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## Faculty

University of Michigan Law School

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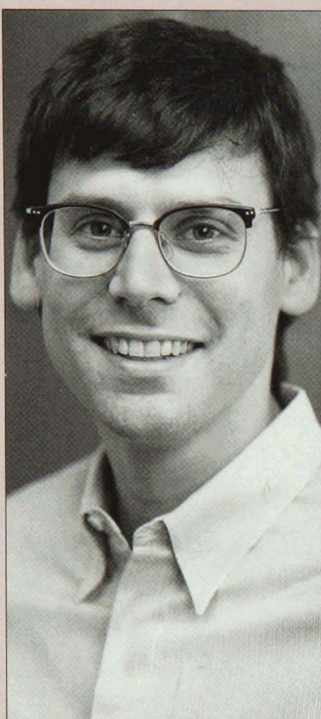
- For 140 years, the heart of the University of Michigan Law School has been its research and teaching faculty. From Thomas Cooley to the present day, our professors' blend of scholarly preeminence and classroom distinction has left Michigan graduates with vivid memories of transforming moments, profound aphorisms, and compelling personalities.
- The impulse to grow and renew means the faculty always has its sights on possible additions. Sometimes proven stars are identified at other law schools and brought "laterally" to Michigan. Just as often, the academic leaders of tomorrow are identified early and begin their teaching careers in Ann Arbor.
- This past year, unprecedented success in faculty recruitment has taken the Law School to a new level of breadth and depth, while maintaining its reputation for unsurpassed excellence. Eight exceptional legal scholars agreed to join Michigan's tenured and tenure-track faculty, the most significant expansion of the faculty in the Law School's history.
- "By accepting our invitation to join the Michigan faculty, these outstanding scholars have continued a tradition through which Michigan students are able to study with the most original and penetrating minds in the legal academy," Dean Jeffrey S. Lehman, '81, observed. "What makes this past year so remarkable is the sheer number of individuals who accepted our offer to teach at Michigan. Our faculty, long considered one of the most distinguished in the world, is today stronger and more numerous than ever before in our history."
- The new professors hold expertise in an extraordinary range of subjects, and their scholarship has been influential both in this country and overseas. Their fields of study include tax law, law and economics, legal history, constitutional law, European Union law, international trade law, and environmental law.

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OMRI BEN-SHAHAR

DANIEL HALBERSTAM

ELLEN KATZ



● In the last issue of *Law Quadrangle Notes*, three of the eight new Michigan faculty members were profiled (Summer 1999, pp. 31-32):

- **Omri Ben-Shahar**, an authority on law and economics, comes to Michigan after several years as a faculty member at Tel Aviv University.

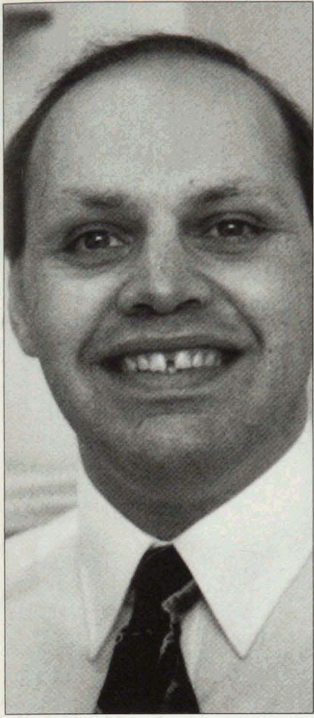
- **Daniel Halberstam**, a former law clerk to Justice David Souter of the U.S. Supreme Court, is beginning his teaching career with an emphasis on the law of the European Union.

- **Ellen Katz**, also a former law clerk of Justice Souter, begins her teaching career with an emphasis on environmental law.

new  
faculty

*In the following pages, we are pleased to introduce the other five new additions to Michigan's research and teaching faculty.*

## REUVEN S. AVI-YONAH



**Professor Avi-Yonah's current research focuses on the interaction of globalization, tax competition, and the welfare state.**

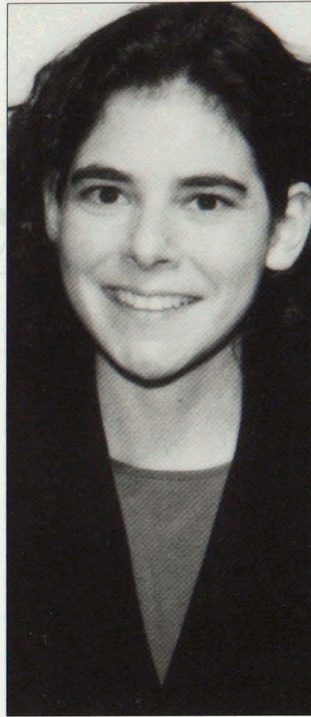
Professor Reuven Avi-Yonah comes to Michigan from the Harvard Law School, where he has been a faculty member since 1994. A specialist in tax law and a former history professor, Professor Avi-Yonah received his B.A. in history, *summa cum laude*, from Hebrew University, and went on to earn both his Ph.D. in history and his J.D. at Harvard. He has taught history at Boston College, and last year he was a visiting law professor at the University of Michigan and at the University of Pennsylvania.

While a student, Professor Avi-Yonah received many honors and awards, including a Felix Frankfurter Scholarship, an American Educational Foundation Scholarship, a Lurcy Traveling Fellowship, the Rector's Prize, and a Rothschild Fellowship. He has practiced law in New York and Boston, has co-chaired several committees of the New York State Bar tax section, and has been a member of the tax section of the New York State Bar's executive committee. He has served as a member of the U.S. Income Advisory Board for Tax Management since 1995.

Professor Avi-Yonah is a versatile linguist. In addition to English, he is fluent in French, German, and Hebrew, and he has a reading knowledge of Arabic, Greek, Italian, Latin, Portuguese, and Spanish. And he is an equally versatile teacher, having offered courses on taxation, the international aspects of U.S. income taxation, comparative income taxation, the value added tax, state and local taxation, corporate taxation, partnership taxation, the multinational enterprise, and the origins and development of the corporate form.

Professor Avi-Yonah's current research focuses on the interaction of globalization, tax competition, and the welfare state; a recent article analyzes the international taxation of electronic commerce. His scholarly writing has appeared in many journals, among them the *Tax Law Review*, *San Diego Law Review*, *Texas Law Review*, *Virginia Tax Review*, and *Tax Notes International*. In addition, he is revising a treatise on U.S. international taxation and is completing a casebook on international taxation for Foundation Press.

## SUSANNA L. BLUMENTHAL



**Professor Blumenthal's research and teaching interests concentrate on legal history, trusts and estates, criminal law, torts, and evidence.**

Professor Susanna Blumenthal will begin her teaching career at Michigan. She is a legal historian who earned her A.B. in government, *magna cum laude*, from Harvard-Radcliffe College. After a year of graduate study in philosophy, jurisprudence, and political theory at Oxford, she returned to the United States to earn her J.D. at the Yale Law School. She is currently completing her Ph.D. in history at Yale University. Her dissertation examines "Law and the Modern Mind: The Problem of Consciousness in American Legal Culture, 1800-1930."

Professor Blumenthal's many academic honors include election to *Phi Beta Kappa*, a John Harvard Scholarship, the Elizabeth Agassiz Award, the Thomas T. Hoopes Prize for her Honors Thesis, a Samuel Golieb Fellowship, and a recent fellowship from the Pew Foundation. During law school, she was an editor of the *Yale Law Journal* and was submissions editor for the *Yale Journal of Law and the Humanities*. She also was a student supervisor within the poverty clinic at Yale Legal Services, where she developed and participated in the Education Equity Project, a project that expanded educational opportunities for young mothers in New Haven.

After law school, Professor Blumenthal clerked for Judge Kimba Wood in the Southern District of New York. She has also worked as a summer associate with law firms in New York City and Washington, D.C., and worked as a legal intern with the Women's Rights Project of the American Civil Liberties Union in New York.

Professor Blumenthal's research and teaching interests concentrate on legal history, trusts and estates, criminal law, torts, and evidence. She has published articles in the *Chicago-Kent Law Review* and the *Journal of the History of the Behavioral Sciences*. She is a member of the Law & Society Association, the American Society for Legal History, and the American Historical Association. She recently presented "The Duress of the Delusion: Mental Capacity and the Rules of Responsibility in Nineteenth-Century American Law" at the 1999 Annual Meeting of the American Historical Association.

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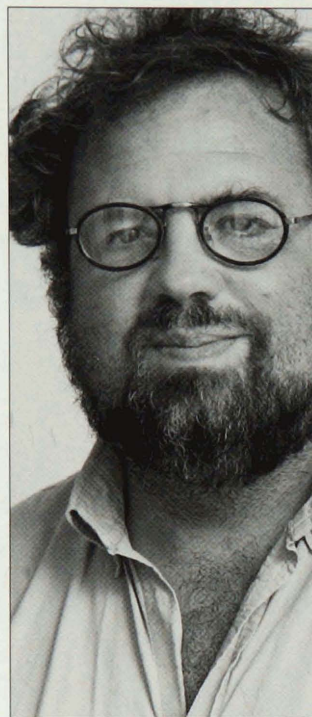
**Professor Caminker's research interests include the intersection of state and federal powers and the interplay of lower and higher courts.**

Professor Evan Caminker comes to Michigan from the UCLA Law School, where he has been a faculty member since 1991. Professor Caminker is a distinguished scholar of constitutional law who clerked for Justice William Brennan at the Supreme Court and for Judge William Norris of the Ninth Circuit. He received his B.A. in political economy and environmental studies, *summa cum laude*, from the University of California at Los Angeles. He received his J.D. from the Yale Law School.

As an undergraduate student, Professor Caminker earned the Outstanding Senior Award, the *Phi Beta Kappa* Top Junior at UCLA Award, the National Exceptional Student Fellowship Award, and two debate awards. In law school, he was a senior editor of the *Yale Law Journal* and a Coker Fellow, and he was awarded the Benjamin Scharps Prize for Excellence in Legal Writing. Professor Caminker practiced law with the Center for Law in the Public Interest in Los Angeles and with Wilmer, Cutler & Pickering in Washington, D.C. Last year, he taught constitutional law as a visiting professor at the University of Michigan Law School. He has also been a visiting scholar at the University of Cambridge.

A gifted classroom teacher, Professor Caminker has received the ACLU Distinguished Professors Award for Civil Liberties Education. He has taught in the fields of constitutional law, civil procedure, and federal courts, and he has lectured widely before audiences ranging from the Los Angeles Chapter of the Federalist Society to the Free Society of the University of Cambridge.

Professor Caminker's research interests include the intersection of state and federal powers and the interplay of lower and higher courts. He has published articles in *Columbia Law Review*, *Harvard Journal of Law and Public Policy*, *Stanford Law Review*, *The Supreme Court Review*, *Texas Law Review*, and the *Yale Law Journal*. His current work includes an inquiry into the nature of voting on multi-member courts.



**Professor Howse is a much sought-after commentator on broad issues in international law and public policy.**

Professor Robert Howse comes to Michigan from the Faculty of Law at the University of Toronto, where he has been a faculty member since 1990. An internationally recognized authority on international trade law, Professor Howse received his B.A. in philosophy and political science with high distinction, as well as an LL.B., with honours, from the University of Toronto. He also holds an LL.M. from the Harvard Law School and has traveled and studied Russian in the former Soviet Union. Last year, Professor Howse was a visiting law professor at the University of Michigan and at Harvard.

Professor Howse's academic awards include the Thomas Henderson Wood Scholarship in Philosophy, the Laskin Prize in Constitutional Law, the Borden and Elliot Prize for Academic Excellence, the Provost's Award, and a variety of fellowships. While completing his LL.M., he served as a research assistant to Laurence Tribe on a project advising the Civic Forum of Czechoslovakia on constitutional reform, and as a research assistant to Paul Weiler on a project involving tort law reform and public policy. He has also held a variety of posts with the Canadian Department of External Affairs and the Canadian Embassy in Belgrade.

Professor Howse is a much sought-after commentator on a broad range of issues in international law and public policy. His op-ed pieces have appeared in the *Globe and Mail*, *Toronto Star*, *Le Devoir*, and *The Financial Post*.

His research has concerned a wide range of issues in international law, and legal and political philosophy, but his emphasis has been on international trade and related regulatory issues. Professor Howse is the author, co-author, or editor of five books, including *Trade and Transitions*; *Economic Union, Social Justice, and Constitutional Reform*; *The Regulation of International Trade*; *Yugoslavia the Former and Future*; and *The World Trading System*; and he is also the translator of Alexander Kojève's *Outline for a Phenomenology of Right*. He has published 30 scholarly articles and book chapters, on topics as disparate as NAFTA, whistleblowing, industrial policy, food inspection, income tax harmonization, and ethnic accommodation.

new  
faculty



Professor Nina Mendelson begins her teaching career at Michigan after four years of service as an attorney with the Department of Justice's Environment and Natural Resources Division. An expert in environmental law, she earned her A.B. in economics, *summa cum laude*, from Harvard University, and her J.D. from the Yale Law School. After law school, she clerked for Judge Pierre Leval in the Southern District of New York and for Judge John Walker, '66, on the Second Circuit.

As an undergraduate, Professor Mendelson was elected to membership in *Phi Beta Kappa* during her junior year, and she won the Detur Prize and John Harvard Scholarships for distinguished academic performance. In law school, she was an articles editor of the *Yale Law Journal*, a senior editor of the *Yale Journal of International Law*, an Olin Fellow in Law and Economics, and a research assistant to Paul Kahn.

After clerking, Professor Mendelson practiced law with Heller, Ehrman, White & McAuliffe of Seattle, where she litigated and advised clients on environmental, corporate, and land use matters. While at Heller, Ehrman, she won the Washington State Bar Association's Thomas Neville Award for outstanding *pro bono* service.

During her tenure at the Justice Department, Professor Mendelson worked with other federal agencies on environmental compliance, rulemaking, and the development of new environmental policy initiatives. She also drafted environmental legislation proposals and participated in extensive legislative negotiations. Her work has concentrated on hazardous waste issues, natural resource damages, and oil pollution.

Professor Mendelson's research and teaching interests include environmental law, legislation, administrative law, land use and zoning law, and corporations. She is currently completing a study concerning the liability of corporate shareholders for environmental violations.

**Professor Mendelson's research and teaching interests include environmental law, legislation, administrative law, land use and zoning law, and corporations.**

## Eisenberg, Schneider, '79, named to endowed professorships

Thanks to the generosity of two donors, the Law School this year has established two new endowed professorships. The Robert and Barbara Luciano Professorship in Law and the Chauncey Stillman Professorship for Ethics, Morality, and the Practice of Law add to the Law School's already impressive roster of named professorships. Such professorships help to ensure the Law School's financial stability as well as recognize the generosity of supporters and the accomplishments of professors who are awarded them. Dean Jeffrey S. Lehman, '81, expressed the Law School's "profound gratitude" for the gifts, and noted that "the award of an endowed professorship is the highest form of recognition that can be bestowed upon a distinguished faculty member."



Rebecca S. Eisenberg

**Rebecca S. Eisenberg** has been named the Robert and Barbara Luciano Professor of Law. A member of the Law School faculty since 1984, she received her law degree from the University of California, Berkeley, School of Law, and her bachelor's degree from Stanford University. She clerked for the Hon. Robert F. Peckham, chief judge for the Northern District of California, and practiced law in San Francisco before joining the Law School faculty.

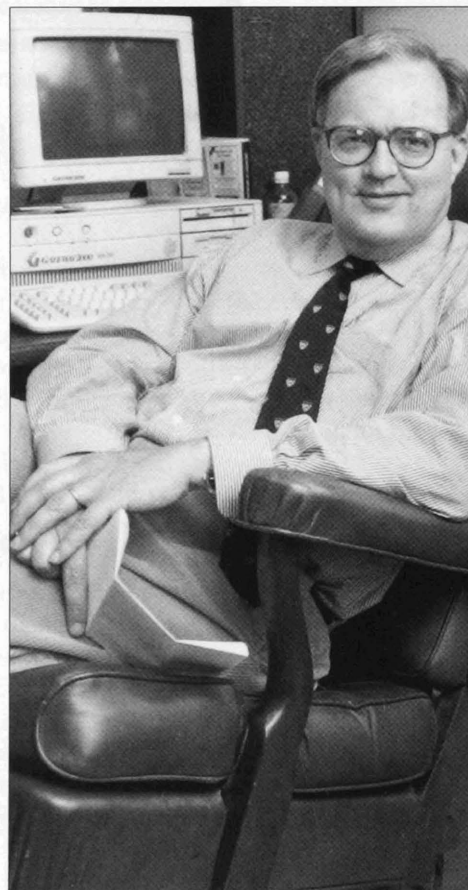
Eisenberg has published widely and presented the results of her research at workshops around the world. Her interests center on legal protection of intellectual property, and especially on questions of technology transfer and the role and impact of patent rights on the growth of knowledge and products related to human genetics.

At the Law School, she has taught courses in torts and a variety of topics related to intellectual property.

The Robert and Barbara Luciano Professorship in Law was established this year. It honors Robert Luciano's long association with the Law School as a member of the Committee of Visitors and through his chairmanship of Schering-Plough Corp. He graduated from the Law School in 1958.

"It's important for alumni to support and promote the level of educational excellence that Michigan has achieved," Luciano says.

**Carl E. Schneider, '79**, who also is a professor of internal medicine at the University of Michigan Medical School, has been named to the new Chauncey Stillman Professorship for Ethics, Morality, and the Practice of Law. A member of the Law School faculty since 1981, Schneider received his A.B. degree from Harvard College. At the Law School, he was editor in chief of the *Michigan Law Review* and was awarded the Henry M. Bates Memorial Scholarship. After graduation, he clerked for the Hon. Carl McGowan of the U.S.



Carl E. Schneider, '79

## Chinkin joins ranks of Affiliated Overseas Faculty

Court of Appeals for the D.C. Circuit, and then for Justice Potter Stewart of the U.S. Supreme Court.

Schneider has published widely, mostly on subjects related to bioethics, law and medicine, and the relationship among law, medicine, and bioethics. He has taught courses on these subjects and on family law, and has lectured in Japan, Germany, and England. His most recent book, *The Practice of Autonomy: Patients, Doctors, and Decisions*, published last year by Oxford University Press, has received critical attention and acclaim. His current research focuses on the relationship between professional education and the pursuit of a moral life.

The Stillman Professorship was established with support from the Homeland Foundation Incorporated "to help the society in which we live." Its goals are to help students, lawyers, and jurists to:

- "appreciate the vital relationship between the particular professional responsibilities of members of the bar and more general questions of ethical and moral responsibility," and
- "reflect on how they make choices about the ethical and moral issues that arise in their professional lives."

"We have put ethics as a primary funding goal, and this program is a very worthwhile cause in keeping with what we are trying to accomplish," according to Homeland Foundation President E. Lisk Wyckoff, '60, a partner at Kramer, Levin, Haftalis & Frankel in New York City. The chair is named for the founder of the Homeland Foundation.

The University of Michigan Board of Regents approved the professorships and appointments in July.

Christine M. Chinkin, professor in international law at the London School of Economics and Political Science, University of London, joins the ranks of the Law School's Affiliated Overseas Faculty this fall. Chinkin this year is teaching a seminar on international dispute resolution and co-teaching a seminar on women's human rights with Elizabeth A. Long Professor of Law Catharine A. MacKinnon.

The Affiliated Overseas Faculty program establishes and maintains longstanding relationships between the Law School and highly regarded overseas-based scholars and overseas institutions. The other Affiliated Overseas Faculty are Christopher McCrudden, professor of human rights and a reader in law at Oxford University and a fellow at Lincoln College, Oxford; and Bruno Simma, professor and dean of the law faculty at the University of Munich.

Chinkin is the Law School's L. Bates Lea Visiting Professor of Law. Established in 1993 in honor of L. Bates Lea, '49, the retired vice president and general counsel of Amoco, the professorship promotes "the establishment of long-term relationships with the University of Michigan Law School and its peer institutions abroad."

Chinkin received her LL.B. from the University of London with first class honors, has LL.M. degrees from the University of London and Yale University, and a Ph.D. from the University of Sydney. She has held academic positions at the universities of Oxford, London, New York Law School, the National University of Singapore, and the University of Sydney.

She has published widely on issues of international law. Among her books are *Halsbury's Laws of Australia, Title on Foreign Relations*, and *Third Parties in International Law*. She is co-author of *Dispute Resolution in Australia*, and the *American Journal of International Law* published her award-winning *Feminist Approaches to International*



Christine M. Chinkin

*Law*. Forthcoming is a monograph with Hilary Charlesworth, the "Boundaries of International Law: A Feminist Analysis." Chinkin is a member of the board of editors of the *American Journal of International Law*, a consultant on international law to the Asian Development Bank, and on gender to the Commonwealth Secretariat, a member of the Board of Interights, and has advised many non-governmental organizations on human rights issues.



## Heller, Hills, and Mann named full professors

PHOTO BY PETER YATES



Michael A. Heller

The University of Michigan Board of Regents has awarded the title of full professor with tenure to three Law School faculty members: Michael A. Heller, Roderick M. Hills Jr., and Ronald J. Mann. The regents approved the titles in June.

**Michael A. Heller**, who joined the Law School faculty in 1994, holds a J.D. with distinction from Stanford University and an A.B. *cum laude* from Harvard University. He clerked for the Hon. James R. Browning of the U.S. Court of Appeals for the Ninth Circuit. Before joining the faculty, he served as legal and policy consultant and deputy task manager for The World Bank.

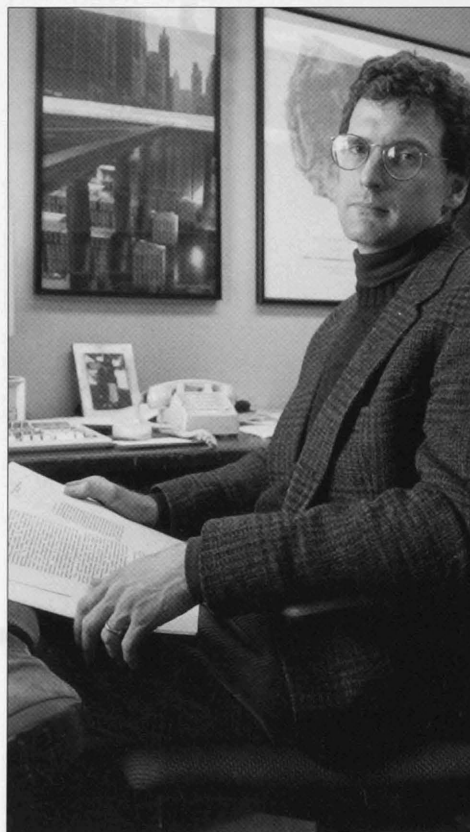
Each year since 1995 Heller has led the fall portion of the Law School's International Law Workshop, a series of lectures by visiting experts on "hot topics" in the field of international law. In 1996 he received the L. Hart Wright Award for Excellence in Teaching, an annual award that goes to the faculty member receiving the highest number of votes from law students.

Heller's research interests focus on the field of property, in which he has offered new insights into how the fragmentation of property rights may affect the ability to use or convey them. He has used the word "anticommons" to describe the phenomenon. He also recently co-authored an article with Professor James E. Krier that reconceptualizes the law of "takings."

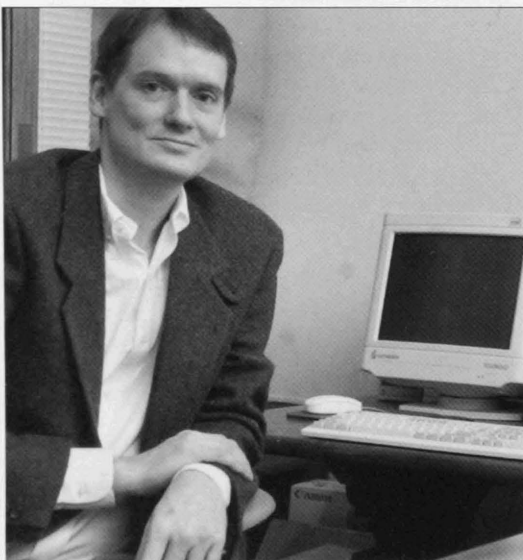
Heller teaches Property and International Law, and seminars that bridge the fields, like "From Marx to Markets."

**Roderick M. Hills Jr.** earned his law degree at Yale Law School and his bachelor's degree *summa cum laude* in history from Yale University. He joined the Law School faculty in 1994.

After earning his J.D., Hills clerked for the Hon. Patrick J. Higginbotham of the U.S. Court of Appeals for the Fifth Circuit. He also taught at the University of Colorado Law School and practiced as an associate attorney with the law office of Jean Dubofsky in Boulder.



Roderick M. Hills Jr.



Ronald J. Mann

## Fox new director of Center for International and Comparative Law



Merritt B. Fox

Professor Merritt B. Fox, a member of the Law School faculty since 1988, has been named director of the Law School's Center for International and Comparative Law. Fox began his new duties in July after returning from teaching at Peking University at Beijing.

"I'm delighted to have someone of the intellectual breadth and caliber of Merritt Fox to head the center," said Dean Jeffrey S. Lehman, '81, who announced the appointment in July. "He brings a depth of experience to the center that will help it to continue its significant role within the Law School and beyond."

Fox, who earned his J.D. at Yale Law School and his Ph.D. in economics from Yale University, focuses his academic work in the areas of international law, corporate and securities law, and law and economics. He is the author of *Finance and Industrial Performance in a Dynamic Economy* and (with H. Lasswell) *The Signature of Power: Buildings, Communications, and Policy*.

He has taught at Yale University, Fordham Law School, and Indiana University Law School. He practiced with Cleary, Gottlieb, Steen & Hamilton in New York City.

In addition to maintaining the center's role as an "umbrella" for the Law School's internationally-oriented courses and activities, Fox said that he hopes to use the center to encourage and expand contacts between faculty members here and their counterparts overseas.

"What I'm particularly interested in is facilitating interchange between members of our faculty from all kinds of orientations and their counterparts abroad," he said. "Eighty-five percent of our faculty never teach a course that has the word 'international' in it — their specialties relate to substantive or procedural areas of U.S. law.

"The issues they deal with, however, have much in common with issues in foreign legal systems as well. Our faculty thus have a lot to say to, and a lot to learn from, their counterparts in other countries who share the same interests. I would like to encourage more contact of this kind."

The Center for International and Comparative Law is the Law School's "institutional focal point for visiting foreign faculty as well as members of the permanent faculty and students with interests in international law, including international economic law and foreign and comparative law," according to a description that accompanied the center's formal opening in 1998. "The center reflects the School's longstanding commitment and proud history in these fields." Fox replaces Professor of Law José Alvarez as the director of the center.

Hills, a constitutional law specialist, often has focused in his writings on "cooperative federalism" and the relationship between the federal government and state and local governments. He argues that state autonomy should be seen in functional terms that promote efficiency rather than in conventional terms of "dual sovereignty." In his *pro bono* activity, Hills has drafted *amicus* briefs to the U.S. Supreme Court in three cases: *Romer v. Evans*, *Anderson v. Roe*, and *American Manufacturers Mutual Insurance Co. v. Sullivan*.

Hills teaches Constitutional Law, Land-Use Planning & Regulation, Local Government Law, and Education Law.

**Ronald J. Mann**, who joined the Law School faculty in 1997, earned his law degree *magna cum laude* at the University of Texas and his bachelor's degree *magna cum laude* in history from Rice University. He clerked for the Hon. Joseph T. Sneed of the U.S. Court of Appeals for the Ninth Circuit and then for the Hon. Lewis F. Powell Jr. of the U.S. Supreme Court. He has practiced law in Houston, served as assistant to the Solicitor General in the U.S. Department of Justice, and taught law at Washington University School of Law.

Mann's journal articles on secured debt have drawn significant attention, and he also has written on payment systems and bankruptcy theory. His casebook, *Payment Systems and Other Financial Transactions*, was published by Aspen this year.

At the Law School, Mann has organized the weekly Fawley Lectures, in which faculty present preliminary versions of research reports, writings, and other works in progress and receive feedback from colleagues.

Professor Mann teaches Real Estate Transactions, Copyright, and Payment Systems.

## CALC veteran Melissa Breger, '94, back on familiar turf

PHOTO BY THOMAS TRELTER



Melissa Breger, '94

**“There is a tremendous need for well-trained lawyers in child advocacy. It is a field that is desperate for exceptional, enthusiastic attorneys who are dedicated to the public sector.”**

Melissa Breger, '94, hit the ground running when she returned to the Law School as a clinical assistant professor last spring. She stepped up to fill the annual need that occurs when students in the Child Advocacy Law Clinic (CALC) leave for the summer but their cases continue. She also was an integral part of this year's training of summer fellows for child advocacy summer internships and supervised two interns who spent their summer working at CALC. (The training program is the subject of a story on page 29.)

Breger felt right at home. She had worked in CALC as a third-year law student, and had become convinced of the need to educate and prepare students for work in the child advocacy field. She also taught Legal Writing and Advocacy for two years while she was a law student. At the time those introductory skills courses were taught by upper-level law students; it was in 1996 that the Law School established its formal Legal Practice Program, which uses full-time faculty to teach these and other skills in a two-term course that is required of all first-year students.

“I attended Michigan in order to join the Child Advocacy Clinic,” Breger explained of her decision to attend the Law School. “And while in the clinic I always envisioned returning here to teach it.”

Why?

“Because child advocacy is so important to me. Teaching future lawyers holds the most promise for effectively changing this area of the law.”

“There is a tremendous need for well-trained lawyers in child advocacy,” she said. “It is a field that is desperate for exceptional, enthusiastic attorneys who are dedicated to the public sector.”

Breger earned her bachelor's degree in psychology *summa cum laude* from the University of Illinois and attended a legal writing program at Harvard University before enrolling at the Law School. After earning her law degree, she briefly worked as a volunteer attorney with Lawyers for Children in New York City before joining the Legal Services Department of St. Joseph Services for Children & Families in Brooklyn and then the Family Court Bureau of the Legal Aid Society of Nassau County. She came to the Law School after serving three years as a staff attorney with the Juvenile Rights Division of the Legal Aid Society in Brooklyn.

While practicing in Brooklyn, Breger supervised NYU School of Law students enrolled in the Juvenile Justice Clinic. She served as a volunteer high school teacher in New York City for the New York Civil Rights Coalition and as a guest lecturer through the community outreach law program of the Association of the Bar of the City of New York. As a member of the New York County Lawyers Association, she volunteered for the Monday Night Law Project, which provided *pro bono* legal services, and served on the association's committees of Family Court and Child Welfare and Law-Related Education.

## Legal Practice Program welcomes three new faculty members

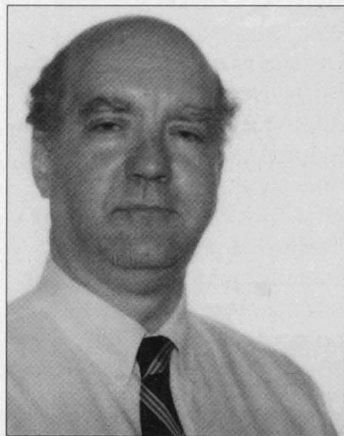
Few courses touch law students the way that the Legal Practice Program does. Every first-year law student must take the course, and every student must pass it in order to graduate. The skills that Legal Practice students learn — how to write legal documents, advocacy communications, client letters, and to learn and hone courtroom oral argument abilities — in many ways are the mirrors that reflect their later competence or specialization in the variety of areas that a career in the law offers.

This year, three professors have joined the ranks of the Law School's Legal Practice Program faculty: Julie Potts Close, '96; William Lewis Cooper, '72; and Gloria Kay Miller, '94. Each combines the blend of practical and professional experience that makes the Legal Practice course the foundation for so many accomplishments during Law School study and after graduation.

"I'm very excited about Julie, Bill, and Gloria's decisions to join the Law School's teaching ranks," said Grace Tonner, director of the Legal Practice Program. "Their enthusiasm, experience, and energy are great assets to our program. Our students and the Law School will reap the rewards of having them here."

Close, who served as a Writing and Advocacy junior instructor while earning her

J.D. *cum laude*, earned her bachelor's degree in economics and history at Northwestern University. The writing and advocacy program in which she taught assigned upper-level students as legal writing and oral advocacy teachers for lower-level students; it was the predecessor to the current Legal Practice Program, which began in 1996 and uses



William Lewis Cooper

fulltime clinical assistant professors as teachers. Before joining the Legal Practice Program faculty, Close was a litigation associate with Miller, Canfield, Paddock and Stone, PLC, in Ann Arbor, where she focused on litigation involving constitutional law, product defamation, securities, antitrust, breach of contract, and Freedom of Information Act issues. She also worked on appellate cases and was a member of the firm's mentoring committee, which was charged with developing and implementing a mentoring program for junior associates. Close has been a litigation associate with Jenner & Block in Chicago, as well.

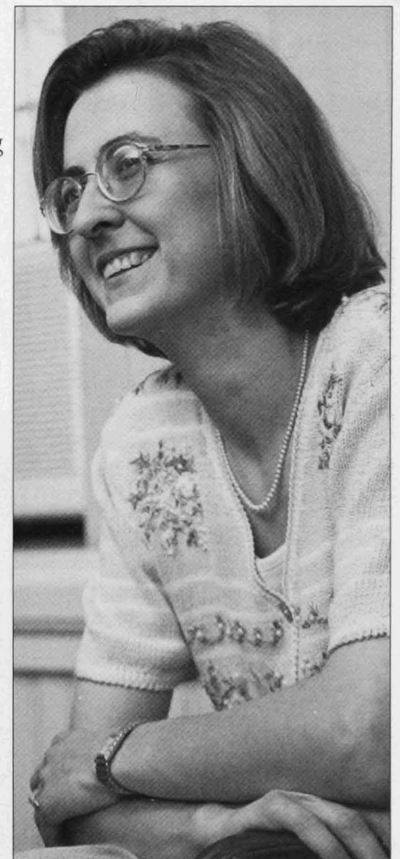
Cooper comes to the Law School from a position as head of research and instructional services and adjunct professor of legal skills at the College of

William and Mary. He also has been a reference librarian and instructor of legal research and writing at the University of Toledo College of Law. He has been a participating principle with Dykema Gossett in Detroit, where he was responsible for attorney research services, and an associate attorney with Miller,

*Continued on page 48*



Julie Potts Close



Gloria Kay Miller

## ACTIVITIES

Continued from page 47

Canfield, Paddock & Stone in Detroit, where he specialized in antitrust issues and inter-governmental relations. Cooper earned a J.D. *cum laude*. He also earned a masters in library and information science at the University of Michigan. His bachelor's in English is from Dartmouth College.

Miller was symposium editor for the *Journal of Law Reform* and won the Health Law Award and a Writing and Advocacy Merit Certificate on the way to earning her J.D. *cum laude* from the University of Michigan Law School. She also holds bachelor's and master's degrees from Johns Hopkins University, where she was *Phi Beta Kappa*, a Beneficial Hodson Trust Scholar, and the recipient of the Hammerman Award for academic excellence and outstanding scholarship.

Miller has been a litigation associate with Dickinson, Wright, Moon, Van Dusen & Freeman in Detroit and a pre-hearing attorney in the research division of the State of Michigan Court of Appeals. She comes to the Law School after teaching legal research and writing at Wayne State University Law School.

**Edward H. Cooper**, the Thomas M. Cooley Professor of Law, served as reporter for the Civil Rules Advisory Committee in drafting the "Report on Mass Tort Litigation" in 1999.

Professor **Richard D. Friedman** presented commentary at a symposium at Michigan State University on The Constitution in World War II in November, and in October presented the paper "The Emergence of Confrontation and Hearsay" at the annual meeting of the American Society for Legal History. Last fall he testified before the Advisory Committee on the Federal Rules of Evidence. He also has continued as general editor of *The New Wigmore* and worked on a volume of the treatise on hearsay.

**Samuel R. Gross**, the Thomas and Mabel Long Professor of Law, discussed

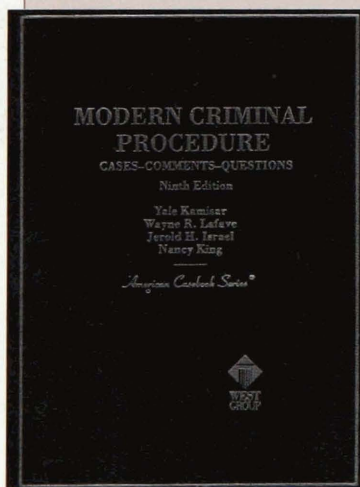
Kentucky's "Racial Justice Act" as speaker for the Kentucky Bar Association meeting in Louisville in June. Earlier this year, he presented a paper on erroneous convictions in capital cases for a faculty workshop at the University of Texas at Austin, and teamed with Kirkland and Ellis Professor of Law Phoebe Ellsworth to present a paper on attitudes toward the death penalty for a Vanderbilt University School of Law faculty workshop.

**Yale Kamisar**, the Clarence Darrow Distinguished University Professor of Law, was presented with the Distinguished Alumnus Award by the New York University Alumni Association in June. Kamisar received his undergraduate degree from New York University in 1950. The award says: "Your extensive writings on criminal law, the administration of criminal justice, and the

'politics of crime' have contributed significantly to the law and the legal profession. Through your publications and research on euthanasia, you have influenced the lives of all Americans. As one of the nation's most outstanding law professors, you have indeed shaped the future for all of us."

Clinical Assistant Professor **Rochelle Lento**, director of the Legal Assistance for Urban Communities Clinic, is a member of the Chamber of Commerce Leadership Detroit XXI 1999-2000 Class and the governing board of the American Bar Association Forum on Affordable Housing and Community Development Law. In July, she will begin participation in the Program for Senior Executives in State and Local Government at the JFK School of Government at Harvard.

Clinical Assistant Professor **Andrea D. Lyon** focused on



### The 9th Edition —

The 9th edition of *Modern Criminal Procedure* is out (West Publishing, 1999), and authors Yale Kamisar, Wayne R. LaFare, Jerold H. Israel, and Nancy King, '87, note that it is 40 pages shorter than its predecessor, even though it integrates into its pages "numerous legislative changes and lower court rulings, and much significant law review commentary" that has occurred since the 8th edition was concluded. Still, they say, "this is still (and we have 'probable cause' to believe always will be) a big book." Sharp readers quickly will notice the addition of King's name to the names of the three authors whose names have become nearly synonymous with the casebook. "We are delighted that Nancy J. King has agreed to join us in this venture," Kamisar, LaFare, and Israel write. "We greatly appreciate the important contributions she has made to this edition." Kamisar especially has praised her chapter on sentencing and her streamlining of the chapter on habeas corpus. King, who was a visiting professor at the Law School in fall 1998, is a professor of law and associate dean for research and faculty development at Vanderbilt University Law School. She also is helping Israel write a multi-volume treatise on criminal procedure. Kamisar is Clarence Darrow Distinguished University Professor of Law at the Law School; LaFare is professor emeritus in the College of Law and Center for Advanced Study at the University of Illinois; and Israel is Alene and Allan F. Smith Professor of Law Emeritus at the Law School and Ed Rood Eminent Scholar in Trial Advocacy and Procedure at the University of Florida College of Law.

the topic "How to Try a Confession Case" while conducting the annual training seminar in June for the Maine Association of Criminal Defense Lawyers in Portland. During the winter she presented continuing legal education training sessions for the Oklahoma Association of Criminal Defense Lawyers in Oklahoma City, the Florida Association of Criminal Defense Lawyers in West Palm Beach, the Georgia Association of Criminal Defense Lawyers in Atlanta, and the State Appellate Defender's annual trial training in Chicago.

Professor **Deborah C. Malamud** was a panelist in the discussion of interdisciplinary labor law research at the annual meeting of the Law and Society Association in May in Chicago. In April, she conducted a faculty workshop at the University of Arizona Law School on the question "Are the Middle Classes Still Middle Class When They're Poor?"; and in March she discussed her "Reflections on Affirmative Action in South Africa" at the International Transformative Labor Law Conference in Cape Town. In January, she spoke on class and labor organizing at the Association of American Law Schools' annual meeting and also lectured on affirmative action at Albion College.

Professor **Ronald J. Mann** was elected a member of the American Law Institute in May.

**Christopher McCrudden**, a member of the Law School's Affiliated Overseas Faculty, has been serving as specialist advisor to the British House of Commons' Northern Ireland Affairs Committee. This summer he was named professor of human rights at Oxford.

In his role as court-appointed independent expert to the U.S. District Court for the Eastern District of Michigan, Professor **Richard H. Pildes** provided a formal report and testimony on Voting Act challenges to reorganization of Michigan's system of elected criminal trial court judges.

Assistant Professor **Adam C. Pritchard** delivered lectures on constitutional amendment and civil forfeiture at the Public Choice Outreach Conference at George Mason University in May. In April he presented a paper on monitoring by directors who hold multiple directorships at the Law and Economics Workshop at Vanderbilt University School of Law and last fall presented a paper on exchange monitoring of securities fraud for the University of Michigan Law School's Law and Economics Workshop.

Professor **Mathias W. Reimann**, LL.M. '83, spoke on "Learning from the American University Model" at the University of Kaiserslautern in Germany in May and on "International Law and Comparative Law" at the annual meeting of the American Society of International Law in Washington, D.C., in March.

**Carl E. Schneider**, '79, the Stillman Professor of Law, presented the paper "Married Life and Marital Wealth," in

April at the Eighth Gallivan Conference on Real Property Law at the University of Connecticut. Early in 1999 he presented a paper at Wake Forest University Law School on "Mandatory Autonomy: Must Patients Make Their Own Medical Decisions?"

Affiliated Overseas Faculty member **Bruno Simma** earlier this year was named co-agent and counsel for Germany in a case against the United States before the International Court of Justice that raises questions under the Vienna Convention on Consular Relations when one country arrests and tries the citizens of another country. Professor **Richard H. Pildes** is of counsel in the case, and Professor **Roderick M. Hills** also is participating.

**Eric Stein**, the Hessel E. Yntema Professor Emeritus of Law, spoke on "Europe Without 'A People'" at the Sixth Biennial International Convention of the European Communities Studies Association in Pittsburgh in June.

**Lawrence W. Waggoner**, '63, Lewis M. Simes Professor of Law, was a panelist in the program on techniques for the interpretation of statutes, contracts, and donative transfers at the Association of American Law Schools convention in January. He also has attended many drafting meetings on uniform acts and restatements.

Hart Wright Professor of Law **James Boyd White** in

June presented the Harrow Lecture on Law and Literature at University College, London; in April he delivered the Bell Lecture on Law at Wooster College, and in March presented the plenary address to the Working Group in Law, Humanities, and Culture at Wake Forest College in Winston-Salem, North Carolina.

**James J. White**, '62, the Robert A. Sullivan Professor of Law, presented a lecture on "Changes to Article 9" to the South Carolina Commercial Lawyers in April; in March he addressed the South Carolina Bank Lawyers on "Politics of the ALI and the National Conference of Commissioners" and spoke on contract law at the Commercial Law Symposium at Wayne State University Law School.

Professor **Christina B. Whitman**, '74, spoke on behalf of the Supreme Court Bar resolution as a memorial for Justice Powell in May. She also has accepted a second two-year term as the Law School's associate dean for academic affairs.

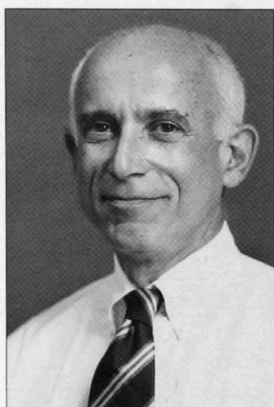
# Visiting faculty —

## reflections of the many sides of legal careers

Students at the Law School learn from many sources — casebooks, textbooks, and library holdings; each other, guest speakers and other experts; the expertise and experience that faculty members share — and from a rich variety of visiting faculty members whose diversity of experiences, viewpoints, and approaches add significantly to the educational resources that students encounter at the Law School.

The Law School is reaching out widely to bring to students the talents of many practitioners, teachers, and other legal specialists. Here, meet those who are teaching as visiting professors throughout the 1999-2000 academic year or in the current fall term. The listing is accurate at deadline time but may be subject to change.

### Academic Year 1999-2000



**John S. Beckerman** is teaching Advanced Civil Procedure in the fall term and Enterprise Organization in the winter term. A winner of the L. Hart Wright Award for exceptional teaching last year as a visiting professor, Beckerman has a doctorate in history from the University of London and a J.D. from Yale Law School. He clerked for the Hon. José A. Cabranes of the U.S. District Court of Connecticut. He has taught at Yale Law School, Rutgers, Camden, and Benjamin Cardozo Law School, and practiced as a litigator in New York City. His article, "Let the Money Do the Monitoring:

How Institutional Investors Can Reduce Agency Costs in Securities Class Actions," which appeared in the *Yale Law Journal*, provided the basis for the "lead plaintiff" provision in the Private Securities Litigation Reform Act of 1995.

**Laurence D. Connor**, '65, is a senior litigation partner at Dykema Gossett in Detroit, where he specializes in complex business and tort litigation, trials, appeals, and alternative dispute resolution. He is chairman of the Michigan State Bar section on alternative dispute resolution. At the Law School, he is teaching Mediating Legal Disputes in the fall term and Alternative Dispute Resolution in the winter term.

**Martha M. Ertman** earned her J.D. from Northwestern University School of Law and clerked in the U.S. District Court for the Eastern District of Louisiana. She has practiced commercial litigation in Denver and Seattle and has published a number of journal articles on the legal regulation of intimate relationships. In 1998, in the article

"Commercializing Marriage," which appeared in the *Texas Law Review*, she recommended that UCC Article 9 rules governing debtor/creditor relations be imported into family law. She has taught since 1994 at the University of Denver College of Law, where she is an assistant professor. She is teaching Secured Transactions during the fall term and Commercial Transactions during the winter term.

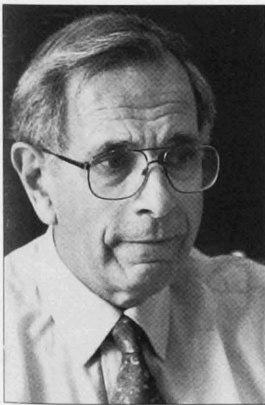
**Joan L. Larsen** is teaching Criminal Procedure: Bail to Post Conviction Review in the fall term and Introduction to Constitutional Law during the winter term. A graduate of Northwestern University School of Law, she clerked for Judge David B. Sentelle of the U.S. Court of Appeals for the District of Columbia and then for Justice Antonin Scalia of the U.S. Supreme Court. She has practiced with Sidley & Austin and taught at Northwestern University School of Law.

**Takashi Maruta, LL.M.** '81, earned his Ph.D. from Kwansai Gakuin University in Nishinomiya, Japan, where he now is a professor of law. He is teaching Individual Rights in Japan during the fall term and Japanese Legal Documents during the winter term. He was a visiting professor at the Law School in 1993-94, and also has been a visiting law professor at the University of Hawaii and at the University of Sussex, England. He is a member of the editorial boards of *Contemporary Issues in Law* in Great Britain and *Law & Policy* at the School of Law at the State University of New York at Buffalo.

## Fall Term 1999



**Roberta J. Morris** is teaching Advanced Topics in Patent Law in the fall term and Patent Law in the winter term. A frequent visitor at the Law School, she earned her J.D. from Harvard Law School and her Ph.D. in physics from Columbia University. She has practiced at White & Case and Fish & Naeve, a patent law firm, and served as assistant general counsel for Mt. Sinai Medical Center in New York.



**Cyril Moscow**, '57, the co-author of textbooks on Michigan corporate law and securities regulation, practices corporate and securities law as a partner with

Honigman, Miller, Schwartz & Cohn in Detroit. He is teaching Business Planning during the fall term and Advanced Problems in Corporate Law in the winter term.

**Julie A. Nice** earned her J.D. from Northwestern University School of Law and is lead author of *Poverty Law: Theory and Practice* (West, 1997). She is Hughes Research Professor at the University of Denver College of Law, where she has taught since 1991 and received the Professor of Year for Teaching Excellence award four times. She has practiced with the Legal Assistance Foundation of Chicago and taught for two years as a fellow in Northwestern's legal clinic. At the Law School, she is teaching Introduction to Constitutional Law during the fall term and Civil Procedure during the winter term.



**Hanoch Dagan** earned his J.S.D. in law from Yale Law School after receiving his law degree from Tel Aviv University, where he now is a professor of law. He has practiced law in Israel. His recent book, *Unjust Enrichment: A Study of Private Law and Public Values*, appeared in the Cambridge University Press series of studies in international and comparative law. He also has published many articles on private law theory, takings law, distributive justice, and property theory. This fall he is teaching American Legal Theory.

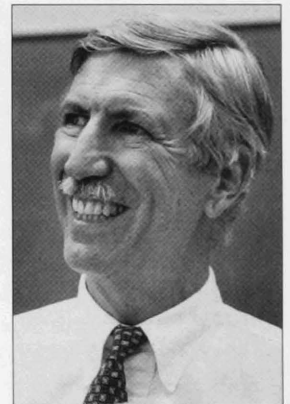
**Nora V. Demleitner** earned her J.D. from Yale Law School and her LL.M. from Georgetown University Law Center. She clerked for the Hon. Samuel A. Alito Jr. of the U.S. Court of Appeals for the Third Circuit. An editor of the

*Federal Sentencing Reporter*, she is a professor of law at St. Mary's University School of Law in San Antonio. She is teaching Criminal Law.



**Paula L. Ettelbrick** is teaching Sexuality and the Law. She is director of public policy for the National Center for Lesbian Rights. She has taught at the Law School previously and has practiced as an associate with Miller Canfield Paddock & Stone.

**Timothy L. Fort** is teaching Legal Profession and Legal Ethics. An assistant professor of business ethics and business law at the University of Michigan School of Business Administration, he earned his J.D. and Ph.D. from Northwestern University. Named the outstanding untenured business law professor in the United States in 1998, he has published extensively in law reviews and business ethics journals.



**William R. Jentes**, '56, is a senior partner at Kirkland & Ellis in Chicago. A frequent visitor at the Law School, he also has lectured at the University of Chicago Law School and for the

*Continued on page 52*



# FACULTY

Continued from page 51

American, Federal, Texas, Illinois, and Chicago bar associations. He is teaching Complex Litigation.

**Mark J. Loewenstein** is teaching Enterprise Organization. A professor at the University of Colorado School of Law, he earned his J.D. from the University of Illinois. He has been a French Government Fellow at the Universite de Caen in France and a Fulbright scholar and visiting professor of law at Hokkaido University, Sapporo, Japan. He is a member of the Securities Board of the State of Colorado and has practiced with Altheimer & Gray in Chicago. He is teaching Enterprise Organization.



**Jeffrey H. Miro**, '67, a frequent visitor to the law school, is teaching Federal Income Tax Relating to Real Estate. He is chairman of Miro, Wiener & Kramer, Bloomfield Hills.

PHOTO BY BOB KALMBACH



**Lynda J. Oswald**, '86, a professor in the business law group at the University of Michigan School of Business Administration, earned her law degree in a joint J.D./M.B.A. program at the University of Michigan. She served on the editorial board of the *Michigan Law Review*

while a law student, and afterward clerked for the Hon. Cornelia Kennedy, '47, of the U.S. Sixth Circuit. She has practiced with a large firm and taught at the University of Florida Law School. She was a visiting scholar at China University of Political Science and Law in Beijing and at Lviv State University in Lviv, Ukraine. Her research focuses on property and environmental law issues. She is teaching Environmental Law and Real Property.

**Kenneth W. Simons**, '78, clerked for the Hon. Thurgood Marshall of the U.S. Supreme Court. He also clerked for the Hon. James Oakes of the U.S. Court of Appeals for the Second Circuit and practiced with Goodwin, Procter & Hoar in Boston. He has taught at the Boston University School of Law since 1982 and his articles have appeared in many journals, among them the *Boston University Law Review*, *Columbia Law Review*, *Cornell Law Review*, and the *UCLA Law Review*. He is teaching Torts.

**Michel Waelbroeck** is teaching European Community Law. He has been a visiting professor at the Law School previously, and is with Liedekerke Wolters Walebroeck and Kirkpatrick in Brussels.

## Affiliated Overseas Faculty

**Christine Chinkin**, professor of international law at the London School of Economics, is L. Bates Lee Visiting Professor and a member of the Law School's Affiliated Overseas Faculty (see story on page 43). During the fall term, she is teaching International Dispute Resolution and co-teaching Women's Human Rights with Elizabeth A. Long Professor of Law Catharine A. MacKinnon.

**Christopher McCrudden** is professor of human rights (his essay on human rights appears on page 16) and a reader in law at Oxford University and a fellow of Lincoln College, Oxford. He is the United Kingdom's representative on the European Commission's group of lawyers advising on women's equality issues, and is a

specialist advisor to the House of Commons' Northern Ireland Affairs Committee. He is teaching a seminar on Comparative Human Rights Law during the fall term.

**Bruno Simma** is professor and dean of the School of Law at the University of Munich and an expert for conflict prevention activities of the UN Secretary General. He is co-teaching International Law with Professor Michael Heller during the fall term and a second course during the winter term. (His essay on human rights appears on page 20.)

## U.S. Supreme Court draws on faculty member's work

There are few higher compliments to a law professor than having his work play a significant role in the decision making of the U.S. Supreme Court. Professor Richard D. Friedman was pleased when the Court handed down a decision that reflected his work on the Confrontation Clause — and, indeed, the contents of the brief that he had co-written in the case.

At least four other faculty members also played roles in Supreme Court decision in the most recent term; these will be discussed in the spring issue of *Law Quadrangle Notes*.

To Friedman, the Sixth Amendment to the Constitution guarantees a criminal defendant the right to “be confronted with the witnesses against him.” He has been spending a great deal of energy addressing one fundamental question: To what extent does the Confrontation Clause bar a prosecutor from presenting evidence in court of what a person has said out of court? “The Supreme Court has interpreted the clause as virtually a constitutionalization of the law of hearsay,” Friedman says, “and the result is a mess. It yields doctrine that is complex and bizarre and that often obscures rather than highlights the great principle behind the clause.”

That principle, Friedman says, may be gleaned by examining the language of the clause. “The clause doesn’t speak in terms of hearsay, or of hearsay exceptions, or of the reliability of evidence,” he points out. “It says that the accused has a right to confront the witnesses against him. It doesn’t apply to all hearsay declarants — only ‘witnesses’ — but as to those it sets up a categorical rule.”

Of course, the key question is what out-of-court declarants should be deemed “witnesses.” “I think history casts a helpful light here,” says Friedman. “In medieval times, and in early Continental systems, accusers often gave their evidence outside the presence of the accused. One of the

great glories of the English system was the recognition that this was an improper way of giving testimony, and this principle was well established by the middle of the 17th century. In short, a witness is a person who makes a statement understood at the time to be creating evidence for a possible prosecution.

In *Lilly v. Virginia*, 119 S. Ct. 1887 (1999), the Supreme Court recently took a significant step moving confrontation doctrine toward the position Friedman has advocated. The case presented a simple, classic situation. Benjamin and Mark Lilly and a friend had gone on a two-day spree of robbery, drug and alcohol use, and car theft that eventually left one man dead from multiple, close-range gunshots. Mark Lilly told police that his brother was the triggerman, but at Benjamin’s trial Mark exercised his Fifth Amendment right not to testify and so was deemed to be unavailable for cross examination. Benjamin Lilly was convicted of murder and other crimes and sentenced to death. He turned to the U.S. Supreme Court after losing his appeal in the Virginia Supreme Court.

Friedman was one of the authors of an *amicus* brief filed in support of Lilly by the American Civil Liberties Union in the Supreme Court. (An edited version of the brief begins on page 90). The Court unanimously agreed that the decision of the Virginia Supreme Court had to be reversed, but it was badly fragmented as to the reasons. There was no majority opinion on the crucial issues. Although the plurality opinion did not purport to reevaluate confrontation doctrine, Friedman took heart from a passage emphasizing that the statements made by Mark Lilly “were obviously obtained for the purpose of creating evidence that would be useful at a future trial.”

Perhaps even more significant was the concurring opinion of Justice Stephen Breyer, a member of the plurality. Breyer wrote separately “to point out that the fact that we do not reevaluate the link

(between hearsay and confrontation doctrine) in this case does not end the matter. It may leave the question open for another day.” Breyer’s opinion relied heavily on the ACLU *amicus* brief and cited an article by Friedman, “Confrontation: The Search for Basic Principles,” 86 *Georgetown Law Journal* 1011-1043 (1998). “Viewed in the light of its traditional purposes,” Breyer wrote, “the current, hearsay-based Confrontation Clause text, *amici* argue, is both too narrow and too broad. The test is arguably too narrow insofar as it authorizes the admission of out-of-court statements prepared as testimony for a trial when such statements happen to fall within some well-recognized hearsay rule exception. . . .

“At the same time, the current hearsay-based Confrontation Clause test is arguably too broad. It would make a constitutional issue out of the admission of any relevant hearsay statement, even if that hearsay statement is only tangentially related to the elements in dispute, or was made long before the crime occurred and without relation to the prospect of a future trial.”

“Ours may have been the first ACLU brief ever to take the position that in some sense the Court has been interpreting a constitutional right too broadly,” says Friedman. “But Margaret Berger [his co-author] and I believe that the Court has been diluting the right by applying it to all hearsay declarants, and then deciding that the right can be overcome if the evidence fits within a hearsay exception or otherwise appears reliable. A narrower right would be a stronger right.”

## Faculty Publications



**Knowledge shared is knowledge gained, and faculty members at the University of Michigan Law School devote great time and energy to sharing the fruits of their research and reflection via a variety of publications.**

**Here we present a compilation of publications by faculty members from 1996 to the present.**

### LAYMAN E. ALLEN

"Some Examples of Using Legal Relations Language in the Legal Domain: Applied Deontic Logic," *73 Notre Dame Law Review* 535-75 (1998).

"The Legal Argument Games of Legal Relations on the Internet," *The Journal of Law and Information Science* (forthcoming) and *E-Law* (forthcoming). (Paper presented at the first Australasian Legal Information Institute Conference on Computerization of Law via the Internet, AusLII, University of Technology, Sydney, 25-27 June 1997.)

"Achieving Fluency in Modernized and Formalized Hohfeld: Puzzles and Games for the Legal Relations Language," *Proceedings of the Sixth International Conference on Artificial Intelligence and Law*, June 29-July 3, 1997, University of Melbourne, Melbourne.

"From the Fundamental Legal Conceptions of Hohfeld to Legal Relations: Refining the Enrichment of Solely Deontic Legal Relations," p. 1-26 in (Mark A. Brown and José Carmo, eds.) *Deontic Logic, Agency and Normative Systems*, Springer and the British Computer Society (1996). Presented at DEON '96: Third International Workshop on Deontic Logic in Computer Science, Sesimbra, Portugal (January 11-13, 1996); Volume in the (C.J. van Rijsbergen, ed.) *Workshops in Computing* series.

### REUVEN S. AVI-YONAH

"U.S. Notice 98-11 and the Logic of Subpart F: A Comparative Perspective," *Tax Notes International* (June 8, 1998).

"International Taxation of Electronic Commerce," *52 Tax Law Review* 507-55 (1997).

Comment on (Shay and Summers) "Selected International Aspects of Fundamental Tax Reform Proposals," *51 University of Miami Law Review* 1085-91 (1997).

Review of (John Head and Richard Krever) *Company Tax Systems*, Australian Tax Research Foundation (1997), *15 Tax Notes International* 37 (1997).

"U.S. International Treatment of Financial Derivatives" (with Linda Z. Swartz), *14 Tax Notes International* 787 (1997). Also at *74 Tax Notes* 1703 (1997).

*Taxation of Financial Instruments* (ed., with D. Newman and D. Ring), Clark, Boardman, Callaghan (1996).

"The Attribution Rules," *Tax Management* (1996).

"Slicing the Shadow: A Proposal for Updating U.S. International Taxation" (T. Okamura, tr.), *139 Kyoto Law Review* 89 (1996).

"From Income to Consumption Tax: Some International Implications," *33 San Diego Law Review* 1329-54 (1996).

"Comment on Grubert and Newlon, 'The International Implications of Consumption Tax Proposals'," *49 National Tax Journal* 259 (1996).

"Virtual Taxation: Source-Based Taxation in the Age of Derivatives," *2 Derivatives* 247 (1997). Also in (with L. Swartz) *Proceedings of the 89th Annual Congress of the National Tax Association* 269, Boston (1996).

"To End Deferral as We Know It: Simplification Potential of Check-the-Box," *13 Tax Notes International* 2207 (1996).

"The Structure of International Taxation: A Proposal for Simplification," *74 Texas Law Review* 1301-59 (1996).

### OMRI BEN-SHAHAR

"Rights Eroding by Past Breach," *1 American Law and Economics Review* (forthcoming 1999).

"The Tentative Case Against Flexibility in Commercial Law," *66 University of Chicago Law Review* (forthcoming 1999).

"Causation and Foreseeability," in (Bouckaert and DeGeest, eds.) *Encyclopedia of Law and Economics*, Elgar Publishing (forthcoming 1999).

"The Regulation of the Licensing of Professional Occupations," *1 The Economic Quarterly* 18-27 (in Hebrew) (1998).



"Should Products Liability be Based on Hindsight?" 14 *Journal of Law, Economics, and Organization* 325-57 (1998).

"Playing Without a Rulebook: Optimal Sanctions When Individuals Learn the Penalty Only by Committing the Crime," 7 *International Review of Law and Economics* 409-21 (1997).

"Criminal Attempts," in (P. Newman, ed.) *The New Palgrave Dictionary of Economics and the Law* (1998).

"The Economics of the Law of Criminal Attempts: A Victim-Centered Perspective," 145 *University of Pennsylvania Law Review* 299-351 (1996).

#### SUSANNA L. BLUMENTHAL

"Law and the Creative Mind," 74 *Chicago-Kent Law Review* (forthcoming 1999).

#### LORRAY S.C. BROWN

"From Product to Process: Evolution of a Legal Writing Program" (with Durako, Stanchi, Edelman, Amdur, and Connelly), 58 *University of Pittsburgh Law Review* 719 (Spring 1997).

#### EVAN H. CAMINKER

"Sincere and Strategic Voting Norms on Multi-Member Courts," 97 *Michigan Law Review* (forthcoming 1999).

"Context and Complementarity Within Federalism Doctrine," 22 *Harvard Journal of Law and Public Policy* 161-71 (Fall 1998).

"The Hunter Doctrine and Proposition 209: A Reply to Thomas Wood" (with Vik Amari), 24 *Hastings Constitutional Law Quarterly* 1001-14 (Summer 1997).

"Morning Coffee with Justice Brennan," 7 *Boston University Public Interest Law Journal* 3-7 (Winter 1998).

"Memorial Dedication to Justice William J. Brennan Jr.," 31 *Loyola of Los Angeles Law Review* 759-63 (April 1998).

"Printz, State Sovereignty, and the Limits of Formalism," 1997 *Supreme Court Review* 199-248 (1997).

"The Unitary Executive and State Administration of Federal Law," 45 *University of Kansas Law Review* 1075-1112 (July 1997).

"Equal Protection, Unequal Political Burdens, and the CCRI" (with Vik Amar), 23 *Hastings Constitutional Law Quarterly* 1019-56 (Summer 1996).

#### DAVID L. CHAMBERS

"Learning to Serve: The Findings and Proposals of the AALS Commission on *Pro Bono* and Public Service Opportunities" (principal author), Association of American Law Schools (May 1999).

"Doing Well and Doing Good: The Careers of Minority and White Graduates of the University of Michigan Law School, 1970-1996" (with Richard O. Lempert and Terry K. Adams), 42.2 *Law Quadrangle Notes* 60-71 (Summer 1999).

"Polygamy and Same-Sex Marriage," 26 *Hofstra Law Review* 53-83 (Fall 1997).

"Honesty, Privacy and Shame: When Gay People Talk about Other Gay People to Nongay People," 4 *Michigan Journal of Gender & Law* 255-73 (1997).

"25 Divorce Attorneys and 40 Clients in Two Not So Big but Not So Small Cities in Massachusetts and California: An Appreciation," 22 *Law and Social Inquiry* 209-31 (1997).

"What If? The Legal Consequences of Marriage and the Legal Needs of Lesbian and Gay Male Couples," 95 *Michigan Law Review* 447-491 (November 1996). Reprinted as "Marriage Today: Legal Consequences for Same Sex and Opposite Sex Couples," in 40.2 *Law Quadrangle Notes* 60-70 (Summer 1997).

#### SHERMAN CLARK

"The Courage of our Convictions," 97 *Michigan Law Review* (forthcoming 1999).

"Direct Democracy in America," 97 *Michigan Law Review* (forthcoming 1999).

"Literate Lawyering: An Essay on Imagination and Persuasion," *Rutgers Law Journal* (forthcoming 1999).

"A Populist Critique of Direct Democracy," 112 *Harvard Law Review* 434-82 (December 1998).

"To Thine Own Self Be True: Enforcing Candor in Pleading Through the Party Admissions Doctrine," 49 *Hastings Law Journal* 565-90 (March 1998).

"Law and Literature," 41.2 *Law Quadrangle Notes* 84-88 (Summer 1998).

#### EDWARD H. COOPER

"Commentary, An Alternative and Discretionary § 1367," 74 *Indiana Law Journal* 153-59 (Winter 1998).

"The (Cloudy) Future of Class Actions," 40 *Arizona Law Review* 923-63 (Fall 1998).

1999 and 1998 Supplements, Vols. 13, 13A, 15A, 15B, 16, 16B, 17, 18, *Federal Practice and Procedure: Jurisdiction* (with C. A. Wright and A. R. Miller).

Vols. 14, 14A, 14B, 14C, *Federal Practice and Procedure: Jurisdiction* 3rd (with C. A. Wright and A. R. Miller).

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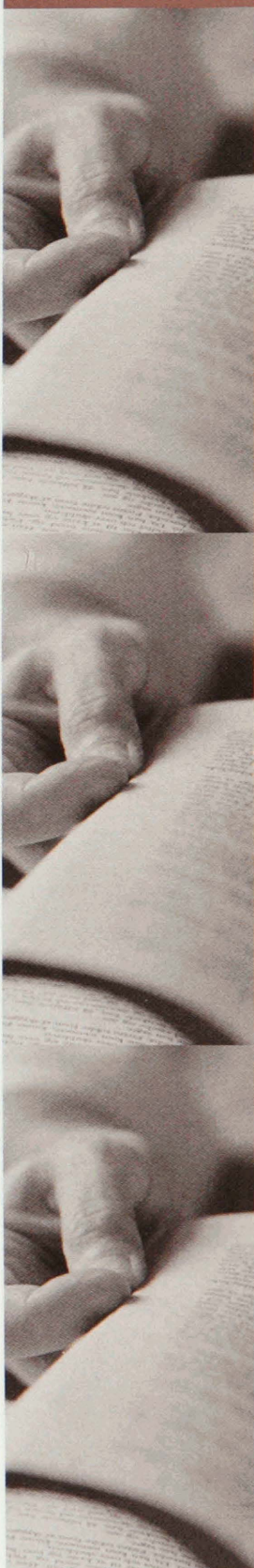
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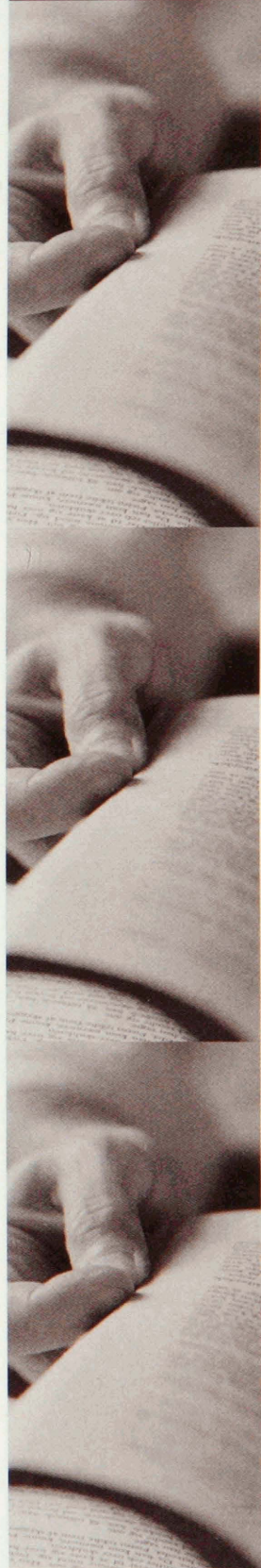
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