Contents of Current Legal Periodicals
September 16, 2013, 1401

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

ADMINISTRATIVE LAW REVIEW, v. 65, no. 2, Spring, 2013

AMERICAN JOURNAL OF INTERNATIONAL LAW, v. 107, no. 2, April, 2013

BROOKLYN JOURNAL OF INTERNATIONAL LAW, v. 38, no. 3, 2013

BUFFALO LAW REVIEW, v. 61, no. 3, May, 2013

CALIFORNIA LAWYER, v. 33, no. 7, July, 2013

CLEVELAND STATE LAW REVIEW, v. 61, no. 1, 2013

CONNECTICUT LAW REVIEW, v. 45, no. 4, May, 2013

CRIMINAL JUSTICE, v. 28, no. 2, Summer, 2013

THE CRIMINAL LAW QUARTERLY, v. 60, no. 1, 2013

CURRENT MUNICIPAL PROBLEMS, v. 39, no. 4, 2013

DEPAUL LAW REVIEW, v. 62, no. 3, Spring, 2013


HARVARD JOURNAL OF LAW & PUBLIC POLICY, v. 36, no. 3, Summer, 2013

HASTINGS LAW JOURNAL, v. 64, no. 5, June, 2013
ARTICLES

Judging Congressional Oversight
Jamelle C. Sharpe............................................................... 183

Regulating the Production of Knowledge: Research Risk–Benefit Analysis and the Heterogeneity Problem
Michelle N. Meyer ............................................................. 237

Social Media, Administrative Agencies, and the First Amendment
Alissa Ardito ................................................................. 301

COMMENTS

OFAC, the Department of State, and the Terrorist Designation Process: A Comparative Analysis of Agency Discretion
Louisa C. Slocum ............................................................. 387

Sex and Sexual Orientation: Title VII After Macy v. Holder
Cody Perkins ................................................................. 427

RECENT DEVELOPMENTS

Picturing a Remedy for Small Claims of Copyright Infringement
Virginia Knapp Dorell ....................................................... 449

“Military Pay Cases”: A Collection .................................... 475
“Military Pay Cases”: An Introduction
William C. Bryson .......................................................... 476
Suits for Military Pay and Disability Benefits in the Court of Federal Claims
Charles Lettow ............................................................... 483
The Boards for Correction of Military and Naval Records: An Administrative Law Perspective
Eugene R. Fidell .............................................................. 499
AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 107 April 2013 NO. 2

CONTENTS

Sovereigns as Trustees of Humanity: On the Accountability of States to Foreign Stakeholders
Eyal Benvenisti 295

The concept of sovereignty crystallized in an era when distances were large, and self-sufficiency the aspiration. This view of sovereignty is no longer sustainable and yields inequitable, undemocratic consequences. This article argues that in a densely populated and deeply integrated world, sovereignty should be understood as also involving a trusteeship toward humanity at large. Sovereigns should be required to take into account other-regarding considerations when forming national policies that may have effects beyond their national jurisdictions, even absent specific treaty obligations.

Crimes Against Humanity in the Modern Age
Leila Nadya Sadat 334

This article analyzes the centrality of crimes against humanity prosecutions to the International Criminal Court’s fulfillment of its mandate to prevent and punish atrocities committed in strife-torn regions. Ad hoc international criminal tribunals established in several states will complete their work soon, leaving the Court as the sole functioning international criminal authority. But the Court’s jurisprudence since its 1998 founding raises serious concerns about its interpretation of, and willingness to fully utilize, the powers conferred by its jurisdictional status.

Notes and Comments

Editors’ Note
Lori Fisher Damrosch and Bernard H. Oxman 378

Law, Power, and Principles
Michael J. Glennon 378

Dangerous Departures
Mary Ellen O’Connell 380

No Thank You to a Radical Rewrite of the Jus ad Bellum
Gabor Rona and Raha Wala 386

Self-Defense Against Nonstate Actors: Reflections on the “Bethlehem Principles”
Elizabeth Wilmshurst and Michael Wood 390

International Decisions

Edited by David P. Stewart

Territorial and Maritime Dispute (Nicaragua v. Colombia) (Nienke Grossman) 396

International Court of Justice judgment on disputed islands and maritime boundaries

The “ARA Libertad” (Argentina v. Ghana) (James Kraska) 404

International Tribunal for the Law of the Sea provisional measures order regarding detention of Argentine naval training vessel

Pringle v. Ireland (Christoph W. Herrmann) 410

European Court of Justice judgment on validity of stability mechanism for euro area member states

Hirsi Jamaa v. Italy (Irini Papanicolaou) 417

European Court of Human Rights judgment on Italy’s interdiction of migrants from Libya on the high seas
AMERICAN JOURNAL
OF INTERNATIONAL LAW

VOL. 107
April 2013

CONTENTS

Prosecutor v. Taylor (Triestino Mariniello)
Special Tribunal for Sierra Leone judgments on head-of-state immunity for war crimes and crimes against humanity and on sentencing guidelines

Contemporary Practice of the United States Relating to International Law
Edited by John R. Crook

Supreme Court Grants Certiorari in Case Implicating Missouri v. Holland
United States Recognizes Government of Somalia After Two-Decade Hiatus
United States Promotes Informal Multilateral Counterterrorism Mechanism
New U.S.-Mexican Agreement on Allocation of Colorado River Water
United States Supports New Multilateral Convention to Limit Mercury Discharges
United States Rejects International Telecommunications Union Conference Outcome, Fearing Interference with Internet Freedom
U.S. Efforts to Enhance Cybersecurity and to Counter International Theft of Trade Secrets
Jackson-Vanik Amendment Repealed; Magnitsky Provisions Draw Russian Ire and Termination of Adoption and Anticrime Agreements
U.S. Securities and Exchange Commission Adopts “Conflict Minerals” Rule
U.S. Department of State Legal Adviser’s Views on International Criminal Justice
Bolivia rejoins Narcotics Convention with Reservation Protecting Coca Leaf over U.S. and Others’ Objections
United States Provides Military Support to French Operations Against Militants in Mali
United States Supports New Security Council Sanctions Following North Korean Missile Launch; North Korea Responds with Third Nuclear Test
U.S. Supreme Court Rules in Hague Child Abduction Case, Urges Speed by Lower Courts in Such Cases
Brief Notes

Recent Books on International Law
Edited by Richard B. Bilder

Book Reviews
Cassese, Antonio (ed.). Realizing Utopia: The Future of International Law (John Dugard)
Krisch, Nico. Beyond Constitutionalism: The Pluralist Structure of Postnational Law (Jeffrey L. Dunoff)
Berman, Paul Schiff. Global Legal Pluralism: A Jurisprudence of Law Beyond Borders (Peter J. Spiro)
Ryan, Allan A. Yamashita’s Ghost: War Crimes, MacArthur’s Justice, and Command Accountability (Detlev F. Vagts)
Marauhn, Thilo, and Heinhard Steiger (eds.). Universality and Continuity in International Law (Stephen C. Neff)

Brief Review Notice
Wolfrum, Rüdiger (ed.). The Max Planck Encyclopedia of Public International Law (Sean D. Murphy)

Books Received

International Legal Materials. Contents, Vol. LI, No. 6
CONTENTS

Articles

Post-Earthquake Legal Reform in Haiti: In On the Ground Floor
Leonard L. Cavise 879

Lesbian, Gay, Bisexual, Trans, and Intersex Rights in the Caribbean: Using Regional Bodies to Advance Culturally Charged Human Rights
Toni Holness 925

Providing a Foundation for Wealth Creation and Development in Africa: The Role of the Rule of Law
John Mokum Mbaku 959

The Liberal Discourse and the “New Wars” of on Children
Noëlle Quénivet 1053

ANDREW P. VANCE MEMORIAL WRITING COMPETITION WINNER
Two and a Half Hurdles Between Eurozone Debts and U.S. Courts: How Recent Distressed Foreign Deals Could Soon be Unwound Domestically
Timothy S. Springer 1109

Notes

Up in the Air: The Conflict Surrounding the European Union’s Aviation Directive and the Implications of a Judicial Resolution
Katelyn E. Ciolino 1151

Inadequacy of TRIPS & the Compulsory License: Why Broad Compulsory Licensing is Not a Viable Solution to the Access to Medicine Problem
Dina Halajian 1191

No Universal Target: Distinguishing Between Terrorism and Human Rights Violations in Targeted Sanctions Regimes
Elizabeth Clark Hersey 1231

The Cost Recovery Act and Tobacco Litigation in Canada: A Model for Fast Food Litigation
Timothy Poodiack 1269

The Dressmaker’s Dilemma: Sexual Abuse, Corporate Accountability, and the Convention for the Elimination of All Forms of Discrimination Against Migrant Women in Jordan’s Qualified Industrial Zones
Nura Skaden 1297
BUFFALO LAW REVIEW

VOLUME 61  May 2013  NUMBER 3

Contents

ARTICLES
The Hidden Costs of Terrorist Watch Lists

Anyà Bernstein  461

How Long is Forever This Time? The Broken Promise of Bankruptcy Trusts

S. Todd Brown  537

Fear of the Queer Child

Clifford J. Rosky  607

NOTE
“Imagine There’s No Country”: Statelessness as Persecution in Light of Haile II

Stewart E. Forbes  699
FEATURES

14 HEADSTRONG
Cyclist Lance Armstrong's nationally broadcast admission of doping may have been therapeutic for him, but it invited multiple lawsuits and could rekindle interest from prosecutors. Why did Armstrong come clean after so many years of denial?
by Thomas Peele

22 TINKERING WITH A TAX REVOLT
Passed by voters in 1978, Prop. 13 kicked off a nationwide antitax crusade—and hog-tied public finance in California for a generation. Now an aging group of reformers thinks the Legislature and the public are ready to fix Prop. 13's unintended consequences.
by Sasha Abramsky

DEPARTMENTS

4 EDITOR'S NOTE

5 LETTERS

11 IN HOUSE
For general counsel who manage by consensus, successfully implementing a compliance program can be especially difficult.
by David Birk

12 EXPERT ADVICE
Employment Law
When an employer investigates misconduct in the workplace, employees have a duty to cooperate with the inquiry.
by Sophia S. Lau

28 LEGALLY SPEAKING
A conversation with former U.S. Senator Russ Feingold on the war on terror, the Obama presidency, and how the Senate has changed.

30 BOOKS

38 MCLE
Contracts
Every California contract contains an implied covenant of good faith and fair dealing. So when the parties want to vest unfettered discretion in a decision maker, specific language is required.
by Allen B. Grodsky

51 DISCIPLINE REPORT

64 IN PROPER
A lawyer recalls representing her client in his bid for freedom.
by Amy K. Guerra

ESQ.

6 TAKING MEDIATION ONLINE
Online dispute resolution platforms offer mediation on the Internet.
Also:
- Law professor Daniel Martin Katz talks quantitative legal prediction.
- Despite tight budgets, law firms still push pro bono work.

TECHNICALITIES

35 TABLETS, PHABLETS, AND APPS
New products make the tablet market a lot more interesting.
by Chris Baker
CONTENTS

ARTICLES

DISPARATE PROTECTIONS FOR AMERICAN HUMAN
TRAFFICKING VICTIMS ........................................... Amanda Peters 1

POST-CRISIS RECONSIDERATION OF FEDERAL
COURT REFORM ....................................................... David R. Cleveland 47

BEYOND THE TARGET MARKET: PRODUCT
ADVERTISING AND RULE 10b-5’S “IN
CONNECTION WITH” REQUIREMENT ........................... Thomas J. Molony 101

SOCIOECONOMIC BIAS IN THE JUDICIARY ................. Michele Benedetto Neitz 137

THE BLINDSIDED INSIDER: INSIDER TRADING
LIABILITY FOR SUPERVISING A ROGUE TRADER .......... Adam Felsenthal 167

SECTION 7433’S STATUTE OF LIMITATIONS: HOW
COURTS HAVE WRONGLY TURNED A
TAXPAYER’S EXCLUSIVE SWORD INTO THE
IRS’S SHIELD AGAINST DAMAGES ............................ Diana Leyden 195

NOTES

SOLVING A PLEADING PLAGUE: WHY FEDERAL
COURTS SHOULD STRIKE INSUFFICIENT
AFFIRMATIVE DEFENSES UNDER THE
TWOMBLY-IQBAL PLAUSIBILITY STANDARD .................... Nathan A. Leber 231

USING THE SCIENTIFIC METHOD IN THE LAW:
EXAMINING STATE INTERLOCUTORY APPEALS
PROCEDURES THAT WOULD IMPROVE
UNIFORMITY, EFFICIENCY, AND FAIRNESS IN
THE FEDERAL APPELLATE SYSTEM ............................ Hannah M. Smith 259

CITE AS 61 CLEV. ST. L. REV. (2013)

The views expressed in the Cleveland State Law Review are those of the authors of the articles and
do not necessarily reflect the opinions of the trustees, faculty, alumni, or students of the
Cleveland State University or the College of Law. Contributing authors are expected to reveal
personal, economic, or professional interest that may have influenced the views taken or
advocated in their articles. Each author impliedly represents that such disclosure has been made.
CONNECTICUT LAW REVIEW

VOLUME 45  MAY 2013  NUMBER 4

CONTENTS

ARTICLES

NEXT PHASE PEDAGOGY REFORM FOR THE TWENTY-FIRST CENTURY LEGAL EDUCATION: DELIVERING COMPETENT LAWYERS FOR A CONSUMER-DRIVEN MARKET ..........Ann Marie Cavazos 1113

LEGAL EDUCATION IN DISRUPTION:
THE HEADWINDS AND TAILWINDS OF TECHNOLOGY ...............Jon M. Garon 1165

JUKIN’ THE STATS: THE GAMING OF LAW SCHOOL RANKINGS AND HOW TO STOP IT ...........Darren Bush & Jessica Peterson 1235

DEMOCRATIZING LEGAL EDUCATION .................... Renee Newman Knake 1281

KIM KARDASHIAN AND HONEY BOO BOO:
MODELS FOR LAW SCHOOL SUCCESS (OR NOT) ............ George Critchlow 1319

ESSAYS

WHAT’S GOING ON? THE PSYCHOANALYSIS METAPHOR FOR EDUCATING LAWYER-COUNSELORS ....Jeffrey M. Lipshaw 1355

THE IMPACT OF RANKINGS AND RULES ON LEGAL EDUCATION REFORM .......................... David Yellen 1389

RETHINKING U.S. LEGAL EDUCATION:
NO MORE “SAME OLD, SAME OLD” ..........................Nancy B. Rapoport 1409

NOTES

IDEOLOGICAL EXCLUSION IN THE POST-9/11 ERA:
A CASE FOR INCREASED JUDICIAL OVERSIGHT AND RECOGNITION OF THE RIGHT TO HEAR SPEECH ............Sean D. Acevedo 1431

SECOND WIND: A LEGAL AND POLICY-BASED EVALUATION OF THE BLOCK ISLAND WIND FARM AND THE LEGISLATION THAT SAVED IT ..................Brian M. Gibbons 1457
FEATURES

4 The Cold Nose Might Actually Know? Science and Scent Lineups
By Andrew E. Taslitz
How infallible is a dog’s nose? Author Andrew Taslitz delves into the science and mythology of dog scenting, examining training protocols, and the interplay between research data and admissibility of scent lineup evidence.

9 Justice for Girls: Are We Making Progress?
By Francine T. Sherman
Author Francine Sherman examines the gender inequalities prevalent in the juvenile justice system against a backdrop of the rising rates of incarceration for girls and the ingrained societal expectations that may inadvertently lead to increased prosecution of young women.

18 At the Tipping Point: Persuading the Prosecutor Not to Indict
By Jon May
The time to start mounting a defense begins before your client is ever charged with a crime. Author Jon May discusses pre-indictment strategy and techniques to avoid indictment.

25 The Drew House Story: Collaborating on Alternatives for Incarcerated Women and Their Children
By Mary W. Byrne, Teresa Fabi, Mary D. Hughes, and Charles J. Hynes
District attorneys Teresa Fabi, Mary Hughes, and Charles Hynes collaborate with nursing and medical services professor Mary Byrne on a multidisciplinary approach to prevent the separation of mothers and children during incarceration, creating a supportive housing community for women who have committed felony crimes and their young children.
DEPARTMENTS

1 Chair's Counsel
REFLECTIONS ON A YEAR OF CJS ACCOMPLISHMENTS

29 Cert Alert
SUPREME COURT CASES OF INTEREST

34 Boot Camp, Esq.
DEALING WITH "EXTRINSIC ACT EVIDENCE"

36 Technology
BORDERLINE PRIVACY: ELECTRONIC BORDER SEARCHES AFTER COTTERMANN

38 Trial Tactics
JUDICIAL INNOVATIONS TO SCREEN EYEWITNESS IDENTIFICATIONS

43 Ethics
INTERNET MARKETING

47 Scientific Evidence
"BALLISTICS" Redux

49 Criminal Justice Matters
PLEA WAIVERS THAT SHIELD DEFENSE COUNSEL AND PROSECUTORS

51 Practice Pointers
USING CORPORATE MONITORS TO YOUR ADVANTAGE

53 Section News
WHITE COLLAR CRIME CONFERENCE IN LAS VEGAS A HIT

Criminal Justice (ISSN 0887-7785) is published quarterly as a service to its members by the American Bar Association Section of Criminal Justice. Copyright © 2012 American Bar Association. Editorial, advertising, circulation, subscription offices: 321 N. Clark Street, Chicago, IL 60654-7598. Section offices: ABA, 740 15th Street, NW, Washington, DC 20005-1098.

The price of an annual subscription for members of the Section of Criminal Justice ($20) is included in their dues and is not deductible thereafter. Any member of the ABA may join the Section of Criminal Justice by sending annual dues of $40 to the Section; ABA membership is a prerequisite to Section membership. Individuals and institutions not eligible to join the ABA may subscribe to Criminal Justice for $48 per year. A $57 per subscription that addresses outside the United States and its possessions. Single copies are $10 plus $5.95 for postage and handling. For information on subscriptions and back issues, contact the ABA Service Center at (800) 285-2221.

Manuscript submissions and letters to the editor are encouraged. Articles accepted for publication are subject to editing and letters must run no more than 750 words. Opinions expressed in the magazine do not necessarily reflect the policies of the editorial board, the Section, or the American Bar Association.

Periodicals postage paid at Chicago, Illinois, and at additional mailing offices. POSTMASTER: Send address changes to Criminal Justice Membership Records, American Bar Association, ABA Service Center, 321 North Clark St., Chicago, IL 60654-7598. Members: Go online at www.abanet.org and click on "Member Tools" and "Change Your Address."

Advertising Sales: Director, William McDonough, 312/988-6114; Business Manager, Anne Bitting, 312/988-6115. Address all advertising orders, contracts, and materials to ABA Publishing Advertising Sales, 321 N. Clark Street, Chicago, IL 60654-7598. Request reprint permission at www.abanet.org/reprint.
The Criminal Law Quarterly

Volume 60, Number 1  Cited as: (2013), 60 C.L.Q.

TABLE OF CONTENTS

Editorial

The Combatting Terrorism Act and the Via Terrorism Arrests: Two Steps Forward, One Step Back ...................... 1

Criminal Appeals in the Supreme Court of Canada .................. 5

Notes and Comments


Articles and Addresses

Canada’s Not Criminally Responsible Reform Act: Mental Disorder and the Danger of Public Safety Rebecca Sutton, MSc ......................................................... 41

The Constitutionality of Mandatory Minimum Sentences for Youth Jon Laxer ........................................................................ 71

Critical Developments in Corporate Criminal Liability: Senior Officers, Wilful Blindness, and Agents in Foreign Jurisdictions Todd Archibald, Ken Jull and Kent Roach ......................... 92

Revisiting Canada’s Commitment to the Fight Against Global Corruption and the Need for Nationality Jurisdiction Under the Corruption of Foreign Public Officials Act Jeremy Tatun ........................................................................ 128

Book Reviews

Hearing the Victim Adversarial Justice, Crime Victims and the State by Sir Anthony Bottoms and Julian V. Roberts Gilles Renaud ........................................................................ 153
DEPAUL LAW REVIEW

Volume 62  Spring 2013  Number 3

CONTENTS

SYMPOSIUM
CLASS ACTION ROLLBACK?
WAL-MART v. DUDES AND THE FUTURE OF CLASS
ACTION LITIGATION

TWENTY-SECOND ANNUAL DEPAUL LAW REVIEW SYMPOSIUM

INTRODUCTION .................. Christopher S. Burrichter  653

ARTICLES

THE POWER AND PROMISE OF PROCEDURE:
EXAMINING THE CLASS ACTION LANDSCAPE
AFTER WAL-MART v. DUDES .......... Suzette M. Malveaux  659

DOOMSDAY DELAYED: HOW THE COURT’S
PARTY-NEUTRAL CLARIFICATION OF CLASS
CERTIFICATION STANDARDS IN WAL-MART
V. DUDES ACTUALLY HELPS PLAINTIFFS .... Anthony F. Fata  675

OPTIMAL CLASS SIZE, DUDES, AND THE
FUNNY THING ABOUT SHADY GROVE... William H.J. Hubbard  693

IMPLAUSIBLE INJURIES: WAL-MART v.
DUKES AND THE FUTURE OF CLASS
ACTIONS AND EMPLOYMENT
DISCRIMINATION CASES ............... Marcia L. McCormick  711

ISSUE CERTIFICATION UNDER RULE 23(c)(4):
A REAPPRAISAL ......................... Mark A. Perry  733
CONTENTS

“Carving at the Joint”: The Precise Function of Rule 23(c)(4) ................. Patricia Bronte 745
                George Robot
                Darin M. Williams

The Family and the Market at Wal-Mart.......................... Naomi Schoenbaum 759

Reactions to Wal-Mart v. Dukes: Litigation Strategy and Legal Change ....................... Andrew J. Trask 791

Extralegal Whitewashes.................. Lesley Wexler 817

Comments

Department of Justice Not Defending the Defense of Marriage Act: Politically Significant, Legally Irrelevant? ............... Angelo DiBartolomeo 857

Major League Soccer Scores an Own Goal: A Successful Joint Venture Attains Market Power in an International Sport.............. Mark W. Lenihan 881
On the cover
A wave of anger is sweeping the world. Politicians beware: leader, page 11. It is not easy to turn a protest movement into a political party, page 37. What price democracy? Page 56. Technology makes protests more likely, but not yet more effective, page 56. The latest from Brazil, page 34, Turkey, page 49, and Egypt, page 46.

The Economist online
Daily analysis and opinion from our 19 blogs, plus audio and video content, debates and a daily chart. Economist.com/blogs
E-mail: newsletters and mobile edition
Economist.com/email
Print edition: available online by 7pm London time each Thursday economist.com/print
Audio edition: available online to download each Friday Economist.com/audioedition

The Economist
Volume 407 Number 8842
First published in September 1843
to take part in "a general contest between intelligence, which presses forward, and an unwise prejudice obstructing our progress."

Editorial offices in London and also:
Atlanta, Beijing, Berlin, Brussels, Cairo, Chicago, Hong Kong, Johannesburg, Los Angeles, Mexico City, Moscow, New Delhi, New York, Paris, San Francisco, São Paulo, Singapore, Tokyo, Washington DC

Contents continues overleaf

8 The world this week

Leaders
11 Anger around the world
   The march of protest
12 China's cash crunch
   Bear in the China shop
13 Teaching and technology
   E-education
14 Pakistan
   The general in the dock
14 Climate-change policy in America, Europe and China
   Rapid, timid
15 European Union
   Enlargement
   Keeping up with the Croats

Letters
16 On Iran, coastal homes, Mexico City, PRISM, publishing, Newcastle

Briefing
24 Education technology
   Catching on at last

United States
27 Gay marriage
   The Supreme Court rules
28 Race and voting rights
   Equality, debated
29 Abortion
   Ms Davis goes to Austin
29 Immigration
   A big wall of money
30 The farm bill
   Stuffed
30 Greetings cards
   The American way of death
31 Climate change
   Obama's plan
32 Lexington
   The Roberts court

The Americas
34 Brazil's protests
   The cries are answered
35 Economic reform in Cuba
   A private affair
35 Sexism in the Mounties
   The wild frontier

Asia
36 Australian politics
   We need to talk about Kevin again
37 Mongolia's election
   The incumbent wins
37 Protest in India
   The little man
38 Floods in India
   High and wet
39 South-East Asia's smog
   Unspontaneous combustion
40 Banyan
   America and India bicker

China
43 Financial reforms
   Re-education through Shibor
42 The new economic team
   Take a bow
42 Political balancing
   Mixed messages

Middle East and Africa
43 The ANC
   A sad and sorry decline
44 Zimbabwe's election
   The mysterious Baba Sukwa
44 Libya's opposition
   Where green won't fade
45 Islam's old schism
   Sunnis v Shias, still at it
45 Qatar's new emir
   A hard act to follow
46 Crisis in Egypt
   More worrying than ever

Europe
47 Germany in the world
   The occasional leader
48 Italian politics
   More trouble ahead
48 French political scandals
   Tapping along
49 Turkey's protests
   Still out on the streets
50 Portugal and the euro
   Floundering on
50 Albania's election
   Edi's turn
51 Charlemagne
   Croatia joins the EU

Climate change
The world will one day adopt a carbon tax—but only after exhausting all the alternatives: leader, page 14. Barack Obama offers stopgap measures to slow global warming, page 31.

Edward Snowden His odyssey leaves America nonplussed and its allies dismayed. Russia, China and others are gloating, page 55.
Britain
52 Exporting to China (Eastward march)
53 Immigration (Your money is your bond)
54 Bagehot (The little party behind the throne)

International
55 Secrecy (Snowden's travels)
56 Internet protests (The digital demo)
56 Prosperity and protest (Cry freedom)

Business
57 European telecoms (In a hole)
58 Corporate computing (Ascending to the cloud)
59 Housebuilders in America (Through the roof again?)
60 Elke Batista's woes (Losing the X-Factor)
60 The higher-education business (Honours without profits?)
61 Hospital operators and Obamacare (Prescription for change)
62 German business and English (No Denglish)
63 Schumpeter (Russia spoilt by shale)

Finance and economics
64 India's economy (Start me up)
65 Buttonwood (Taper tantrums)
66 Mexico's markets (Rolling with the punches)
67 Banks and interest rates (Administer with care)

Science and technology
71 Driverless automobiles (The car that parks itself)
72 Stopping asteroid strikes (Defenders of the Earth)
72 Cancer and the microbiome (A punch in the gut)

73 Art and the animal kingdom (Of mice and Manet)

Books and arts
74 Indian growth (The poverty conundrum)
75 Cyber-warfare (Digital doomsters)
75 Economic power (History tales)
76 Consolations of the forest (Alone in a cabin)
76 Hurace and me (Lessons of a Latin lover)
77 The art of Meschac Gaba (Making space)

84 Economic and financial indicators (Statistics on 42 economies, plus a closer look at foreign direct investment)

Obituary
86 Lancelote Rodrigues (Macau's refugee priest)

China's credit crisis This is not the country's Lehman moment, but it does herald a change of momentum: leader, page 12. China's leaders show a welcome toughness but also an alarming clumsiness, page 41.

Schumpeter (The shale-gas revolution unnerves Russian state capitalism, page 63)

Property taxes Governments should make more use of them: Free exchange, page 69.
VOLUME 36, NUMBER 3  SUMMER 2013

THE FEDERALIST SOCIETY NATIONAL LAWYERS
CONVENTION—2012

THE WAGES OF CRYING JUDICIAL RESTRANINT
Randy E. Barnett.................................................................925

FEDERALISM AND COMMERCE
Frank H. Easterbrook..........................................................935

THE FEDERALISM(S) SOCIETY
Heather K. Gerken...............................................................941

RETHINKING LEGAL CONSERVATISM
Neal K. Katyal.................................................................949

THE ARTICLE V CONVENTION PROCESS AND
THE RESTORATION OF FEDERALISM
Robert G. Natelson............................................................955

FIFTH ANNUAL ROSENKRANZ DEBATE
RESOLVED: NATURAL LAW SHOULD INFORM
CONSTITUTIONAL LAW

THE NATURAL LAW CHALLENGE
Hadley Arkes.................................................................961

NATURAL LAW JURISPRUDENCE:
A SKEPTICAL PERSPECTIVE
Alex Kozinski.................................................................977
MONOPOLIES AND THE CONSTITUTION: A HISTORY OF CRONY CAPITALISM
Steven G. Calabresi & Larissa C. Leibowitz.................................983

ELECTIONS ACROSS THE POND: COMPARING CAMPAIGN FINANCE REGIMES IN THE UNITED STATES AND UNITED KINGDOM
Kathleen Hunker........................................................................1099

UNDERSTANDING "THE LOOP": REGULATING THE NEXT GENERATION OF WAR MACHINES
William C. Marra & Sonia K. McNeil..........................................1139

STOCKHOLDER ADOPTION OF MANDATORY INDIVIDUAL ARBITRATION FOR STOCKHOLDER DISPUTES
Hal S. Scott & Leslie N. Silverman............................................1187

IN MEMORIAM
ROBERT H. BORK

ANTONIN SCALIA.................................................................1233

STEVEN G. CALABRESI........................................................1235

JOHN HARRISON.................................................................1245

WILLIAM BRADFORD REYNOLDS.........................................1253
# TABLE OF CONTENTS

## ARTICLES

### SPECIAL ISSUE ON CIRCUIT SPLITS

**Supervisors in a World of Flat Hierarchies**

*Catherine L. Fisk* .......................................................... 1403

**Winning the War on Drug Prices: Analyzing Reverse Payment Settlements Through the Lens of *Trinko***

*Alicia I. Hogges-Thomas* .......................................................... 1421

**The Computer Fraud and Abuse Act and Disloyal Employees: How Far Should the Statute Go to Protect Employers from Trade Secret Theft?**

*Audra A. Dial and John M. Moye* .......................................................... 1447

**Do Graphic TobaccoWarnings Violate the First Amendment?**

*Nathan Cortez* .......................................................... 1467

**Lost in the Fog of *Miranda***

*George C. Thomas III* .......................................................... 1501

## NOTES

**The Case for Uniform Hot News Preemption**

*Joshua Korr* .......................................................... 1521

**Fair Use as Free Speech Fundamental: How Copyright Law Creates a Conflict Between International Intellectual Property and Human Rights Treaties**

*Jacob Zweig* .......................................................... 1549