
Lead Articles—Authors

Alleva, Patti—Prerogative Lost: The Trouble with Statutory Federal Question Doctrine After <i>Merrell Dow</i>	1477
Atwood, Barbara Ann—Child Custody Jurisdiction and Territoriality	369
Becker, Lewis—Conduct of a Spouse That Dissipates Property Available for Equitable Property Distribution: A Suggested Analysis	95
Befort, Stephen F.—BFOQ Revisited: <i>Johnson Controls</i> Halts the Expansion of the Defense to Intentional Sex Discrimination	5
Beytagh, Francis X.—In Memoriam, Alan Holoch	1
Braunstein, Michael and Hazel Genn—Odd Man Out: Preliminary Findings Concerning the Diminishing Role of Lawyers in the Home-Buying Process	469
Browne, Kingsley R.—Title VII as Censorship: Hostile-Environment Harassment and the First Amendment	481
Calnan, Alan—The Insurance Exclusionary Rule Revisited: Are Reports of Its Demise Exaggerated?	1177
Carter, Linda E.—A Beyond a Reasonable Doubt Standard in Death Penalty Proceedings: A Neglected Element of Fairness	195
Colombo, John D. and Mark A. Hall—The Donative Theory of the Charitable Tax Exemption	1379
Delgado, Richard and Jean Stefancic—Outsider Jurisprudence and the Electronic Revolution: Will Technology Help or Hinder the Cause of Law Reform?	847
Diamond, John L.—Assumption of Risk After Comparative Negligence: Integrating Contract Theory into Tort Doctrine	717
Dobris, Joel C.—An Aging World, Dilemmas and Challenges for Law and Social Policy. Edited by John Eekelaar and David Pearl	625
Ferry, John C., Guy O. Kornblum, and Karen K. Lee—Environmental Claims and Bad Faith: Contract Obligations That Mature into Extra-Contractual Lawsuits	1245
Gasaway, Laura N.—Memorial Dedication: Alan Holoch, 1947-1991	3
Genn, Hazel and Michael Braunstein—Odd Man Out: Preliminary Findings Concerning the Diminishing Role of Lawyers in the Home-Buying Process	469
Giesel, Grace M.—A Proposal for a Tort Remedy for Insureds of Insolvent Insurers Against Brokers, Excess Insurers, Reinsurers, and the State	1075
Hall, Mark A. and John D. Colombo—The Donative Theory of the Charitable Tax Exemption	1379

Heidt, Kathryn R.—Liability of Shareholders Under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)	133
Kobil, Daniel T.—Do the Paperwork or Die: Clemency, Ohio Style?	655
Kornblum, Guy O., John C. Ferry, and Karen K. Lee—Environmental Claims and Bad Faith: Contract Obligations That Mature into Extra-Contractual Lawsuits	1245
Lawrence, William H.—Diagramming Commercial Paper Transactions	267
Lawson, Gary and Tamara Mattison—A Tale of Two Professions: The Third-Party Liability of Accountants and Attorneys for Negligent Misrepresentation	1309
Lee, Karen K., John C. Ferry and Guy O. Kornblum—Environmental Claims and Bad Faith: Contract Obligations That Mature into Extra-Contractual Lawsuits	1245
Mattison, Tamara and Gary Lawson—A Tale of Two Professions: The Third-Party Liability of Accountants and Attorneys for Negligent Misrepresentation	1309
Melilli, Kenneth J.—Act-of-Production Immunity	223
Nehf, James P.—Effective Regulation of Rent-to-Own Contracts	751
Pasich, Kirk A.—The Breadth of Insurance Coverage for Environmental Claims	1131
Perry, Twila L.—No-Fault Divorce and Liability Without Fault: Can Family Law Learn from Torts?	55
Riggs, Robert E.—Constitutionalizing Punitive Damages: The Limits of Due Process	859
Sovern, Jeff—Private Actions Under the Deceptive Trade Practices Acts: Reconsidering the FTC Act as Rule Model	437
Stefancic, Jean and Richard Delgado—Outsider Jurisprudence and the Electronic Revolution: Will Technology Help or Hinder the Cause of Law Reform?	847
Stier, Serena—Legal Ethics: The Integrity Thesis	551
Swisher, Peter Nash—Judicial Rationales in Insurance Law: Dusting Off the Formal for the Function	1037
Tacha, Deanell Reece—Judges and Legislators: Renewing the Relationship	279
Vandall, Frank J.—Reallocating the Costs of Smoking: The Application of Absolute Liability to Cigarette Manufacturers	405
Wathen, Daniel E.—Making Law the Old Fashioned Way—One Case at a Time	611
Waxman, Ned W.—Jury Trials After <i>Granfinanciera</i> : Three Proposals for Reform	705
Yen, Alfred C.—The Legacy of <i>Feist</i> : Consequences of the Weak Connection Between Copyright and the Economics of Public Goods	1343
 Lead Articles—Titles	
Act-of-Production Immunity. <i>Kenneth J. Melilli</i>	223
An Aging World, Dilemmas and Challenges for Law and Social Policy. Edited by John Eekelaar and David Pearl. <i>Reviewed by Joel C. Dobris</i>	625

Assumption of Risk After Comparative Negligence: Integrating Contract Theory into Tort Doctrine. <i>John L. Diamond</i>	717
A Beyond a Reasonable Doubt Standard in Death Penalty Proceedings: A Neglected Element of Fairness. <i>Linda E. Carter</i>	195
BFOQ Revisited: <i>Johnson Controls</i> Halts the Expansion of the Defense to Intentional Sex Discrimination. <i>Stephen F. Befort</i>	5
The Breadth of Insurance Coverage for Environmental Claims. <i>Kirk A. Pasich</i>	1131
Child Custody Jurisdiction and Territoriality. <i>Barbara Ann Atwood</i>	369
Conduct of a Spouse That Dissipates Property Available for Equitable Property Distribution: A Suggested Analysis. <i>Lewis Becker</i>	95
Constitutionalizing Punitive Damages: The Limits of Due Process. <i>Robert E. Riggs</i>	859
Diagramming Commercial Paper Transactions. <i>William H. Lawrence</i>	267
The Donative Theory of the Charitable Tax Exemption. <i>Mark A. Hall and John D. Colombo</i>	1379
Do the Paperwork or Die: Clemency, Ohio Style? <i>Daniel T. Kobil</i>	655
Effective Regulation of Rent-to-Own Contracts. <i>James P. Nehf</i>	751
Environmental Claims and Bad Faith: Contract Obligations That Mature into Extra-Contractual Lawsuits. <i>Guy O. Kornblun, John C. Ferry and Karen K. Lee</i>	1245
The Insurance Exclusionary Rule Revisited: Are Reports of Its Demise Exaggerated? <i>Alan Calnan</i>	1177
In Memoriam, Alan Holoch. <i>Francis X. Beytagh</i>	1
Judges and Legislators: Renewing the Relationship. <i>Deanell Reece Tacha</i>	279
Judicial Rationales in Insurance Law: Dusting Off the Formal for the Function. <i>Peter Nash Swisher</i>	1037
Jury Trials After <i>Granfinanciera</i> : Three Proposals for Reform. <i>Ned W. Waxman</i>	705
The Legacy of <i>Feist</i> : Consequences of the Weak Connection Between Copyright and the Economics of Public Goods. <i>Alfred C. Yen</i>	1343
Legal Ethics: The Integrity Thesis. <i>Serena Stier</i>	551
Liability of Shareholders Under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). <i>Kathryn R. Heidt</i>	133
Making Law the Old Fashioned Way—One Case at a Time. <i>Daniel E. Wathen</i>	611
Memorial Dedication: Alan Holoch, 1947-1991. <i>Laura N. Gasaway</i>	3
No-Fault Divorce and Liability Without Fault: Can Family Law Learn from Torts? <i>Twila L. Perry</i>	55
Odd Man Out: Preliminary Findings Concerning the Diminishing Role of Lawyers in the Home-Buying Process. <i>Michael Braunstein and Hazel Genn</i>	469
Outsider Jurisprudence and the Electronic Revolution: Will Technology Help or Hinder the Cause of Law Reform? <i>Jean Stefancic and Richard Delgado</i>	847

Prerogative Lost: The Trouble with Statutory Federal Question Doctrine After <i>Merrell Dow. Patti Alleva</i>	1477
Private Actions Under the Deceptive Trade Practices Acts: Reconsidering the FTC Act as Rule Model. <i>Jeff Sovern</i>	437
A Proposal for a Tort Remedy for Insureds of Insolvent Insurers Against Brokers, Excess Insurers, Reinsurers, and the State. <i>Grace M. Giesel</i>	1075
Reallocating the Costs of Smoking: The Application of Absolute Liability to Cigarette Manufacturers. <i>Frank J. Vandall</i>	405
A Tale of Two Professions: The Third-Party Liability of Accountants and Attorneys for Negligent Misrepresentation. <i>Gary Lawson and Tamara Mattison</i>	1309
Title VII as Censorship: Hostile-Environment Harassment and the First Amendment. <i>Kingsley R. Browne</i>	481

Case Comments

An Analysis of the Copyrightability of the "Look and Feel" of a Computer Program: <i>Lotus v. Paperback Software</i>	947
<i>Dowling v. United States</i> : A Failure of the Criminal Justice System	991
<i>NLRB v. Curtin Matheson Scientific, Inc.</i> : The Effect of a Nonpresumption as to Striker Replacements' Union Sentiments on the Good-Faith Doubt Defense	919
U.C.C. Section 1-207 and the Doctrine of Accord and Satisfaction: Ohio's About-Face in <i>AFC Interiors v. DiCello</i>	1617

Comments

Bounty Hunting in Our Time: The Countervailability of Regional Development Programs	1011
The Death of Constitutional Duty: The Court Reacts to the Expansion of Section 1983 Liability in <i>DeShaney v. Winnebago County Department of Social Services</i>	643

Notes

Geographic Information Systems as a Decision Making Tool	351
Health Care Utilization Review: Potential Exposures to Negligence Liability	1289
Hedonic Damages: A New Trend in Compensation?	331
The Player and the Dice: Physics and Critical Legal Theory	1571
Private Facts Tort: The End Is Here	299
The Status of the Employment-at-Will Doctrine in Ohio: Ohio Incorporates a Public Policy Exception	315
The Tort of Invasion of Privacy in Ohio: Videotape Invasion and the Negligence Standard	1599

SUBJECT INDEX

Antitrust

- Private Actions Under the Deceptive Trade Practices Acts: Reconsidering the FTC Act as Rule Model 437

Bankruptcy

- Jury Trials After *Granfinanciera*: Three Proposals for Reform 705

Civil Procedure

- Child Custody Jurisdiction and Territoriality 369
- Prerogative Lost: The Trouble with Statutory Federal Question Doctrine After *Merrell Dow* 1477

Commercial Law

- Effective Regulation of Rent-to-Own Contracts 751
- Diagramming Commercial Paper Transactions 267

Constitutional Law

- Act-of-Production Immunity 223
- Constitutionalizing Punitive Damages: The Limits of Due Process 859
- The Death of Constitutional Duty: The Court Reacts to the Expansion of Section 1983 Liability in *DeShaney v. Winnebago County Department of Social Services* 643
- Do the Paperwork or Die: Clemency, Ohio Style? 655
- Jury Trials After *Granfinanciera*: Three Proposals for Reform 705
- Prerogative Lost: The Trouble With Statutory Federal Question Doctrine After *Merrell Dow* 1477
- Title VII as Censorship: Hostile-Environment Harassment and the First Amendment 481

Contracts

- Effective Regulation of Rent-to-Own Contracts 751
- U.C.C. Section 1-207 and the Doctrine of Accord and Satisfaction: Ohio's About-Face in *AFC Interiors v. DiCello* 1617

Copyright

- An Analysis of the Copyrightability of the "Look and Feel" of a Computer Program:
Lotus v. Paperback Software 947
- The Legacy of *Feist*: Consequences of the Weak Connection Between Copyright and
the Economics of Public Goods 1341

Corporations

- Liability of Shareholders Under the Comprehensive Environmental Response
Compensation and Liability Act (CERCLA) 133

Criminal Law

- Act-of-Production Immunity 223
- A Beyond a Reasonable Doubt Standard in Death Penalty Proceedings: A Neglected
Element of Fairness 195
- Do the Paperwork or Die: Clemency, Ohio Style? 655
- Dowling v. United States*: A Failure of the Criminal Justice System 991

Damages

- Constitutionalizing Punitive Damages: The Limits of Due Process 859
- Hedonic Damages: A New Trend in Compensation? 331

Dedications

- In Memoriam, Alan Holoch 1
- Memorial Dedication: Alan Holoch, 1947-1991 3

Domestic Law

- Child Custody Jurisdiction and Territoriality 369
- Conduct of a Spouse That Dissipates Property Available for Equitable Property
Distribution: A Suggested Analysis 95
- No-Fault Divorce and Liability Without Fault: Can Family Law Learn from Torts? . . . 55

Employment Law

BFOQ Revisited: <i>Johnson Controls</i> Halts the Expansion of the Defense to Intentional Sex Discrimination	5
<i>NLRB v. Curtin Matheson Scientific, Inc.</i> : The Effect of a Nonpresumption as to Striker Replacements' Union Sentiments on the Good-Faith Doubt Defense	919
The Status of the Employment-at-Will Doctrine in Ohio: Ohio Incorporates a Public Policy Exception	315
Title VII as Censorship: Hostile-Environment Harassment and the First Amendment . . .	481

Environmental Law

The Breadth of Insurance Coverage for Environmental Claims	1131
Environmental Claims and Bad Faith: Contract Obligations That Mature into Extra-Contractual Lawsuits	1245
Liability of Shareholders Under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)	133

Ethics

Legal Ethics: The Integrity Thesis	551
--	-----

Evidence

<i>Dowling v. United States</i> : A Failure of the Criminal Justice System	991
The Insurance Exclusionary Rule Revisited: Are Reports of Its Demise Exaggerated? . .	1177

Health Law

Health Care Utilization Review: Potential Exposures to Negligence Liability	1289
---	------

Information Systems

Geographic Information Systems as a Decision Making Tool	351
Outsider Jurisprudence and the Electronic Revolution: Will Technology Help or Hinder the Cause of Law Reform?	847

Insurance Law

The Breadth of Insurance Coverage for Environmental Claims	1131
Environmental Claims and Bad Faith: Contract Obligations That Mature into Extra-Contractual Lawsuits	1245
The Insurance Exclusionary Rule Revisited: Are Reports of Its Demise Exaggerated? . .	1177
Judicial Rationales in Insurance Law: Dusting Off the Formal for the Function	1037
A Proposal for Tort Remedy for Insureds of Insolvent Insurers Against Brokers, Excess Insurers, Reinsurers, and the State	1075

International Law

Bounty Hunting in Our Time: The Countervailability of Regional Development Programs	1011
---	------

Judges on Judging

Judges and Legislatures: Renewing the Relationship	279
Making Law the Old Fashioned Way—One Case at a Time	611

Jurisprudence

Outsider Jurisprudence and the Electronic Revolution: Will Technology Help or Hinder the Cause of Law Reform?	847
The Player and the Dice: Physics and Critical Legal Theory	1571

Labor Law

<i>NLRB v. Curtin Matheson Scientific, Inc.</i> : The Effect of a Nonpresumption as to Striker Replacements' Union Sentiments on the Good-Faith Doubt Defense	919
---	-----

Legal Practice

A Tale of Two Professions: The Third-Party Liability of Accountants and Attorneys for Negligent Misrepresentation	1309
---	------

Privacy

Private Facts Tort: The End Is Here	299
The Tort of Invasion of Privacy in Ohio: Videotape Invasion and the Negligence Standard	1599

Property Law

An Analysis of the Copyrightability of the "Look and Feel" of a Computer Program: <i>Lotus v. Paperback Software</i>	947
Geographic Information Systems as a Decision Making Tool	351
Odd Man Out: Preliminary Findings Concerning the Diminishing Role of Lawyers in the Home-Buying Process	469

Tax

The Donative Theory of the Charitable Tax Exemption	1379
---	------

Tort Law

Assumption of Risk After Comparative Negligence: Integrating Contract Theory into Tort Doctrine	717
Hedonic Damages: A New Trend in Compensation?	331
Private Facts Tort: The End Is Here	299
A Proposal for a Tort Remedy for Insureds of Insolvent Insurers Against Brokers, Excess Insurers, Reinsurers, and the State	1075
Reallocating the Costs of Smoking: The Application of Absolute Liability to Cigarette Manufacturers	405
A Tale of Two Professions: The Third-Party Liability of Accountants and Attorneys for Negligent Misrepresentation	1309
The Tort of Invasion of Privacy in Ohio: Videotape Intrusion and the Negligence Standard	1599

