

Lead Articles—Authors

Brownstein, Alan E.—Harmonizing the Heavenly and Earthly Spheres: The Fragmentation and Synthesis of Religion, Equality, and Speech in the Constitution	89
Burns, Jean Wegman—Rethinking the “Agreement” Element in Vertical Antitrust Restraints	1
Dresser, Rebecca—Relitigating Life and Death	425
Entin, Jonathan L.—Separation of Powers, the Political Branches, and the Limits of Judicial Review	175
Gibson, Joan McIver—Reflecting on Values	451
Green, Harold P.—The Law-Science Interface in Public Policy Decisionmaking	375
Halper, Louise A.—Christopher G. Tiedeman, ‘Laissez-Faire Constitutionalism’ and the Dilemmas of Small-Scale Property in the Gilded Age	1349
Henderson, Roger C.—The Doctrine of Reasonable Expectations in Insurance Law After Two Decades	823
Hull, Bryan D.—Common Law Negligence and Check Fraud Loss Allocation: Has Common Law Supplemented or Supplanted the U.C.C.?	605
Imwinkelried, Edward J.—The Use of Evidence of an Accused’s Uncharged Misconduct to Prove <i>Mens Rea</i> : The Doctrines Which Threaten to Engulf the Character Evidence Prohibition	575
Jerry, Robert H. II and Reginald L. Robinson—Statutory Prohibitions on the Negotiation of Insurance Agent Commissions: Substantive Due Process Review Under State Constitutions	773
Kaczorowski, Robert J.—The Common-Law Background of Nineteenth-Century Tort Law ..	1127
Kassin, Saul M.—The American Jury: Handicapped in the Pursuit of Justice	687
Kinney, Eleanor D.—Rule and Policy Making for the Medicaid Program: A Challenge to Federalism	855
Kozyris, P. John—The Federal Role in Corporate Takeovers: A Framework for a Limited Second Congressional Intervention to Protect the Free Market	263
Levinson, L. Harold—Independent Law Firms that Practice Law Only: Society’s Need, the Legal Profession’s Responsibility	229
Macklin, Ruth—Memorial Dedication for Nancy Rhoden	327
Merritt, Gilbert S.—The Decision Making Process in Federal Courts of Appeals	1385
Moyer, Thomas J.—State of the Ohio Judiciary	269
Natelson, Robert G.—Consent, Coercion, and “Reasonableness” in Private Law: The Special Case of the Property Owners Association	41
O’Connell, Jeffrey, with Commentary Coauthored by Robert Joost—A Model Bill Allowing Choice Between Auto Insurance Payable With and Without Regard to Fault	947
Randall, Kenneth C.—The Treaty Power	1089
Robertson, John A.—Prior Agreements for Disposition of Frozen Embryos	407
Robinson, Reginald L. and Robert H. Jerry II—Statutory Prohibitions on the Negotiation of Insurance Agent Commissions: Substantive Due Process Review Under State Constitutions	773
Samuelson, S.S.—The Organizational Structure of Law Firms: Lessons from Management Theory	645
Shapiro, Michael H.—Fragmenting and Reassembling the World: Of Flying Squirrels, Augmented Persons, and Other Monsters	331
Shapiro, Robyn S.—The Case of L.W.: An Argument for a Permanent Vegetative State Treatment Statute	439
Steinberg, Marc I.—Notes as Securities: <i>Reves</i> and Its Implications	675

Wessman, Mark B.—Purchase Money Inventory Financing: The Case For Limited Cross-Collateralization	1283
Widiss, Alan I.—Abrogating the Right and Duty of Liability Insurers to Defend Their Insureds: The Case for Separating the Obligation to Indemnify from the Defense of Insureds	917
Wolcher, Louis E.—“The Enchantress” and Karl Polanyi’s Social Theory	1243
Yen, Alfred C.—Restoring the Natural Law: Copyright as Labor and Possession	517
Yorio, Edward—A Defense of Equitable Defenses	1201

Lead Articles—Titles

Abrogating the Right and Duty of Liability Insurers to Defend Their Insureds: The Case for Separating the Obligation to Indemnify from the Defense of Insureds. <i>Alan I. Widiss</i>	917
The American Jury: Handicapped in the Pursuit of Justice. <i>Saul M. Kassin</i>	687
Christopher G. Tiedeman, ‘Laissez-Faire Constitutionalism’ and the Dilemmas of Small-Scale Property in the Gilded Age. <i>Louise A. Halper</i>	1349
The Case of L.W.: An Argument for a Permanent Vegetative State Treatment Statute. <i>Robyn S. Shapiro</i>	439
The Common-Law Background of Nineteenth-Century Tort Law. <i>Robert J. Kaczorowski</i>	1127
Common Law Negligence and Check Fraud Loss Allocation: Has Common Law Supplemented or Supplanted the U.C.C.? <i>Bryan D. Hull</i>	605
Consent, Coercion, and “Reasonableness” in Private Law: The Special Case of the Property Owners Association. <i>Robert G. Natelson</i>	41
The Decision Making Process in Federal Courts of Appeals. <i>Gilbert S. Merritt</i>	1385
A Defense of Equitable Defenses. <i>Edward Yorio</i>	1201
The Doctrine of Reasonable Expectations in Insurance Law After Two Decades. <i>Roger C. Henderson</i>	823
“The Enchantress” and Karl Polanyi’s Social Theory. <i>Louis E. Wolcher</i>	1243
The Federal Role in Corporate Takeovers: A Framework for a Limited Second Congressional Intervention to Protect the Free Market. <i>P. John Kozyris</i>	263
Fragmenting and Reassembling the World: Of Flying Squirrels, Augmented Persons, and Other Monsters. <i>Michael H. Shapiro</i>	331
Harmonizing the Heavenly and Earthly Spheres: The Fragmentation and Synthesis of Religion, Equality, and Speech in the Constitution. <i>Alan E. Brownstein</i>	89
Independent Law Firms that Practice Law Only: Society’s Need, the Legal Profession’s Responsibility. <i>L. Harold Levinson</i>	229
The Law-Science Interface in Public Policy Decisionmaking. <i>Harold P. Green</i>	375
Memorial Dedication for Nancy Rhoden. <i>Ruth Macklin</i>	327
A Model Bill Allowing Choice Between Auto Insurance Payable With and Without Regard to Fault. <i>Jeffrey O’Connell with Commentary Coauthored by Robert Joost</i>	947
Notes as Securities: <i>Reves</i> and Its Implications. <i>Marc I. Steinberg</i>	675
The Organizational Structure of Law Firms: Lessons from Management Theory. <i>S.S. Samuelson</i>	645
Prior Agreements for Disposition of Frozen Embryos. <i>John A. Robertson</i>	407
Purchase Money Inventory Financing: The Case For Limited Cross-Collateralization. <i>Mark B. Wessman</i>	1283
Reflecting on Values. <i>Joan McIver Gibson</i>	451
Relitigating Life and Death. <i>Rebecca Dresser</i>	425
Restoring the Natural Law: Copyright as Labor and Possession. <i>Alfred C. Yen</i>	517
Rethinking the “Agreement” Element in Vertical Antitrust Restraints. <i>Jean Wegman Burns</i>	1
Rule and Policy Making for the Medicaid Program: A Challenge to Federalism. <i>Eleanor D. Kinney</i>	855
Separation of Powers, the Political Branches, and the Limits of Judicial Review. <i>Jonathan L. Entin</i>	175
State of the Ohio Judiciary. <i>Thomas J. Moyer</i>	269

Statutory Prohibitions on the Negotiation of Insurance Agent Commissions: Substantive Due Process Review Under State Constitutions. <i>Robert H. Jerry II and Reginald L. Robinson</i>	773
The Treaty Power. <i>Kenneth C. Randall</i>	1089
The Use of Evidence of an Accused's Uncharged Misconduct to Prove <i>Mens Rea</i> : The Doctrines Which Threaten to Engulf the Character Evidence Prohibition. <i>Edward J. Imwinkelried</i>	575

Case Comments

Attorney Fees in Contract Disputes in Ohio: <i>Nottingdale Homeowners' Association, Inc. v. Darby</i>	561
The Future of Punitive Damages after <i>Browning-Ferris Industries v. Kelco Disposal H.J. Inc.</i> : Targeting Federal RICO's Pattern Requirement to Long Term Organized Criminal Activity	713
<i>Lapeer Foundry</i> : The NLRB Closes the Door on Unilateral Economic Layoffs	1049
<i>Mallard v. United States District Court</i> : Section 1915(d) and the Appointment of Counsel in Civil Cases	1001
Spleen for Sale: <i>Moore v. Regents of the University of California</i> and the Right to Sell Parts of Your Body	499
<i>State v. Collins</i> : Is the Impossible Now Possible in Ohio?	307

Notes

Article 9 Financing Statement Searches: Is a Rose by Any Other Name Still a Rose?	1415
Burden of Proof Under the Education for All Handicapped Children Act	759
Domestic Partnership Recognition in the Workplace: Equitable Employee Benefits for Gay Couples (and Others)	1067
Extradition: A Fair and Effective Weapon in the War on Terrorism	1447
Golden Parachutes: Common Sense from the Common Law	279
Retiree Health Benefits: The Promise of a Lifetime?	985
Should Copyright Law Make Unpublished Works Unfair Game?	1399
A Uniform Testimonial Privilege for Mental Health Professionals	741
When Children Die as a Result of Religious Practices	1429
Wrongful Life: Time for a "Day in Court"	473

SUBJECT INDEX

Antitrust

Rethinking the "Agreement" Element in Vertical Antitrust Restraints 1

Attorney Fees

Attorney Fees in Contract Disputes in Ohio: *Nottingdale Homeowners' Association, Inc. v. Darby* 561

Bioethics

Fragmenting and Reassembling the World: Of Flying Squirrels, Augmented Persons, and Other Monsters 331
 Prior Agreements for Disposition of Frozen Embryos 407
 Reflecting on Values 451
 Relitigating Life and Death 425
 Spleen for Sale: *Moore v. Regents of the University of California* and the Right to Sell Parts of Your Body 499
 The Case of L.W.: An Argument for a Permanent Vegetative State Treatment Statute 439
 The Law-Science Interface in Public Policy Decisionmaking 375
 When Children Die as a Result of Religious Practices 1429
 Wrongful Life: Time for a "Day in Court" 473

Commercial Law

Article 9 Financing Statement Searches: Is a Rose by Any Other Name Still a Rose? 1415
 Common Law Negligence and Check Fraud Loss Allocation: Has Common Law Supplemented or Supplanted the U.C.C.? 605
 Purchase Money Inventory Financing: The Case For Limited Cross-Collateralization 1283

Constitutional Law

Christopher G. Tiedeman, 'Laissez-Faire Constitutionalism' and the Dilemmas of Small-Scale Property in the Gilded Age 1349
 Harmonizing the Heavenly and Earthly Spheres: The Fragmentation and Synthe-

sis of Religion, Equality, and Speech in the Constitution 89

Mallard v. United States District Court: Section 1915(d) and the Appointment of Counsel in Civil Cases 1001
 Separation of Powers, the Political Branches, and the Limits of Judicial Review .. 175
 Should Copyright Law Make Unpublished Works Unfair Game? 1399
 The Treaty Power 1089
 When Children Die as a Result of Religious Practices 1429

Contracts

A Defense of Equitable Defenses 1201
 Attorney Fees in Contract Disputes in Ohio: *Nottingdale Homeowners' Association, Inc. v. Darby* 561
 Purchase Money Inventory Financing: The Case For Limited Cross-Collateralization 1283

Copyright

Restoring the Natural Law: Copyright as Labor and Possession 517
 Should Copyright Law Make Unpublished Works Unfair Game? 1399

Corporations

Golden Parachutes: Common Sense from the Common Law 279
 Rethinking the "Agreement" Element in Vertical Antitrust Restraints 1
 The Federal Role in Corporate Takeovers: A Framework for a Limited Second Congressional Intervention to Protect the Free Market 263

Courts

The American Jury: Handicapped in the Pursuit of Justice 687
 The Decision Making Process in Federal Courts of Appeals 1385
 "The Enchantress" and Karl Polanyi's Social Theory 1243
Mallard v. United States District Court: Section 1915(d) and the Appointment of Counsel in Civil Cases 1001
 State of the Ohio Judiciary 269

Criminal Law

- Extradition: A Fair and Effective Weapon in the War on Terrorism 1447
- H.J. Inc.*: Targeting Federal RICO's Pattern Requirement to Long Term Organized Criminal Activity 713
- State v. Collins*: Is the Impossible Now Possible in Ohio? 307
- The Use of Evidence of an Accused's Uncharged Misconduct to Prove *Mens Rea*: The Doctrines Which Threaten to Engulf the Character Evidence Prohibition . 575
- When Children Die as a Result of Religious Practices 1429

Damages

- Attorney Fees in Contract Disputes in Ohio: *Nottingdale Homeowners' Association, Inc. v. Darby* 561
- A Defense of Equitable Defenses 1201
- The Future of Punitive Damages After *Browning-Ferris Industries v. Kelco Disposal* 1031

Dedications

- In Memoria, Nancy Rhoden, 1952-1989 . 325
- Memorial Dedication for Nancy Rhoden 327

Education

- Burden of Proof Under the Education for All Handicapped Children Act 759

Employment Law

- Domestic Partnership Recognition in the Workplace: Equitable Employee Benefits for Gay Couples (and Others) 1067
- Retiree Health Benefits: The Promise of a Lifetime? 985

Evidence

- The Use of Evidence of an Accused's Uncharged Misconduct to Prove *Mens Rea*: The Doctrines Which Threaten to Engulf the Character Evidence Prohibition . 575

Health Law

- Prior Agreements for Disposition of Frozen Embryos 407
- Reflecting on Values 451
- Relitigating Life and Death 425

- Retiree Health Benefits: The Promise of a Lifetime? 985
- Rule and Policy Making for the Medicaid Program: A Challenge to Federalism ... 855
- Spleen for Sale: *Moore v. Regents of the University of California* and the Right to Sell Parts of Your Body 499
- The Case of L.W.: An Argument for a Permanent Vegetative State Treatment Statute 439
- A Uniform Testimonial Privilege for Mental Health Professionals 741
- When Children Die as a Result of Religious Practices 1429
- Wrongful Life: Time for a "Day in Court" 473

Handicapped Rights

- Burden of Proof Under the Education for All Handicapped Children Act 759

Insurance Law

- Abrogating the Right and Duty of Liability Insurers to Defend Their Insureds: The Case for Separating the Obligation to Indemnify from the Defense of Insureds .. 917
- A Model Bill Allowing Choice Between Auto Insurance Payable With and Without Regard to Fault 947
- Retiree Health Benefits: The Promise of a Lifetime? 985
- Rule and Policy Making for the Medicaid Program: A Challenge to Federalism ... 855
- Statutory Prohibitions on the Negotiation of Insurance Agent Commissions: Substantive Due Process Review under State Constitutions 773
- The Doctrine of Reasonable Expectations in Insurance Law After Two Decades . 823

International Law

- Extradition: A Fair and Effective Weapon in the War on Terrorism 1447
- The Treaty Power 1089

Judges on Judging

- The Decision Making Process in Federal Courts of Appeals 1385
- State of the Ohio Judiciary 269

Jurisprudence

- The Decision Making Process in Federal

Courts of Appeals	1385	Prior Agreements for Disposition of Frozen Embryos	407
"The Enchantress" and Karl Polanyi's Social Theory	1243	Reflecting on Values	451
State of the Ohio Judiciary	269	Relitigating Life and Death	425
Labor Law		Spleen for Sale: <i>Moore v. Regents of the University of California</i> and the Right to Sell Parts of Your Body	499
<i>Lapeer Foundry</i> : The NLRB Closes the Door on Unilateral Economic Layoffs . . .	1049	The Case of L.W.: An Argument for a Permanent Vegetative State Treatment Statute	439
Legal Practice		When Children Die as a Result of Religious Practices	1429
Independent Law Firms that Practice Law Only: Society's Need, the Legal Profession's Responsibility	229	Wrongful Life: Time for a "Day in Court"	473
<i>Mallard v. United States District Court</i> : Section 1915(d) and the Appointment of Counsel in Civil Cases	1001	Property Law	
The Organizational Structure of Law Firms: Lessons from Management Theory . . .	645	Christopher G. Tiedeman, 'Laissez-Faire Constitutionalism' and the Dilemmas of Small-Scale Property in the Gilded Age	1349
Litigation		Consent, Coercion, and "Reasonableness" in Private Law: The Special Case of the Property Owners Association	41
The American Jury: Handicapped in the Pursuit of Justice	687	Should Copyright Law Make Unpublished Works Unfair Game?	1399
The Common-Law Background of Nineteenth-Century Tort Law	1127	Remedies	
The Decision Making Process in Federal Courts of Appeals	1385	A Defense of Equitable Defenses	1201
A Defense of Equitable Defenses	1201	The Future of Punitive Damages After <i>Browning-Ferris Industries v. Kelco Disposal</i>	1031
Extradition: A Fair and Effective Weapon in the War on Terrorism	1447	Tort Law	
Privacy		The Common-Law Background of Nineteenth-Century Tort Law	1127
Domestic Partnership Recognition in the Workplace: Equitable Employer Benefits for Gay Couples (and Others)	1067		