev. 255-307 (2009).

Crowell, Moani and Gregory K. Schlais. Winner, best appellate brief in the 2008 Native American Law Student Association Moot Court Competition. 33 Am. Indian L. Rev. 311-327 (2008-2009).

Desautels-Stein, Justin. Extraterritoriality, antitrust, and the pragmatist style. 22 Emory Int'l L. Rev. 499-570 (2008).

Elrod, Linda D. and Robert G. Spector. A review of the year in family law 2007-2008: federalization and nationalization continue. 42 Fam. L.Q. 713-755 (2009).

Fairbairn, Jennifer E. Comment. Keeping **Grable** slim: federal question jurisdiction and the centrality test. 58 Emory L.J. 977-1011 (2009).

Magraw, Kendra. Note. Universally liable? Corporate-complicity liability under the principle of universal jurisdiction. 18 Minn. J. Int'l L. 458-497 (2009).

McGiverin, Brian. The subversion of means to ends: philosophy of the extra-territorial Constitution and reflections on **Boumediene v. Bush**. 8 Appalachian J.L. 123-155 (2009).

Schrag, Jeremy K. Note. A federal framework for regulating the growing international presence of the several states. 48 Washburn L.J. 425-464 (2009).

Thompson, Dale B. Optimal federalism across institutions: theory and applications from environmental and health care policies. 40 Loy. U. Chi. L.J. 437-482 (2009).

#### **JURISPRUDENCE**

Stein, Robert. Rule of law: what does it mean? 18 Minn. J. Int'l L. 293-303 (2009).

Wilkinson, J. Harvie III. Of guns, abortions, and the unraveling rule of law. 95 Va. L. Rev. 253-323 (2009).

#### **JUVENILES**

Ben-Ari, Rachel and Itzhak Hirshberg. Attachment styles, conflict perception, and adolescents' strategies of coping with interpersonal conflict. 25 Negotiation J. 59-82 (2009).

Bump, Micah N. Treat the children well: shortcomings in the United States' effort to protect child trafficking victims. 23 Notre Dame J.L. Ethics & Pub. Pol'y 73-107 (2009).

Johnson, Eric A. *Mens rea* for sexual abuse: the case for defining the acceptable risk. 99 J. Crim. L. & Criminology 1-50 (2009).

Johnson, Rebecca. Mothers, babies and jail. 8 U. Md. L.J. Race, Religion, Gender & Class 47-70 (2008).

Kwan, Onki. Note. From the Protection of Children Against Sexual Exploitation Act of 1977 to the Adam Walsh Child Protection and Safety Act of 2006: how Congress went from censoring child pornography to censoring protected sexual speech. 36 Hastings Const. L.Q. 483-516 (2009).

McCollum, Darin L. Comment. The Kansas Supreme Court sounds the death-knell of the "civil" juvenile court proceeding. (*In re* L.M., 186 P.3d 164, 2008.) 48 Washburn L.J. 499-528 (2009).

Sanborn, Joseph B., Jr. Juveniles' competency to stand trial: wading through the rhetoric and the evidence. 99 J. Crim. L. & Criminology 135-213 (2009).

van der Zalm, C. Theodora. Comment. Protecting the innocent: Children's Act of 2005 and customary law in South Africa--conflicts, consequences, and possible solutions. 22 Emory Int'l L. Rev. 891-926 (2008).

#### LABOR LAW

Allain, Jean. The definition of slavery in international law. 52 How. L.J. 239-275 (2009).

Page 13 June 5, 2009

Ginsburg, Justice Ruth Bader. **Atkinson Lecture. Muller v. Oregon**: one hundred years later. 45 Willamette L. Rev. 359-380 (2009).

Sur, Wilma. Hawai'i's Masters and Servants Act: brutal slavery? 31 U. Haw. L. Rev. 87-112 (2008).

#### LAND USE PLANNING

Crowell, Moani and Gregory K. Schlais. Winner, best appellate brief in the 2008 Native American Law Student Association Moot Court Competition. 33 Am. Indian L. Rev. 311-327 (2008-2009).

Dodrill, Christopher S. In defense of 'footnote four': a historical analysis of the New Deal's effect on land regulation in the U.S. Supreme Court. 72 Law & Contemp. Probs. 191-204 (2009).

Reed, Madeline. Note. Seawalls and the public trust: navigating the tension between private property and public beach use in the face of shoreline erosion. 20 Fordham Envtl. L. Rev. 305-339 (2009).

Tamashiro, Tyson. Comment. RLUIPA and the individualized assessment: special use permits and variances under strict congressional scrutiny. 31 U. Haw. L. Rev. 257-290 (2008).

#### LAW AND SOCIETY

(For other articles on LAW AND SOCIETY see the **Tables of Contents of Indexed Law Reviews** for <u>Law and Contemporary Problems</u>, <u>New York University Review of Law & Social Change</u>, <u>Notre Dame Journal of Law, Ethics & Public Policy and University of Maryland Law Journal of Race</u>, <u>Religion</u>, <u>Gender & Class</u>.)

Druckman, Daniel, Mara Olekalns and Philip L. Smith. Interpretive filters: social cognition and the impact of turning points in negotiation. 25 Negotiation J. 13-40 (2009).

Kahn, Jonathan. Race, genes, and justice: a call to reform the presentation of forensic DNA evidence in criminal trials. 74 Brook. L. Rev. 325-375 (2009).

Wallerstein, Judith S. and Julia M. Lewis. Divorced fathers and their adult offspring: report from a twenty-five year longitudinal study. 42 Fam. L.Q. 695-711 (2009).

The Fair Housing Act at 40. Chair's message by Craig A. Emden; articles by john a. powell, Ngai Pindell, Elizabeth K. Julian, Erica Franhenberg, Mary Pattillo, Michael P. Seng and F. Willis Caruso. 18 J. Affordable Housing & Commun. Dev. L. 143-244 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Journal of Affordable Housing & Community Development Law.)</u>

### LAW ENFORCEMENT AND CORRECTIONS

García Hernández, César Cuauhtémoc. *La migra* in the mirror: immigration enforcement and racial profiling on the Texas border. 23 Notre Dame J.L. Ethics & Pub. Pol'y 167-196 (2009).

Henderson-Utis, Susan. Comment. What would the Founding Fathers do? The rise of religious programs in the United States prison system. 52 How. L.J. 459-506 (2009).

Johnson, Rebecca. Mothers, babies and jail. 8 U. Md. L.J. Race, Religion, Gender & Class 47-70 (2008).

Sullivan, Thomas P. and Andrew W. Vail. The consequences of law enforcement officials' failure to record custodial interviews as required by law. 99 J. Crim. L. & Criminology 215-234 (2009).

#### LAW OF THE SEA

Collins, Rosemary and Daud Hassan. Applications and shortcomings of the law of the sea in combating piracy: a South East Asia perspective. 40 J. Mar. L. & Com. 89-113 (2009).

#### LEGAL ANALYSIS AND WRITING

Franklin, Kris. '... See Erie': critical study of legal authority. 31 U. Ark. Little Rock L. Rev. 109-134 (2008).

Hulsebosch, Daniel J. **Meador Lecture Series 2007-2008: Empire**. An empire of law: Chancellor Kent and the revolution in books in the early Republic. 60 Ala. L. Rev. 377-424 (2009).

Looper, Scott. Note. Reading Roberts: a critical framework for analyzing the Supreme Court's decision in ... (Leegin Creative Leather Prods., Inc. v. PSKS, Inc., 127 S. Ct. 2705, 2007.) 46 Hous. L. Rev. 177-213 (2009).

Special Presentation: American Indian Law and Literature. Materials Presented at the Fourth Annual Indigenous Law Conference, Michigan State university College of Law, Oct. 19-20, 2007. Articles by Richard Delgado, Jean Stefancic, Renee Newman Knake, Matthew L.M. Fletcher, Amelia V. Katanski, Jen Camden, Kathryn E. Fort, Kristen A. Carpenter and Larry Catá Backer; narrative by Margaret Montoua and Christine Zuni Cruz, interviewed by Gene Grant; afterword by Frank Pommerstein. 33 Am. Indian L. Rev. 1-241 (2008-2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for American University Law Review .)

### LEGAL EDUCATION

Franklin, Kris. '... See Erie': critical study of legal authority. 31 U. Ark. Little Rock L. Rev. 109-134 (2008).

Macduff, Ian. Using blogs as a teaching tool in negotiation. 25 Negotiation J. 107-124 (2009).

Phillips, Stella J. Putting it all together: law schools' role in improving appellate practice. 31 U. Ark. Little Rock L. Rev. 135-157 (2008).

Stein, Robert. Teaching the rule of law. 18 Minn. J. Int'l L. 403-414 (2009).

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#### **LEGAL HISTORY**

Fabrikant, Robert. Lincoln, emancipation, and 'military necessity'. (Reviewing Burrus M. Carnahan, <u>Act of Justice, Lincoln's Emancipation Proclamation and the Law of War.</u>) 52 How. L.J. 375-405 (2009).

Phipps, Kelly Elizabeth. Note. Marriage and redemption: Mormon polygamy in the congressional imagination, 1862-1887. 95 Va. L. Rev. 435-487 (2009).

Sur, Wilma. Hawai'i's Masters and Servants Act: brutal slavery? 31 U. Haw. L. Rev. 87-112 (2008).

Symposium on Neglected Justices. Introduction by James W. Ely, Jr. and Mark E. Brandon; articles by G. Edward White, Stephen B. Presser, William R. Casto, Mark R. Killenbeck, Herbert A. Johnson, Austin Allen, Paul Finkelman, J. Gordon Hylton, James W. Ely, Jr., Samuel R. Olken, David R. Stras and Linda C. Gugin. 62 Vand. L. Rev. 311-794 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Vanderbilt Law Review</u>.)

#### LEGAL PROFESSION

Chambliss, Elizabeth. New sources of managerial authority in large law firms. 22 Geo. J. Legal Ethics 63-95 (2009).

Cole, James, Kate Seikaly and P.J. Meitl. Exploring every avenue: the dilemma posed by attorney-client privilege assertions in Congress. 8 Appalachian J.L. 157-178 (2009).

DiLernia, Michael J. Advance waivers of conflicts of interest in large law firm practice. 22 Geo. J. Legal Ethics 97-141 (2009).

Fennell, Mark T. Note. Preserving process in the wake of policy: the need for appointed counsel in immigration removal proceedings. 23 Notre Dame J.L. Ethics & Pub. Pol'y 261-289 (2009).

Lyerly, Stephanie. Note. Conditional admission: a step in the right direction. 22 Geo. J. Legal Ethics 299-326 (2009).

Michels, Kevin H. Third-party negligence claims against counsel: a proposed unified liability standard. 22 Geo. J. Legal Ethics 143-200 (2009).

Parker, Christine E., Robert Eli Rosen and Vibeke Lehman Nielson. The two faces of lawyers: professional ethics and business compliance with regulation. 22 Geo. J. Legal Ethics 201-248 (2009).

Richmond, Douglas R. Expelling law firm partners. 57 Clev. St. L. Rev. 93-136 (2009).

The Rule of Law & the Global War on Terrorism: Detainees, Interrogations, and Military Commissions Symposium. Articles by Charlie Savage, David E. Graham, Philippe Sands, Major David J. R. Frakt and George P. Fletcher. 48 Washburn L.J. 299-424 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Washburn Law Journal</u>.)

**The Thirteenth Annual Frankel Lecture.** Legal and Managerial "Cultures" in Corporate Representation. Essay by Geoffrey C. Hazard, Jr.; responses by Edward B. Rock and Stephen V. Arbogast. 46 Hous. L. Rev. 1-59 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Houston Law Review</u>.)

#### LEGAL RESEARCH AND BIBLIOGRAPHY

Ver Steegh, Nancy. Annual survey of periodical literature. 42 Fam. L.Q. 877-915 (2009).

### **LEGISLATION**

Aagaard, Todd S. Factual premises of statutory interpretation in agency review cases. 77 Geo. Wash. L. Rev. 366-430 (2009).

Daniels, Troy B., Dawn L. Danley-Nichols, Kate R. Morgan and Bryce C. Rhoades. Note. Kentucky's statutory collateral consequences arising from felony convictions: a practitioner's guide. 35 N. Ky. L. Rev. 413-541 (2008).

Pinkston, Jarred. Toward a uniform interpretation of the Federal Arbitration Act: the role of 9 U.S.C. § 208 in the arbitral statutory scheme. 22 Emory Int'l L. Rev. 639-706 (2008).

#### MEDICAL JURISPRUDENCE

Burgess, M. Katherine. Note. **Gonzales v. Carhart**: no limits to what Congress may now "find". (**Gonzales v. Carhart**, 127 S. Ct. 1610, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 327-349 (2008).

Felder, Robert D. Comment. A coroner system in crisis: the scandals and struggles plaguing Louisiana death investigation. 69 La. L. Rev. 627-659 (2009).

Mandell, Craig W. Tough pill to swallow: whether Catholic institutions are obligated under Title VII to cover their employees' prescription contraceptives. 8 U. Md. L.J. Race, Religion, Gender & Class 199-239 (2008).

Meisen-Vehrs, Hannah V. Comment. Opening medical settlements for the public good: why medical cases justify secrecy in settlement. 87 Or. L. Rev. 671-713 (2008).

Vars, Frederick E. Illusory consent: when an incapacitated patient agrees to treatment. 87 Or. L. Rev. 353-400 (2008).

#### MILITARY, WAR AND PEACE

Bahar, Michael. As necessity creates the rule: **Eisentrager**, **Boumediene**, and the enemy--how strategic realities can constitutionally require greater rights for detainees in the wars of the twenty-first century. 11 U. Pa. J. Const. L. 277-329 (2009).

Page 15 June 5, 2009

Barton, Andrea. Note. Sitting on Ellis Island: the fate of disparate immigration policies in wake of the Guantanamo Bay cases. 23 Notre Dame J.L. Ethics & Pub. Pol'y 233-260 (2009).

Borchers, Patrick J. The conflict of laws and **Boumediene v. Bush**. 42 Creighton L. Rev. 1-27 (2008).

Dasgupta, Riddhi. **Boumediene v. Bush** and extraterritorial *habeas corpus* in wartime. 36 Hastings Const. L.Q. 425-456 (2009).

Fabrikant, Robert. Lincoln, emancipation, and 'military necessity'. (Reviewing Burrus M. Carnahan, <u>Act of Justice, Lincoln's Emancipation Proclamation and the Law of War.</u>) 52 How. L.J. 375-405 (2009).

Glasionov, Rita. Note. In furtherance of transparency and litigants' rights: reforming the state secrets privilege. (El-Masri v. Tenet, 437 F. Supp. 2d 530, 2006, *aff'd sub nom*. El-Masri v. United States, 479 F.3d 296, 2007, *cert. denied*, 128 S. Ct. 373, 2007; Arar v. Ashcroft, 437 F. Supp. 2d 532, 2006, *aff'd*., 532 F.3d 157, 2008.) 77 Geo. Wash. L. Rev. 458-487 (2009).

Goldstone, Danielle E. Comment. Embracing impasse: admissibility, prosecutorial discretion, and the lessons of Uganda for the International Criminal Court. 22 Emory Int'l L. Rev. 761-798 (2008).

Palitz, Michael. Comment. Beyond our borders: the international law controversy concerning the writ of *habeas corpus* and Guantánamo Bay. 21 Pace Int'l L. Rev. 335-364 (2009).

Reichstein, Matthew. Comment. The extradition of General Manuel Noriega: an application of international criminal and humanitarian law to answer the question, 'If so, where should he go?' 22 Emory Int'l L. Rev. 857-889 (2008).

Sepinwall, Amy J. Failures to punish: command responsibility in domestic and international law. 30 Mich. J. Int'l L. 251-303 (2009).

Stromseth, Jane. Strengthening demand for the rule of law in post-conflict societies. 18 Minn. J. Int'l L. 415-424 (2009).

Trahan, Jennifer. A critical guide to the Iraqi High Tribunal's Anfal judgment: genocide against the Kurds. 30 Mich. J. Int'l L. 305-412 (2009).

Vorspan, Rachel. Judicial power and moral ideology in wartime: shaping the legal process in World War I Britain. 87 Or. L. Rev. 401-479 (2008).

Wagner, Kristen. Comment. UNHCR's involvement in the Great Lakes refugee crisis. 21 Pace Int'l L. Rev. 365-386 (2009).

Weiner, Ross L. Note. The Office of Legal Counsel and torture: the law as both a sword and shield. 77 Geo. Wash. L. Rev. 524-560 (2009).

2007 ICC Moot Court Competition Winning Briefs. Winning briefs by Lauren DiLeo, Leila Parvizian, Delon Lewis, Chad D. Ehrenkranz and Bharathi Pillai. 21 Pace Int'l L. Rev. 387-429 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Pace International Law Review.)

Presidential Power in the 21st Century Symposium. Articles by Neal Devins, Margaret E. McGuinness, Trevor W. Morrison, Tung Yin, Stephen I. Vladeck, Neomi Rao, Kenji Yoshino, Michele Estrin Gilman, Heidi Kitrosser, Jerry L. Mashaw and Saikrishna B. Prakash. 45 Willamette L. Rev. 395-722 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Willamette Law Review</u>.)

The Rule of Law & the Global War on Terrorism: Detainees, Interrogations, and Military Commissions Symposium. Articles by Charlie Savage, David E. Graham, Philippe Sands, Major David J. R. Frakt and George P. Fletcher. 48 Washburn L.J. 299-424 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Washburn Law Journal</u>.)

#### MOTOR VEHICLES

Konz, Raymond J. Note. The End-of-Life Vehicle (ELV) Directive: the road to responsible disposal. 18 Minn. J. Int'l L. 431-457 (2009).

### NATURAL RESOURCES LAW

Munzer, Stephen R. and Phyllis Chen Simon. Territory, plants, and land-use rights among the San of Southern Africa: a case study in regional biodiversity, traditional knowledge, and intellectual property. 17 Wm. & Mary Bill Rts. J. 831-894 (2009).

Trading spaces: a new direction for habitat trading programs. Article by Jonathan Remy Nash; responses by Virginia S. Albrecht and Michael J. Bean. 38 Envtl. L. Rep. News & Analysis 10539-10552 (2008).

#### OIL, GAS, AND MINERAL LAW

Belz, Matthew. Comment. Provisional application of the Energy Charter Treaty: **Kardassopoulos v. Georgia** and improving provisional application in multilateral treaties. (**Kardassopoulos v. Georgia**, ICSID (W. Bank) case no. ARB/05/18, 2007.) 22 Emory Int'l L. Rev. 727-760 (2008).

Wiseman, Hannah. Untested waters: the rise of hydraulic fracturing in oil and gas production and the need to revisit regulation. 20 Fordham Envtl. L. Rev. 115-195 (2009).

Wood, Blair N.C. Comment. The Oil Pollution Act of 1990: improper expenses to include in reaching the limit on liability. 8 Appalachian J.L. 179-200 (2009).

### **ORGANIZATIONS**

Gentile, Dominic A. Note. International trade and the environment: what is the role of the WTO? 20 Fordham Envtl. L. Rev. 197-232 (2009).

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Rock, Edward B. The general counsel of a nonprofit enterprise: some questions. 46 Hous. L. Rev. 17-31 (2009).

#### POLITICS

Devins, Neal. Presidential unilateralism and political polarization: why today's Congress lacks the will and the way to stop presidential initiatives. 45 Willamette L. Rev. 395-415 (2009).

Gittelson, Robert. The centrists against the idealogues: what are the falshoods that divide Americans on the issue of comprehensive immigration reform? 23 Notre Dame J.L. Ethics & Pub. Pol'y 115-131 (2009).

Jones, Jessica. Comment. India versus the United Nations: the Central Vigilance Commission Act does not satisfy the U.N. Convention Against Corruption. 22 Emory Int'l L. Rev. 799-855 (2008).

Ramirez, Maria Emilia. Barred from the polls: felony disenfranchisement in the Bluegrass. 35 N. Ky. L. Rev. 371-391 (2008).

Wilkinson, J. Harvie III. Of guns, abortions, and the unraveling rule of law. 95 Va. L. Rev. 253-323 (2009).

Symposium: Creating a Global Rule of Law Culture. Foreword by Sarah Johnson Phillips; introduction by Robert Stein; panel participation with Robert Stein, moderator and Homer E. Moyer, Jr., Mark S. Ellis and Talbot 'Sandy' D'Alemberte, panelists; articles by Justice Paul H. Anderson, Judge Kevin Burke, Judge John Tunheim, Fionnuala Ní Aoláin, Michael Hamilton, Robert Stein, Jane Stromseth and Mark S. Ellis. 18 Minn. J. Int'l L. 291-430 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Minnesota Journal of International Law.)

### PRACTICE AND PROCEDURE

Bayne, Christopher D. Comment. From anti-injunction to radical reform: proposing a unifying approach to class-action adjudication. 31 U. Haw. L. Rev. 155-191 (2008).

Clardy, Kristen D. Note. Judicial confusion and inconsistency in handling juror misconduct: a new proposal. 17 Wm. & Mary Bill Rts. J. 895-923 (2009).

Counseller, Jeremy. Rooting for the Restyled Rules (even though I opposed them). 78 Miss. L.J. 519-566 (2009).

Griffiths, Kevin A. Comment. The expense of uncertainty: how a lack of clear e-discovery standards put attorneys and clients in jeopardy. 45 Idaho L. Rev. 441-478 (2009).

McCollum, Darin L. Comment. The Kansas Supreme Court sounds the death-knell of the "civil" juvenile court proceeding. (*In re* **L.M.**, 186 P.3d 164, 2008.) 48 Washburn L.J. 499-528 (2009).

Nash, Jonathan Remy. The majority that wasn't: *stare decisis*, majority rule, and the mischief of quorum requirements. 58 Emory L.J. 831-888 (2009).

Oldfather, Chad M. Universal *de novo* review. 77 Geo. Wash. L. Rev. 308-365 (2009).

Ottolenghi, Michael and Peter Prows. *Res judicata* in the ICJ's **Genocide** case: implications for other courts and tribunals? 21 Pace Int'l L. Rev. 37-54 (2009).

Phillips, Stella J. Putting it all together: law schools' role in improving appellate practice. 31 U. Ark. Little Rock L. Rev. 135-157 (2008).

#### PRESIDENT/EXECUTIVE DEPARTMENT

Fabrikant, Robert. Lincoln, emancipation, and 'military necessity'. (Reviewing Burrus M. Carnahan, <u>Act of Justice</u>, <u>Lincoln's Emancipation Proclamation and the Law of War</u>.) 52 How. L.J. 375-405 (2009).

Hein, John R. Comment. Born in the U.S.A., but not natural born: how congressional territorial policy bars native-born Puerto Ricans from the presidency. 11 U. Pa. J. Const. L. 423-457 (2009).

Quigley, John. President Bush's directive on foreigners under arrest: a critique of **Medellín v. Texas**. 22 Emory Int'l L. Rev. 423-454 (2008).

Weiner, Ross L. Note. The Office of Legal Counsel and torture: the law as both a sword and shield. 77 Geo. Wash. L. Rev. 524-560 (2009).

Presidential Power in the 21st Century Symposium. Articles by Neal Devins, Margaret E. McGuinness, Trevor W. Morrison, Tung Yin, Stephen I. Vladeck, Neomi Rao, Kenji Yoshino, Michele Estrin Gilman, Heidi Kitrosser, Jerry L. Mashaw and Saikrishna B. Prakash. 45 Willamette L. Rev. 395-722 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Willamette Law Review.)

The Rule of Law & the Global War on Terrorism: Detainees, Interrogations, and Military Commissions Symposium. Articles by Charlie Savage, David E. Graham, Philippe Sands, Major David J. R. Frakt and George P. Fletcher. 48 Washburn L.J. 299-424 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Washburn Law Journal.)

#### PROFESSIONAL ETHICS

(For other articles on PROFESSIONAL ETHICS see the **Tables of Contents of Indexed Law Reviews** for <u>Georgetown Journal of Legal Ethics.</u>)

Bauer, Jon. Buying witness silence: evidence-suppressing settlements and lawyers' ethics. 87 Or. L. Rev. 481-579 (2008).

Page 17 June 5, 2009

Israel, Adam K. Note. To scrub or not to scrub: the ethical implications of metadata and electronic data creation, exchange, and discovery. 60 Ala. L. Rev. 469-497 (2009).

#### PROPERTY--PERSONAL AND REAL

Blumenthal, Jeremy A. Legal claims as private property: implications for eminent domain. 36 Hastings Const. L.Q. 373-423 (2009).

Collins, Valerie L. Comment. Camouflaged legitimacy: civil commitment, property rights, and legal isolation. 52 How. L.J. 407-458 (2009).

Murphy, Elizabeth. Note. The current state of *caveat emptor* in Alabama real estate sales. 60 Ala. L. Rev. 499-518 (2009).

Perry, Kekailoa and Jon Kamakawiwoole Osorio. Honoring the law and restoring a nation. (Reviewing Jon M. Van Dyke, <u>Who Owns the Crown Lands of Hawai'i?</u>) 31 U. Haw. L. Rev. 331-340 (2008).

Simpson, A.W.B. Constitutionalizing the right of property: the U.S., England and Europe. 31 U. Haw. L. Rev. 1-27 (2008).

Sullivan, Paul M. A very durable myth: a critical commentary on Jon M. Van Dyke's, Who Owns the Crown Lands of Hawai'i? 31 U. Haw. L. Rev. 341-368 (2008).

Wilson, Kelly. Note. Catching the unique rabbit: why pets should be reclassified as inimitable property under the law. 57 Clev. St. L. Rev. 167-197 (2009).

#### PSYCHOLOGY AND PSYCHIATRY

Collins, Valerie L. Comment. Camouflaged legitimacy: civil commitment, property rights, and legal isolation. 52 How. L.J. 407-458 (2009).

D'Antonio, Heather. Comment. The state of mental health care in post-Katrina New Orleans. 69 La. L. Rev. 661-689 (2009).

Sanborn, Joseph B., Jr. Juveniles' competency to stand trial: wading through the rhetoric and the evidence. 99 J. Crim. L. & Criminology 135-213 (2009).

Vars, Frederick E. Illusory consent: when an incapacitated patient agrees to treatment. 87 Or. L. Rev. 353-400 (2008).

### RELIGION

Ansello, Catherine. Note. A cross to bear: the need to weigh context in determining the constitutionality of religious symbols on public land. (**Buono v. Kempthorne**, 502 F.3d 1069, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 377-406 (2008).

Deutsch, Norman T. May religious worship be excluded from a limited public forum? Commentary on the Ninth Circuit Court of Appeals decision in **Faith Center Church Evangelistic Ministries v. Glover.** 31 U. Haw. L. Rev. 29-57 (2008).

Esenberg, Richard. Of speeches and sermons: worship in limited purpose public forums. 78 Miss. L.J. 453-517 (2009).

Fonseca, Ysmael D. Note. The Catholic Church's obligation to serve the stranger in defiance of state immigration laws. 23 Notre Dame J.L. Ethics & Pub. Pol'y 291-316 (2009).

Henderson-Utis, Susan. Comment. What would the Founding Fathers do? The rise of religious programs in the United States prison system. 52 How. L.J. 459-506 (2009).

Kerwin, Donald. Toward a Catholic vision of nationality. 23 Notre Dame J.L. Ethics & Pub. Pol'y 197-207 (2009).

Mandell, Craig W. Tough pill to swallow: whether Catholic institutions are obligated under Title VII to cover their employees' prescription contraceptives. 8 U. Md. L.J. Race, Religion, Gender & Class 199-239 (2008).

Martinez, Lucian C., Jr. Sovereign impunity: does the Foreign Sovereign Immunities Act bar lawsuits against the Holy See in clerical sexual abuse cases? 44 Tex. Int'l L.J. 123-155 (2008).

Mirkay, Nicholas A. Losing our religion: reevaluating the Section 501(c)(3) exemption of religious organizations that discriminate. 17 Wm. & Mary Bill Rts. J. 715-764 (2009).

Phipps, Kelly Elizabeth. Note. Marriage and redemption: Mormon polygamy in the congressional imagination, 1862-1887. 95 Va. L. Rev. 435-487 (2009).

Rountree, Cameron. Note. Separationism to the extreme: the Mt. Soledad Cross and the Ninth Circuit's crusade to burden the Free Exercise Clause. 17 Wm. & Mary Bill Rts. J. 925-953 (2009).

Strasser, Mark. Repudiating **Everson**: on buses, books, and teaching articles of faith. 78 Miss. L.J. 567-636 (2009).

Tamashiro, Tyson. Comment. RLUIPA and the individualized assessment: special use permits and variances under strict congressional scrutiny. 31 U. Haw. L. Rev. 257-290 (2008).

#### REMEDIES

Dasgupta, Riddhi. **Boumediene v. Bush** and extraterritorial *habeas corpus* in wartime. 36 Hastings Const. L.Q. 425-456 (2009).

Kwoka, Margaret B. Vindicating the rights of people living with AIDS under the Alien Tort Claims Act. 40 Loy. U. Chi. L.J. 643-689 (2009).

Landau, J. Aaron. Comment. Punitives, damaged: the troubling due process implications of **Philip Morris v. Williams** and the case for a sounder approach to litigating third-party harm. (**Philip Morris v. Williams**, 127 S. Ct. 1057, 2007.) 87 Or. L. Rev. 637-670 (2008).

Palitz, Michael. Comment. Beyond our borders: the international law controversy concerning the writ of *habeas corpus* and Guantánamo Bay. 21 Pace Int'l L. Rev. 335-364 (2009).

Page 18 June 5, 2009

Basic compensation for victims of climate change. Article by Daniel Farber; responses by Kenneth R. Feinberg, et al. 38 Envtl. L. Rep. News & Analysis 10521-10538 (2008).

Symposium: The End of the **Microsoft** antitrust case? Editor's note by Maureen K. Ohlhausen; articles by Marco Iansiti, Greg Richards, Carl Shapiro, William H. Page, John E. Lopatka, Renata B. Hesse, David A. Heiner, Christian Ahlborn and Abbott B. Lipsky, Jr.; reply by Michael L. Katz, William P. Rogerson, Keith N. Hylton and Pierre Larouche. 75 Antitrust L.J. 691-995 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for Antitrust Law Journal.)

#### **RICO**

Reichstein, Matthew. Comment. The extradition of General Manuel Noriega: an application of international criminal and humanitarian law to answer the question, 'If so, where should he go?' 22 Emory Int'l L. Rev. 857-889 (2008).

Taylor, William Roquemore. Comment. Federalizing street crime: the improper broadening of RICO's "affecting commerce" requirement. 46 Hous. L. Rev. 139-175 (2009).

#### SCIENCE AND TECHNOLOGY

(For other articles on SCIENCE AND TECHNOLOGY see the **Tables of Contents of Indexed Law Reviews** for <u>Berkeley Technology Law Journal.</u>)

Gilman, Michele Estrin. The President as scientist-in-chief. 45 Willamette L. Rev. 565-606 (2009).

A framework convention for nanotechnology? Article by Kenneth W. Abbott, Gary E. Marchant and Douglas J. Sylvester; responses by Lynn L. Bergeson, David Rejeski and Brent Blackwelder. 38 Envtl. L. Rep. News & Analysis 10507-10520 (2008).

Conventions in Science and Law. Foreword by David Michaels and Neil Vidmar; articles by Susan Haack, Jerome R. Ravetz, Herbert M. Kritzer, Joseph Sanders, Charles Bazerman, David Kriebel, David Rosner and Gary Edmond. 72 Law & Contemp. Probs. 1-189 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Law and Contemporary Problems</u>.)

In defense of regulatory peer review. Article by J.B. Ruhl and James Salzman; responses by Rick E. Melberth, Gary D. Bass and Brian F. Mannix. 38 Envtl. L. Rep. News & Analysis 10553-10565 (2008).

Symposium: The End of the **Microsoft** antitrust case? Editor's note by Maureen K. Ohlhausen; articles by Marco Iansiti, Greg Richards, Carl Shapiro, William H. Page, John E. Lopatka, Renata B. Hesse, David A. Heiner, Christian Ahlborn and Abbott B. Lipsky, Jr.; reply by Michael L. Katz, William P. Rogerson, Keith N. Hylton and Pierre Larouche. 75 Antitrust L.J. 691-995 (2009).

(For contents see the **Tables of Contents of Indexed Law Reviews** for <u>Antitrust Law Journal</u>.)

#### SECOND AMENDMENT

Jones, Bethany. Note. Monkey see, monkey do? The Establishment Clause as possibly illustrative of the Second Amendment's incorporation. 74 Brook. L. Rev. 509-541 (2009).

Pittman, David. Note. **Heller**: a bulwark against tyranny. (**D.C. v. Heller**, 128 S. Ct. 2783, 2008.) 8 Appalachian J.L. 201-218 (2009).

Walker, Anders. From ballots to bullets: **District of Columbia v. Heller** and the new civil rights. 69 La. L. Rev. 509-548 (2009).

#### SECURED TRANSACTIONS

Adams, D. Fenton. Sales of personal property as secured transactions under Article 9 of the Uniform Commercial Code. 31 U. Ark. Little Rock L. Rev. 1-108 (2008).

#### SECURITIES LAW

Fojas, Martin. Note. *Ay Dios* NSMIA! Proof of a private offering exemption should not be a precondition for preempting blue sky law under the National Securities Markets Improvement Act. 74 Brook. L. Rev. 477-508 (2009).

Macchiarola, Michael C. Securities linked to the performance of Tiger Woods? Not such a long shot. 42 Creighton L. Rev. 29-82 (2008).

Marshall, W. Taylor. Note. Securities law--the Securities Exchange Act of 1934--'round and 'round we go: the Supreme Court again limits the circumstances in which federal courts may hold secondary actors liable under section 10(b) and SEC Rule 10b-5. (Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc., 128 S. Ct. 761. 2008.) 31 U. Ark. Little Rock L. Rev. 197-243 (2008).

Muth, Karl T. The fragile armistice: the legal, economic, and policy implications of trading in a competitor's stock. 40 Loy. U. Chi. L.J. 611-642 (2009).

Weiss, David C. Note. The Foreign Corrupt Practices Act, SEC disgorgement of profits, and the evolving international bribery regime: weighing proportionality, retribution, and deterrence. 30 Mich. J. Int'l L. 471-514 (2009).

#### SEXUALITY AND THE LAW

Hawkins-León, Cynthia G. and Anesha Worthy. 10 years out of step & out of line: Florida's statutory ban of "Lesbi-gay adoption" violates the Adoption and Safe Families Act of 1997 (ASFA). 8 U. Md. L.J. Race, Religion, Gender & Class 71-122 (2008)

Johnson, Eric A. *Mens rea* for sexual abuse: the case for defining the acceptable risk. 99 J. Crim. L. & Criminology 1-50 (2009).

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Kwan, Onki. Note. From the Protection of Children Against Sexual Exploitation Act of 1977 to the Adam Walsh Child Protection and Safety Act of 2006: how Congress went from censoring child pornography to censoring protected sexual speech. 36 Hastings Const. L.Q. 483-516 (2009).

Lave, Tamara Rice. Only yesterday: the rise and fall of twentieth century sexual psychopath laws. 69 La. L. Rev. 549-591 (2009).

Martinez, Lucian C., Jr. Sovereign impunity: does the Foreign Sovereign Immunities Act bar lawsuits against the Holy See in clerical sexual abuse cases? 44 Tex. Int'l L.J. 123-155 (2008).

Salas, Richard. Case comment. *In re* Marriage Cases: the fundamental right to marry and equal protection under the California Constitution and the effects of Proposition 8. (*In re* Marriage Cases, 43 Cal. 4th 757, 2008.) 36 Hastings Const. L.Q. 545-561 (2009).

Uggen, Christopher and Heather R. Hlavka. Does stigmatizing sex offenders drive down reporting rates? Perverse effects and unintended consequences. 35 N. Ky. L. Rev. 347-369 (2008).

#### SOCIAL WELFARE

Bach, Wendy A. Welfare reform, privatization, and power: reconfiguring administrative law structures from the ground up. 74 Brook. L. Rev. 275-324 (2009).

Willet-Jones, Nicole Y. Note. Federal social services consequences of a Kentucky drug conviction. 35 N. Ky. L. Rev. 393-412 (2008).

#### **SPORTS**

Macchiarola, Michael C. Securities linked to the performance of Tiger Woods? Not such a long shot. 42 Creighton L. Rev. 29-82 (2008).

### STATE AND LOCAL GOVERNMENT LAW

Salas, Richard. Case comment. *In re* Marriage Cases: the fundamental right to marry and equal protection under the California Constitution and the effects of Proposition 8. (*In re* Marriage Cases, 43 Cal. 4th 757, 2008.) 36 Hastings Const. L.Q. 545-561 (2009).

#### TAXATION--FEDERAL INCOME

Mirkay, Nicholas A. Losing our religion: reevaluating the Section 501(c)(3) exemption of religious organizations that discriminate. 17 Wm. & Mary Bill Rts. J. 715-764 (2009).

Morse, Susan Cleary. Using salience and influence to narrow the tax gap. 40 Loy. U. Chi. L.J. 483-530 (2009).

Pietruszkiewicz, Christopher M. Economic substance and the standard of review. 60 Ala. L. Rev. 339-376 (2009).

Schneider, Daniel M. Use of judicial doctrines in federal tax cases decided by trial courts, 1993-2006: a quantitative assessment. 57 Clev. St. L. Rev. 35-75 (2009).

#### TAXATION--STATE AND LOCAL

Schlunk, Herwig. Why every state should have an income tax (and a retail sales tax, too). 78 Miss. L.J. 637-703 (2009).

#### **TORTS**

Chilson, Jessica L. Note. Unmasking John Doe: setting a standard for discovery in anonymous Internet defamation cases. 95 Va. L. Rev. 389-433 (2009).

Jungman, Michael P. Comment. You've got libel: how the CAN-SPAM Act delivers defamation liability to spam-fighters and why the First Amendment should delete the problem. 58 Emory L.J. 1013-1051 (2009).

Martinez, Lucian C., Jr. Sovereign impunity: does the Foreign Sovereign Immunities Act bar lawsuits against the Holy See in clerical sexual abuse cases? 44 Tex. Int'l L.J. 123-155 (2008).

Reeves, Timothy Dylan. Note. Tort liability for manufacturers of violent video games: a situational discussion of the causation calamity. 60 Ala. L. Rev. 519-546 (2009).

#### TRADE REGULATION

(For other articles on TRADE REGULATION see the **Tables** of Contents of Indexed Law Reviews for Antitrust Law Journal.)

Desautels-Stein, Justin. Extraterritoriality, antitrust, and the pragmatist style. 22 Emory Int'l L. Rev. 499-570 (2008).

Hiller, Janine S., David L. Baumer and Wade M. Chumney. Due diligence on the run: business lessons derived from FTC actions to enforce core security principles. 45 Idaho L. Rev. 283-316 (2009).

Looper, Scott. Note. Reading Roberts: a critical framework for analyzing the Supreme Court's decision in ... (Leegin Creative Leather Prods., Inc. v. PSKS, Inc., 127 S. Ct. 2705, 2007.) 46 Hous. L. Rev. 177-213 (2009).

Richman, Barak D. The antitrust of reputation mechanisms: institutional economics and concerted refusals to deal. 95 Va. L. Rev. 325-387 (2009).

#### TRANSPORTATION LAW

Sturley, Michael F. Maritime cases about train wrecks: applying maritime law to the inland damage of ocean cargo. 40 J. Mar. L. & Com. 1-41 (2009).

#### WATER LAW

Reed, Madeline. Note. Seawalls and the public trust: navigating the tension between private property and public beach use in the face of shoreline erosion. 20 Fordham Envtl. L. Rev. 305-339 (2009).

Page 20 June 5, 2009

Western growth and sustainable water use: if there are no "natural limits," should we worry about water supplies? Article by A. Dan Tarlock and Sarah Bates; responses by Thomas J. Graff, et al. 38 Envtl. L. Rep. News & Analysis 10582-10597 (2008).

#### WOMEN

Ginsburg, Justice Ruth Bader. **Atkinson Lecture. Muller v. Oregon**: one hundred years later. 45 Willamette L. Rev. 359-380 (2009).

Johnson, Rebecca. Mothers, babies and jail. 8 U. Md. L.J. Race, Religion, Gender & Class 47-70 (2008).

Ní Aoláin, Fionnuala and Michael Hamilton. Gender and the rule of law in transitional societies. 18 Minn. J. Int'l L. 380-402 (2009).

#### TABLES OF CONTENTS OF INDEXED LAW REVIEWS

# 60 ALABAMA LAW REVIEW, NO. 2, PP. 191-546, 2009.

Sullivan, Charles A. The phoenix from the **Ash**: proving discrimination by comparators. 60 Ala. L. Rev. 191-239 (2009).

Blevins, John. A fragile foundation--the role of "intermodal" and "facilities-based" competition in communications policy. 60 Ala. L. Rev. 241-289 (2009).

Fee, John. The pornographic secondary effects doctrine. 60 Ala. L. Rev. 291-338 (2009).

Pietruszkiewicz, Christopher M. Economic substance and the standard of review. 60 Ala. L. Rev. 339-376 (2009).

Hulsebosch, Daniel J. **Meador Lecture Series 2007-2008: Empire**. An empire of law: Chancellor Kent and the revolution in books in the early Republic. 60 Ala. L. Rev. 377-424 (2009).

Colquitt, Joseph A. Can Alabama handle the truth (in sentencing)? 60 Ala. L. Rev. 425-441 (2009).

Driskill, Christopher. Note. A dangerous doctrine: the case against using concerted-misconduct estoppel to compel arbitration. 60 Ala. L. Rev. 443-468 (2009).

Israel, Adam K. Note. To scrub or not to scrub: the ethical implications of metadata and electronic data creation, exchange, and discovery. 60 Ala. L. Rev. 469-497 (2009).

Murphy, Elizabeth. Note. The current state of *caveat emptor* in Alabama real estate sales. 60 Ala. L. Rev. 499-518 (2009).

Reeves, Timothy Dylan. Note. Tort liability for manufacturers of violent video games: a situational discussion of the causation calamity. 60 Ala. L. Rev. 519-546 (2009).

# 33 AMERICAN INDIAN LAW REVIEW, NO. 1, PP. 1-327, 2008-2009.

Special Presentation: American Indian Law and Literature. Materials Presented at the Fourth Annual Indigenous Law Conference, Michigan State university College of Law, Oct. 19-20, 2007. 33 Am. Indian L. Rev. 1-241 (2008-2009).

Delgado, Richard and Jean Stefancic. Crossover. 33 Am. Indian L. Rev. 1-12 (2008-2009).

Knake, Renee Newman. Resolving ethical dilemmas in James Welch's <u>The Indian Lawyer</u>. 33 Am. Indian L. Rev. 13-32 (2008-2009).

Fletcher, Matthew L.M. Red leaves and the dirty ground: the cannibalism of law and economics. 33 Am. Indian L. Rev. 33-52 (2008-2009).

Katanski, Amelia V. Writing the living law: American Indian literature as legal narrative. 33 Am. Indian L. Rev. 53-76 (2008-2009).

Camden, Jen and Kathryn E. Fort. "Channeling thought": the legacy of legal fictions from 1823. 33 Am. Indian L. Rev. 77-109 (2008-2009).

Carpenter, Kristen A. Interpretive sovereignty: a research agenda. 33 Am. Indian L. Rev. 111-152 (2008-2009).

Montoya, Margaret and Christine Zuni Cruz, interviewed by Gene Grant. Narrative braids: performing racial literacy. 33 Am. Indian L. Rev. 153-199 (2008-2009).

Backer, Larry Catá. From Hatuey to Che: indigenous Cuba without Indians and the U.N. Declaration on the Rights of Indigenous Peoples. 33 Am. Indian L. Rev. 201-238 (2008-2009).

Pommersheim, Frank. Afterword. 33 Am. Indian L. Rev. 239-241 (2008-2009).

Gover, Kirsty. Genealogy as continuity: explaining the growing tribal preference for descent rules in membership governance in the United States. 33 Am. Indian L. Rev. 243-309 (2008-2009).

Crowell, Moani and Gregory K. Schlais. Winner, best appellate brief in the 2008 Native American Law Student Association Moot Court Competition. 33 Am. Indian L. Rev. 311-327 (2008-2009).

# 58 AMERICAN UNIVERSITY LAW REVIEW, NO. 4, APRIL, 2009.

A Review of Recent Decisions of the United States Court of Appeals for the Federal Circuit. 58 Am. U. L. Rev. 699-973 (2009).

Page 21 June 5, 2009

Michel, Hon. Paul R. Assuring consistency and uniformity of precedent and legal doctrine in the areas of subject matter jurisdiction entrusted exclusively to the U.S. Court of Appeals for the Federal Circuit: a view from the top. 58 Am. U. L. Rev. 699-706 (2009).

Blair-Stanek, Andrew. Increased market power as a new secondary consideration in patent law. 58 Am. U. L. Rev. 707-746 (2009).

Zubler, Todd, et al. 2008 patent law decisions of the Federal Circuit. 58 Am. U. L. Rev. 747-945 (2009).

Kelly, David M. and Stephanie H. Bald. 2008 trademark decisions of the Federal Circuit. 58 Am. U. L. Rev. 947-973 (2009).

Goldfeder, Jarrod M. 2008 International trade decisions of the Federal Circuit. 58 Am. U. L. Rev. 975-1049 (2009).

Floyd, Sheryl L., et al. 2008 Government contract decisions of the Federal Circuit. 58 Am. U. L. Rev. 1051-1117 (2009).

# 75 ANTITRUST LAW JOURNAL, NO. 3, PP. 657-996, 2009.

Creighton, Susan A. and Scott A. Sher. Resolving patent disputes through merger: a comparison of three potential approaches. 75 Antitrust L.J. 657-690 (2009).

Symposium: The End of the **Microsoft** antitrust case? 75 Antitrust L.J. 691-995 (2009).

Ohlhausen, Maureen K. Editor's note. 75 Antitrust L.J. 691-703 (2009).

Iansiti, Marco and Greg Richards. Six years later: the impact of the evolution of the IT ecosystem. 75 Antitrust L.J. 705-721 (2009).

Katz, Michael L. and William P. Rogerson. The applications barrier to entry and its implications for the **Microsoft** remedies: comment on Iansiti and Richards. 75 Antitrust L.J. 723-738 (2009).

Shapiro, Carl. **Microsoft**: a remedial failure. 75 Antitrust L.J. 739-772 (2009).

Hylton, Keith N. Remedies, antitrust law, and **Microsoft**: comment on Shapiro. 75 Antitrust L.J. 773-786 (2009).

Page, William H. Mandatory contracting remedies in the American and European **Microsoft** cases. 75 Antitrust L.J. 787-809 (2009).

Lopatka, John E. Assessing **Microsoft** from a distance. 75 Antitrust L.J. 811-845 (2009).

Hesse, Ranata B. Section 2 remedies and **U.S. v. Microsoft**: what is to be learned? 75 Antitrust L.J. 847-869 (2009).

Heiner, David A. Single-firm conduct remedies: perspectives from the defense. 75 Antitrust L.J. 871-886 (2009).

Ahlborn, Christian and David S. Evans. The **Microsoft** judgment and its implications for competition policy towards dominant firms in Europe. 75 Antitrust L.J. 887-932 (2009).

Larouche, Pierre. The European **Microsoft** case at the crossroads of competition policy and innovation: comment on Ahlborn and Evans. 75 Antitrust L.J. 933-963 (2009).

Lipsky, Abbott B., Jr. Managing antitrust compliance through the continuing surge in global enforcement. 75 Antitrust L.J. 965-995 (2009).

# 8 APPALACHIAN JOURNAL OF LAW, NO. 2, SPRING, 2009.

McGiverin, Brian. The subversion of means to ends: philosophy of the extra-territorial Constitution and reflections on **Boumediene v. Bush**. 8 Appalachian J.L. 123-155 (2009).

Cole, James, Kate Seikaly and P.J. Meitl. Exploring every avenue: the dilemma posed by attorney-client privilege assertions in Congress. 8 Appalachian J.L. 157-178 (2009).

Wood, Blair N.C. Comment. The Oil Pollution Act of 1990: improper expenses to include in reaching the limit on liability. 8 Appalachian J.L. 179-200 (2009).

Pittman, David. Note. **Heller**: a bulwark against tyranny. (**D.C. v. Heller**, 128 S. Ct. 2783, 2008.) 8 Appalachian J.L. 201-218 (2009).

# 23 BERKELEY TECHNOLOGY LAW JOURNAL, NO. 4, FALL, 2008.

Lefstin, Jeffrey A. A formal structure of patent law and the limits of enablement. 23 Berkeley Tech. L.J. 1141-1225 (2008).

Bradford, Laura R. Emotion, dilution, and the trademark consumer. 23 Berkeley Tech. L.J. 1227-1298 (2008).

Sarnoff, Joshua D. and Christopher M. Holman. Recent developments affecting the enforcement, procurement, and licensing of research tool patents. 23 Berkeley Tech. L.J. 1299-1366 (2008).

Williams, Matt. Congress should amend the Copyright Act to protect transactional watermarks. 23 Berkeley Tech. L.J. 1367-1409 (2008).

Bitton, Miriam. Exploring European Union copyright policy through the lens of the database directive. 23 Berkeley Tech. L.J. 1411-1470 (2008).

Page 22 June 5, 2009

Torrance, Andrew W. Physiological steps doctrine. 23 Berkeley Tech. L.J. 1471-1505 (2008).

Wolking, Tova. Notes & Comments Competition winner. Comment. School administrators as cyber censors: cyber speech and First Amendment rights. 23 Berkeley Tech. L.J. 1507-1530 (2008).

# 74 BROOKLYN LAW REVIEW, NO. 2, WINTER, 2009.

Bach, Wendy A. Welfare reform, privatization, and power: reconfiguring administrative law structures from the ground up. 74 Brook. L. Rev. 275-324 (2009).

Kahn, Jonathan. Race, genes, and justice: a call to reform the presentation of forensic DNA evidence in criminal trials. 74 Brook. L. Rev. 325-375 (2009).

Karin, Marcy L. Changing federal statutory proposals to address domestic violence at work: creating a societal response by making businesses a part of the solution. 74 Brook. L. Rev. 377-428 (2009).

Newman, Judge Jon O. The Second Circuit's expedited adjudication of asylum cases: a case study of a judicial response to an unprecedented problem of caseload management. 74 Brook. L. Rev. 429-437 (2009).

Braiman, Jay. Note. A new case, an old problem, a teacher's perspective: the constitutional rights of public school students. 74 Brook, L. Rev. 439-476 (2009).

Fojas, Martin. Note. *Ay Dios* NSMIA! Proof of a private offering exemption should not be a precondition for preempting blue sky law under the National Securities Markets Improvement Act. 74 Brook. L. Rev. 477-508 (2009).

Jones, Bethany. Note. Monkey see, monkey do? The Establishment Clause as possibly illustrative of the Second Amendment's incorporation. 74 Brook. L. Rev. 509-541 (2009).

Morris, Brian. Note. You've got to be kidneying me! The fatal problem of severing rights and remedies from the body of organ donation law. 74 Brook. L. Rev. 543-580 (2009).

Williams, M.J. Note. Framing art vandalism: a proposal to address violence against art. 74 Brook. L. Rev. 581-631 (2009).

# 57 CLEVELAND STATE LAW REVIEW, NO. 1, PP. 1-197, 2009.

Pimentel, David. Reframing the independence v. accountability debate: defining judicial structure in light of judges' courage and integrity. 57 Clev. St. L. Rev. 1-33 (2009).

Schneider, Daniel M. Use of judicial doctrines in federal tax cases decided by trial courts, 1993-2006: a quantitative assessment. 57 Clev. St. L. Rev. 35-75 (2009).

Tamanaha, Brian Z. The realism of judges past and present. 57 Clev. St. L. Rev. 77-91 (2009).

Richmond, Douglas R. Expelling law firm partners. 57 Clev. St. L. Rev. 93-136 (2009).

Snyder, Kristen Stuber. Note. No cracks in the wall: the standing barrier and the need for restructuring of animal protection laws. 57 Clev. St. L. Rev. 137-166 (2009).

Wilson, Kelly. Note. Catching the unique rabbit: why pets should be reclassified as inimitable property under the law. 57 Clev. St. L. Rev. 167-197 (2009).

# 32 COLUMBIA JOURNAL OF LAW & THE ARTS, NO. 2, WINTER, 2009.

Ginsburg, Jane C., et al. Tribute to Professor John M. Kernochan. In memoriam: 1919-2007. 32 Colum. J.L. & Arts 179-192 (2009).

Neal, James G. A lay perspective on the copyright wars: a report from the trenches of the Section 108 Study Group. **Horace S. Manges Lecture: April 1, 2008**. 32 Colum. J.L. & Arts 193-205 (2009).

Honigman, Jacob. Note. Can't stop snitchin': criminalizing threats made in "stop snitching" media under the true threats exception to the Frst Amendment. 32 Colum. J.L. & Arts 207-231 (2009).

# 42 CREIGHTON LAW REVIEW, NO. 1, DECEMBER, 2008.

Borchers, Patrick J. The conflict of laws and **Boumediene v. Bush**. 42 Creighton L. Rev. 1-27 (2008).

Macchiarola, Michael C. Securities linked to the performance of Tiger Woods? Not such a long shot. 42 Creighton L. Rev. 29-82 (2008).

Efrat, Rafael. Senior entrepreneurs in bankruptcy. 42 Creighton L. Rev. 83-121 (2008).

# 22 EMORY INTERNATIONAL LAW REVIEW, NO. 2, PP. 423-926, 2008.

Quigley, John. President Bush's directive on foreigners under arrest: a critique of **Medellín v. Texas**. 22 Emory Int'l L. Rev. 423-454 (2008).

Dhooge, Lucien J. Due diligence as a defense to corporate liability pursuant to the Alien Tort Statute. 22 Emory Int'l L. Rev. 455-498 (2008).

Desautels-Stein, Justin. Extraterritoriality, antitrust, and the pragmatist style. 22 Emory Int'l L. Rev. 499-570 (2008).

Page 23 June 5, 2009

Tuininga, Kevin. International commercial arbitration in Cuba. 22 Emory Int'l L. Rev. 571-637 (2008).

Pinkston, Jarred. Toward a uniform interpretation of the Federal Arbitration Act: the role of 9 U.S.C. § 208 in the arbitral statutory scheme. 22 Emory Int'l L. Rev. 639-706 (2008).

Bederman, David J. The pirate code. 22 Emory Int'l L. Rev. 707-725 (2008).

Belz, Matthew. Comment. Provisional application of the Energy Charter Treaty: **Kardassopoulos v. Georgia** and improving provisional application in multilateral treaties. (**Kardassopoulos v. Georgia**, ICSID (W. Bank) case no. ARB/05/18, 2007.) 22 Emory Int'l L. Rev. 727-760 (2008).

Goldstone, Danielle E. Comment. Embracing impasse: admissibility, prosecutorial discretion, and the lessons of Uganda for the International Criminal Court. 22 Emory Int'l L. Rev. 761-798 (2008).

Jones, Jessica. Comment. India versus the United Nations: the Central Vigilance Commission Act does not satisfy the U.N. Convention Against Corruption. 22 Emory Int'l L. Rev. 799-855 (2008).

Reichstein, Matthew. Comment. The extradition of General Manuel Noriega: an application of international criminal and humanitarian law to answer the question, 'If so, where should he go?' 22 Emory Int'l L. Rev. 857-889 (2008).

van der Zalm, C. Theodora. Comment. Protecting the innocent: Children's Act of 2005 and customary law in South Africaconflicts, consequences, and possible solutions. 22 Emory Int'l L. Rev. 891-926 (2008).

# 58 EMORY LAW JOURNAL, NO. 4, PP. 831-1052, 2009.

Nash, Jonathan Remy. The majority that wasn't: *stare decisis*, majority rule, and the mischief of quorum requirements. 58 Emory L.J. 831-888 (2009).

Lee, Peter. Contracting to preserve open science: consideration-based regulation in patent law. 58 Emory L.J. 889-975 (2009).

Fairbairn, Jennifer E. Comment. Keeping **Grable** slim: federal question jurisdiction and the centrality test. 58 Emory L.J. 977-1011 (2009).

Jungman, Michael P. Comment. You've got libel: how the CAN-SPAM Act delivers defamation liability to spam-fighters and why the First Amendment should delete the problem. 58 Emory L.J. 1013-1051 (2009).

# 38 ENVIRONMENTAL LAW REPORTER NEWS & ANALYSIS, NO. 8, AUGUST, 2008.

A framework convention for nanotechnology? Article by Kenneth W. Abbott, Gary E. Marchant and Douglas J. Sylvester; responses by Lynn L. Bergeson, David Rejeski and Brent Blackwelder. 38 Envtl. L. Rep. News & Analysis 10507-10520 (2008).

Basic compensation for victims of climate change. Article by Daniel Farber; responses by Kenneth R. Feinberg, et al. 38 Envtl. L. Rep. News & Analysis 10521-10538 (2008).

Trading spaces: a new direction for habitat trading programs. Article by Jonathan Remy Nash; responses by Virginia S. Albrecht and Michael J. Bean. 38 Envtl. L. Rep. News & Analysis 10539-10552 (2008).

In defense of regulatory peer review. Article by J.B. Ruhl and James Salzman; responses by Rick E. Melberth, Gary D. Bass and Brian F. Mannix. 38 Envtl. L. Rep. News & Analysis 10553-10565 (2008).

Of Montreal and Kyoto: a tale of two protocols. Article by Cass R. Sunstein; responses by Daniel Barstow Magraw, Peter R. Orszag and Terry M. Dinan. 38 Envtl. L. Rep. News & Analysis 10566-10581 (2008).

Western growth and sustainable water use: if there are no "natural limits," should we worry about water supplies? Article by A. Dan Tarlock and Sarah Bates; responses by Thomas J. Graff, et al. 38 Envtl. L. Rep. News & Analysis 10582-10597 (2008).

Recent developments. In the courts. 38 Envtl. L. Rep. News & Analysis 10598-10599 (2008).

Journal literature. 38 Envtl. L. Rep. News & Analysis 10600-10601 (2008).

Topical index. 38 Envtl. L. Rep. News & Analysis 10602-10603 (2008).

# 42 FAMILY LAW QUARTERLY, NO. 4, WINTER, 2009.

Elrod, Linda D. ("Cricket"). Editor's note. 42 Fam. L.Q. vii (2009).

Wallerstein, Judith S. and Julia M. Lewis. Divorced fathers and their adult offspring: report from a twenty-five year longitudinal study. 42 Fam. L.Q. 695-711 (2009).

Elrod, Linda D. and Robert G. Spector. A review of the year in family law 2007-2008: federalization and nationalization continue. 42 Fam. L.Q. 713-755 (2009).

Charts. 42 Fam. L.Q. 757-765 (2009).

Page 24 June 5, 2009

Family law in the fifty states 2007-2008: case digests. 42 Fam. L.O. 767-875 (2009).

Ver Steegh, Nancy. Annual survey of periodical literature. 42 Fam. L.Q. 877-915 (2009).

Index to volume 42. 42 Fam. L.Q. 917-922 (2009).

### 20 FORDHAM ENVIRONMENTAL LAW REVIEW, NO. 1, SPRING, 2009.

Rawlins, Rachael. Teething on toxins: in search of regulatory solutions for toys and cosmetics. 20 Fordham Envtl. L. Rev. 1-50 (2009).

Waterhouse, Carlton. Abandon all hope ye that enter? Equal protection, Title VI, and the divine comedy of environmental justice. 20 Fordham Envtl. L. Rev. 51-113 (2009).

Wiseman, Hannah. Untested waters: the rise of hydraulic fracturing in oil and gas production and the need to revisit regulation. 20 Fordham Envtl. L. Rev. 115-195 (2009).

Gentile, Dominic A. Note. International trade and the environment: what is the role of the WTO? 20 Fordham Envtl. L. Rev. 197-232 (2009).

Hoffpauir, Jennifer. Note. The environmental impact of commodity subsidies: NEPA and the Farm Bill. 20 Fordham Envtl. L. Rev. 233-265 (2009).

Nummey, Thomas L. Note. Environmental salvage law in the age of the tanker. 20 Fordham Envtl. L. Rev. 267-304 (2009).

Reed, Madeline. Note. Seawalls and the public trust: navigating the tension between private property and public beach use in the face of shoreline erosion. 20 Fordham Envtl. L. Rev. 305-339 (2009).

# 77 GEORGE WASHINGTON LAW REVIEW, NO. 2, FEBRUARY, 2009.

Ahdieh, Robert B. Trapped in a metaphor: the limited implications of federalism for corporate governance. 77 Geo. Wash. L. Rev. 255-307 (2009).

Oldfather, Chad M. Universal *de novo* review. 77 Geo. Wash. L. Rev. 308-365 (2009).

Aagaard, Todd S. Factual premises of statutory interpretation in agency review cases. 77 Geo. Wash. L. Rev. 366-430 (2009).

Frankel, Rachel. Note. Sharks and minnows: using temporary alien deportation immunity to catch the big fish. 77 Geo. Wash. L. Rev. 431-457 (2009).

Glasionov, Rita. Note. In furtherance of transparency and litigants' rights: reforming the state secrets privilege. (El-Masri v. Tenet, 437 F. Supp. 2d 530, 2006, *aff'd sub nom*. El-Masri v. United States, 479 F.3d 296, 2007, *cert. denied*, 128 S. Ct. 373, 2007; Arar v. Ashcroft, 437 F. Supp. 2d 532, 2006, *aff'd*., 532 F.3d 157, 2008.) 77 Geo. Wash. L. Rev. 458-487 (2009).

Shah, Megha. Note. Grassroots enforcement of EISA: the need for a citizen suit provision in the Energy Independence and Security Act of 2007. 77 Geo. Wash. L. Rev. 488-523 (2009).

Weiner, Ross L. Note. The Office of Legal Counsel and torture: the law as both a sword and shield. 77 Geo. Wash. L. Rev. 524-560 (2009).

# 22 GEORGETOWN JOURNAL OF LEGAL ETHICS, NO. 1, WINTER, 2009.

Scherer, Matthew U., Editor in Chief. Foreword to volume XXII. 22 Geo. J. Legal Ethics 1-2 (2009).

Andrews, Carol Rice. The lawyer's oath: both ancient and modern. 22 Geo. J. Legal Ethics 3-62 (2009).

Chambliss, Elizabeth. New sources of managerial authority in large law firms. 22 Geo. J. Legal Ethics 63-95 (2009).

DiLernia, Michael J. Advance waivers of conflicts of interest in large law firm practice. 22 Geo. J. Legal Ethics 97-141 (2009).

Michels, Kevin H. Third-party negligence claims against counsel: a proposed unified liability standard. 22 Geo. J. Legal Ethics 143-200 (2009).

Parker, Christine E., Robert Eli Rosen and Vibeke Lehman Nielson. The two faces of lawyers: professional ethics and business compliance with regulation. 22 Geo. J. Legal Ethics 201-248 (2009).

Richmond, Douglas R. Lawyers' professional responsibilities and liabilities in negotiations. 22 Geo. J. Legal Ethics 249-297 (2009).

Lyerly, Stephanie. Note. Conditional admission: a step in the right direction. 22 Geo. J. Legal Ethics 299-326 (2009).

# 36 HASTINGS CONSTITUTIONAL LAW QUARTERLY, NO. 3, SPRING, 2009.

Blumenthal, Jeremy A. Legal claims as private property: implications for eminent domain. 36 Hastings Const. L.Q. 373-423 (2009).

Dasgupta, Riddhi. **Boumediene v. Bush** and extraterritorial *habeas corpus* in wartime. 36 Hastings Const. L.Q. 425-456 (2009).

Page 25 June 5, 2009

Cooper, Nikhil D. Note. Circumventing non-appropriation: law and development of United States space commerce. 36 Hastings Const. L.Q. 457-482 (2009).

Kwan, Onki. Note. From the Protection of Children Against Sexual Exploitation Act of 1977 to the Adam Walsh Child Protection and Safety Act of 2006: how Congress went from censoring child pornography to censoring protected sexual speech. 36 Hastings Const. L.Q. 483-516 (2009).

Lyon, Elizabeth. Note. "A picture is worth a thousand words": the effect of spectators' display of victim photographs during a criminal jury trial on a criminal defendant's fair trial rights. 36 Hastings Const. L.Q. 517-544 (2009).

Salas, Richard. Case comment. *In re* Marriage Cases: the fundamental right to marry and equal protection under the California Constitution and the effects of Proposition 8. (*In re* Marriage Cases, 43 Cal. 4th 757, 2008.) 36 Hastings Const. L.Q. 545-561 (2009).

# 46 HOUSTON LAW REVIEW, NO. 1, SYMPOSIUM, 2009.

Hazard, Geoffrey C., Jr. **The Thirteenth Annual Frankel Lecture**. Legal and Managerial "Cultures" in corporate representation. 46 Hous. L. Rev. 1-16 (2009).

Rock, Edward B. The general counsel of a nonprofit enterprise: some questions. 46 Hous. L. Rev. 17-31 (2009).

Arbogast, Stephen V. Commentary on legal and Managerial "Cultures" in corporate representation. 46 Hous. L. Rev. 33-59 (2009).

Dickerson, Nicholas P. Comment. What makes the Internet so special? And why, where, how, and by whom should its content be regulated? 46 Hous. L. Rev. 61-102 (2009).

Smith, Mark E. Comment. Going to the dogs: evaluating the proper standard for narcotic detector dog searches of private residences. 46 Hous. L. Rev. 103-138 (2009).

Taylor, William Roquemore. Comment. Federalizing street crime: the improper broadening of RICO's "affecting commerce" requirement. 46 Hous. L. Rev. 139-175 (2009).

Looper, Scott. Note. Reading Roberts: a critical framework for analyzing the Supreme Court's decision in ... (**Leegin Creative Leather Prods., Inc. v. PSKS, Inc.,** 127 S. Ct. 2705, 2007.) 46 Hous. L. Rev. 177-213 (2009).

### 52 HOWARD LAW JOURNAL, NO. 2, WINTER, 2009.

Collins, Valerie L. Letter from the Editor-in-Chief. 52 How. L.J. ix-x (2009).

Allain, Jean. The definition of slavery in international law. 52 How. L.J. 239-275 (2009).

Brauch, Jeffrey A. The dangerous search for an elusive consensus: what the Supreme Court *should* learn from the European Court of Human Rights. 52 How. L.J. 277-318 (2009).

Imwrinkelried, Edward J. The need to resurrect the present sense impression hearsay exception: a relapse in hearsay policy. 52 How. L.J. 319-356 (2009).

Kurland, Adam Harris. Court's in session: a law professor returns to the majestic chaos of a criminal jury trial. 52 How. L.J. 357-373 (2009).

Fabrikant, Robert. Lincoln, emancipation, and 'military necessity'. (Reviewing Burrus M. Carnahan, <u>Act of Justice</u>, <u>Lincoln's Emancipation Proclamation and the Law of War</u>.) 52 How. L.J. 375-405 (2009).

Collins, Valerie L. Comment. Camouflaged legitimacy: civil commitment, property rights, and legal isolation. 52 How. L.J. 407-458 (2009).

Henderson-Utis, Susan. Comment. What would the Founding Fathers do? The rise of religious programs in the United States prison system. 52 How. L.J. 459-506 (2009).

# 45 IDAHO LAW REVIEW, NO. 2, PP. 283-508, 2009.

Symposium. Internet Law: Challenges and Opportunities. 45 Idaho L. Rev. 283-439 (2009).

Hiller, Janine S., David L. Baumer and Wade M. Chumney. Due diligence on the run: business lessons derived from FTC actions to enforce core security principles. 45 Idaho L. Rev. 283-316 (2009).

Kane, Brian and Brett T. Delange. A tale of two Internets: Web 2.0 slices, dices, and is privacy resistant. 45 Idaho L. Rev. 317-347 (2009).

Frazer, Brad. Open source is not public domain: evolving licensing philosophies. 45 Idaho L. Rev. 349-375 (2009).

Cogar, Rae N. Managing information: meeting the requirements of electronic production. 45 Idaho L. Rev. 377-397 (2009).

Kunz, Christina L. The definitional hub of e-commerce: "record". 45 Idaho L. Rev. 399-439 (2009).

Griffiths, Kevin A. Comment. The expense of uncertainty: how a lack of clear e-discovery standards put attorneys and clients in jeopardy. 45 Idaho L. Rev. 441-478 (2009).

Page 26 June 5, 2009

Wilson, Emma. **Douglas v. Talk America**: making the case for proper notice. (**Douglas v. U.S. Dist. Court**, 495 F.3d 1062, 2007, *cert. denied* 128 S. Ct. 1472, 2008.) 45 Idaho L. Rev. 479-508 (2009).

# 18 JOURNAL OF AFFORDABLE HOUSING & COMMUNITY DEVELOPMENT LAW, NO. 2, WINTER, 2009.

The Fair Housing Act at 40. 18 J. Affordable Housing & Commun. Dev. L. 143-244 (2009).

Emden, Craig A. Chair's message. The American Recovery and Reinvestment Tax Act and affordable housing. 18 J. Affordable Housing & Commun. Dev. L. 143-144 (2009).

powell, john a. Reflections on the past, looking to the future: the Fair Housing Act at 40. 18 J. Affordable Housing & Commun. Dev. L. 145-168 (2009).

Pindell, Ngai. The Fair Housing Act at forty: predatory lending and the city as plaintiff. 18 J. Affordable Housing & Commun. Dev. L. 169-183 (2009).

Julian, Elizabeth K. Recent advocacy related to the Low Income Housing Tax Credit and Fair Housing. 18 J. Affordable Housing & Commun. Dev. L. 185-192 (2009).

Frankenberg, Erica. Metropolitan schooling and housing integration. 18 J. Affordable Housing & Commun. Dev. L. 193-213 (2009).

Pattillo, Mary. Making Fair (public) Housing claims in a post-racism legal context. 18 J. Affordable Housing & Commun. Dev. L. 215-234 (2009).

Seng, Michael P. and F. Willis Caruso. Forty years of Fair Housing: where do we go from here? 18 J. Affordable Housing & Commun. Dev. L. 235-244 (2009).

# 99 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, NO. 1, WINTER, 2009.

Johnson, Eric A. *Mens rea* for sexual abuse: the case for defining the acceptable risk. 99 J. Crim. L. & Criminology 1-50 (2009).

Kessler, David K. Free to leave? An empirical look at the Fourth Amendment's seizure standard. 99 J. Crim. L. & Criminology 51-88 (2009).

Richardson, L. Song. When human experimentation is criminal. 99 J. Crim. L. & Criminology 89-133 (2009).

Sanborn, Joseph B., Jr. Juveniles' competency to stand trial: wading through the rhetoric and the evidence. 99 J. Crim. L. & Criminology 135-213 (2009).

Sullivan, Thomas P. and Andrew W. Vail. The consequences of law enforcement officials' failure to record custodial interviews as required by law. 99 J. Crim. L. & Criminology 215-234 (2009).

Grabczynska, Arlette and Kimberly Kessler Ferzan. Justifying <u>Killing in Self-Defence</u>. (Reviewing Fiona Leverick, <u>Killing in Self-Defence</u>.) 99 J. Crim. L. & Criminology 235-253 (2009).

Dionne, Lee. Comment. Let the punishment fit the crime: should courts exercise the power of appellate sentence review in cases involving narcotics and other stigmatized crimes? 99 J. Crim. L. & Criminology 255-285 (2009).

Podgorny, Diana R. Comment. Rethinking the increased focus on penal measures in immigration law as reflected in the expansion of the "aggravated felony" concept. 99 J. Crim. L. & Criminology 287-315 (2009).

# 40 JOURNAL OF MARITIME LAW AND COMMERCE, NO. 1, JANUARY, 2009.

Sturley, Michael F. Maritime cases about train wrecks: applying maritime law to the inland damage of ocean cargo. 40 J. Mar. L. & Com. 1-41 (2009).

Kraska, James and Brian Wilson. Repressing piracy in the 21st century: an international maritime threat response plan. 40 J. Mar. L. & Com. 43-58 (2009).

Passman, Michael H. Interpreting sea piracy clauses in marine insurance contracts. 40 J. Mar. L. & Com. 59-88 (2009).

Collins, Rosemary and Daud Hassan. Applications and shortcomings of the law of the sea in combating piracy: a South East Asia perspective. 40 J. Mar. L. & Com. 89-113 (2009).

Wagener, Michael. Legal certainty and the incorporation of charterparty arbitration clauses in bills of lading. 40 J. Mar. L. & Com. 115-123 (2009).

Ingram, John Dwight. The duty of an applicant for insurance to voluntarily disclose facts. 40 J. Mar. L. & Com. 125-131 (2009).

Aspragkathou, Despoina. "The Asbatankovy Charterparty clauses for the commencement of laytime--interpretation under English and American law." 40 J. Mar. L. & Com. 133-148 (2009).

# 72 LAW AND CONTEMPORARY PROBLEMS, NO. 1, WINTER, 2009.

Conventions in Science and Law. 72 Law & Contemp. Probs. 1-189 (2009).

Michaels, David and Neil Vidmar. Foreword. 72 Law & Contemp. Probs. i-v (2009).

Page 27 June 5, 2009

Haack, Susan. Irreconcilable differences? The troubled marriage of science and law. 72 Law & Contemp. Probs. 1-23 (2009).

Ravetz, Jerome R. Essay: conventions in science and the courts: images and realities. 72 Law & Contemp. Probs. 25-40 (2009).

Kritzer, Herbert M. The arts of persuasion in science and law: conflicting norms in the courtroom. 72 Law & Contemp. Probs. 41-61 (2009).

Sanders, Joseph. Science, law, and the expert witness. 72 Law & Contemp. Probs. 63-90 (2009).

Bazerman, Charles. How does science come to speak in the courts? Citations, intertexts, expert witnesses, consequential facts, and reasoning. 72 Law & Contemp. Probs. 91-120 (2009).

Kriebel, David. How much evidence is enough? Conventions of causal inference. 72 Law & Contemp. Probs. 121-136 (2009).

Rosner, David. Trials and tribulations: what happens when historians enter the courtroom. 72 Law & Contemp. Probs. 137-158 (2009).

Edmond, Gary. Merton and the hot tub: scientific conventions and expert evidence in Australian civil procedure. 72 Law & Contemp. Probs. 159-189 (2009).

Dodrill, Christopher S. In defense of 'footnote four': a historical analysis of the New Deal's effect on land regulation in the U.S. Supreme Court. 72 Law & Contemp. Probs. 191-204 (2009).

# 69 LOUISIANA LAW REVIEW, NO. 3, SPRING, 2009.

Walker, Anders. From ballots to bullets: **District of Columbia v. Heller** and the new civil rights. 69 La. L. Rev. 509-548 (2009).

Lave, Tamara Rice. Only yesterday: the rise and fall of twentieth century sexual psychopath laws. 69 La. L. Rev. 549-591 (2009).

Broughton, J. Richard. **Kennedy** and the tail of Minos. 69 La. L. Rev. 593-626 (2009).

Felder, Robert D. Comment. A coroner system in crisis: the scandals and struggles plaguing Louisiana death investigation. 69 La. L. Rev. 627-659 (2009).

D'Antonio, Heather. Comment. The state of mental health care in post-Katrina New Orleans. 69 La. L. Rev. 661-689 (2009).

Dunne, James. Note. Taking the **Entergy** out of Louisiana's single business enterprise theory. (**Town of Haynesville, Inc. v. Entergy Corp.**, 956 S., 2d 192, *writ denied*, 964 So. 2d 334, 2007.) 69 La. L. Rev. 691-713 (2009).

# 40 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL, NO. 3, SPRING, 2009.

Walker, Anders. "Neutral" principles: rethinking the legal history of civil rights, 1934-1964. 40 Loy. U. Chi. L.J. 385-436 (2009).

Thompson, Dale B. Optimal federalism across institutions: theory and applications from environmental and health care policies. 40 Loy. U. Chi. L.J. 437-482 (2009).

Morse, Susan Cleary. Using salience and influence to narrow the tax gap. 40 Loy. U. Chi. L.J. 483-530 (2009).

Gabriel, Michelle C. Plugging leaks: the necessity of distinguishing whistleblowers and wrongdoers in the Free Flow of Information Act. 40 Loy. U. Chi. L.J. 531-556 (2009).

Lupica, Lois R. The consumer debt crisis and the reinforcement of class position. 40 Loy. U. Chi. L.J. 557-610 (2009).

Muth, Karl T. The fragile armistice: the legal, economic, and policy implications of trading in a competitor's stock. 40 Loy. U. Chi. L.J. 611-642 (2009).

Kwoka, Margaret B. Vindicating the rights of people living with AIDS under the Alien Tort Claims Act. 40 Loy. U. Chi. L.J. 643-689 (2009).

Trujillo, Elizabeth. From here to Beijing: public/private overlaps in trade and their effects on U.S. law. 40 Loy. U. Chi. L.J. 691-744 (2009).

# 30 MICHIGAN JOURNAL OF INTERNATIONAL LAW, NO. 2, WINTER, 2009.

Sepinwall, Amy J. Failures to punish: command responsibility in domestic and international law. 30 Mich. J. Int'l L. 251-303 (2009).

Trahan, Jennifer. A critical guide to the Iraqi High Tribunal's Anfal judgment: genocide against the Kurds. 30 Mich. J. Int'l L. 305-412 (2009).

King, Shani. Challenging *MonoHumanism*: an argument for changing the way we think about intercountry adoption, 30 Mich. J. Int'l L. 413-470 (2009).

Weiss, David C. Note. The Foreign Corrupt Practices Act, SEC disgorgement of profits, and the evolving international bribery regime: weighing proportionality, retribution, and deterrence. 30 Mich. J. Int'l L. 471-514 (2009).

McDonough, Paul. Note. Revisiting Germany's *Residenzflicht* in light of modern E.U. asylum law. 30 Mich. J. Int'l L. 515-546 (2009).

Page 28 June 5, 2009

# 18 MINNESOTA JOURNAL OF INTERNATIONAL LAW, NO. 2, SUMMER, 2009.

Symposium: Creating a Global Rule of Law Culture. 18 Minn. J. Int'l L. 291-430 (2009).

Phillips, Sarah Johnson. Description of rule of law symposium. 18 Minn. J. Int'l L. 291-292 (2009).

Stein, Robert. Rule of law: what does it mean? 18 Minn. J. Int'l L. 293-303 (2009).

#### **Featured Panel**

The History of CEELI, the ABA's Rule of Law Initiative, and the Rule of Law Movement Going Forward. Robert Stein, moderator; Homer E. Moyer, Jr., Mark S. Ellis and Talbot 'Sandy' D'Alemberte, panelists. 18 Minn. J. Int'l L. 304-342 (2009).

#### Panel: Rule of Law in Practice Around the World

Anderson, Justice Paul H. A Minnesota judge's perspective on the rule of law in China and Kyrgyzstan. 18 Minn. J. Int'l L. 343-356 (2009).

Burke, Judge Kevin. Understanding the international rule of law as a commitment to procedural fairness. 18 Minn. J. Int'l L. 357-370 (2009).

Tunheim, Judge John. Rule of law and the Kosovo Constitution. 18 Minn, J. Int'l L. 371-379 (2009).

#### Panel: Perspectives on the Rule of Law

Ní Aoláin, Fionnuala and Michael Hamilton. Gender and the rule of law in transitional societies. 18 Minn. J. Int'l L. 380-402 (2009).

Stein, Robert. Teaching the rule of law. 18 Minn. J. Int'l L. 403-414 (2009).

Stromseth, Jane. Strengthening demand for the rule of law in post-conflict societies. 18 Minn. J. Int'l L. 415-424 (2009).

#### \*\*\*\*\*\*

Ellis, Mark S. Searching for the meaning of the rule of law: finding extraordinary people. 18 Minn. J. Int'l L. 425-430 (2009).

Konz, Raymond J. Note. The End-of-Life Vehicle (ELV) Directive: the road to responsible disposal. 18 Minn. J. Int'l L. 431-457 (2009).

Magraw, Kendra. Note. Universally liable? Corporate-complicity liability under the principle of universal jurisdiction. 18 Minn. J. Int'l L. 458-497 (2009).

#### 78 MISSISSIPPI LAW JOURNAL, NO. 3, SPRING, 2009.

Esenberg, Richard. Of speeches and sermons: worship in limited purpose public forums. 78 Miss. L.J. 453-517 (2009).

Counseller, Jeremy. Rooting for the Restyled Rules (even though I opposed them). 78 Miss. L.J. 519-566 (2009).

Strasser, Mark. Repudiating **Everson**: on buses, books, and teaching articles of faith. 78 Miss. L.J. 567-636 (2009).

Schlunk, Herwig. Why every state should have an income tax (and a retail sales tax, too). 78 Miss. L.J. 637-703 (2009).

# 25 NEGOTIATION JOURNAL, NO. 1, JANUARY, 2009.

Wheeler, Michael. Editor's note. 25 Negotiation J. 1-4 (2009).

Rubin, Jeffrey Z. Editor's introduction to the first issue. [Reprint.] 25 Negotiation J. 5-8 (2009).

Research digest. 25 Negotiation J. 9-11 (2009).

Druckman, Daniel, Mara Olekalns and Philip L. Smith. Interpretive filters: social cognition and the impact of turning points in negotiation. 25 Negotiation J. 13-40 (2009).

Erikson, Truls and Terje Berg-Utby. Preinvestment negotiation characteristics and dismissal in venture capital-backed firms. 25 Negotiation J. 41-57 (2009).

Ben-Ari, Rachel and Itzhak Hirshberg. Attachment styles, conflict perception, and adolescents' strategies of coping with interpersonal conflict. 25 Negotiation J. 59-82 (2009).

Pugh, Jeffrey. The structure of negotiation: lessons from El Salvador for contemporary conflict resolution. 25 Negotiation J. 83-105 (2009).

Macduff, Ian. Using blogs as a teaching tool in negotiation. 25 Negotiation J. 107-124 (2009).

Sonnenberg, Stephan. The complexity of humanitarian neutrality in a political world. (Reviewing Jan Egeland, <u>A Billion Lives: An Eyewitness Report From the Frontlines of Humanity</u>.) 25 Negotiation J. 125-129 (2009).

New books. 25 Negotiation J. 131-133 (2009).

# 33 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE, NO. 1, PP. 1-152, 2009.

Fisher, Genesis. Three kinds of power: exploring the trial experience through the lost narratives of its participants. 33 N.Y.U. Rev. L. & Soc. Change 1-42 (2009).

Page 29 June 5, 2009

Inniss, Lolita Buckner. A "ho new world": raced and gendered insult as ersatz carnival and the corruption of freedom of expression norms. 33 N.Y.U. Rev. L. & Soc. Change 43-86 (2009).

Dulberg, Andrew Scott. Student article. The popcorn lung case study: a recipe for regulation? 33 N.Y.U. Rev. L. & Soc. Change 87-126 (2009).

Mills, Linda G., Hon. Mary Helen Maley and Yael Shy. *Circulos de Paz* and the promise of peace: restorative justice meets intimate violence. 33 N.Y.U. Rev. L. & Soc. Change 127-152 (2009).

# 35 NORTHERN KENTUCKY LAW REVIEW, NO. 4, PP. 347-606, 2008.

2008 Criminal Law Issue. 35 N. Ky. L. Rev. 347-606 (2008).

Uggen, Christopher and Heather R. Hlavka. Does stigmatizing sex offenders drive down reporting rates? Perverse effects and unintended consequences. 35 N. Ky. L. Rev. 347-369 (2008).

Ramirez, Maria Emilia. Barred from the polls: felony disenfranchisement in the Bluegrass. 35 N. Ky. L. Rev. 371-391 (2008).

Willet-Jones, Nicole Y. Note. Federal social services consequences of a Kentucky drug conviction. 35 N. Ky. L. Rev. 393-412 (2008).

Daniels, Troy B., Dawn L. Danley-Nichols, Kate R. Morgan and Bryce C. Rhoades. Note. Kentucky's statutory collateral consequences arising from felony convictions: a practitioner's guide. 35 N. Ky. L. Rev. 413-541 (2008).

Caudill, Sara M. and Ashley England-Huff. Collateral consequences of felony conviction established in the Kentucky Administrative Regulations. 35 N. Ky. L. Rev. 543-606 (2008).

# 23 NOTRE DAME JOURNAL OF LAW, ETHICS & PUBLIC POLICY, NO. 1, PP. 1-316, 2009.

Symposium on Migration. 23 Notre Dame J.L. Ethics & Pub. Pol'y 1-316 (2009).

# Panel Yearning to Breathe Free: Immigrants and the American Dream

Haynes, Dina Francesca. Exploitation nation: the thin and grey legal lines between trafficked persons and abused migrant laborers. 23 Notre Dame J.L. Ethics & Pub. Pol'y 1-71 (2009).

Bump, Micah N. Treat the children well: shortcomings in the United States' effort to protect child trafficking victims. 23 Notre Dame J.L. Ethics & Pub. Pol'y 73-107 (2009).

Gittelson, Patricia. Wearing the white hat: legal representation of immigration clients. 23 Notre Dame J.L. Ethics & Pub. Pol'y 109-113 (2009).

Gittelson, Robert. The centrists against the idealogues: what are the falshoods that divide Americans on the issue of comprehensive immigration reform? 23 Notre Dame J.L. Ethics & Pub. Pol'y 115-131 (2009).

\*\*\*\*\*\*

Blake, Michael and Mathias Risse. Immigration and original ownership of the earth. 23 Notre Dame J.L. Ethics & Pub. Pol'y 133-165 (2009).

García Hernández, César Cuauhtémoc. *La migra* in the mirror: immigration enforcement and racial profiling on the Texas border. 23 Notre Dame J.L. Ethics & Pub. Pol'y 167-196 (2009).

Kerwin, Donald. Toward a Catholic vision of nationality. 23 Notre Dame J.L. Ethics & Pub. Pol'y 197-207 (2009).

Steinberg, Stephen. Neoliberal immigration policy and its impact on African Americans. 23 Notre Dame J.L. Ethics & Pub. Pol'y 209-221 (2009).

Smith, Wayne S. Beyond the law: the Bush Administration's restrictions on educational travel to Cuba. 23 Notre Dame J.L. Ethics & Pub. Pol'y 223-232 (2009).

Barton, Andrea. Note. Sitting on Ellis Island: the fate of disparate immigration policies in wake of the Guantanamo Bay cases. 23 Notre Dame J.L. Ethics & Pub. Pol'y 233-260 (2009).

Fennell, Mark T. Note. Preserving process in the wake of policy: the need for appointed counsel in immigration removal proceedings. 23 Notre Dame J.L. Ethics & Pub. Pol'y 261-289 (2009).

Fonseca, Ysmael D. Note. The Catholic Church's obligation to serve the stranger in defiance of state immigration laws. 23 Notre Dame J.L. Ethics & Pub. Pol'y 291-316 (2009).

# 87 OREGON LAW REVIEW, NO. 2, PP. 353-713, 2008.

Vars, Frederick E. Illusory consent: when an incapacitated patient agrees to treatment. 87 Or. L. Rev. 353-400 (2008).

Vorspan, Rachel. Judicial power and moral ideology in wartime: shaping the legal process in World War I Britain. 87 Or. L. Rev. 401-479 (2008).

Bauer, Jon. Buying witness silence: evidence-suppressing settlements and lawyers' ethics. 87 Or. L. Rev. 481-579 (2008).

Lillquist, Erik and Sarah E. Waldeck. Government intervention in emerging networked technologies. 87 Or. L. Rev. 581-636 (2008).

Page 30 June 5, 2009

Landau, J. Aaron. Comment. Punitives, damaged: the troubling due process implications of **Philip Morris v. Williams** and the case for a sounder approach to litigating third-party harm. (**Philip Morris v. Williams**, 127 S. Ct. 1057, 2007.) 87 Or. L. Rev. 637-670 (2008).

Meisen-Vehrs, Hannah V. Comment. Opening medical settlements for the public good: why medical cases justify secrecy in settlement. 87 Or. L. Rev. 671-713 (2008).

# 21 PACE INTERNATIONAL LAW REVIEW, NO. 1, WINTER, 2009.

Leonhard, Chunlin. Beyond the four corners of a written contract: a global challenge to U.S. contract law. 21 Pace Int'l L. Rev. 1-36 (2009).

Ottolenghi, Michael and Peter Prows. *Res judicata* in the ICJ's **Genocide** case: implications for other courts and tribunals? 21 Pace Int'l L. Rev. 37-54 (2009).

Jaynes, Andrew. Why intellectual property rights infringement remains entrenched in the Philippines. 21 Pace Int'l L. Rev. 55-135 (2009).

Walsh, Frank. Rethinking the legality of Columbia's attack on the FARC in Ecuador: a new paradigm for balancing territorial integrity, self-defense and the duties of sovereignty. 21 Pace Int'l L. Rev. 137-161 (2009).

Markel, Asa. American, English and Japanese warranty law compared: should the U.S. reconsider her Article 95 declaration to the CISG? 21 Pace Int'l L. Rev. 163-204 (2009).

Magnuson, William. Takeover regulation in the United States and Europe: an institutional approach. 21 Pace Int'l L. Rev. 205-240 (2009).

Countryman, Phillip. International trade and world health policy: helping people reach their full potential. 21 Pace Int'l L. Rev. 241-279 (2009).

Li, Miaoran. Comment. The Pirate Party and the Pirate Bay: how the Pirate Bay influences Sweden and international copyright relations. 21 Pace Int'l L. Rev. 281-307 (2009).

Mathew, Dessi. Comment. Claims of political asylum based on non-physical forms of harm such as economic sanctions and deprivations. 21 Pace Int'l L. Rev. 309-334 (2009).

Palitz, Michael. Comment. Beyond our borders: the international law controversy concerning the writ of *habeas corpus* and Guantánamo Bay. 21 Pace Int'l L. Rev. 335-364 (2009).

Wagner, Kristen. Comment. UNHCR's involvement in the Great Lakes refugee crisis. 21 Pace Int'l L. Rev. 365-386 (2009).

2007 ICC Moot Court Competition Winning Briefs. 21 Pace Int'l L. Rev. 387-429 (2009).

DiLeo, Lauren, Leila Parvizian and Delon Lewis. 'Best Brief' Prosecution. 21 Pace Int'l L. Rev. 387-399 (2009).

Ehrenkranz, Chad D. 'Best Brief' Defense. 21 Pace Int'l L. Rev. 401-416 (2009).

Pillai, Bharathi. 'Best Brief' Victim's Advocate. 21 Pace Int'l L. Rev. 417-429 (2009).

# 44 TEXAS INTERNATIONAL LAW JOURNAL, NO. 2, WINTER, 2008.

Martinez, Lucian C., Jr. Sovereign impunity: does the Foreign Sovereign Immunities Act bar lawsuits against the Holy See in clerical sexual abuse cases? 44 Tex. Int'l L.J. 123-155 (2008).

Moeckli, Daniel. The emergence of terrorism as a distinct category of international law. 44 Tex. Int'l L.J. 157-183 (2008).

Rempell, Scott. Credibility assessments and the REAL ID Act's amendments to immigration law. 44 Tex. Int'l L.J. 185-232 (2008).

Kilby, Mitchell E. Comment. The mouse that roared: implications of the WTO ruling in **US--Gambling**. 44 Tex. Int'l L.J. 233-268 (2008).

#### 31 UNIVERSITY OF ARKANSAS AT LITTLE ROCK LAW REVIEW, NO. 1, FALL, 2008.

Adams, D. Fenton. Sales of personal property as secured transactions under Article 9 of the Uniform Commercial Code. 31 U. Ark. Little Rock L. Rev. 1-108 (2008).

Franklin, Kris. '... See Erie': critical study of legal authority. 31 U. Ark. Little Rock L. Rev. 109-134 (2008).

Phillips, Stella J. Putting it all together: law schools' role in improving appellate practice. 31 U. Ark. Little Rock L. Rev. 135-157 (2008).

Justiss, Alexander. Comment. State government--the Arkansas Freedom of Information Act--Houston, we have a problem: a coach and a comptroller illustrate the repercussions of releasing electronic information through the Arkansas Freedom of Information Act. 31 U. Ark. Little Rock L. Rev. 159-195 (2008).

Marshall, W. Taylor. Note. Securities law--the Securities Exchange Act of 1934--'round and 'round we go: the Supreme Court again limits the circumstances in which federal courts may hold secondary actors liable under section 10(b) and SEC Rule 10b-5. (Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc., 128 S. Ct. 761. 2008.) 31 U. Ark. Little Rock L. Rev. 197-243 (2008).

Page 31 June 5, 2009

# 31 UNIVERSITY OF HAWAII LAW REVIEW, NO. 1, WINTER, 2008.

Simpson, A.W.B. Constitutionalizing the right of property: the U.S., England and Europe. 31 U. Haw. L. Rev. 1-27 (2008).

Deutsch, Norman T. May religious worship be excluded from a limited public forum? Commentary on the Ninth Circuit Court of Appeals decision in **Faith Center Church Evangelistic Ministries v. Glover.** 31 U. Haw. L. Rev. 29-57 (2008).

Earle, Beverley and Anita Cava. Are anti-corruption efforts paying off? International and national measures in the Asia-Pacific region and their impact on India and multinational corporations. 31 U. Haw. L. Rev. 59-86 (2008).

Sur, Wilma. Hawai'i's Masters and Servants Act: brutal slavery? 31 U. Haw. L. Rev. 87-112 (2008).

Aguon, Julian. Comment. Other arms: the power of dual rights legal strategy for the Chamoru people of Guam using the Declaration on the Rights of Indigenous Peoples in U.S. courts. 31 U. Haw. L. Rev. 113-154 (2008).

Bayne, Christopher D. Comment. From anti-injunction to radical reform: proposing a unifying approach to class-action adjudication. 31 U. Haw. L. Rev. 155-191 (2008).

Higuchi, Jodi. Comment. Propagating cultural *kīpuka*: the obstacles and opportunities of establishing a community-based subsistance fishing area. 31 U. Haw. L. Rev. 193-224 (2008).

Segal, Brandon. Comment. *Habeas corpus*, equitable tolling, and AEDPA's statute of limitations: why the **Schlup v. Delo** gateway standard for claims of actual innocence fails to alleviate the plight of wrongfully convicted Americans. 31 U. Haw. L. Rev. 225-256 (2008).

Tamashiro, Tyson. Comment. RLUIPA and the individualized assessment: special use permits and variances under strict congressional scrutiny. 31 U. Haw. L. Rev. 257-290 (2008).

Trask, Amy K. Comment. A history of revision: the Constitutional Convention question in Hawai'i, 1950-2008. 31 U. Haw. L. Rev. 291-329 (2008).

Perry, Kekailoa and Jon Kamakawiwoole Osorio. Honoring the law and restoring a nation. (Reviewing Jon M. Van Dyke, <u>Who Owns the Crown Lands of Hawai'i?</u>) 31 U. Haw. L. Rev. 331-340 (2008).

Sullivan, Paul M. A very durable myth: a critical commentary on Jon M. Van Dyke's, Who Owns the Crown Lands of Hawai'i? 31 U. Haw. L. Rev. 341-368 (2008).

### 8 UNIVERSITY OF MARYLAND LAW JOURNAL OF RACE, RELIGION, GENDER & CLASS, NO. 1, SPRING, 2008.

Symposium. What Documentary Films Teach Us About the Criminal Justice System. 8 U. Md. L.J. Race, Religion, Gender & Class 1-70 (2008).

Banks, Taunya Lovell. Introduction. 8 U. Md. L.J. Race, Religion, Gender & Class 1-6 (2008).

Davis, Peggy Cooper. What does documentary filmmaking have to do with practicing law? 8 U. Md. L.J. Race, Religion, Gender & Class 7-16 (2008).

Silbey, Jessica. Cross-examining film. 8 U. Md. L.J. Race, Religion, Gender & Class 17-46 (2008).

Johnson, Rebecca. Mothers, babies and jail. 8 U. Md. L.J. Race, Religion, Gender & Class 47-70 (2008).

Hawkins-León, Cynthia G. and Anesha Worthy. 10 years out of step & out of line: Florida's statutory ban of "Lesbi-gay adoption" violates the Adoption and Safe Families Act of 1997 (ASFA). 8 U. Md. L.J. Race, Religion, Gender & Class 71-122 (2008).

Lawson, Tamara F. "Whites only tree," hanging nooses, no crime?: limiting the prosecutorial veto for hate crimes in Louisiana and across America. 8 U. Md. L.J. Race, Religion, Gender & Class 123-197 (2008).

Mandell, Craig W. Tough pill to swallow: whether Catholic institutions are obligated under Title VII to cover their employees' prescription contraceptives. 8 U. Md. L.J. Race, Religion, Gender & Class 199-239 (2008).

Reed-Hoff, LaVonda N. Offensive political speech from the 1970s to 2008: a broadcaster's moral choice. 8 U. Md. L.J. Race, Religion, Gender & Class 241-290 (2008).

Stinson, John. Back to fundamentals: the worsening results of ignoring the social contract in Baltimore City. 8 U. Md. L.J. Race, Religion, Gender & Class 291-325 (2008).

Burgess, M. Katherine. Note. **Gonzales v. Carhart**: no limits to what Congress may now "find". (**Gonzales v. Carhart**, 127 S. Ct. 1610, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 327-349 (2008).

Podolny, Erin V. Note. Are you my mother?: removing a gestational surrogate's name from the birth certificate in the name of equal protection. (*In re* Roberto d.B, 923 A.2d 115, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 351-376 (2008).

Ansello, Catherine. Note. A cross to bear: the need to weigh context in determining the constitutionality of religious symbols on public land. (**Buono v. Kempthorne**, 502 F.3d 1069, 2007.) 8 U. Md. L.J. Race, Religion, Gender & Class 377-406 (2008).

Walters, Radiance A. Note. **Denny v. Elizabeth Arden Salons, Inc.**: condoning race discrimination in resembling places of public accommodation under Title II. (**Denny v. Elizabeth Arden Salons, Inc.**, 456 F.3d 427, 2006.) 8 U. Md. L.J. Race, Religion, Gender & Class 407-430 (2008).

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# 11 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW, NO. 2, JANUARY, 2009.

Crusto, Mitchell F. Unconscious classism: entity equality for sole proprietors. 11 U. Pa. J. Const. L. 215-275 (2009).

Bahar, Michael. As necessity creates the rule: **Eisentrager**, **Boumediene**, and the enemy--how strategic realities can constitutionally require greater rights for detainees in the wars of the twenty-first century. 11 U. Pa. J. Const. L. 277-329 (2009).

Blumenthal, Jeremy A., Meera Adya and Jacqueline Mogle. The multiple dimensions of privacy: testing lay 'expectations of privacy'. 11 U. Pa. J. Const. L. 331-373 (2009).

Ugland, Erik. Newsgathering, autonomy, and the special-rights apocrypha: Supreme Court and media litigant conceptions of press freedom. 11 U. Pa. J. Const. L. 375-422 (2009).

Hein, John R. Comment. Born in the U.S.A., but not natural born: how congressional territorial policy bars native-born Puerto Ricans from the presidency. 11 U. Pa. J. Const. L. 423-457 (2009).

O'Connor, Michael J. Comment. School speech in the Internet age: do students shed their rights when they pick up a mouse? 11 U. Pa. J. Const. L. 459-485 (2009).

# 62 VANDERBILT LAW REVIEW, NO. 2, MARCH, 2009.

Symposium on Neglected Justices. 62 Vand. L. Rev. 311-794 (2009).

Ely, James W., Jr. and Mark E. Brandon. Introduction: the rankings game. 62 Vand. L. Rev. 311-317 (2009).

White, G. Edward. Neglected justices: discounting for history. 62 Vand. L. Rev. 319-348 (2009).

Presser, Stephen B. Samuel Chase: in defense of the rule of law and against Jeffersonians. 62 Vand. L. Rev. 349-370 (2009).

Casto, William R. There were great men before Agamemnon. 62 Vand. L. Rev. 371-405 (2009).

Killenbeck, Mark R. William Johnson, the dog that did not bark? 62 Vand. L. Rev. 407-445 (2009).

Johnson, Herbert A. Bushrod Washington. 62 Vand. L. Rev. 447-490 (2009).

Allen, Aistin. Jacksonian jurisprudence and the obscurity of Justice John Catron. 62 Vand. L. Rev. 491-517 (2009).

Finkelman, Paul. John McLean: moderate abolitionist and Supreme Court politician. 62 Vand. L. Rev. 519-565 (2009).

Hylton, J. Gordon. The perils of popularity: David Josiah Brewer and the politics of judicial reputation. 62 Vand. L. Rev. 567-590 (2009).

Ely, James W., Jr. Rufus W. Peckham and economic liberty. 62 Vand. L. Rev. 591-638 (2009).

Olken, Samuel R. Justice Sutherland reconsidered. 62 Vand. L. Rev. 639-693 (2009).

Stras, David R. Pierce Butler: a supreme technician. 62 Vand. L. Rev. 695-756 (2009).

Gugin, Linda C. Sherman Minton: restraint against a tide of activism. 62 Vand. L. Rev. 757-794 (2009).

### 95 VIRGINIA LAW REVIEW, NO. 2, APRIL, 2009.

Wilkinson, J. Harvie III. Of guns, abortions, and the unraveling rule of law. 95 Va. L. Rev. 253-323 (2009).

Richman, Barak D. The antitrust of reputation mechanisms: institutional economics and concerted refusals to deal. 95 Va. L. Rev. 325-387 (2009).

Chilson, Jessica L. Note. Unmasking John Doe: setting a standard for discovery in anonymous Internet defamation cases. 95 Va. L. Rev. 389-433 (2009).

Phipps, Kelly Elizabeth. Note. Marriage and redemption: Mormon polygamy in the congressional imagination, 1862-1887. 95 Va. L. Rev. 435-487 (2009).

#### 48 WASHBURN LAW JOURNAL, NO. 2, WINTER, 2009.

The Rule of Law & the Global War on Terrorism: Detainees, Interrogations, and Military Commissions Symposium. 48 Washburn L.J. 299-424 (2009).

Savage, Charlie. Takeover: return of the imperial presidency. 48 Washburn L.J. 299-324 (2009).

Graham, David E. The dual U.S. standard for the treatment and interrogation of detainees: unlawful and unworkable. 48 Washburn L.J. 325-352 (2009).

Sands, Philippe. Torture team: abuse, lawyers, and criminal responsibility. 48 Washburn L.J. 353-380 (2009).

Frakt, David J. R., Maj., USAF. The difficulty of defending detainees. 48 Washburn L.J. 381-406 (2009).

Fletcher, George P. Is justice relevant to the law of war? 48 Washburn L.J. 407-424 (2009).

Schrag, Jeremy K. Note. A federal framework for regulating the growing international presence of the several states. 48 Washburn L.J. 425-464 (2009).

Page 33 June 5, 2009

Hawkinson, Ashley G. Comment. The right to self-representation revisited: a return to the Star Chamber's disrespect for defendant autonomy? (**Indiana v. Edwards**, 128 S. Ct. 2379, 2008.) 48 Washburn L.J. 465-498 (2009).

McCollum, Darin L. Comment. The Kansas Supreme Court sounds the death-knell of the "civil" juvenile court proceeding. (*In re* **L.M.**, 186 P.3d 164, 2008.) 48 Washburn L.J. 499-528 (2009).

Meyer, Ryan Keith. Comment. The United States Supreme Court eliminates the "class of one" equal protection claim in public employment. (**Engquist v. Or. Dep't of Agric.**, 128 S. Ct. 2146, 2008.) 48 Washburn L.J. 529-562 (2009).

# 45 WILLAMETTE LAW REVIEW, NO. 3, SPRING, 2009.

Ginsburg, Justice Ruth Bader. **Atkinson Lecture. Muller v. Oregon**: one hundred years later. 45 Willamette L. Rev. 359-380 (2009).

Ginsburg, Jane C. The author's place in the future of copyright. 45 Willamette L. Rev. 381-394 (2009).

Presidential Power in the 21st Century Symposium. 45 Willamette L. Rev. 395-722 (2009).

Devins, Neal. Presidential unilateralism and political polarization: why today's Congress lacks the will and the way to stop presidential initiatives. 45 Willamette L. Rev. 395-415 (2009).

McGuinness, Margaret E. The President, Congress and the Security Council: counterterrorism and the use of force through the international lens. 45 Willamette L. Rev. 417-451 (2009).

Morrison, Trevor W. The middle ground in judicial review of enemy combatant detentions. 45 Willamette L. Rev. 453-471 (2009).

Yin, Tung. Great minds think alike: the 'torture memo,' Office of Legal Counsel, and sharing the boss's mindset. 45 Willamette L. Rev. 473-504 (2009).

Vladeck, Stephen I. The case against national security courts. 45 Willamette L. Rev. 505-525 (2009).

Rao, Neomi. The President's sphere of action. 45 Willamette L. Rev. 527-555 (2009).

Yoshino, Kenji. Restrained ambition in constitutional interpretation. 45 Willamette L. Rev. 557-564 (2009).

Gilman, Michele Estrin. The President as scientist-in-chief. 45 Willamette L. Rev. 565-606 (2009).

Kitrosser, Heidi. Accountability and administrative structure. 45 Willamette L. Rev. 607-657 (2009).

Mashaw, Jerry L. Governmental practice and presidential direction: lessons from the antebellum republic? 45 Willamette L. Rev. 659-700 (2009).

Prakash, Saikrishna B. Fragmented feature of the Constitution's unitary executive. 45 Willamette L. Rev. 701-722 (2009).

# 17 WILLIAM AND MARY BILL OF RIGHTS JOURNAL, NO. 3, MARCH, 2009.

Helfand, Michael A. How the diversity rationale lays the groundwork for new discrimination: examining the trajectory of equal protection doctrine. 17 Wm. & Mary Bill Rts. J. 607-655 (2009).

Cordes, Mark W. Making sense of high school speech after **Morse v. Frederick**. 17 Wm. & Mary Bill Rts. J. 657-713 (2009).

Mirkay, Nicholas A. Losing our religion: reevaluating the Section 501(c)(3) exemption of religious organizations that discriminate. 17 Wm. & Mary Bill Rts. J. 715-764 (2009).

Chemerinsky, Erwin. Unpleasant speech on campus, even hate speech, is a First Amendment issue. 17 Wm. & Mary Bill Rts. J. 765-772 (2009).

Strauss, Marcy. The sounds of silence: reconsidering the invocation of the right to remain silent under **Miranda**. 17 Wm. & Mary Bill Rts. J. 773-829 (2009).

Munzer, Stephen R. and Phyllis Chen Simon. Territory, plants, and land-use rights among the San of Southern Africa: a case study in regional biodiversity, traditional knowledge, and intellectual property. 17 Wm. & Mary Bill Rts. J. 831-894 (2009).

Clardy, Kristen D. Note. Judicial confusion and inconsistency in handling juror misconduct: a new proposal. 17 Wm. & Mary Bill Rts. J. 895-923 (2009).

Rountree, Cameron. Note. Separationism to the extreme: the Mt. Soledad Cross and the Ninth Circuit's crusade to burden the Free Exercise Clause. 17 Wm. & Mary Bill Rts. J. 925-953 (2009).