Contents of Current Legal Periodicals
October 7, 2013, 1404

To view table of contents of all Journals listed below, scroll down
To view table of contents of a specific journal, click on journal title

JOURNALS A – H

INDIANA LAW JOURNAL, v. 88, no. 4, Fall, 2013
INTERNATIONAL LEGAL MATERIALS, v. 52, no. 1, 2013
JOURNAL OF THE PATENT AND TRADEMARK OFFICE SOCIETY, v. 95, no. 2
THE JUDGES’ JOURNAL, v. 52, no. 3, Summer, 2013
LAW & SOCIETY REVIEW, v. 47, no. 3, 2013
MEDICAL TRIAL TECHNIQUE QUARTERLY, v. 59, no. 4
NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW, v. 68, no. 2, 2012
NOTRE DAME LAW REVIEW, v. 88, no. 5, June, 2013
THE PRACTICAL LAWYER, v. 59, no. 4, August, 2013
THE PRACTICAL TAX LAWYER, v. 27, no. 3, Spring, 2013
PSYCHOLOGY, PUBLIC POLICY, AND LAW, v. 19, no. 3, August, 2013
THE PUBLIC LAWYER, v. 21, no. 2, Summer, 2013
THE REVIEW OF LITIGATION, v. 32, no. 2, Spring, 2013
REVUE INTERNATIONALE DE DROIT COMPARE, v. 65, no. 2, April – June, 2013
SANTA CLARA LAW REVIEW, v. 53, no. 1, 2013
THE SUPREME COURT REVIEW, 2012
TAX LAW REVIEW, v. 66, no. 3, Spring, 2013
TAXES: THE TAX MAGAZINE, v. 91, no. 8, August, 2013
TEXAS TECH LAW REVIEW, v. 45, no. 4, Summer, 2013
TOURO LAW REVIEW, v. 29, no. 3, 2013
UCLA LAW REVIEW, v. 60, no. 5, June, 2013
UNIVERSITY OF CINCINNATI LAW REVIEW, v. 81, no. 3, Spring, 2013
WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY, v. 42, 2013
YALE JOURNAL ON REGULATION, v. 30, no. 2, Summer, 2013
CONTENTS

ROUNDTABLE ON REGULATING ASSISTED REPRODUCTIVE TECHNOLOGY 2012

SELLING ART: AN EMPIRICAL ASSESSMENT OF ADVERTISING ON FERTILITY CLINICS’ WEBSITES .................................. Jim Hawkins 1147

SELLING ART OR SELLING OUT?: A RESPONSE TO SELLING ART: AN EMPIRICAL ASSESSMENT OF ADVERTISING ON FERTILITY CLINICS’ WEBSITES ..................................... Jody Lynée Madeira 1181

DISCRIMINATION IN BABY MAKING: THE UNCONSTITUTIONAL TREATMENT OF PROSPECTIVE PARENTS THROUGH SURROGACY ........................................ Andrea B. Carroll 1187

HOW PARENTS ARE MADE: A RESPONSE TO DISCRIMINATION IN BABY MAKING: THE UNCONSTITUTIONAL TREATMENT OF PROSPECTIVE PARENTS THROUGH SURROGACY ...................... Kimberly M. Mutcherson 1207

HIERARCHIES OF DISCRIMINATION IN BABY MAKING? A RESPONSE TO PROFESSOR CARROLL ................................ Radhika Rao 1217

MOTHERING FOR MONEY: REGULATING COMMERCIAL INTIMACY ........................................ Pamela Laufer-Ukeles 1223

NEW THINKING ON COMMERCIAL SURROGACY ............... Richard F. Storrow 1281

REPRODUCING HIERARCHY IN COMMERCIAL INTIMACY . Michele Goodwin 1289

ARTICLES

SHAREHOLDER VOTING AS VETO ....................................................... Michael S. Kang 1299

“We the People,” CONSTITUTIONAL ACCOUNTABILITY, AND OUTSOURCING GOVERNMENT ......................... Kimberly N. Brown 1347

THE POLITICAL ECONOMY OF INTERNATIONAL FINANCIAL REGULATION ........................................ Pierre-Hugues Verdier 1405

BIOMETRIC ID CYBERSURVEILLANCE ..................................... Margaret Hu 1475

NOTES

GMONOPOLY: DOES SEARCH BIAS WARRANT ANTITRUST OR REGULATORY INTERVENTION? ................... Andrew Langford 1559

A NEW APPROACH TO DIGITAL READER PRIVACY: STATE REGULATIONS AND THEIR PROTECTION OF DIGITAL BOOK DATA ...... Andrew A. Proia 1593
INTERNATIONAL LEGAL MATERIALS
Volume 52 — No. 1 — 2013
— Contents —

Territorial and Maritime Dispute (Nicaragua v. Colombia) (I.C.J.)
Introductory Note by David P. Riesenberg ................................................................. 1

The Prosecutor v. Gotovina et al. (ICTY)
Introductory Note by Julian Elderfield ......................................................................... 72

Appeals Chamber Decisions on the Legality of the Special Tribunal for Lebanon and Trials In Absentia (STL)
Introductory Note by Martin Wählisch ........................................................................ 163

Catan and Others v. Moldova and Russia (Eur. Ct. H.R.)
Introductory Note by Jan Arno Hessbruegge ............................................................. 217

Nada v. Switzerland (Eur. Ct. H.R.)
Introductory Note by Miša Zgonec-Rožej ................................................................ 268

Scoppola v. Italy (Eur. Ct. H.R.)
Introductory Note by Djurdja Lazic ............................................................................. 323

Gutierrez v. Nevada (S. Ct. Nevada)
Introductory Note by Ronald J. Bettauer ....................................................................... 345

Food Assistance Convention
Introductory Note by Marsha Echols ........................................................................... 354

Protocol to Eliminate Illicit Trade in Tobacco Products
Introductory Note by Gian Luca Burci .......................................................................... 365

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)
Introductory Note by Mike Asplet and Megan Bradley .............................................. 397

BRIEFLY NOTED ........................................................................................................... 411

RESOLUTIONS .................................................................................................................. 414
5 When should the new safe harbor method for deducting home-office expenses be elected?
SUSAN L. MEGGAARD AND MICHAEL M. MEGGAARD

13 Service applies substance over form doctrine to disallow dividends-received deduction
JEFFREY L. RUBINGER AND NADIA E. KRULER

20 The ins and outs of charitable lead trusts—making the right choices
JONATHAN G. TIDD

30 The insurance industry perspective on FATCA—where are we now and what must be done?
ANGELA J. WALITT, STEWART KASNER, PAUL F. DI PASQUALE, MICHELLE R. PHILLIPS, AND MARNIN J. MICHAELS

40 BNY and AIG—using economic substance to attack transactions the courts do not like
RICHARD M. LIPTON

3 Late-breaking developments

48 Tax treatment of termination payment on franchise contract

49 Impact of two classes of common stock on REIT shares

50 Transfer of patents was a sale subject to amortization

52 Reorganization transaction qualified for tax-free treatment

53 Partnership mergers and more: IRS guidance highlights confusion

New 336(e) rules

Individual NOL planning
Contents

A Critical Analysis of a Legislative Black Swan in an Age of Preconceived Notions and Special-Interest Lobbying
   Charles E. Miller and Daniel P. Archibald ........................................... .124

The Big Lawsuits Keep on Coming: An Analysis of Extortive Pornographic “Trolling Lawsuits” and Preventive Approaches
   Amy Rosen .......................................................... .165

ICANN’T Help Myself: Beneficial Adjustments to the New Generic Top-Level Domain Name Expansion Process
   Brandon Marsh .......................................................... .195

   Brandon Zuniga .......................................................... .223
INTRODUCTION

The Delicate Balance of Duty and Impartiality
Every jurisdiction has some form of Rule 2.11 of the ABA Model Code of Judicial Conduct requiring disqualification where “the judge’s impartiality might reasonably be questioned.” While an objective standard, it is far from clear in any given situation. The articles in this issue of The Judges’ Journal explore the evolution of this standard and how it has been applied.

By Marla N. Greenstein

FEATURES

WAYMAKER

An Interview with Judge Thelton Henderson
Judge Thelton Henderson has an uncommon strength of character, humility, and commitment to the public interest. The proud recipient of the 2013 Thurgood Marshall Award from the ABA, Judge Henderson has had an extraordinary career as a public servant dating back to the civil rights movement.

By Judge Mary-Margaret Anderson

The History of Judicial Disqualification in America
This article examines the evolution of American recusal and disqualification law by first examining the underpinnings from Roman and English law and concluding with a brief description of the status of the law today.

By Richard E. Flamm

Judicial Disqualification and Friendships with Attorneys
Defining the degree of friendship that triggers judicial disqualification is difficult given the spectrum of social associations, including social media. But judicial ethics advisory committees can help. When an attorney who a judge knows appears in a case, the judge should apply a two-part test with subjective and objective components.

By Cynthia Gray

A Jurist and a Lawyer Consider Judicial Recusal After Caperton
Judicial disqualification remains an issue of widespread interest, particularly in the aftermath of the 2009 Supreme Court decision in Caperton v. A.T. Massey Coal Co. Judge N. Randy Smith and Robert S. Peck of the Center for Constitutional Litigation share their perspectives on the impact of Caperton and the issue of judicial disqualification.

By Judge N. Randy Smith and Robert S. Peck
The New Tradition of Judicial Outreach: Survey Evidence from the States

The bench and chambers are no longer the only purviews for judges, as today's state supreme court justices are actively stepping away from their traditional territories to interact with the public through judicial outreach activities. The authors present the results of a nationwide survey sent to state supreme court justices about judicial outreach. As the survey results indicate, judicial outreach has been institutionalized in many states and among many justices across the United States as an accepted element of the 21st century judgeship.

By Elisha Carol Savchak and Amanda Ross Edwards

Technology and the Courts: A Futurist View

Judge Dixon takes stock of the increasing use of technology in court and litigation practices and offers his predictions of court technology developments in the near and distant future.

By Judge Herbert B. Dixon Jr.

Is Judicial Disqualification an Issue of Ethics or of Law?

While individual judges may differ in weighing the ethical requirements of avoiding the appearance of bias against the duty to decide matters assigned, the thoughtful balancing of these two interests provides an ethical structure for making final determinations.

By Marla N. Greenstein
Contents

Articles

Legal Emotions: An Ethnography of Distrust and Fear in the Arab Districts of an Israeli City
Silvia Pasquetti

Paradoxes of Urban Housing Informality in the Developing World
Jean-Louis von Gelder

Taking Hold of the Wheel: Automobility, Social Order, and the Law in Mexico’s Public Registry of Vehicles (REPUVE)
Keith Guzik

Conceptualizing Semi-Legality in Migration Research
Agnieszka Kubal

Minze Kim, Wesley Longhafer, Elizabeth Heger Boyle, and Hollie Nyseth Brehm

The Privatization of Public Safety in Urban Neighborhoods: Do Business Improvement Districts Reduce Violent Crime Among Adolescents?
John MacDonald, Robert J. Stokes, Ben Grunwald, and Ricky Bluthenthal

Basketball in the Key of Law: The Significance of Disputing in Pick-Up Basketball
Michael DeLand

Book Reviews

Matthew E. K. Hall. The Nature of Supreme Court Power

Martin J. Sweet. Merely Judgment: Ignoring, Evading, and Trumping the Supreme Court
Michael Paris

Stephen M. Engel. American Politicians Confront the Court: Opposition Politics and Changing Responses to Judicial Power
Jeffrey D. Hockett

Carol J. Greenhouse. The Paradox of Relevance: Ethnography and Citizenship in the United States
Jan Hoffman French

Lily Rahim

Alice Hearst. Children and the Politics of Cultural Belonging
Kazuyo Kubo
TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Cause of Action for Injury Related to Implantable Pain Pump</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jay Zitter, J.D.</td>
<td>1</td>
</tr>
</tbody>
</table>

| Litigation Concerning Dietary Supplements                | 81   |
| Elizabeth O'Connor Tomlinson, J.D.                       |      |

| Proof of Manufacturer Liability for Personal Injury Caused By Defective Shoes | 205  |
| Eric J. Handelman, J.D.                                         |      |

| Trial Technique                                              | 276  |
| Subarachnoid Hemorrhage—Medical Malpractice—Trial Testimony of Defendant's Expert in Emergency Medicine (Final Portion) (Part X) |      |

* "This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service."—From a Declaration of Principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers.
NEW YORK UNIVERSITY
ANNUAL SURVEY
OF AMERICAN LAW

2012
VOLUME 68
ISSUE 2

SUMMARY OF CONTENTS

RESTRUCTURING REGULATORY REVIEW OF ENDOCRINE-DISRUPTING CHEMICALS UNDER CALIFORNIA’S PROPOSITION 65: LESSONS FROM THE REVIEW OF BPA
Rachael Rawlins 185

WHEN BATHTUB CROCODILES ATTACK: THE TIMING AND PROPRIETY OF CAMPAIGNING BY JUDICIAL RETENTION ELECTION CANDIDATES
David W. Earley 239

SCALING THE PATENT SYSTEM
Christina Mulligan & Timothy B. Lee 289

DECODING FIRST AMENDMENT COVERAGE OF COMPUTER SOURCE CODE IN THE AGE OF YOUTUBE, FACEBOOK, AND THE ARAB SPRING
Jorge R. Roig 319

THE BOUNDARY BETWEEN ZEALOUS ADVOCACY AND OBSTRUCTION OF JUSTICE AFTER SARBANES-OXLEY
Greta Fails 397

INTO THE PERFECT STORM: THE FAILURE OF TRUSTEE ACTIONS AGAINST THIRD PARTIES
Nick Axelrod 441
CONTENTS

SYMPOSIUM

THE AMERICAN CONGRESS:
LEGAL IMPLICATIONS OF GRIDLOCK

The Phenomenology of Gridlock .................... Josh Chafetz 2065
The Court-Packing Plan as Symptom, Casualty,
and Cause of Gridlock .......................... Barry Cushman 2089
Why Gridlock Matters ................................ Michael J. Gerhardt 2107
Reconciling Congress to Tax Reform ............... Rebecca M. Kysar 2121
Don't Be So Impatient ................................ Gerard N. Magliocca 2157
Site-Specific Laws .................................. John Copeland Nagle 2167
Gridlock and Senate Rules ......................... John C. Roberts 2189
Gridlock, Legislative Supremacy, and
the Problem of Arbitrary Inaction ............... Michael J. Teter 2217
Senate Gridlock and Federal Judicial Selection .... Carl Tobias 2233
The Union as a Safeguard Against Faction:
Congressional Gridlock as State Empowerment .. Franita Tolson 2267
Legislative Gridlock and Nonpartisan Staff .......... George K. Yin 2287
Treading Water While Congress Ignores the
Nation's Environment ............................. Sandra Zellmer 2323

ARTICLES

Prison is Prison .................................. Brooke D. Coleman 2399
The Law and Economics of Products Liability .... Keith N. Hylton 2457
New Governance and Industry Culture ............ Karen Bradshaw Schulz 2515

NOTES

Putting Paradise in the Parking Lot:
Using Zoning to Promote
Urban Agriculture ............................... Stephanie A. Maloney 2551
Mandatory National Service: Creating
Generations of Civic Minded Citizens ............ Andrew M. Pauwels 2597
Form Over Use: Form-Based Codes and the
Challenge of Existing Development ............... Katherine A. Woodward 2627

INDEX

Volume 88 Index .................................................. 2655
The Importance Of Using A Debtor’s Exact Name On A UCC Financing Statement To Perfect A Security Interest

Cindy J. Chernuchin, William E. Hiller, and Joshua Deason

The goal behind filing a financing statement is to perfect a security interest a debtor. When that financing statement is filed with respect to an organization debtor it is crucial—as in the case of individual debtors—to identify the debtor with precision. For organization debtors, this means the name of the debtor indicated on the public record of the debtor’s jurisdiction of organization that shows the debtor to have been organized. In In re C. W. Mining Company, 488 B.R. 715 (D. Utah 2013), the United States District Court for Utah, Central Division, affirmed in part an Order entered by the United States Bankruptcy Court for the District of Utah. The District Court held that financing statements that do not provide a debtor’s registered organization name exactly as indicated in the official records of the debtor’s jurisdiction of organization are “seriously misleading.” In this article, Cindy J. Chernuchin, William E. Hiller, and Joshua Deason address the court’s decision and its UCC analysis and discuss them in the context of recent amendments to the UCC.

What Lawyers Need To Know About Intangible Asset Economic Damages Due Diligence Procedures

Robert F. Reilly

Lawyers often call on forensic accountants or other damages analysts to quantify intangible asset economic damages related to certain types of litigation claims. Before selecting and applying economic damages measurement methods, the damages analyst will gather data and perform reasonable due diligence. This article by Robert F. Reilly discusses what the lawyer needs to know about the analyst’s due diligence procedures and addresses due diligence of relevant legal claims, due diligence of relevant legal documents, the basis for causation and damages claims, lost profits documents, reasonable royalty rate documents, intangible asset cost to cure documents, mitigation documents, conferences with counsel regarding damages methods, and the analyst’s reliance on judicial precedent.

Digital Estates: Handling Digital Assets In The Real World (With Forms And Resources)

Susan Porter

Digital assets have become a common part of most estate plans. Fortunately, there are many aspects of traditional estate planning that can be useful in planning the digital estate. As with other assets, the first step is identifying the digital assets and the second step is properly addressing how to handle those assets during life and later at death. This article by Susan Porter discusses the nature of digital property, post mortem access to digital property, and the reasons to engage in planning for digital assets. The author also provides a list of useful resources for further reference, as well as forms for a General Power of Attorney and Will to address digital assets, and a form for a “Digital Audit” of digital assets.

The Grammatical Lawyer — Learning To Write As Judges Are Taught To Write (Part 1)

by Michael G. Walsh

The Web-Wise Lawyer — The Online Alternative: Welcome To The New Music Industry (Part 2)

by Professor Frank J. Cavaliere

Practical Success — How Would I Use Twitter?

by Cordell M. Parvin

The Balanced Lawyer — Are You Living In The Present Or Racing Toward The Future?

by Jeff Davidson
How To Compromise Partnership And LLC Agreements
Terence Floyd Cuff 5
Transactional attorneys often "compromise" their partnership agreements, limited partnership agreements, and limited liability company agreements in the drafting process. It can happen because the client wants to save time and money, but in the end it's a bad choice. This article by Terence Floyd Cuff provides a guide on how to draft the agreements properly by discussing the things not to do — such as ignoring ethical issues, getting the economics wrong, making the agreement unreadable, relying on forms that don't reflect the deal, taking a "do it yourself" approach, not getting input of accountants and other experts, overlooking the tax issues, ignoring disguised sale rules and section 704(c) issues, drafting definitions and terms for cash capital contributions carelessly, failing to provide for the budget and budget contingencies, overlooking the transfer provisions, giving insufficient attention to buy-out rights, audit issues, and more.

Why Tax Evasion Is a Bad Idea: UBS And Wegelin Bank
Gary S. Wolfe 39
The UBS Bank case has been referred to as "the first crack in the Swiss banking system." In that case, UBS paid $780 million in fines and turned over the information on 4,735 U.S. taxpayers who had violated multiple U.S. tax filing requirements. In the case of Wegelin Bank, the bank pleaded guilty to helping U.S. taxpayers evade their taxes, agreed to fines and forfeiture totaling $74 million, and agreed to cease its banking operations. In this article, Gary S. Wolfe discusses these cases and the specific Internal Revenue Code provisions that were at the heart of the government's prosecution of the cases and offers some tips on how to keep clients on the safe side of the tax laws.

Planning Opportunities In The Taxpayer Relief Act Of 2012
Robert E. Ward 47
The Taxpayer Relief Act of 2012 made permanent some planning opportunities that existed before and created some new ones as well. This article by Robert E. Ward discusses the highlights of the Act including Title I, Permanent Extension of Tax Relief and the planning opportunities under sections 101 (Permanent Extension and Modification of 2001 Tax Relief), 102 (Permanent Extension and Modification of 2003 Tax Relief), 103 (5-Year Extension of 2009 Tax Relief), and 104 (Permanent Extension of Increased Alternative Minimum Tax Exemption Amount and Alternative Minimum Tax Relief for Nonrefundable Tax Credits); Title II, Individual Tax Extenders; Title III, Business Tax Extenders; Title IV, Energy Tax Extenders; and Title V Budget Provisions.
Articles

271 A Randomized Controlled Trial of Child-Informed Mediation
Robin H. Ballard, Amy Holtzworth-Munroe, Amy G. Applegate, Brian M. D’Onofrio, and John E. Bates

282 Group Decision Making on Appellate Panels: Presiding Justice and Opinion Justice Influence in the Israel Supreme Court
Theodore Eisenberg, Talia Fisher, and Issi Rosen-Zvi

297 Establishing Evidence Through Undercover and Collective Intelligence Interviewing
Shyma Jundi, Aldert Vrij, Lorraine Hope, Samantha Mann, and Jackie Hillman

307 Preparing Children for Cross-Examination: How Does Intervention Timing Influence Efficacy?
Sarah O’Neill and Rachel Zajac

321 Support for Obesity-Related Policy and Its Association With Motivation for Weight Control
Lydia G. Emm, Fiona B. Gillison, and Dorota Juszczyk

331 State Statutory Definitions of Civil Incompetency/Incapacity: Issues for Psychologists
George J. Demakis

343 Stereotypical and Counterstereotypical Defendants: Who Is He and What Was the Case Against Her?
Blake M. McKimmie, Jane M. Masters, Barbara M. Masser, Regina A. Schuller, and Deborah J. Terry

355 An Examination of Sexual Orientation- and Transgender-Based Hate Crimes in the Post-Matthew Shepard Era
Robert J. Cramer, Andre Kehn, Charlotte R. Pennington, Hayley J. Wechsler, John W. Clark, III, and Jacklyn Nagle

369 It’s Not You, It’s the Law: Eyewitness Memory Scholars’ Disappointment With Perry v. New Hampshire
Shari R. Berkowitz and Naser L Javaid

380 Endorsement of a Personal Responsibility to Adhere to the Minimum Drinking Age Law Predicts Consumption, Risky Behaviors, and Alcohol-Related Harms
Valerie F. Reyna, Katherine Croom, Lisa Staiano-Coico, Martin L. Lesser, Deborah Lewis, Jeremy Frank, and Timothy C. Marchell

395 The Psychology of Jury Decision Making in Age-Discrimination Claims
Richard L. Wiener and Katlyn S. Farnum

Other

354 Call for Papers: Special Issue Ethical, Regulatory, and Practical Issues in Telepractice
379 E-Mail Notification of Your Latest Issue Online!
ii Instructions to Authors
330 New Editors Appointed, 2014–2019
409 Subscription Order Form
The Public Lawyer (ISSN: 1079-4247) provides a forum for the examination and discussion of complex issues of special concern to government and public sector lawyers. The Public Lawyer is edited by staff and members of the Government and Public Sector Lawyers Division. Publishing and editorial decisions are based on the editors' judgment of the quality of the writing, the timeliness of the article, and the potential interest to the readers of The Public Lawyer. The views expressed in The Public Lawyer are those of the authors and may not reflect the official policy of the American Bar Association or the Government and Public Sector Lawyers Division. No endorsement of those views should be inferred unless specifically identified as the official policy of the American Bar Association or the Government and Public Sector Lawyers Division.

The Public Lawyer is published twice a year by the Government and Public Sector Lawyers Division of the American Bar Association, 1050 Connecticut Ave., N.W., Suite 400, Washington, D.C. 20036. Annual dues are $40 and include a subscription to The Public Lawyer. To find out more about the Division, visit our website at www.governmentlawyer.org. Letters to the editor should be addressed to John Jay Douglass, Editor in Chief, Government and Public Sector Lawyers Division, at the above address or by email at GPSLD@americanbar.org.

Requests for reprints must be made in writing to Kim Turner, 321 North Clark St., Chicago, IL 60654-7598, 312-988-6011, 312-988-6030 (fax), kim.turner@americanbar.org.

© Copyright 2013, American Bar Association
Cover Illustration: iStockphoto/Andrew O. Alcala
ARTICLES

The Need for Truly Systemic Analysis of Proposals for the Reform of Both Pretrial Practice and Evidentiary Rules: The Role of the Law of Unintended Consequences in “Litigation” Reform
Edward J. Imwinkelried ................................................................. 201

Army Lessons for Lawyer-Leaders
Jillian Trezza .................................................................................. 239

Ethics, Justice, and Prosecution
Don J. DeGabrielle and Eliot F. Turner ........................................... 279

Reevaluating Proposals for Tort Claims Markets in a World of Mass Tort Litigation
Ryan Guerrero ................................................................................ 299

The Bankruptcy Auction as a Game – Designing an Optimal Auction in Bankruptcy
Yaad Rotem and Omer Dekel .......................................................... 323

Once Byten, Twice Shy: Preservation and Production of Electronic Healthcare Records
Jennifer A. Albert .......................................................................... 395
Revue internationale de droit comparé

Sommaire

ÉTUDES - VARIÉTÉS

La responsabilité des agences de notation de crédit. Brèves remarques sur un enjeu global Mauro Bussani 239

Le projet d’unification des codes civil et de commerce d’Argentine Maria José Azar-Baud 259

Les conflits de procédures et de décisions en droit international privé tunisien Souhayma Ben Achour 287

Les incidences de la Convention arabe de lutte contre le terrorisme sur le droit interne libanais et sur le tribunal spécial pour le Liban Doreïd Becheraoui 319

Les arrêts de la Cour constitutionnelle suprême égyptienne du 14 juin 2012. La juridictionnalisation des transitions démocratiques en question Mohamad Abdulghani & Raphaël Déchaux 359

Étude critique de l’impossibilité morale dans la preuve des actes juridiques en Afrique noire francophone Abdoul Aziz Dionf 391

La Cour pénale internationale (CPI) et la République démocratique du Congo (RDC) : 10 ans après. Étude de l’impact du statut de la CPI en droit interne congolais Joseph Kazadi Mpiana 419

CHRONIQUES DE LÉGISLATION ET DE JURISPRUDENCE ÉTRANGÈRES

SÉNAT - Législation comparée
  - Les fichiers de crédits positifs, LC 231 janvier 2013 467
Revue internationale de droit comparé

- La représentation institutionnelle des citoyens établis hors de leur pays, LC 232, février 2013 471
- La pénalisation de la prostitution et du racolage, LC 233, mars 2013 476
- Ressources minérales marines profondes : nodules polymétalliques, encroûtements et sulfures hydrothermaux, LC 234, mars 2013 483

CONSEIL D'ÉTAT - Jurisprudence étrangère
- Arrêt de la Cour constitutionnelle fédérale allemande du 20 février 2013 (2 BvE 11/12) 487
- Arrêt du Tribunal suprême espagnol, Sala de lo contencioso-administrativo, du 28 février 2013 488
- Arrêt de la Cour constitutionnelle belge, arrêt n° 30 et n° 29 du 7 mars 2013 489
- Arrêt de la Cour suprême des États-Unis du 27 mars 2013, Comcast Corp. et al. v. Behrend et al. 491

INFORMATIONS

In Memoriam Denis Tallon (1924-2013) 495
Actes de la journée d'étude franco-russe : Le droit pénal : notions, principes, questions 499
Publication de la Revue de droit uniforme par Oxford University Press 500
Bibliographie française (décembre 2012 - mai 2013) 500

BIBLIOGRAPHIE

Bibliographie commentée........................................... 511
Livres reçus............................................................. 533
ARTICLES

AN ANALYTICAL ODE TO PERSONHOOD: THE UNCONSTITUTIONALITY OF CORPOREAL PUNISHMENT OF CHILDREN UNDER THE THIRTEENTH AMENDMENT

This Article maintains that Supreme Court precedent enables the Thirteenth Amendment to function as the source of a nationwide prohibition on all corporal punishment of children. The Court ruled in United States v. Kozminski that a quintessential attribute of slavery is the use, ad libitum, of physical coercion by one human being against another. This Article contends that Section 1’s express interdiction on slavery should be read to implicitly prohibit corporal punishment of children inasmuch as both practices are uniformly characterized by such use of physical coercion and by an asymmetrical power relationship flowing therefrom. The Article also surveys possible routes for practical implementation of the implied Section 1 prohibition. Complementarily or alternatively, the Article further invokes Congress’ enforcement power, under Section 2 of the Amendment, against slavery itself as well as against the badges and incidents of slavery. The Article demonstrates that, because corporal punishment of children fits under either rubric, Congress has the authority to enact a national ban on the punishment. There are pressing policy reasons to do so without delay.

Susan H. Bitensky .................................. 1

THE PUBLIC MEANING RULE: RECONCILING MEANING, INTENT, AND CONTRACT INTERPRETATION

Courts generally follow one of two problematic rules governing the admission of extrinsic evidence to interpret a contract. The plain meaning rule ties the interpretation of contract terms to a judge’s subjective notions of what words mean and prevents parties from submitting evidence of alternate meanings that are publicly used and acknowledged. The context rule looks to evidence of the parties’ subjective intent rather than the shared and public meaning of terms, and in doing so, undermines the predictability creating function of contracts.

This Article proposes a third rule—the public meaning rule—that admits extrinsic evidence only of the public and conventional meaning of the words and phrases in a contract, while excluding extrinsic evidence of the parties’ subjective intent, such as evidence of the parties’ course of performance, or course of dealing. The epistemological basis for this rule is the fact that the meaning of a word or phrase must arise from shared public conventions that individuals employ when they communicate. When courts look to evidence of the parties’ subjective intent, they untie contract interpretation from the public conventions of meaning that allow parties to record their agreements in a way that can be predictably enforced. Without reference to public conventions, there is no common reference from which meaning can be communicated—either from one party to another, or from the parties to the court.

Rather than looking to evidence that is commonly associated with the parties’ subjective intent to give meaning to contract language, courts should limit the application of such evidence to equitable claims and defenses. Where courts allow extrinsic evidence in service of such equitable principles, it reflects not an attempt to determine the meaning of language in a contract, but quite the opposite, a willingness to sacrifice some certainty of meaning and predictability of effect in the name of fairness. The existence of equitable claims and defenses thus mitigates the inequitable consequences of the proposed rule, which excludes extrinsic evidence of the parties’ course of dealing and course of performance, because such evidence is admissible to support such equitable claims and defenses.

Aaron D. Goldstein .................................. 73
ARTICLES

THE LEAKY COMMON LAW: AN "OFFER TO SELL" AS A POLICY TOOL IN PATENT LAW AND BEYOND

Gone are the days when the term offer is confined to first-year contracts courses and the intricacies of contract formation. The offer concept has quietly migrated throughout the law. It now regulates behavior in areas as diverse as criminal law, environmental law, securities law, and intellectual property law. Despite its wide diffusion, the offer concept remains largely unstudied as a legal concept outside of its contract-law environment. This Article begins to fill that gap.

The Article begins by deconstructing the meaning of a traditional contract law offer to determine its policy role in contract law, and then compares that role with offer concept's roles in other areas of the law. Next, the Article compares the offer concept's policy role in each area of the law to its corresponding definition therein and discusses any inconsistencies between the policy role and the definition. The Article then focuses on patent law's use of the offer concept to regulate patent infringement and provides two primary analyses: (1) a normative analysis of the offer concept's optimal definition in patent law, and (2) a statutory analysis of the relevant statute. On the basis of the policy and statutory analyses, the Article shows why the current court-generated definition of patent law's offer concept should be improved. The Article concludes by providing suggestions for improving the use of the offer concept in patent law and the law more generally.

Lucas S. Osborn .................................. 143

FINANCIAL COUNTERINTELLIGENCE: HOW CHANGES TO THE U.S. ANTI-MONEY LAUNDERING REGIME CAN ASSIST U.S. COUNTERINTELLIGENCE EFFORTS

The United States faces an onslaught of offensive foreign intelligence operations, with tactics ranging from Soviet-era style spies clandestinely inserted into its communities to modern day economic espionage conducted by businesses on behalf of foreign powers. This Article proposes a novel weapon to combat this rising threat: leverage the existing U.S. Anti-Money Laundering (AML) regime to assist counterintelligence efforts. The AML laws and regulations already require financial institutions to investigate clients' backgrounds, monitor financial activity, and report suspicious transactions to federal law enforcement. If these financial institutions also were to report transactions that suggest foreign intelligence directly to U.S. counterintelligence elements, this country may be able to root out more easily those individuals and companies engaged in such operations. To implement this program, existing reporting requirements already imposed on financial institutions must be modified, financial transaction typologies that suggest foreign intelligence must be developed, and institutional changes must be made within the federal government to accommodate the intake of this new type of counterintelligence.

Mark B. Skerry .................................. 205

COMMENTS

SPACE JUNK: WHY THE UNITED NATIONS MUST STEP IN TO SAVE ACCESS TO SPACE

Humankind has had access to space for only a short time. Within this short span, however, Earth's orbits have become increasingly cluttered with debris. This proliferation of debris may soon make access to space and use of Earth's orbits dangerous or halt access entirely. The consequences could affect satellite use for telecommunications and defense, as well as valuable space exploration. Space faring nations have been reluctant to impose regulations to remedy the issue. The United Nations has addressed issues in International Space Law in the past, but has yet to implement any treaties or binding policies on member nations that address space debris. As such, the United Nations, is in the prime position to address the issue and impose binding policies on spacefaring nations to clean up and mitigate the space junk problem.

Gabrielle Hollingsworth .......................... 239
BURMA AND THE ROAD FORWARD: LESSONS FROM NEXT DOOR AND POSSIBLE AVENUES TOWARDS CONSTITUTIONAL AND DEMOCRATIC DEVELOPMENT

Asia's contemporary history has known many authoritarian regimes. Burma, now known as Myanmar, is at a crossroads. In 2010, the country parted ways with its military junta and established a civilian government. It has continued on an apparent path of reform for the last two years. While the world may anticipate the best, many remain skeptical and are reminded of its past. Only less than twenty years ago, Singapore's former Prime Minister Lee Kuan Yew famously posed an apparent justification for autocratic governments based on cultural differences between the east and the west. This Comment tracks the remnants of Lee's argument in Burma's ongoing change and how Burma's constitution may or may not protect individuals given potential conflicts regarding individual rights and military entrenchment. The rise and return of democratic icon Aung San Suu Kyi, however, gives hope that the country is committed to change, and that authoritarianism can truly be of Burma's past.

Connie Ng ................................................................. 267

FOLLOWING IN NORTH CAROLINA'S FOOTSTEPS: CALIFORNIA'S CHALLENGE IN COMPENSATING ITS VICTIMS OF COMPULSORY STERILIZATION

Beginning in 1907, the United States sterilized roughly 60,000 individuals under state eugenics laws. Thirty-two states in total passed eugenic sterilization laws in an attempt to rid the nation of defectives unfit to reproduce and to promote "human betterment." Among these state sterilization programs, California's sterilization program stands out as particularly egregious. From 1909 to around 1963, California sterilized an estimated 20,000 individuals, roughly one-third of the total number of individuals sterilized in the United States.

While California and several other states have apologized, an apology is not enough to redress the harm done to and suffered by sterilization victims. With each passing day, the opportunity to redress the harm suffered by these victims passes; soon, there may be no living victims to compensate. In June 2012, the North Carolina legislature considered a bill to compensate and provide services to its living sterilization victims. The bill, however, did not pass. Had North Carolina adopted this measure, it would have been the first state to compensate its victims of forcible sterilization.

In this Note, I discuss the challenges California faces in compensating its sterilization victims, looking specifically at the number of possible living victims and the difficulties the state will face in locating them. Despite these challenges, I propose that California should compensate its sterilization victims. Using North Carolina's plan to compensate its victims as an example, I further propose that California should commission a task force to determine the amount of money and type of services it should provide survivors.

Katherine A. West ....................................................... 301
2012
The Supreme Court Review

CONTENTS

COMMERCE CLAUSE REVISIONISM AND THE AFFORDABLE CARE ACT 1
David A. Strauss

ENFORCEMENT REDUNDANCY AND THE FUTURE OF IMMIGRATION LAW 31
Adam B. Cox

THE CURIOUS HISTORY OF FOURTH AMENDMENT SEARCHES 67
Orin S. Kerr

CONFRONTING SCIENCE: EXPERT EVIDENCE AND THE CONFRONTATION CLAUSE 99
Jennifer Mnookin and David Kaye

LIES AND THE CONSTITUTION 161
Helen Norton

BANKRUPTCY STEP ZERO 203
Douglas G. Baird and Anthony J. Casey

ONE VOICE OR MANY? THE POLITICAL QUESTION DOCTRINE AND ACOUSTIC DISSONANCE IN FOREIGN AFFAIRS 233
Daniel Abebe

"TO REGULATE," NOT "TO PROHIBIT": LIMITING THE COMMERCE POWER 255
Barry Friedman and Genevieve Lakier

CAROLENE PRODUCTS AND CONSTITUTIONAL STRUCTURE 321
Barry Cushman
TAXATION, RISK, AND PORTFOLIO CHOICE:
THE TREATMENT OF RETURNS TO RISK
UNDER A NORMATIVE INCOME TAX ............John R. Brooks II  255

A NEW THEORY OF THE STATE CORPORATE
INCOME TAX: THE STATE CORPORATE INCOME
TAX AS RETAIL SALES TAX COMPLEMENT ........ Darien Shanske  305
## Contents

### Columns

<table>
<thead>
<tr>
<th>Column</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Trends</td>
<td>3</td>
</tr>
<tr>
<td>By Mark A. Luscombe</td>
<td></td>
</tr>
<tr>
<td>Family Tax Planning Forum</td>
<td>5</td>
</tr>
<tr>
<td>By Robert S. Keebler</td>
<td></td>
</tr>
<tr>
<td>Corporate Tax Watch</td>
<td>7</td>
</tr>
<tr>
<td>By Debra J. Bennett</td>
<td></td>
</tr>
<tr>
<td>Tackling Taxes</td>
<td>13</td>
</tr>
<tr>
<td>By Paul C. Lau, Mark Jolley and Kurt Piwko</td>
<td></td>
</tr>
<tr>
<td>Federal Tax Practice Standards</td>
<td>21</td>
</tr>
<tr>
<td>By Kip Dellinger</td>
<td></td>
</tr>
</tbody>
</table>

### Articles

<table>
<thead>
<tr>
<th>Article</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partnership Distributions Present Hidden Traps</td>
<td>25</td>
</tr>
<tr>
<td>By James R. Hamill</td>
<td></td>
</tr>
<tr>
<td>Constructing a Tax-Efficient International Stock Portfolio with American Depository Receipts</td>
<td>35</td>
</tr>
<tr>
<td>By Richard Toolson</td>
<td></td>
</tr>
<tr>
<td>Hybrid and Electric Cars and the Dawn of a New Noncompliance Era</td>
<td>41</td>
</tr>
<tr>
<td>By James Alm and Jay A. Soled</td>
<td></td>
</tr>
<tr>
<td>Good-Faith Reliance on Professional Advice; Court Sets Limits</td>
<td>45</td>
</tr>
<tr>
<td>By Arthur J. Hamilton and William M. VanDenburgh</td>
<td></td>
</tr>
</tbody>
</table>
## CONTENTS

### Articles

**ARE TWOMBLY & IQBAL AFFECTING WHERE PLAINTIFFS FILE?**
A STUDY COMPARING REMOVAL RATES BY STATE  
*Jill Curry and Matthew Ward* .......................................................... 827

**OIL AND GAS LEASES AND POOLING: A LOOK BACK AND A PEEK AHEAD**  
*Bruce M. Kramer* ................................................................................. 877

**VIEWING THE “SAME CASE OR CONTROVERSY” OF SUPPLEMENTAL JURISDICTION THROUGH THE LENS OF THE “COMMON NUCLEUS OF OPERATIVE FACT” OF PENDENT JURISDICTION**  
*Douglas D. McFarland* ....................................................................... 905

**THE AGE OF ALLOCATION: THE END OF POOLING AS WE KNOW IT?**  
*Clifton A. Squibb* ................................................................................. 929

### Comments

**CHECKING THE BOX IS NOT ENOUGH: THE IMPACT OF TEXAS RICE LAND PARTNERS, LTD. *V.* DENBURY GREEN PIPELINE-TEXAS, LLC AND TEXAS’S EMINENT DOMAIN REFORMS ON THE COMMON CARRIER APPLICATION PROCESS**  
*Megan James* ...................................................................................... 959

**MY COUNTRY OR MY CHILD?: HOW STATE ENACTMENT OF THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT WILL ALLOW SERVICE MEMBERS TO PROTECT THEIR COUNTRY & FIGHT FOR THEIR CHILDREN**  
*Brittany A. Jenkins* ........................................................................... 1011

**STANDING THEIR GROUND: CORPORATIONS’ FIGHT FOR RELIGIOUS RIGHTS IN LIGHT OF THE ENACTMENT OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT CONTRACEPTIVE COVERAGE MANDATE**  
*Katherine Lepard* .............................................................................. 1041

**RUNNING THE GAUNTLET: WOLCOTT *V.* SEBELIUS REVEALS LOOPOLES IN THE MEDICARE PART B APPEALS PROCESS THAT THE FIFTH CIRCUIT CANNOT (OR WILL NOT) CLOSE**  
*Lorna McMillion* ............................................................................... 1073

**INDEX** ............................................................................................... 1103
TABLE OF CONTENTS

ARTICLES

THE INFLUENCE OF A JEWISH EDUCATION AND JEWISH VALUES ON A JEWISH JUDGE
Hon. Alvin K. Hellerstein ........................................... 517

THE EASTSIDE EXHIBITION RULE: THE DE MINIMIS EXCEPTION FOR TRIFLES AND TRIVIALITIES IN PARTIAL ACTUAL EVICTION CASES IN NEW YORK
Hon. Stephen L. Ukeiley ........................................... 527

ARE THERE STILL COLLATERAL CONSEQUENCES IN NEW YORK AFTER PADILLA?
Hon. John H. Wilson ........................................... 545

PLEDGE, PROMISE, OR COMMIT: NEW YORK'S TENOUS LIMITATIONS ON JUDICIAL CAMPAIGN SPEECH
Noah Hertz-Bunzl ........................................... 569

BOOK REVIEW OF ARNOLD H. LEIBOWITZ, AN HISTORICAL-LEGAL ANALYSIS OF THE IMPEACHMENTS OF PRESIDENTS ANDREW JOHNSON, RICHARD NIXON AND WILLIAM CLINTON: WHY THE PROCESS WENT WRONG
Jeffrey B. Morris ........................................... 585

A CRIMINAL QUARTET: THE SUPREME COURT'S RESOLUTION OF FOUR CRITICAL ISSUES IN THE CRIMINAL JUSTICE SYSTEM
Richard Klein ........................................... 603

QUALIFIED IMMUNITY DEVELOPMENTS: NOT MUCH HOPE LEFT FOR PLAINTIFFS
Karen Blum, Erwin Chemerinsky & Martin A. Schwartz ........................................... 633
# TABLE OF CONTENTS

**Selected Excerpts from The Touro College Jacob D. Fuchsberg Law Center Conference at Netanya Academic College School of Law in Israel: “Law of Contracts or Laws of Contracts?”**

**Party Sophistication and Value Pluralism in Contract**

*Meredith R. Miller* ................................................................. 659

**Penalty Clauses as Remedies: Exploring Comparative Approaches to Enforceability**

*Jack Graves* ........................................................................ 681

**Consumer Contracts Law as a Special Branch of Contract Law—The Israeli Model**

*Sinai Deutch* ........................................................................ 695

**The Banking Contract as a Special Contract: The Israeli Approach**

*Ruth Plato-Shinar* .................................................................. 721

## Comments

**New York’s Adverse Possession Law: An Abdication of Personal Responsibility**

*Jonathan M. Vecchi* ............................................................... 747

**The Unlucky Penny: How $0.01 in Collateral Value Can Limit the Debtor’s Ability to Strip Off a Junior Mortgage in a Chapter 7 Bankruptcy Proceeding**

*Keri Mahoney* ........................................................................ 757

**Delegation and the Destruction of American Liberties: The Affordable Care Act and the Contraception Mandate**

*Michael Barone, Jr.* ................................................................. 795

**Rape Shield Laws and the Social Media Revolution: Discoverability of Social Media—It’s Social Not Private**

*Seth I. Koslow* ....................................................................... 839

**The Doctor Will See You Now: An Argument for Amending the Licensing Process for Handguns in New York City**

*Alexander C. DePalo* .............................................................. 867

**The Plight of Bi-National Same-Sex Couples in America**

*Michael Rivers* ....................................................................... 903
MELVILLE B. NIMMER MEMORIAL LECTURE

1082  First Amendment Constraints on Copyright

After Golan v. Holder

Neil Weinstock Netanel

ARTICLES

1130  Intraracial Diversity

Devon W. Carbado

1184  When to Overthrow Your Government:
The Right to Resist in the World’s Constitutions

Tom Ginsburg, Daniel Lansberg-Rodriguez & Mila Versteeg

1262  Interbank Discipline

Kathryn Judge

COMMENT

1324  A Proposal for U.S. Implementation

of the Vienna Convention’s Consular Notification Requirement

Nicole M. Howell
### ARTICLES

**Empirical Fallacies of Evidence Law:**
A Critical Look at the Admission of Prior Sex Crimes
*Tamara Rice Lave & Aviva Orenstein* 795

**Judicial Deference and Institutional Character:**
Homeowners Associations and the Puzzle of Private Governance
*Michael C. Pollack* 839

**Time:** An Empirical Analysis of Law Student Time Management Deficiencies
*Christine P. Bartholomew* 897

**Skating Too Close to the Edge:** A Cautionary Tale for Tax Practitioners About the Hazards of Waiver
*Claudine V. Pease-Wingenter* 953

### COMMENTS AND CASENOTES

**Drink, Drive, Sue, Repeat: The Vicious Cycle Created by Voss v. Tranquilino**
*Katie Barrett* 1001

**Are You on the List? DisPELLing the Myth of a Total Exemption from the Privacy Act's Civil Remedies in Shearson v. DHS**
*Maxim Brumbach* 1027

*Robert F. Kappers* 1053

*Gregory A. Kendall* 1079

**What is the Federal Circuit's Issue with USPTO Patent Reexamination Proceedings?**
*Kevin Tamm* 1103

**Sexual Privacy in the Modern Era:**
*Lowe v. Swanson*
*Katie Rasfeld Terpstra* 1127

**Inadequate and Ineffective? Factual Innocence and the Savings Clause of § 2255**
*Lauren Staley* 1149

**Ethics, Groupon's Deal-of-the-Day, and the 'McLawyer’**
*Krista Umanos* 1169
Washington University
Journal of Law & Policy

Volume 42

Table of Contents

*Privilege Revealed: Past, Present, & Future*

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revisiting <em>Privilege Revealed</em> and Reflecting on Teaching and Learning Together</td>
<td>Stephanie M. Wildman</td>
<td>1</td>
</tr>
<tr>
<td>Privilege and Responsibility</td>
<td>Arthur F. McEvoy</td>
<td>23</td>
</tr>
<tr>
<td>Privilege as Property</td>
<td>Bela August Walker</td>
<td>47</td>
</tr>
<tr>
<td>BioPrivilege</td>
<td>Lisa C. Ikemoto</td>
<td>61</td>
</tr>
<tr>
<td>Two Sides of a Coin: Safe Space &amp; Segregation in Race/Ethnic-Specific Law Student Organizations</td>
<td>Meera E. Deo</td>
<td>83</td>
</tr>
<tr>
<td>Revealing Privilege—<em>Why Bother?</em></td>
<td>Danielle Kie Hart</td>
<td>131</td>
</tr>
<tr>
<td>Epilogue: Autonomy as Privilege</td>
<td>Barbara J. Flagg</td>
<td>149</td>
</tr>
</tbody>
</table>

**Notes**

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reform or Reshuffle? Consequences of the 2005 Missouri Tort Reform Act</td>
<td>Barbara A. Geisman</td>
<td>155</td>
</tr>
<tr>
<td>A Tale of Two States: Challenges to Voter ID Ballot Measures in Missouri and Minnesota</td>
<td>Veronica Harwin</td>
<td>203</td>
</tr>
<tr>
<td>Breaking Out of the Mold: Minority-Majority Districts and the Sustenance of White Privilege</td>
<td>Joe Mitchell</td>
<td>235</td>
</tr>
</tbody>
</table>
Articles

Josh Chafetz
“In the Time of a Woman, Which Sex Was Not Capable of Mature Deliberation”: Late Tudor Parliamentary Relations and Their Early Stuart Discontents

Evelyn Atkinson
Out of the Household: Master-Servant Relations and Employer Liability Law

Aaron T. Knapp
Law’s Revolution: Benjamin Austin and the Spirit of ’86

Note

Joshua Stein
Historians Before the Bench: Friends of the Court, Foes of Originalism