Index

Volume 57
1996

Lead Articles—Authors

Abrams, Roger L.
Welsch, Donald
Jonas, Bruce
Stillborn Enterprises: Calculating Expectation Damages
Using Forensic Economics ................................................................. 809

Alstott, Anne L.
Comments on Samansky, “Tax Policy and the
Obligation to Support Children” ..................................................... 381

Baumer, David L.
Poinexeter, J. C.
Women and Divorce: The Perils of
Pension Division ........................................................................ 203

Buss, Emily
Parents’ Rights and Parents Wronged ........................................... 431

Caron, Paul L.
Tax Myopia Meets Tax Hyperopia: The Unproven
Case of Increased Judicial Deference to Revenue Rulings .......... 637

Foley, Edward B.
Social Justice and Child Poverty .................................................. 485

Forman, Jonathan Barry
Simplification for Low-Income
Taxpayers: Some Options ........................................................... 145

Gressman, Eugene
Carmella, Angela C.
The RFRA Revision of the Free
Exercise Clause ........................................................................ 65

Hawkins, The Honorable Michael Daly
Dining with the Dogs: Reflections on the Criticism
of Judges ..................................................................................... 1353

Hirsch, Adam J.
Inheritance and Inconsistency ...................................................... 1057

Johnson, Nicholas J.
Plenary Power and Constitutional Outcasts: Federal Power, Critical Race Theory,
and the Second, Ninth, and Tenth Amendments ......................... 1555
Kim, Pauline T.
Privacy Rights, Public Policy, and the Employment Relationship....................... 671

Kindred, Kay P.
God Bless the Child: Poor Children, Parens Patriae, and a State Obligation to Provide Assistance .......................................................... 519

Landry, Thomas K.
“Punishment” and the Eighth Amendment .......................................................... 1607

Maynard, Therese
A Requiem: Reflections on Gustafson ..................................................................... 1327

McDavid, Lolita M.
Child Health in America: Is This the Best We Can Do? ........................................ 479

McGinley, Ann C.
Rethinking Civil Rights and Employment at Will: Toward a Coherent National Discharge Policy .......................................................... 1443

Mendales, Richard E.
Looking Under the Rock: Disclosure of Bankruptcy Issues Under the Securities Laws .................................................................................. 731

Merritt, Deborah Jones
Ending Poverty by Cutting Teenaged Births: Promise, Failure, and Paths to the Future .......................................................... 441

Minow, Martha
Children’s Studies: A Proposal ............................................................................. 511

Mott, Frank L.
Teen Parenting: Implications for the Mother and Child Generations .................. 469

Nolan, Virginia E.
Edmund Ursin
Enterprise Liability and the Economic Analysis of Tort Law ............................. 835

Piraino, Jr., Thomas A.
The Antitrust Rationale for the Expansion of Professional Sports Leagues .......... 1677

Prentice, Robert
Vaporware: Imaginary High-Tech Products and Real Antitrust Liability in a Post-Chicago World .......................................................... 1163

Ramos, Manuel R.
Legal and Law School Malpractice: Confessions of a Lawyer’s Lawyer and Law Professor .......................................................... 863
Samansky, Allan J.
Tax Policy and the Obligation to Support Children ........................................ 329

Selmi, Michael
The Value of the EEOC: Reexamining the Agency's Role in Employment Discrimination Law ................................................................. 1

Sergienko, Greg
Social Contract Neutrality and the Religion Clauses of the Federal Constitution ................................................................. 1263

Sneed, The Honorable Joseph T.
The Judging Cycle: Federal Circuit Court Style ........................................ 939

Swisher, Peter Nash
Judicial Interpretations of Insurance Contract Disputes: Toward a Realistic Middle Ground Approach ........................................... 543

Voinovich, Hon. George V.
Remarks of the Governor ............................................................................ 321

Weissenberger, Glen
Reconstructing the Definition of Hearsay .................................................. 1525

Woodhouse, Barbara Bennett
A Public Role in the Private Family: The Parental Rights and Responsibilities Act and the Politics of Child Protection and Education ................................................................. 393

Lead Articles—Titles

The Antitrust Rationale for the Expansion of Professional Sports Leagues
Thomas A. Piraino, Jr. .................................................................................. 1677

Child Health in America: Is This the Best We Can Do?
Lolita M. McDavid ...................................................................................... 479

Children's Studies: A Proposal
Martha Minow ................................................................................................ 511

Comments on Samansky, "Tax Policy and the Obligation to Support Children"
Anne L. Alstott ............................................................................................. 381

Dining with the Dogs: Reflections on the Criticism of Judges
The Honorable Michael Daly Hawkins ......................................................... 1353
Ending Poverty by Cutting Teenaged Births: Promise, Failure, and Paths to the Future
Deborah Jones Merritt ................................................................. 441

Enterprise Liability and the Economic Analysis of Tort Law
Virginia E. Nolan
Edmund Ursin........................................................................... 835

God Bless the Child: Poor Children, Parens Patriae, and a State Obligation to Provide Assistance
Kay P. Kindred ........................................................................ 519

Inheritance and Inconsistency
Adam J. Hirsch ........................................................................ 1057

The Judging Cycle: Federal Circuit Court Style
The Honorable Joseph T. Sneed .................................................. 939

Judicial Interpretations of Insurance Contract Disputes: Toward a Realistic Middle Ground Approach
Peter Nash Swisher .................................................................. 543

Legal and Law School Malpractice: Confessions of a Lawyer’s Lawyer and Law Professor
Manuel R. Ramos .................................................................... 863

Looking Under the Rock: Disclosure of Bankruptcy Issues Under the Securities Laws
Richard E. Mendales ................................................................ 731

Parents’ Rights and Parents Wronged
Emily Buss .............................................................................. 431

Nicholas J. Johnson .................................................................. 1555

Privacy Rights, Public Policy, and the Employment Relationship
Pauline T. Kim .......................................................................... 671

A Public Role in the Private Family: The Parental Rights and Responsibilities Act and the Politics of Child Protection and Education
Barbara Bennett Woodhouse .................................................... 393

“Punishment” and the Eighth Amendment
Thomas K. Landry ..................................................................... 1607

Reconstructing the Definition of Hearsay
Glen Weissenberger .................................................................. 1525

Remarks of the Governor
Hon. George V. Voinovich.......................................................... 321
INDEX

A Requiem: Reflections on Gustafson
Therese Maynard ................................................................. 1327

Rethinking Civil Rights and Employment at Will: Toward a
Coherent National Discharge Policy
Ann C. McGinley ................................................................. 1443

The RFRA Revision of the Free
Exercise Clause
Eugene Gressman
Angela C. Carmella ............................................................. 65

Simplification for Low-Income
Taxpayers: Some Options
Jonathan Barry Forman ....................................................... 145

Social Contract Neutrality and the Religion Clauses
of the Federal Constitution
Greg Sergienko ................................................................. 1263

Social Justice and Child Poverty
Edward B. Foley ................................................................. 485

Stillborn Enterprises: Calculating Expectation Damages
Using Forensic Economics
Roger I. Abrams
Donald Welsch
Bruce Jonas ................................................................. 809

Tax Myopia Meets Tax Hyperopia: The Unproven
Case of Increased Judicial Deference to Revenue Rulings
Paul L. Caron ................................................................. 637

Tax Policy and the Obligation to Support Children
Allan J. Samansky ................................................................. 329

Teen Parenting: Implications for the Mother
and Child Generations
Frank L. Mott ................................................................. 469

The Value of the EEOC: Reexamining
the Agency’s Role in Employment
Discrimination Law
Michael Selm ................................................................. 1

Vaporware: Imaginary High-Tech Products and Real
Antitrust Liability in a Post-Chicago World
Robert Prentice ................................................................. 1163

1996]
Women and Divorce: The Perils of Pension Division
David L. Baumer
J.C. Poindexter ......................................................... 203

Case Comments

155 North High, Ltd. v. Cincinnati Insurance Co.:
The Advocate-Witness Rule—Trying to Define Substantial Hardship in DR 5-101(B)(4)
Steven C. Waterfield .................................................. 1027

Is Procedural Due Process in a Remote Processing Center a Contradiction in Terms? Gandarillas-Zambrana v. Board of Immigration Appeals
Amanda Masters .......................................................... 999

Red Means Green: The Disruption of the Statutory Construction Process in Gustafson to Harmonize Section 12(2) and Rule 10b-5
Private Liability Actions Under the Federal Securities Laws
Brian E. Burns ............................................................. 1365

Silence Begets Religion: Bown v. Gwinnett County School District and the Unconstitutionality of Moments of Silence in Public Schools
Larry R. Thaxton .......................................................... 1399

Comments

Can the Glass Ceiling Be Shattered?: The Decline of Women Partners in Large Law Firms
Elizabeth K. Ziewacz ................................................... 971

In-House Counsel Employed by Insurance Companies: A Difficult Dilemma Confronting the Model Code of Professional Responsibility
Robert J. Johnson ........................................................ 945

Is Stare Decisis Still the Lighthouse Beacon of Supreme Court Jurisprudence?: A Critical Analysis
Todd E. Freed ............................................................... 1767

The Public Policy Exception to the Employment at Will Doctrine in Ohio: The Need for a Legislative Approach
Mark D. Wagoner, Jr. ...................................................... 1799
Notes

The Plain Meaning of the Automatic Stay in Bankruptcy: The Void/Voidable Distinction Revisited
Timothy Arnold Barnes ................................................................. 291

Protecting the Courts from the Barrage of Frivolous Prisoner Litigation: A Look at Judicial Remedies and Ohio’s Proposed Legislative Remedy
Gail L. Bakaitis DeWolf ................................................................. 257

The Status of Victim Impact Statements in Ohio Capital Offense Sentencing
Susan Elizabeth Anitas ................................................................. 235

The Worst of Both Worlds?: Parental Involvement Requirements and the Privacy Rights of Mature Minors
Maggie O’Shaughnessy ................................................................. 1731
Subject Index

Antitrust Law

The Antitrust Rationale for the Expansion of Professional Sports Leagues
Thomas A. Piraino, Jr. ................................................................. 1677

Vaporware: Imaginary High-Tech Products and Real Antitrust Liability in a Post-Chicago World
Robert Prentice ............................................................. 1163

Bankruptcy

Looking Under the Rock: Disclosure of Bankruptcy Issues Under the Securities Laws
Richard E. Mendales ............................................ 731

The Plain Meaning of the Automatic Stay in Bankruptcy: The Void/Voidable Distinction Revisited
Timothy Arnold Barnes ........................................... 291

Constitutional Law

Is Procedural Due Process in a Remote Processing Center a Contradiction in Terms? Gadarillas-Zambrana v. Board of Immigration Appeals
Amanda Masters .................................................. 999

Is Stare Decisis Still the Lighthouse Beacon of Supreme Court Jurisprudence?: A Critical Analysis
Todd E. Freed .......................................................... 1767

Nicholas J. Johnson ................................................ 1555

Privacy Rights, Public Policy, and the Employment Relationship
Pauline T. Kim ......................................................... 671

“Punishment” and the Eighth Amendment
Thomas K. Landry .................................................. 1607

The RFRA Revision of the Free Exercise Clause
Eugene Gressman
Angela C. Carmella .................................................. 65
Silence Begets Religion: *Bown v. Gwinnett County School District* and the Unconstitutionality of Moments of Silence in Public Schools
*Larry R. Thaxton* .................................................................................................. 1399

Social Contract Neutrality and the Religion Clauses of the Federal Constitution
*Greg Sergienko* .................................................................................................. 1263

**Contract Law**

Judicial Interpretations of Insurance Contract Disputes: Toward a Realistic Middle Ground Approach
*Peter Nash Swisher* .............................................................................................. 543

Stillborn Enterprises: Calculating Expectation Damages Using Forensic Economics
*Roger I. Abrams, Donald Welsch, Bruce Jonas* .................................................... 809

**Criminal Procedure**

Protecting the Courts from the Barrage of Frivolous Prisoner Litigation: A Look at Judicial Remedies and Ohio’s Proposed Legislative Remedy
*Gail L. Bakaitis DeWolf* ...................................................................................... 257

The Status of Victim Impact Statements in Ohio Capital Offense Sentencing
*Susan Elizabeth Anitas* ..................................................................................... 235

**Employment Law**

Privacy Rights, Public Policy, and the Employment Relationship
*Pauline T. Kim* ....................................................................................................... 671

The Public Policy Exception to the Employment at Will Doctrine in Ohio: The Need for a Legislative Approach
*Mark D. Wagoner, Jr.* .......................................................................................... 1799

Rethinking Civil Rights and Employment at Will: Toward a Coherent National Discharge Policy
*Ann C. McGinley* ............................................................................................... 1443
The Value of the EEOC: Reexamining the Agency’s Role in Employment Discrimination Law
Michael Selmi ........................................................................................................ 1

Evidence
Reconstructing the Definition of Hearsay
Glen Weissenberger ................................................................................................ 1525

Family Law
Child Health in America:
Is This the Best We Can Do?
Lolita M. McDavid .................................................................................................. 479

Children’s Studies: A Proposal
Martha Minow ......................................................................................................... 511

Comments on Samansky, “Tax Policy and the Obligation to Support Children”
Anne L. Alstott ......................................................................................................... 381

Ending Poverty by Cutting Teenaged Births:
Promise, Failure, and Paths to the Future
Deborah Jones Merritt ............................................................................................. 441

God Bless the Child: Poor Children, Parens Patriae, and a State Obligation to Provide Assistance
Kay P. Kindred .......................................................................................................... 519

Parents’ Rights and Parents Wronged
Emily Buss ................................................................................................................ 431

A Public Role in the Private Family: The Parental Rights and Responsibilities Act and the Politics of Child Protection and Education
Barbara Bennett Woodhouse .................................................................................. 393

Social Justice and Child Poverty
Edward B. Foley ...................................................................................................... 485

Tax Policy and the Obligation to Support Children
Allan J. Samansky ...................................................................................................... 329

Teen Parenting: Implications for the Mother and Child Generations
Frank L. Mott ........................................................................................................... 469
Women and Divorce: The Perils of Pension Division

David L. Baumer
J. C. Poindexter 

The Worst of Both Worlds?: Parental Involvement Requirements and the Privacy Rights of Mature Minors
Maggie O'Shaughnessy

Feminist Legal Studies
Can the Glass Ceiling Be Shattered?: The Decline of Women Partners in Large Law Firms
Elizabeth K. Ziewacz

Judges on Judging
Dining with the Dogs: Reflections on the Criticism of Judges
The Honorable Michael Daly Hawkins

The Judging Cycle: Federal Circuit Court Style
The Honorable Joseph T. Sneed

Jurisprudence
Inheritance and Inconsistency
Adam J. Hirsch

Professional Responsibility
155 North High, Ltd. v. Cincinnati Insurance Co.: The Advocate-Witness Rule—Trying to Define Substantial Hardship in DR 5-101(B)(4)
Steven C. Waterfield

In-House Counsel Employed by Insurance Companies: A Difficult Dilemma Confronting the Model Code of Professional Responsibility
Robert J. Johnson

Legal and Law School Malpractice: Confessions of a Lawyer’s Lawyer and Law Professor
Manuel R. Ramos

Property
Inheritance and Inconsistency
Adam J. Hirsch
Securities Law

Looking Under the Rock: Disclosure of Bankruptcy
Issues Under the Securities Laws
Richard E. Mendales .................................................................................. 731

Red Means Green: The Disruption of the Statutory Construction
Process in Gustafson to Harmonize Section 12(2) and Rule 10b-5
Private Liability Actions Under the Federal Securities Laws
Brian E. Burns .................................................................................................. 1365

A Requiem: Reflections on Gustafson
Therese Maynard ......................................................................................... 1327

Tax

Comments on Samansky, “Tax Policy and the
Obligation to Support Children”
Anne L. Alstott ............................................................................................... 381

Simplification for Low-Income
Taxpayers: Some Options
Jonathan Barry Forman .................................................................................. 145

Tax Myopia Meets Tax Hyperopia: The Unproven
Case of Increased Judicial Deference to Revenue Rulings
Paul L. Caron ..................................................................................................... 637

Tax Policy and the Obligation to Support Children
Allan J. Samansky ............................................................................................. 329

Tort Law

Enterprise Liability and the Economic Analysis of Tort Law
Virginia E. Nolan
Edmund Ursin .................................................................................................. 835