
Lead Articles—Authors

Silent Screams from Within the Academy: Let My People Grow <i>Peter C. Alexander</i>	1311
Property Rules Meet Feminist Needs: Respecting Autonomy by Valuing Connection <i>Katharine K. Baker</i>	1523
Diversity in a Different Dimension: Evolutionary Theory and Affirmative Action's Destiny <i>Jim Chen</i>	811
Square Peg in a Round Hole: Parenting Policies and Liberal Theory <i>Maxine Eichner</i>	133
Affirmative Action and Minority Access to Faculty Positions <i>Edgar G. Epps</i>	755
The Bicentennial of <i>Calder v. Bull</i> : In Defense of a Democratic Middle Ground <i>Edward B. Foley</i>	1599
Disproportionality and the Law of Consequential Damages: Default Theory and Cognitive Reality <i>Larry T. Garvin</i>	339
Educational Diversity: Viewpoints and Proxies <i>Timothy L. Hall</i>	551
Diversity Effects on Student Outcomes: Social Science Evidence <i>Maureen T. Hallinan</i>	733
The Origins Behind the Limited Liability Company <i>Susan Pace Hamill</i>	1459
The Strange Career of Affirmative Action <i>Jennifer L. Hochschild</i>	997
Can Affirmative Action Be Defended? <i>Samuel Issacharoff</i>	669
Applying Penalty Enhancements to Civil Disobedience: Clarifying the Free Speech Clause Model to Bring the Social Value of Political Protest into the Balance <i>Leslie Gielow Jacobs</i>	185
Racial and Ethnic Preferences in College Admissions <i>Thomas J. Kane</i>	971

Who Will Manage the Managers?: The Investment Company Act's Antipyramiding Provision and Its Effect on the Mutual Fund Industry <i>Roger M. Klein</i>	507
Federalizing Trade Secrets Law in an Information Economy <i>Marina Lao</i>	1633
Power and the Subject of Religion <i>Kurt T. Lash</i>	1069
The Jew Taboo: Jewish Difference and the Affirmative Action Debate <i>Deborah C. Malamud</i>	915
Noneconomic Interests in Bankruptcy: Standing on the Outside Looking In <i>Nathalie D. Martin</i>	429
Toleration, Autonomy, and Governmental Promotion of Good Lives: Beyond "Empty" Toleration as Respect <i>Linda C. McClain</i>	19
The Future of <i>Bakke</i> : Will Social Science Matter? <i>Deborah Jones Merritt</i>	1055
Diversity, Distance, and the Delivery of Higher Education <i>Rachel F. Moran</i>	775
In Memoriam: Joanne Wharton Murphy <i>Earl Finbar Murphy</i>	1
Reframing the Misappropriation Theory of Insider Trading Liability: A Post- <i>O'Hagan</i> Suggestion <i>Donna M. Nagy</i>	1155
The Resurrection of the Dodo: The Unfortunate Re-emergence of the Puffery Defense in Private Securities Fraud Actions <i>Jennifer O'Hare</i>	1697
After Affirmative Action <i>Kathleen M. Sullivan</i>	1039
The Only Lonely Remedy <i>Vincene Verdun</i>	793
A Consent-Based Approach to Class Action Settlement: Improving <i>Amchem Products, Inc. v. Windsor</i> <i>Mark C. Weber</i>	1155
Does <i>Bakke</i> Matter? Affirmative Action and Minority Enrollment in Medical and Law Schools <i>Susan Welch & John Gruhl</i>	697

- Experiencing Life on Both Sides of the Color Line: The Need for
Affirmative Action in Higher Education
Gregory H. Williams..... 663

Lead Articles—Titles

- Affirmative Action and Minority Access to Faculty Positions
Edgar G. Epps 755
- After Affirmative Action
Kathleen M. Sullivan 1039
- Applying Penalty Enhancements to Civil Disobedience: Clarifying the
Free Speech Clause Model to Bring the Social Value of Political
Protest into the Balance
Leslie Gielow Jacobs 185
- The Bicentennial of *Calder v. Bull*: In Defense of a Democratic
Middle Ground
Edward B. Foley..... 1599
- Can Affirmative Action Be Defended?
Samuel Issacharoff..... 669
- A Consent-Based Approach to Class Action Settlement:
Improving *Amchem Products, Inc. v. Windsor*
Mark C. Weber..... 1155
- Disproportionality and the Law of Consequential Damages:
Default Theory and Cognitive Reality
Larry T. Gavin 339
- Diversity, Distance, and the Delivery of Higher Education
Rachel F. Moran..... 775
- Diversity Effects on Student Outcomes: Social Science Evidence
Maureen T. Hallinan..... 733
- Diversity in a Different Dimension: Evolutionary Theory and Affirmative
Action's Destiny
Jim Chen 811
- Does *Bakke* Matter? Affirmative Action and Minority Enrollments in
Medical and Law Schools
Susan Welch & John Gruhl 1003
- Educational Diversity: Viewpoints and Proxies
Timothy L. Hall..... 551
- Experiencing Life on Both Sides of the Color Line: The Need for
Affirmative Action in Higher Education
Gregory H. Williams..... 663

Federalizing Trade Secrets Law in an Information Economy <i>Marina Lao</i>	1633
The Future of <i>Bakke</i> : Will Social Science Matter? <i>Deborah Jones Merritt</i>	1055
In Memoriam: Joanne Wharton Murphy <i>Earl Finbar Murphy</i>	1
The Jew Taboo? Jewish Difference and the Affirmative Action Debate <i>Deborah C. Malamud</i>	915
Noneconomic Interests in Bankruptcy: Standing on the Outside Looking In <i>Nathalie D. Martin</i>	429
The Only Lonely Remedy <i>Vincene Verdun</i>	793
The Origins Behind the Limited Liability Company <i>Susan Pace Hamill</i>	1459
Power and the Subject of Religion <i>Kurt T. Lash</i>	1069
Property Rules Meet Feminist Needs: Respecting Autonomy by Valuing Connection <i>Katharine K. Baker</i>	1523
Racial and Ethnic Preferences in College Admissions <i>Thomas J. Kane</i>	971
Reframing the Misappropriation Theory of Insider Trading Liability: A Post- <i>O'Hagan</i> Suggestion <i>Donna M. Nagy</i>	1223
The Resurrection of the Dodo: The Unfortunate Re-emergence of the Puffery Defense in Private Securities Fraud Actions <i>Jennifer O'Hare</i>	1697
Silent Screams from Within the Academy: Let My People Grow <i>Peter C. Alexander</i>	1311
Square Peg in a Round Hole: Parenting Policies and Liberal Theory <i>Maxine Eichner</i>	133
The Strange Career of Affirmative Action <i>Jennifer L. Hochschild</i>	997
Toleration, Autonomy, and Governmental Promotion of Good Lives: Beyond "Empty" Toleration to Toleration as Respect <i>Linda C. McClain</i>	19

- Who Will Manage the Managers?: The Investment Company Act's
Antipyramiding Provision and Its Effect on the Mutual Fund Industry
Roger M. Klein.....507

Comments

- Beyond Inherent Powers: A Constitutional Basis for
In re Tutu Wells Contamination Litigation
Timothy G. Pepper.....1777
- Design Defect Liability and Prescription Drugs: Who's in Charge?
David S. Torborg633
- The Health Insurance Portability and Accountability Act of 1996:
A Medicare Fraud Advisory Opinion Mandate Sends the Inspector
General "Shopping for Hats"
Scott J. Kelly.....303
- Rationales for Applying CERCLA Retroactively After
Landgraf v. USI Film Products: Overcoming the Presumption
Against Retroactivity
Michelle LeVeque603
- Resurrecting the Bad Tendency Test to Combat Instructional
Speech: Militias Beware
Isaac Molnar.....1333
- Striking an Imbalance: The Interpretation of Section 21D(b)(2)
of the Securities Exchange Act of 1934 in *Silicon Graphics*
Anthony D. Weis1741

Notes

- Achieving Managed Care Accountability by Ending the ERISA
Preemption Defense
David Villar Patton.....1423
- The Buckley Conspiracy: How Congress Authorized the Cover-Up
of Campus Crime and How It Can Be Undone
Maureen P. Rada.....1799
- The Joint Effort to Supervise and Treat Elderly Offenders: A New
Solution to a Current Corrections Problem
Lyle B. Brown.....259
- Of Covenants and Conflicts— When "I Do" Means More Than
It Used To, But Less Than You Thought
Jason Andrew Macke.....1377

Subject Index

Affirmative Action

- Diversity in a Different Dimension: Evolutionary Theory and Affirmative Action's Destiny
Jim Chen..... 811
- Affirmative Action and Minority Access to Faculty Positions
Edgar G. Epps..... 755
- Educational Diversity: Viewpoints and Proxies
Timothy L. Hall..... 551
- Diversity Effects on Student Outcomes: Social Science Evidence
Maureen T. Hallinan 733
- The Strange Career of Affirmative Action
Jennifer L. Hochschild..... 997
- Can Affirmative Action Be Defended?
Samuel Issacharoff..... 669
- Racial and Ethnic Preferences in College Admissions
Thomas J. Kane 971
- The Jew Taboo: Jewish Difference and the Affirmative Action Debate
Deborah C. Malamud 915
- The Future of *Bakke*: Will Social Science Matter?
Deborah Jones Merritt 1055
- Diversity, Distance, and the Delivery of Higher Education
Rachel F. Moran..... 775
- After Affirmative Action
Kathleen M. Sullivan 1039
- The Only Lonely Remedy
Vincene Verdun..... 793
- Does *Bakke* Matter? Affirmative Action and Minority Enrollment in Medical and Law Schools
Susan Welch & John Gruhl 697
- Experiencing Life on Both Sides of the Color Line: The Need for Affirmative Action in Higher Education
Gregory H. Williams..... 663

Bankruptcy

- Noneconomic Interests in Bankruptcy: Standing on the Outside
Looking In
Nathalie D. Martin..... 429

Civil Procedure

- Beyond Inherent Powers: A Constitutional Basis for
In re Tutu Wells Contamination Litigation
Timothy G. Pepper..... 1777
- A Consent-Based Approach to Class Action Settlement: Improving
Amchem Products, Inc. v. Windsor
Mark C. Weber..... 1155

Constitutional Law

- The Bicentennial of *Calder v. Bull*: In Defense of a Democratic
Middle Ground
Edward B. Foley..... 1599
- Applying Penalty Enhancements to Civil Disobedience: Clarifying the
Free Speech Clause Model to Bring the Social Value of Political
Protest into the Balance
Leslie Gielow Jacobs 185
- Power and the Subject of Religion
Kurt T. Lash..... 1069
- Resurrecting the Bad Tendency Test to Combat Instructional
Speech: Militias Beware
Isaac Molnar..... 1333

Corporate Law

- The Origins Behind the Limited Liability Company
Susan Pace Hamill..... 1459

Criminal Procedure

- The Joint Effort to Supervise and Treat Elderly Offenders: A New
Solution to a Current Corrections Problem
Lyle B. Brown..... 259

Damages & Liability

- Disproportionality and the Law of Consequential Damages:
Default Theory and Cognitive Reality
Larry T. Garvin..... 339

Education Law

- Silent Screams from Within the Academy: Let My People Grow
Peter C. Alexander..... 1311
- The Buckley Conspiracy: How Congress Authorized the Cover-Up
of Campus Crime and How It Can Be Undone
Maureen P. Rada..... 1799

Environmental Law

- Rationales for Applying CERCLA Retroactively After
Landgraf v. USI Film Products: Overcoming the Presumption
Against Retroactivity
Michelle LeVeque..... 603

Family Law

- Property Rules Meet Feminist Needs: Respecting Autonomy by Valuing
Connection
Katharine K. Baker..... 1523
- Square Peg in a Round Hole: Parenting Policies and Liberal Theory
Maxine Eichner..... 133
- Of Covenants and Conflicts— When “I Do” Means More Than
It Used To, But Less Than You Thought
Jason Andrew Macke..... 1377

Feminist Legal Studies

- Toleration, Autonomy, and Governmental Promotion of Good Lives:
Beyond “Empty” Toleration as Respect
Linda C. McClain..... 19

Health Law

- The Health Insurance Portability and Accountability Act of 1996:
A Medicare Fraud Advisory Opinion Mandate Sends the Inspector
General “Shopping for Hats”
Scott J. Kelly..... 303
- Achieving Managed Care Accountability by Ending the ERISA
Preemption Defense
David Villar Patton..... 1423

Intellectual Property

- Federalizing Trade Secrets Law in an Information Economy
Marina Lao..... 1633

Securities Law

- Who Will Manage the Managers?: The Investment Company Act's
Antipyramiding Provision and Its Effect on the Mutual Fund Industry
Roger M. Klein.....507
- Reframing the Misappropriation Theory of Insider Trading Liability:
A Post-*O'Hagan* Suggestion
Donna M. Nagy..... 1155
- The Resurrection of the Dodo: The Unfortunate Re-emergence of the
Puffery Defense in Private Securities Fraud Actions
Jennifer O'Hare..... 1697
- Striking an Imbalance: The Interpretation of Section 21D(b)(2)
of the Securities Exchange Act of 1934 in *Silicon Graphics*
Anthony D. Weis 1741

Tort

- Design Defect Liability and Prescription Drugs: Who's in Charge?
David S. Torborg633

