

What's in a Name? Would a Rose by Any Other Name *Really* Smell as Sweet?¹

Stephanie J. Willbanks

INTRODUCTION

Would you dance with a gorilla? I don't know that anyone would but surely you would read an article entitled "Dancing with the Gorilla."² I discovered this article when I was a research assistant after my first year in law school. As I now recall, my law professor was working on an article about jury nullification. Of course, "Dancing with the Gorilla" had nothing to do with juries or their nullification but the title was so intriguing that I read the first paragraph of it.

This was apparently a transforming experience as the titles of my own articles reflect, although I have avoided reference to gorillas or other wild beasts.³ It was while I was pondering the title to my most recent article that I decided to do some research into article titles. I did not find very much. There are the

Stephanie J. Willbanks is Professor of Law at Vermont Law School. My profound gratitude to Julie Graves Krishnaswami and Laura Gillen for their incredible assistance when I began the research for this article. Julie is now Head of Reference Services, Lillian Goldman Law Library at Yale Law School. Laura Gillen, having served for 26 years as the premier faculty secretary, is now retired.

1. "What's in a name? That which we call a rose / By any other name would smell as sweet." William Shakespeare, *Romeo and Juliet*, Act 2, sc. 2, available at http://shakespeare.mit.edu/romeo_juliet/romeo_juliet.2.2.html. The inclusion of "really" in the title is reminiscent of the Geico television commercials that asked rhetorical questions. See GEICO advertising campaigns, Wikipedia, available at <http://en.wikipedia.org/wiki/GEICO-advertising-campaigns>.
2. Eugene I. Lambert, *Dancing with the Gorilla*, 30 *Food Drug Cosm. L.J.* 410 (1975). His is not the only article title to reference dancing with a, or the, gorilla. See also Oscar Roos, *Dancing with a gorilla?*, 82 *Law Inst. J.* 46 (2008).
3. See Stephanie J. Willbanks, *Taxing Once, Taxing Twice, Taxing Joint Tenants (Again) at Death Isn't Nice*, 9 *U. Pitt. Tax Rev.* 1 (2011); Stephanie J. Willbanks, *Parting is Such Sweet Sorrow, But Does It Have to be So Complicated? Transmission of Property at Death in Vermont*, 29 *Vt. L. Rev.* 895 (2005); W. Leslie Peat & Stephanie J. Willbanks, *A Page of Logic is Worth a Volume of History: The Treatment of Retained Interests Under the Federal Estate and Gift Tax Statutes*, 8 *Va. Tax Rev.* 639 (1989); Stephanie J. Willbanks, *Does It Pay to Kill Your Mother? The Effect of a Criminal Acquittal in a Subsequent Civil Proceeding to Disqualify the Slayer*, 16 *Conn. L. Rev.* 29 (1983).

“Dunn-In Awards,” an eclectic collection of bad law review articles, familiar to law librarians.⁴ There is also “A Compendium of Clever and Amusing Law Review Writings: An Idiosyncratic Bibliography of Miscellany with In Kind Annotations Intended as a Humorous Diversion for the Gentle Reader.”⁵

As the two articles about dancing with gorillas demonstrate, the relationship between an article title and its content may be purely coincidental.⁶ The first article discusses doing business with the Food and Drug Administration⁷ while the second article suggests ways that lawyers in Victoria, British Columbia, might use the Charter of Human Rights and Responsibilities in criminal litigation.⁸ Both do, however, make the same point: it is the gorilla that controls the dance. The articles referenced below under each heading have even less in common. A catchy title might not ensure that an article is read but most authors appear to believe that it might. After all, who wouldn’t want to read “Dancing with the Gorilla”?

The following bibliography is an eclectic collection of titles. It is not an empirical study. I have not been collecting titles for the past thirty-five years or even the past five years. I have not sought out the longest title or the shortest. I have not focused on the good, the bad or the ugly.⁹ I have not made any attempt to be comprehensive. I have not even read the articles. I hope you will enjoy this diversion from whatever else you were doing when you stumbled upon this.

4. See, e.g., Donald J. Dunn, *The Best of the Bad: The Sixteenth Annual Dunn-In Awards*, 22 LLNE News 22, 2002-2003, available at <http://www.aallnet.org/chapter/llne/LLNEnews/PDF/2002v22n4.pdf>. Donald J. Dunn served as the law library director at the Western New England College School of Law from 1973 until 1996 when he became first the interim dean and then the dean. He returned to the law library in 2002, but then left to become dean at the University of La Verne College of Law. Roy M. Mersky, *Memorial: Donald J. Dunn (1945-2008)*, 100 Law Libr. J. 601 (2008).
5. Thomas E. Baker, *A Compendium of Clever and Amusing Law Review Writings: An Idiosyncratic Bibliography of Miscellany with In Kind Annotations Intended as a Humorous Diversion for the Gentle Reader*, 51 Drake L. Rev. 1005 (2002).
6. See Eugene I. Lambert, *Dancing with the Gorilla*, 30 Food Drug Cosm. L.J. 410 (1975); Roos, *supra* note 2.
7. See Lambert, *supra* note 2.
8. See Roos, *supra* note 2.
9. *The Good, the Bad, and the Ugly* is a 1966 “spaghetti western” directed by Sergio Leone and featuring Clint Eastwood, Lee Van Cleef and Eli Wallach. *The Good, the Bad, and the Ugly* (United Artists 1966).

I. William Shakespeare

A. *Hamlet*

1. To Be or Not To Be

David Pratt, "To (B) Or Not to (B): Is That the Question? Twenty-First Century Schizoid Plans Under Section 403(b) of the Internal Revenue Code," 73 *Alb. L. Rev.* 139 (2009).

Arina V. Popova, "Sovereign Wealth Funds: To Be Or Not To Be Is Not The Question; Which One to Choose, Is," 40 *Geo. J. Int'l L.* 1191 (2009).

Andrew T. Wampler, "To Be Or Not To Be In Tennessee: Deciding Surrogate Issues," 34 *U. Mem. L. Rev.* 333 (2004).

Cristina Stummer, "Note, To Be Or Not To Be: Opt-In Status Under the Antiterrorism and Effective Death Penalty Act," 25 *Vt. L. Rev.* 603 (2001).

Esther M. Schonfeld, "'To Be Or Not To Be a Parent?' The Search for a Solution to Custody Disputes Over Frozen Embryos," 15 *Touro L. Rev.* 305 (1998).

Susan E. Howe, "Note, To Be Or Not To Be an Employee: That is the Question of Salting," 3 *Geo. Mason Indep. L. Rev.* 515 (1995).

Debra Feuerberg Duffy, "Note, To Be Or Not To Be: The Legal Ramifications of the Cloning of Human Embryos," 21 *Rutgers Computer & Tech. L.J.* 189 (1995).

2. Variations on To Be or Not To Be

Martin Dixon, "To Sell or Not to Sell: That is the Question—The Irony of the Trusts of Land and Appointment of Trustees Act 1996," 70 *Cambridge L.J.* 579 (2011).

Erik M. Jensen, "A Tax or Not a Tax, That is the Question," 14 *Green Bag 2d* 368 (2011), available at <http://ssrn.com/abstract=1954009>.

Traci Donovan, "Foreign Jurisprudence—To Cite or Not to Cite: Is That the Question or Is It Much Ado About Nothing?" 35 *Cap. U. L. Rev.* 761 (2007).

Michael Flynn & John Smith, "Florida's No-Fault Law: To Set-Off or Not to Set-Off, That is the Question," 30 *Nova L. Rev.* 109 (2005).

Fred W. Bopp, III, "To Reaffirm or Not to Reaffirm: Much Ado About Nothing or the Tempest?" 15 *Me. B. J.* 86 (2000).

Major Coe, "To Write or Not to Write?: That Should Not Be a Question," 1998-SEP *Army Law.* 48 (Sept. 1998).

3. Something Is Rotten in the State of Denmark

Marianne Dellinger, "Something Is Rotten in The State Of Denmark: The Deprivation of Democratic Rights by Nation States Not Recognizing Dual Citizenship," 20 *J. Transnat'l L. & Pol'y* 41 (2010-2011).

Benjamin A. Levin, "Note, *Caperton v. A.T. Massey Coal Co.*: Something Is Rotten in the State of West Virginia—A Common-Law Approach to Constitutional Judicial Disqualification," 69 *Md. L. Rev.* 637 (2010).

Ann M. Markey, "Comment, Something Is Rotten in The State of Wisconsin: Why State Sponsored School Tuition Voucher Programs Smell to Heaven," 1999 *L. Rev. Mich. St. U. Det. C.L.* 751 (1999).

Charles S. Saphos, "Essay, Something Is Rotten in the State of Affairs Between Nations: The Difficulties of Establishing the Rule of International Criminal Law Because of Public Corruption," 19 *Fordham Int'l L.J.* 1947 (1996).

4. Neither a Borrower nor a Lender Be

Allison S. Woolston, "Note, Neither Borrower Nor Lender Be: The Future of Payday Lending in Arizona," 52 *Ariz. L. Rev.* 853 (2010).

Edward L. Glaeser & Jose Scheinkman, "Neither a Borrower Nor a Lender Be: An Economic Analysis of Interest Restrictions and Usury Laws," 41 *J.L. Econ.* 1 (1998).

Maryanne Ryan, "Note, Hazardous Waste: Neither a Borrower nor a Lender Be," 25 *Suffolk U. L. Rev.* 705 (1991).

5. The Play's the Thing

Karen H. Rothenberg, "From Eugenics to the 'New' Genetics: 'The Play's the Thing,'" 79 *Fordham L. Rev.* 407 (2010).

Brian Partridge, "Student Article, 'The Play's the Thing': World of Warcraft and Legal Philosophy," 3 *Phx. L. Rev.* 769 (2010).

Bryan T. Camp, "The Play's the Thing: A Theory of Taxing Virtual Worlds," 59 *Hastings L.J.* 1 (2007).

Phillip E. Johnson, "Essay, Inherit the Wind: The Play's the Thing," 13 *Regent U. L. Rev.* 279 (2000-2001).

6. Miscellaneous References to Hamlet

Catherine H. Lee, "Comment, To Thine Ownself Be True: IMF Conditionality and Erosion of Economic Sovereignty in the Asian Financial Crisis," 24 *U. Pa. J. Int'l Econ. L.* 875 (2003).

Steven M. Oxenhandler, "The Lady Doth Protest Too Much Methinks: The Use of Figurative Language from Shakespeare's Hamlet in American Case Law," 23 *Hamline L. Rev.* 370 (2000).

Donna M. Wright, "Though this be madness, yet there is method in it': A Practitioner's Guide to Mental Responsibility and Competency to Stand Trial," 1997-SEP *Army Law.* 18 (Sept. 1997).

John Stick, "He Doth Protest Too Much: Moderating Meese's Theory of Constitutional Interpretation," 61 *Tul. L. Rev.* 1079 (1987).

B. Romeo and Juliet

1. What's In a Name?

Andrea Monroe, "What's In a Name: Can the Partnership Anti-Abuse Rule Really Stop Partnership Tax Abuse?" 60 *Case W. Res. L. Rev.* 401 (2010).

Spencer D. Kelly, "What's In a Name: The Controversy Surrounding the NCAA's Ban on College Nicknames and Mascots," 5 *Willamette Sports L.J.* 17 (2008).

Courtney P. Fain, "Note, What's In a Name? The Worrisome Interchange of Juvenile 'Adjudications' with Criminal 'Convictions,'" 49 *B.C. L. Rev.* 495 (2008).

Mitchell Nathanson, "What's In a Name or, Better Yet, What's It Worth? Cities, Sports Teams and the Right of Publicity," 58 *Case W. Res. L. Rev.* 167 (2007).

David F. Bradford, "What's In a Name? Income, Consumption, and the Sources of Tax Complexity," 76 *N.C. L. Rev.* 223 (1997).

G. David Curry & Scott H. Decker, "What's In a Name?: A Gang by Any Other Name Isn't Quite the Same," 31 *Val. U. L. Rev.* 501 (1997).

2. A Rose by Any Other Name Would Smell as Sweet

Sophie Riley, "A Weed by Any Other Name: Would the Rose Smell as Sweet if it Were a Threat to Biodiversity?" 22 *Geo. Int'l Envtl. L. Rev.* 157 (2009).

Margit Livingston, "A Rose by Any Other Name Would Smell as Sweet (or Would it?): Filing and Searching in Article 9's Public Records," 2007 *BYU L. Rev.* 111 (2007).

Lee Ann Rabe, "A Rose by Any Other Name: School Prayer Redefined as a Moment of Silence is Still Unconstitutional," 82 *Denv. U. L. Rev.* 57 (2004).

Marci Caton Campbell & Jayne Seminare Docherty, "What's in a Frame? (That Which We Call a Rose by Any Other Name Would Smell as Sweet)," 87 *Marq. L. Rev.* 769 (2004).

Gail Sasnett-Stauffer & E. John Gregory, "A Drug by Any Other Name is Still a Drug: Why the Florida Judiciary Should Start Treating DUI as Any Other Drug Offense," 13 *U. Fla. J.L. & Pub. Pol'y* 299 (2002).

Pamela C. Chalk, "A Pig by Any Other Name Would Smell as Sweet," 12 *J. Contemp. Legal Issues* 340 (2001).

Daniel E. Blegen, "Would a Tax by Any Other Name Smell as Sweet? The Treatment of Special Assessments in Bankruptcy," 104 *Com. L.J.* 97 (1999).

3. Miscellaneous References to Romeo and Juliet

Puja Vadodaria, "Comment, For Never Was There a Story of More Woe, Than This of the Defrauded Plaintiff and Her Insolvent Primary Actor: Why Scheme Liability Should Run to Gatekeepers After Stoneridge," 58 *Emory L.J.* 1459 (2009).

Jennifer M. Lee, "Comment, A Match Made in Heaven or a Pair of Star-Crossed Lovers? Assessing Dormant-Foreign-Commerce-Clause Limitations on the Wisconsin-China Relationship," 2009 *Wis. L. Rev.* 733 (2009).

Stephanie J. Willbanks, "Parting is Such Sweet Sorrow, But Does it Have to be so Complicated? Transmission of Property at Death in Vermont," 29 *Vt. L. Rev.* 895 (2005).

Patricia A. Morse, "Note, Parting is Such Sweet Sorrow: The Application of Title VII to Post-Employment Retaliation," 62 *Fordham L. Rev.* 205 (1993).

Hugh Brown, "Comment, A Plague on Both Your Houses: Challenges to the Role of the Independent Counsel in a Presidential Impeachment," 34 *Tulsa L. J.* 579 (1999).

C. Macbeth

1. Full of Sound and Fury, Signifying Nothing

Brian Calandra, "Notes, Sound and Fury, Accomplishing Nothing?: Why Haven't Empirical Data, Commentator Advocacy and Sympathetic Media Coverage Helped Women in Bankruptcy?" 30 *Women's Rts. L. Rep.* 184 (2008).

Sidney F. Ansbacher, "Sound and Fury: Property Owners Cannot Defeat Special Assessment with Bald Speculation that Their Property Cannot be Developed," 31 *Stetson L. Rev.* 311 (2002).

William E. Hellerstein, "Much Sound, Not Too Much Fury: The Supreme Court's Criminal Law Decisions During the 1997 Term," 15 *Touro L. Rev.* 889 (1999).

Anne C. Levy, "The United States Supreme Court Opinion in *Harris v. Forklift Systems*: 'Full of Sound and Fury Signifying Nothing,'" 43 *U. Kan. L. Rev.* 275 (1995).

Van W. Ellis, "Note, Guilty but Mentally Ill and the Death Penalty: Punishment Full of Sound and Fury, Signifying Nothing," 43 *Duke L.J.* 87 (1993).

2. Miscellaneous Titles

Daniel J. Everett, "Double, Double Toil and Trouble: An Invitation for Regaining Double Jeopardy Symmetry in Courts-Martial," 2011-APR *Army Law.* 6 (April 2011).

Eric Steiger, "Note, Not of Woman Born: How Ectogenesis Will Change the Way We View Viability, Birth, and the Status of the Unborn," 23 *J.L. & Health* 143 (2010).

Thomas Plotkin & Tarae Howell, "'Fair is Foul and Foul is Fair:' Have Insurers Loosened the Chokepoint of Copyright and Permitted Fair Use's Breathing Space in Documentary Films?" 15 *Conn. Ins. L.J.* 407 (2009).

Christopher T. Frederikson, "What's Done is Done: Recent Developments in Self-Incrimination Law," 2005-MAY *Army Law.* 19 (May 2005).

Daniel I. Smulow, "Comment, When Fair is Foul: Federal Drug Sentencing in the Wake of *United States v. Labonte*," 48 *Case W. Res. L. Rev.* 437 (1998).

Michel P. Malloy, "Double, Double Toil and Trouble: Bank Regulatory Policy at Mid-Decade," 63 *Fordham L. Rev.* 2031 (1995).

D. *Merchant of Venice*

1. A Pound of Flesh

Sunny Woan, "Comment, Buy Me a Pound of Flesh: China's Sale of Death Row Organs on the Black Market and What Americans Can Learn from It," 47 *Santa Clara L. Rev.* 413 (2007).

Jay Michaelson, "In Praise of the Pound of Flesh: Legalism, Multiculturalism, and the Problem of the Soul," 6 *J.L. Soc'y* 98 (2005).

Andrew Wancata, "Note, No Value for a Pound of Flesh: Extending Market-Inalienability of the Human Body," 18 *J.L. & Health* 199 (2003-2004).

Robert W. Morris, "Note, 'Another Pound of Flesh': Is There a Conflict between the Patent Exhaustion Doctrine and Licensing Agreements?" 47 *Rutgers L. Rev.* 1557 (1995).

2. The Quality of Mercy

Lauretta Higgins Wolfson, "A Quality of Mercy: The Struggle of the Aids-Afflicted to Use Marijuana as Medicine," 22 *T. Jefferson L. Rev.* 1 (1999).

Ann McGuire, "Note, The Quality of Mercy is Not Strained: Interpreting the Notice Requirement of the Federal Tort Claims Act," 97 *Mich. L. Rev.* 1034 (1999).

Frank O. Bowman, III, "The Quality of Mercy Must be Restrained, and Other Lessons in Learning to Love the Federal Sentencing Guidelines," 1996 *Wis. L. Rev.* 679 (1996).

Leslie G. Espinoza, "Straining the Quality of Mercy: Abandoning the Quest for Informed Charitable Giving," 64 *S. Cal. L. Rev.* 605 (1991).

Daniel T. Kobil, "The Quality of Mercy Strained: Wresting the Pardoning Power from the King," 69 *Tex. L. Rev.* 569 (1991).

E. Much Ado About Nothing

Brett Baber, "Much Ado About Daubert: The Gatekeeper's Decision on the Admissibility of Expert Testimony," 25 *Me. B.J.* 84 (2010).

Chris Sagers, "Much Ado About Possibly Pretty Little: McCarran-Ferguson Repeal in the Health Care Reform Effort," 28 *Yale L. & Pol'y Rev.* 325 (2010).

David Tan, "Much Ado About Evocation: A Cultural Analysis of "Well-Knownness" and the Right of Publicity," 28 *Cardozo Arts & Ent. L.J.* 317 (2010).

John Cerone, "Much Ado About Non-State Actors: The Vanishing Relevance of State Affiliation in International Criminal Law," 10 *San Diego Int'l L.J.* 335 (2009).

Melissa M. Berry, Donald J Kochan & Matthew Parlow, "Much Ado About Pluralities: Price and Precedent Amidst the Cacophony of Concurrences, and Re-Percolation after Rapanos," 15 *Va. J. Soc. Pol'y & L.* 299 (2008).

Patrick J. Schiltz, "Much Ado About Little: Explaining the Sturm und Drang Over the Citation of Unpublished Opinions," 62 *Wash. & Lee L. Rev.* 1429 (2005).

F. Henry VI: Let's Kill All the Lawyers

Joanna K. Weinberg, "Institutional Ethics Committees: Should We Kill All the Lawyers? The Role of Lawyers on Hospital Ethics Committees," 21 *Annals Health L.* 181 (2012).

Katerina P. Lewinbuk, "Let's Sue All the Lawyers: The Rise of Claims Against Lawyers for Aiding and Abetting a Client's Breach of Fiduciary Duty," 40 *Ariz. St. L.J.* 135 (2008).

Amy E. Black & Stanley Rothman, "Shall We Kill All the Lawyers First?: Insider and Outsider Views of the Legal Profession," 21 *Harv. J.L. & Pub. Pol'y* 835 (1998).

Stanley A. Goldman, "First Thing We Do, Let's Kill All the [Defense] Lawyers," 30 *Loy. L.A. L. Rev.* 1 (1996).

G. Other Shakespeare References

Debora L. Spar, "As You Like It: Exploring the Limits of Parental Choice in Assisted Reproduction," 27 *Law & Ineq.* 481 (2009).

Camrin L. Crisci, "Note, All the World is Not a Stage: Finding a Right to Privacy in Existing and Proposed Legislation," 6 *N.Y.U. J. Legis. & Pub. Pol'y* 207 (2002-2003).

Michael Simitz, "Note, Wilson v. Layne: All the World's a Stage, but Your Home is Not," 30 *Seton Hall L. Rev.* 922 (2000).

Monica L. McHam, "All's Well that Ends Well: A Pragmatic Look at International Criminal Extradition," 20 *Hous. J. Int'l L.* 419 (1998).

Shabtai Rosenne, "Current Development, All's Well that Ends Well. Or Is It? More on the Publications of the International Court of Justice," 84 *Am. J. Int'l L.* 586 (1990).

George P. Smith, II, "All's Well that Ends Well: Toward a Policy of Assisted Rational Suicide or Merely Enlightened Self-Determination?" 22 *U.C. Davis L. Rev.* 275 (1989).

II. Charles Dickens*A. A Tale of Two Cities*

1. Two Cities

Tory A. Weigand, "Lost Chances, Felt Necessities, and the Tale of Two Cities," 43 *Suffolk U. L. Rev.* 327 (2010).

Laurie A. Morin, "A Tale of Two Cities: Lessons Learned from New Orleans to the District of Columbia for the Protection of Vulnerable Populations from the Consequences of Disaster," 12 *U. D.C. L. Rev.* 45 (2009).

Jason P. Luther, "A Tale of Two Cities: Is *Lozano v. City of Hazleton* the Judicial Epilogue to the Story of Local Immigration Regulation in Beaufort County, South Carolina?" 59 *S.C. L. Rev.* 573 (2008).

2. A Tale of Two Things Not Cities

Philip Hamburger, "A Tale of Two Paradigms: Judicial Review and Judicial Duty," 78 *Geo. Wash. L. Rev.* 1162 (2010).

Lesley K. McAllister, "Enforcing Cap-and-Trade: A Tale of Two Programs," 2 *San Diego J. Climate & Energy L.* 1 (2010).

Victoria F. Nourse, "A Tale of Two Lochners: The Untold History of Substantive Due Process and The Idea of Fundamental Rights," 97 *Calif. L. Rev.* 751 (2009).

Rory Van Loo, "A Tale of Two Debtors: Bankruptcy Disparities by Race," 72 *Alb. L. Rev.* 231 (2009).

Jarod S. Gonzalez, "A Tale of Two Waivers: Waiver of the Jury Waiver Defense under the Federal Rules of Civil Procedure," 87 *Neb. L. Rev.* 675 (2009).

Carol S. Steiker & Jordan M. Steiker, "A Tale of Two Nations: Implementation of the Death Penalty in 'Executing' Versus 'Symbolic' States in the United States," 84 *Tex. L. Rev.* 1869 (2006).

Andrew Thornley, "A Tale of Two River Basins: The Southeast Finds Itself in a Rare Interstate Water Struggle," 9 *U. Denv. Water L. Rev.* 97 (2005).

H. Wayne House, "A Tale of Two Kingdoms: Can There Be Peaceful Coexistence of Religion with the Secular State?" 13 *BYU J. Pub. L.* 203 (1999).

Ashton Hawkins, Richard A. Rothman & David B. Goldstein, "A Tale of Two Innocents: Creating an Equitable Balance between the Rights of Former Owners and Good Faith Purchasers of Stolen Art," 64 *Fordham L. Rev.* 49 (1995).

3. It Was the Best of Times It Was the Worst of Times

Sherri Lee Keene, "It was the Best of Practice, It was the Worst of Practice: Moving Successfully from the Courtroom to the Classroom," 48 *Duq. L. Rev.* 533 (2010).

Joan MacLeod Heminway, "The Best of Times, The Worst of Times: Securities Regulation Scholarship and Teaching in the Global Financial Crisis," 5 *J. Bus. & Tech. L.* 59 (2010).

Ava A. Harter, "Encouraging Corporate Innovation for our Homeland During the Best of Times for the Worst of Times: Extending Safety Act Protections to Natural Disasters," 2007 *Duke L. & Tech. Rev.* 7 (2007).

Nancy Perkins, "A Tale of Two Brownfield Sites: Making the Best of Times from the Worst of Times in Western Pennsylvania's Steel Valley," 34 *B.C. Envtl. Aff. L. Rev.* 503 (2007).

Stephen Daniels & Joanne Martin, "It Was the Best of Times, It Was the Worst of Times: The Precarious Nature of Plaintiffs' Practice in Texas," 80 *Tex. L. Rev.* 1781 (2002).

B. Great Expectations

Teri J. Dobbins, "Great (and Reasonable) Expectations: Fourth Amendment Protection for Attorney-Client Communications," 32 *Seattle U. L. Rev.* 35 (2008).

Hadley Arkes, "Conversation, Great Expectations and Sobering Truths: Partial-Birth Abortion and the Commerce Clause: Remarks to the University of St. Thomas Journal of Law & Public Policy," 1 *U. St. Thomas J. L. & Pub. Pol'y* 5 (2007).

Seth Gillen, "Comment, Great Expectations: Stranded Cost Recovery and the Interplay of the Electricity Industry, Consumers, and the Public Utility Commission of Texas," 7 *Tex. Tech. Admin. L.J.* 345 (2006).

M. Mears, "Great (But Misplaced) Expectations: The Scope of the Attorney Client Privilege in the Corporate Setting," 4 *Fla. St. U. Bus. Rev.* 175 (2004-2005).

Eric Tucker, "Great Expectations' Defeated?: The Trajectory of Collective Bargaining Regimes in Canada and the United States Post-NAFTA," 26 *Comp. Lab. L. & Pol'y J.* 97 (2004).

Daniel B. Rodriguez, "Of Gift Horses and Great Expectations: Remands Without Vacatur in Administrative Law," 36 *Ariz. St. L.J.* 599 (2004).

Mike Hatch, "Great Expectations—Flawed Implementation: The Dilemma Surrounding Vulnerable Adult Protection," 29 *Wm. Mitchell L. Rev.* 9 (2002).

C. Other Dickens References

Earl M. Maltz, "Bah, Humbug?: A Dyspeptic Look at State Constitutionalism," 29 *Rutgers L.J.* 793 (1998).

Rachel M. White, "Comment, Please, Sir, I Want Some More: Can EPA Continue to Feed the Superfund Orphans Share?" 9 *Vill. Envtl. L.J.* 73 (1998).

Oliver B. Pollack & David G. Hicks, "'Please, Sir, I Want Some More,'—Loopholes, Austerity and the Cost of Living—Nebraska Exemption Policy Revisited," 73 *Neb. L. Rev.* 298 (1994).

III. Lewis Carroll

A. Alice in Wonderland and Other Places

Kevin M. O'Brien, "Alice in Groundwater Land: Water Supply Assessments and Subsurface Water Supplies," 4 *Golden Gate U. Envtl. L.J.* 131 (2010).

Sunny Woan, "Antitrust in Wonderland: Regulating Markets of Innovation," 27 *Temp. J. Sci. Tech. & Envtl. L.* 53 (2008).

George W. Dent, Jr., "Academics in Wonderland: The Team Production and Director Primacy Models of Corporate Governance," 44 *Hous. L. Rev.* 1213 (2008).

Eliot Walker, "Asylees in Wonderland: A New Procedural Perspective on America's Asylum System," 2 *N.W. J. L. & Soc. Pol'y* 1 (2007).

Robert B. Foster & Mitchell A. Carrel, "Alice in Towerland: Judicial Review of Land Use Decisions on Cellular Telecommunications Facilities under the Telecommunications Act of 1996," 39 *Urb. Law.* 633 (2007).

Denise E. Farris, "Alice in Preference Land: A Review of Affirmative Action in Public Contracts," 21-FALL *Construction Law.* 28 (Fall 2001).

Carol C. Brown, "Alice in ERISA-Land: Rights of Spouses and Children under ERISA," 40-Oct *B. B. J.* 4 (Sept./Oct. 1996).

B. Through the Looking Glass and Down the Rabbit Hole

Edward J. McCaffery, "Through the Looking Glass: The Politics of Estate Tax Reform," 35 *ACTEC J.* 121 (2009).

Carter G. Bishop, "Through the Looking Glass: Status Liability and the Single Member and Series LLC Perspective," 42 *Suffolk U. L. Rev.* 459 (2009).

Kathleen L. DiSanto, "Down the Rabbit Hole: An Adventure in the Wonderland of Stored-Value Card Regulation," 12 *J. Consumer & Com. L.* 22 (2008).

Harris Weems Henderson, "Through the Looking Glass: Copyright Protection in the Virtual Reality of Second Life," 16 *J. Intell. Prop. L.* 165 (2008).

Elizabeth Garvin & Dawn Jourdan, "Through the Looking Glass: Analyzing the Potential Legal Challenges to Form-Based Codes," 23 *J. Land Use & Envtl. L.* 395 (2008).

Naomi Cunningham, "Commentary, Discrimination through the Looking-Glass: Judicial Guidelines on the Burden of Proof," 35 *Indus. L.J.* 279 (2006).

Eugene Cerruti, "Through the Looking-Glass at the Brady Doctrine: Some New Reflections on White Queens, Hobgoblins, and Due Process," 94 *Ky. L.J.* 211 (2005-2006).

Eric V. Hull, "Through the Looking Glass: Judicial Interpretation of Vessel Status Leaves Injured Workers Adrift in Uncharted Territory," 16 *U.S.F. Mar. L.J.* 321 (2003-2004).

Nina J. Crimm, "Through a Post-September 11 Looking Glass: Assessing the Roles of Federal Tax Laws and Tax Policies Applicable to Global Philanthropy by Private Foundations and Their Donors," 23 *Va. Tax Rev.* 1 (2003).

C. The Cheshire Cat, The Jabberwock, and Other Miscellany

Eric Engle, "The Red Queen Meets the Cheshire Cat? MacKinnon, Marx and the Mirror Stage of Production, 2 *the crit: Critical Stud. J.* 1 (Fall 2009), available at <http://thecritui.com/wp-content/uploads/2011/02/Engle1.pdf>.

David A. Elder, "Truth, Accuracy and Neutral Reportage: Beheading the Media Jabberwock's Attempts to Circumvent *New York Times v. Sullivan*," 9 *Vand. J. Ent. & Tech. L.* 551 (2007).

Dora W. Klein, "Curiouser and Curiouser: Involuntary Medications and Incompetent Criminal Defendants after *Sell v. United States*," 13 *Wm. & Mary Bill Rts. J.* 897 (2005).

Sutton I. Kinter III, "Comment, Enduring the Reign of Tweedledee and Tweedledum: How the Court Further Entrenched America's Two-Party Duopoly in *Arkansas Educational Television Commission v. Forbes* and How It Can Be Dredged Out," 49 *Case W. Res. L. Rev.* 257 (1998).

M. Bryan Schneider, "'But Answer Came There None': The Michigan Supreme Court and the Certified Question of State Law," 41 *Wayne L. Rev.* 273 (1995).

Jose Roberto Juarez, Jr., "The Supreme Court as the Cheshire Cat: Escaping the Section 1983 Wonderland," 25 *St. Mary's L.J.* 1 (1993).

Bernard Schwartz, "Curiouser and Curiouser: The Supreme Court's Separation of Powers Wonderland," 65 *Notre Dame L. Rev.* 587 (1990).

IV. Robert Frost*A. The Road Not Taken*

Mark C. Rahdert, "Forks Taken and Roads Not Taken: Standing to Challenge Faith-Based Spending," 32 *Cardozo L. Rev.* 1009 (2011).

Daniel J. Morrissey, "The Road Not Taken: Rethinking Securities Regulation and the Case for Federal Merit Review," 44 *U. Rich. L. Rev.* 647 (2010).

J. Joshua Wheeler, "The Road Not Taken: How the Fourth Circuit Reached the Right Result for the Wrong Reason in *Snyder v. Phelps*," 2010 *Cardozo L. Rev. de novo* 273 (2010).

Michael E. Libonati, "State Constitutions and Legislative Process: The Road Not Taken," 89 *B.U. L. Rev.* 863 (2009).

Sheila B. Scheurman, "The Road Not Taken: Would Application of the Excessive Fines Clause to Punitive Damages Have Made a Difference?" 17 *Widener L.J.* 949 (2008).

Karen M. Kramer, "Intent: The Road Not Taken in the Ninth Circuit's Post-Napster Analysis of Contributory Copyright Infringement," 21 *Santa Clara Computer & High Tech. L.J.* 525 (2005).

Kevin Brown, "The Hypothetical Opinion in *Grutter v. Bollinger* from the Perspective of the Road Not Taken in *Brown v. Board of Education*," 36 *Loy. U. Chi. L.J.* 83 (2004).

Michael Grynberg, "The Road Not Taken: Initial Interest Confusion, Consumer Search Costs, and the Challenge of the Internet," 28 *Seattle U. L. Rev.* 97 (2004).

B. Stopping by Woods on a Snowy Evening

Michael Stoll, "Note, Miles to Go before We Sleep: Arizona's 'Guilty Except Insane' Approach to the Insanity Defense and Its Unrealized Promise," 97 *Geo. L.J.* 1767 (2009).

Maryann Jones, "And Miles to Go Before I Sleep: The Road to Gender Equity in the California Legal Profession," 34 *U.S.F.L. Rev.* 1 (1999).

Li-ann Thio, "Implementing Human Rights in ASEAN Countries: 'Promises to Keep and Miles to Go Before I Sleep,'" 2 *Yale Hum. Rts. & Dev. L.J.* 1 (1999).

Patrick J. Cunningham, "Review of Courts-Martial by the Supreme Court of the United States—Miles to Go Before We Sleep," 1988-DEC *Army Law.* 18 (Dec. 1988).

C. Mending Wall

Jeffrey W. Spaulding, "Note, Do International Fences Really Make Good Neighbors? The Zeroing Conflict Between Antidumping Law and International Obligations," 41 *New Eng. L. Rev.* 379 (2007).

Amy D. Ronner & Dennis J. O'Connor, "Good Fences Make Bad Neighbors: Is the North American Free Trade Agreement a Lie for Lawyers?" 32 *U. Miami Inter-Am. L. Rev.* 437 (2001).

Barry A. Feinstein & Mohammed S. Danaji-Daoudi, "Permeable Fences Make Good Neighbors: Improving a Seemingly Intractable Border Conflict Between Israelis and Palestinians," 16 *Am. U. Int'l L. Rev.* 1 (2000).

Philip Weinberg, "Congress, the Courts, and Solid Waste Transport: Good Fences Don't Always Make Good Neighbors," 25 *Envtl. L.* 57 (1995).

V. Miscellaneous Literary References

A. Jane Austen

1. *Pride and Prejudice*

Michael Bohlander, "Pride and Prejudice or Sense and Sensibility? A Pragmatic Proposal for the Recruitment of Judges at the ICC and Other International Criminal Courts," 12 *New Crim. L. Rev.* 529 (2009).

Alice Riener, "Comment, Pride and Prejudice: The First Amendment, the Equal Access Act, and the Legal Fight for Gay Student Groups in High Schools," 14 *Am. U.J. Gender Soc. Pol'y & L.* 613 (2006).

Todd Brower, "Pride and Prejudice: Results of an Empirical Study of Sexual Orientation Fairness in the Courts of England and Wales," 13 *Buff. Women's L.J.* 17 (2004-2005).

Rosanna Cavallaro, "Pride and Prejudice and Proof: Quotidian Factfinding and Rules of Evidence," 55 *Hastings L.J.* 697 (2004).

Kara S. Suffredini, "Note, Pride and Prejudice: The Homosexual Panic Defense," 21 *B.C. Third World L.J.* 279 (2001).

2. *Sense and Sensibility*

Thomas E. Plank, "Sense and Sensibility in Securitization: A Prudent Legal Structure and a Fanciful Critique," 30 *Cardozo L. Rev.* 617 (2008).

Jun-shik Hwang, "A Sense and Sensibility of Legal Obligation: Customary International Law and Game Theory," 20 *Temp. Int'l & Comp. L.J.* 111 (2006).

Carrie Menkel-Meadow, "The Sense and Sensibilities of Lawyers: Lawyering in Literature, Narratives, Film and Television, and Ethical Choices Regarding Career and Craft," 31 *McGeorge L. Rev.* 1 (1999).

Jacqueline St. Joan, "Sex, Sense, and Sensibility: Trespassing into the Culture of Domestic Abuse," 20 *Harv. Women's L.J.* 263 (1997).

B. Dr. Seuss

Elizabeth Chamblee Burch, "There's a Pennoyer in My Foyer: Civil Procedure According to Dr. Seuss," 13 *Green Bag 2d* 105 (2009).

Marianne M. Ibrahim, "Note, Oh, The Places You Will Go—Or Not Go: Balancing the Weight Diversity May Play in Higher Education Administration's Policies with One Supreme Court Justice's Opinion in *Grutter v. Bollinger*," 43 *S. Tex. L. Rev.* 911 (2002).

Tyler T. Ochoa, "Dr. Seuss, the Juice and Fair Use: How the Grinch Silenced a Parody," 45 *J. Copyright Soc'y U.S.A.* 546 (1998).

Rhona Lyons, "Comment, How the Lorax Can Save the Truffula Trees: The Environmental Remedies Available to the Individual," 51 *Mo. L. Rev.* 1013 (1986).

C. Harry Potter

Scott Hershovitz, "Harry Potter and The Trouble with Tort Theory," 63 *Stan. L. Rev.* 67 (2010).

Emily Kathryn Tyler, "Infringicus Maximus! An Exploration of Motion Picture Title Protection in an International Film Industry through the Legal Battles of Harry Potter," 16 *J. Intell. Prop. L.* 323 (2009).

Gary Pulsinelli, "Harry Potter and the (Re)Order of Artists: Are We Muggles or Goblins?" 87 *Or. L. Rev.* 1101 (2008).

Benjamin H. Barton, "Harry Potter and the Half-Crazed Bureaucracy," 104 *Mich. L. Rev.* 1523 (2006).

Julie D. Cromer, "Harry Potter and the Three-Second Crime: Are We Vanishing the De Minimis Defense from Copyright Law?" 36 *N.M. L. Rev.* 261 (2006).

Aaron Schwabach, "Harry Potter and the Unforgivable Curses: Norm-Formation, Inconsistency and the Rule of Law in the Wizarding World," 11 *Roger Williams U. L. Rev.* 309 (2006).

D. Ian Fleming

Sabryne Coleman, "Note, You Only Live Twice: How the First Amendment Impacts Child Pornography in Second Life," 29 *Loy. LA. Ent. L. Rev.* 193 (2008-2009).

Jeffrey P. Gleason, "Comment, From Russia with Love: The Legal Repercussions of the Recruitment and Contracting of Foreign Players in the National Hockey League," 56 *Buff. L. Rev.* 599 (2008).

Clayton R. Portell, "Note, Live or Let Die: Will the Courts Recognize in Terminally Ill Patients a Fundamental Right to Choose Non-FDA Approved Drugs or Does the FDA's Stringent Approval Process Carry Sufficient Merit?" 5 *Ind. Health L. Rev.* 123 (2008).

Philip G. Schrag, "On Her Majesty's Secret Service: Protecting the Consumer in New York City," 80 *Yale L.J.* 1529 (1971).

Christopher C. Miller, "Note, For Your Eyes Only? The Real Consequences of Unencrypted E-Mail in Attorney-Client Communication," 80 *B.U. L. Rev.* 613 (2000).

Dale J. Montpelier, "Comment, Diamonds are Forever? Implications of United States Antitrust Statutes on International Trade and the De Beers Diamond Cartel," 24 *Cal. W. Int'l L.J.* 277 (1994).

VI. Fairy Tales

A. The Emperor's New Clothes

Daniel S. Kleinberger, "A Myth Deconstructed: The 'Emperor's New Clothes' on the Low-Profit Limited Liability Company," 35 *Del. J. Corp. L.* 879 (2010).

Marcilynn A. Burke, "The Emperor's New Clothes: Exposing the Failures of Regulating Land Use Through the Ballot Box," 84 *Notre Dame L. Rev.* 1453 (2009).

Amy Christian McCormick & Robert A. McCormick, "The Emperor's New Clothes: Lifting the NCAA's Veil of Amateurism," 45 *San Diego L. Rev.* 495 (2008).

James K. Winn, "The Emperor's New Clothes: The Shocking Truth About Digital Signatures and Internet Commerce," 37 *Idaho L. Rev.* 353 (2001).

Bradley E.S. Fogel, "The Emperor Does Not Need Clothes—The Expanding Use of 'Naked' Crummey Withdrawal Powers to Obtain Federal Gift Tax Annual Exclusions," 73 *Tul. L. Rev.* 555 (1998).

B. Snow White: Mirror, Mirror on the Wall

Cheryl A. Kettler, "Mirror, Mirror on the Wall, What's Transparency After All?" 9 *DePaul Bus. & Com. L.J.* 321 (2011).

Fred Eaton & Jaimee Reid, "Mirror, Mirror on the Wall—Evaluating Fair Market Value for Manufacturer-Physician Consulting Arrangements," 65 *Food & Drug L.J.* 141 (2010).

Steven W. Becker, "Mirror, Mirror on the Wall . . .': Assessing the Aftermath of September 11th," 37 *Val. U. L. Rev.* 563 (2003).

Herald Price Fahringer, "Commentary, 'Mirror, Mirror on the Wall . . .': Body Language, Intuition, and the Art of Jury Selection," 17 *Am. J. Trial Advoc.* 197 (1993).

C. Cinderella

Michael Jon Andersen, "Claiming the Glass Slipper: The Protection of Folklore as Traditional Knowledge," 1 *Case W. Res. J. L. Tech. & Internet* 148 (2010).

Sarah J. Hastings, "Note, Cinderella's New Dress: A Better Organizational Option for Churches and Other Small Nonprofits," 55 *Drake L. Rev.* 813 (2007).

Melissa A. Chiprich & Phillip J. Long, "Is Midnight Nearing for Cinderella? Corporate America Faces Reality with Stock Option Accountability," 39 *Wake Forest L. Rev.* 1033 (2004).

Patricia E. Dilley, "Breaking the Glass Slipper—Reflections on the Self-Employment Tax," 54 *Tax Law.* 65 (2000).

D. Sleeping Beauty

Stephen Kanter, "Sleeping Beauty Wide Awake: State Constitutions as Important Independent Sources of Individual Rights," 15 *Lewis & Clark L. Rev.* 799 (2011).

Crystal Spivey, "Breathing New Life into HIUPAA'S UHID—Is the FDA's Green Light to the Verichip™ the Prince Charming Sleeping Beauty has Been Waiting For?" 9 *DePaul J. Health Care L.* 1317 (2006).

Margaret F. Brinig, "Commentary, In Search of Prince Charming," 4 *J. Gender Race & Just.* 321 (2001).

Susan S. Septimus, "The Concept of Continuous Tort as Applied to Medical Malpractice: Sleeping Beauty for Plaintiff, Slumbering Beast for Defendant," 22 *Tort & Ins. L.J.* 71 (1986).

E. The Big Bad Wolf: Little Red Riding Hood or The Three Little Pigs

Justin M. Lugar, "Note, Not by the Hair of My Chinny Chin Chin: Ohio's Attempt to Combat the Big Bad Wolf of Blight," 2 *Liberty U. L. Rev.* 243 (2007).

W. Chadwick Austin & Antony Barone Kolenc, "Who's Afraid of the Big Bad Wolf? The International Criminal Courts as a Weapon of Asymmetric Warfare," 39 *Vand. J. Transnat'l L.* 291 (2006).

Devon A. Corneal, "On the Way to Grandmother's House: Is U.S. Immigration Policy More Dangerous Than the Big Bad Wolf for Unaccompanied Juvenile Aliens?" 109 *Penn St. L. Rev.* 609 (2004).

Matthew H. Kramer, "The Big Bad Wolf: Legal Positivism and Its Detractors," 49 *Am. J. Juris.* 1 (2004).

M. Todd Heflin, "Who's Afraid of the Big Bad Wolf: Why the Fear of Carnivore is an Irrational Product of the Digital Age," 107 *Dick. L. Rev.* 343 (2002).

Myrna S. Raeder, "The Effect of the Catchalls on Criminal Defendants: Little Red Riding Hood Meets the Hearsay Wolf and is Devoured," 25 *Loy. L.A. L. Rev.* 925 (1992).

F. Beauty and the Beast

Natalie L. St. Cyr Clarke, "Note, The Beauty and the Beast: Taming the Ugly Side of the People's Game," 17 *Colum. J. Eur. L.* 601 (2011).

Oliver A. Houck, "Beauty and the Beast Within: On the Special Nature of Natural World Law," 82 *Wash. L. Rev.* 611 (2007).

Margaret A. (Peggy) Tonon, "Beauty and the Beast—Hybrid Prosecution Externships in a Non-Urban Setting," 74 *Miss. L.J.* 1043 (2005).

Charles L. Siemon, "Conditional Zoning in Illinois: Beast or Beauty?" 15 *N. Ill. U. L. Rev.* 585 (1995).

David L. Wiley, "Comment, Beauty and the Beast: Physical Appearance Discrimination in American Criminal Trials," 27 *St. Mary's L.J.* 193 (1995).

G. Jack and the Beanstalk

Brandon Chad Bungard, "Fee! Fie! Foe! Fum!: I Smell the Efficiency of the English Rule Finding the Right Approach to Tort Reform," 31 *Seton Hall Legis. J.* 1 (2006).

Nathan A. Busch, "Jack and the Beanstalk: Property Rights in Genetically Modified Plants," 3 *Minn. Intell. Prop. Rev.* 1 (2002).

Marcia C. Royle, "Climbing the Beanstalk: Justice Holmes and the Search for Reconciliation," 22 *Vt. L. Rev.* 559 (1998).

Raymond G. Truitt, "Fe Fie Fo Fum: Retail Giants Rule Power Centers," 10-APR *Prob. & Prop.* 38 (Mar./Apr. 1996).

H. Happily Ever After

Teia Moore, "Comment, When Happily Ever After is Not Ever After After All: Rectifying the Plan Documents Rule Under ERISA to Benefit the Right Person," 52 *S. Tex. L. Rev.* 127 (2010).

Cindy E. Faulkner, "Happily Ever After: An Ethical Will May Be a Step on That Journey," 12 *T.M. Cooley J. Prac. & Clinical L.* 451 (2010).

Jennifer Sheppard, "Once Upon a Time, Happily Ever After and in a Galaxy Far, Far Away: Using Narrative to Fill the Cognitive Gap Left by Overreliance on Pure Logic in Appellate Briefs and Motion Memoranda," 46 *Willamette L. Rev.* 255 (2009).

VII. Observations

Because there was no rhyme nor reason to the selections, it is not possible to draw any conclusions. At the beginning of this project there were far more titles and categories. Most had to be rejected in the interest of time and space. As Justice Andrews said in his dissent in *Palsgraf*, "We may regret that the line was drawn just where it was, but drawn somewhere it had to be."¹⁰

10. *Palsgraf v. Long Island R.R. Co.*, 162 N.E. 99, 104 (1928).