



RECENT LAW REVIEW ARTICLES



COURTS

Symposium. The Rehnquist Court in Empirical and Statistical Retrospective. Articles by Frank B. Cross, Thomas A. Smith, Antonio Tomarchio, Daniel A. Farber, Lori A. Ringhand, Stefanie A. Lindquist, Joseph L. Smith, Jason J. Czarnecki, William K. Ford, Paul H. Edelman, Jim Chen and Peter A. Hook. 24 Const. Comment. 3-264 (2007).

CRIMINAL LAW AND PROCEDURE

Alkon, Cynthia. The increased use of "reconciliation" in criminal cases in Central Asia: a sign of restorative justice, reform or cause for concern? 8 Pepp. Disp. Resol. L.J. 41-116 (2007).

Apol, John P. and Stacey M. Studnicki. Criminal law. 53 Wayne L. Rev. 183-221 (2007).

Appleman, Laura I. Retributive justice and hidden sentencing. 68 Ohio St. L.J. 1307-1385 (2007).

Ayres, Susan. Who is to shame? Narratives of neonaticide. 14 Wm. & Mary J. Women & L. 55-105 (2007).

Berman, Jordan. Comment. Overworking the presumption of sanity: Clark's use of mental disease evidence to negate mens rea. 55 UCLA L. Rev. 467-488 (2007).

Binnall, James M. Student essay. Deterrence is down and social costs are up: a parolee revisits ... (*Pa. Bd. Of Prob. & Parole v. Scott*, 524 U.S. 357, 1998.) 32 Vt. L. Rev. 199-216 (2007).

Bradshaw, Gilbert. Comment. Who's black, who's brown, and who cares?: a legal discussion of *Hernandez v. Texas*. 2007 BYU Educ. & L.J. 351-382.

Buzawa, Aaron D. Comment. Cruising with terrorism: jurisdictional challenges to the control of terrorism in the cruising industry. 32 Tul. Mar. L.J. 181-202 (2007).

Dennis, Andrea. Poetic (in)justice? Rap music lyrics as art, life, and criminal evidence. 31 Colum. J.L. & Arts 1-41 (2007).

Dunavant, Kristin C. Comment. Criminal procedure--State of Tennessee v. Scarbrough: precluding the application of offensive collateral estoppel in criminal cases. (*State of Tennessee v. Scarbrough*, 181 S.W.3d 650, 2005.) 37 U. Mem. L. Rev. 639-657 (2007).

Giannelli, Paul C. Wrongful convictions and forensic science: the need to regulate crime labs. 86 N.C. L. Rev. 163-235 (2007).

Goldscheid, Julie. Elusive equality in domestic and sexual violence law reform. 34 Fla. St. U. L. Rev. 731-777 (2007).

Hanson, Kyle P. Note. Suspicionless terrorism checkpoints since 9/11: searching for uniformity. 56 Drake L. Rev. 171-216 (2007).

Homer, Andrew W. Comment. Red sky at morning: the horizon for corporations, crew members, and corporate officers as the United States continues aggressive criminal prosecution of intentional pollution from ships. 32 Tul. Mar. L.J. 149-180 (2007).

Hogue, Franklin J. and Laura D. Hogue. Criminal law. 59 Mercer L. Rev. 89-121 (2007).

Hutchins, Renee McDonald. Tied up in *Knotts*? GPS technology and the Fourth Amendment. 55 UCLA L. Rev. 409-465 (2007).

Janssens, Christine. Case C-303/05, *Advocaten Voor de Wereld VZW v. Leden van de Ministerraad*. 14 Colum. J. Eur. L. 169-187 (2007/2008).

Joyner, Rep. Arthenia L. Equal protection—Florida's disenfranchisement law: appellate court affirms decision finding disenfranchisement provision does not violate Constitution. *Johnson v. Governor of the State of Florida, et al.*, 405 F.3d 1214 (11th Cir. 2005). 1 Fla. A&M U. L. Rev. 73-89 (2006).

Kerr, Orin S. Four models of Fourth Amendment protection. 60 Stan. L. Rev. 503-551 (2007).

Manchuk, Guy. Comment. The law of the flag and maritime criminal jurisdiction: a new rule to replace an outdated, inconvenient doctrine. 32 Tul. Mar. L.J. 221-248 (2007).

McAllister, Marc Chase. Two-way video trial testimony and the Confrontation Clause: fashioning a better Craig test in light of *Crawford*. 34 Fla. St. U. L. Rev. 835-875 (2007).

Naughton, Ross. Comment. State statutes limiting the dual sovereignty doctrine: tools for tribes to reclaim criminal jurisdiction stripped by Public Law 280? 55 UCLA L. Rev. 489-519 (2007).

Pettys, Todd E. State habeas relief for federal extrajudicial detainees. 92 Minn. L. Rev. 265-322 (2007).

Quinn, Molly C. Comment. Life without parole for juvenile offenders: a violation of customary international law. 52 St. Louis U. L.J. 283-315 (2007).

Restorative Justice: Choosing Restoration Over Retribution. Articles by Michal Alberstein, Zvi D. Gabbay, Julie Macfarlane, Mark S. Umbreit, Betty Vos, Robert B. Coates, Elizabeth Lightfoot, Howard J. Vogel and Maria R. Volpe; symposium presentations by Olga Botcharova, Hon. Janine Geske and Kay Pranis. 8 Cardozo J. Conflict Resol. 405-675 (2007).

Robinson, Paul H. and John M. Darley. Intuitions of justice: implications for criminal law and justice policy. 81 S. Cal. L. Rev. 1-67 (2007).

Sackin, Marc. Note. Applying *United States v. Stein* to New York's indigent defense crisis: show the poor some love too. 73 Brook. L. Rev. 299-336 (2007).

Seigel, Michael L. and Daniel Weisman. The admissibility of co-conspirator statements in a post-*Crawford* world. 34 Fla. St. U. L. Rev. 877-911 (2007).

Singh, Hansdeep. Comment. Bringing fairness to extradition hearings: proposing a revised evidentiary bar for political dissidents. 38 Cal. W. Int'l L.J. 177-216 (2007).

Spinden, Alison K. Note. Slurred speech and double vision: Missouri's Supreme Court is unsteady on DWI standard. (*York v. Director of Revenue*, 186 S.W.3d 267, 2006.) 72 Mo. L. Rev. 1411-1435 (2007).

Torres, Mario S., Jr. and Jacqueline Stefkovich. Students' Fourth Amendment rights and the federal judgeship: examining the link between political appointments and case outcomes. 2007 BYU Educ. & L.J. 257-280.

Whitney, Justin W. Note. FISA's future: an analysis of electronic surveillance in light of the special needs exception to the Fourth Amendment. 47 Washburn L.J. 127-149 (2007).

Williams, Kristen A. Comment. Employing ex-offenders: shifting the evaluation of workplace risks and opportunities from employers to corrections. 55 UCLA L. Rev. 521-558 (2007).

Wright, Tracy Lamar. Comment. Let's take another look at that: false confession, interrogation, and the case for electronic recording. 44 Idaho L. Rev. 251-290 (2007).

Zakai, Jason E. Note. You say yes, but can I say no? The future of third-party consent searches after ... (*Georgia v. Randolph*, 547 U.S. 103, 2006.) 73 Brook. L. Rev. 421-465 (2007).

Zimmerman, Paul R. and Bruce L. Benson. Alcohol and rape: an "economics-of-crime" perspective. 27 Int'l Rev. L. & Econ. 442-473 (2007).

Zolkind, Douglas. Note. The case of the missing shareholders: a new restriction on honest services fraud in ... (*United States v. Brown*, 459 F.3d 509, 2006.) 93 Cornell L. Rev. 437-469 (2008).

Symposium: Homeland Security. Foreword by Lucy L. Thomson; articles by Joe D. Whitley, George A. Koenig, Steven E. Roberts, Michael Greenberger, Jody R. Westby, David Satola, William J. Luddy, Jr. and Lucy L. Thomson. 47 Jurimetrics J. 257-356 (2007).

EVIDENCE

Baker, Judge Joseph P. The paranormal, *Daubert*, dictionary court, and a futuristic courtroom drama. 1 Fla. A&M U. L. Rev. 117-130 (2006).

Dennis, Andrea. Poetic (in)justice? Rap music lyrics as art, life, and criminal evidence. 31 Colum. J.L. & Arts 1-41 (2007).

Frakt, David J.R. Fruitless poisonous trees in a parallel universe: *Hudson v. Michigan*, knock-and-announce, and the exclusionary rule. 34 Fla. St. U. L. Rev. 659-730 (2007).

Giannelli, Paul C. Wrongful convictions and forensic science: the need to regulate crime labs. 86 N.C. L. Rev. 163-235 (2007).

Kohl, Rhiana. Impacts of admissions and releases in prisons. 34 New Eng. J. on Crim. & Civ. Confinement 51-63 (2008).

Schneider, M. Bryan. Evidence. 53 Wayne L. Rev. 295-420 (2007).

Tilton, Allison F. Note. Expectation of privacy? How the circuits view post-conviction extractions of DNA: an examination of "special needs" and "general balancing". 34 New Eng. J. on Crim. & Civ. Confinement 193-220 (2008).

Treadwell, Marc T. Evidence. 59 Mercer L. Rev. 157-193 (2007).

Yang, Bryant Yuan Fu and Diane Chen Dai. Tipping the scale to bring a balanced approach: evidence disclosure in Chinese international arbitration. 17 Pac. Rim L. & Pol'y J. 41-71 (2008).

JUDGES

Siegel, Jonathan R. Judicial interpretation in the cost-benefit crucible. 92 Minn. L. Rev. 387-433 (2007).

JUVENILES

Ferguson, Cleveland III. Incrementalism, ideology and social choice: should the United States ratify the U.N. Convention on the Rights of the Child?--A practical perspective. 1 Fla. A&M U. L. Rev. 15-71 (2006).

Gordon, Daniel. America's constitutional dad: Justice Kennedy and his intricate children. 44 Idaho L. Rev. 161-184 (2007).

Quinn, Molly C. Comment. Life without parole for juvenile offenders: a violation of customary international law. 52 St. Louis U. L.J. 283-315 (2007).

Roberts, Dorothy E. Child welfare's paradox. 49 Wm. & Mary L. Rev. 881-901 (2007).

Smolin, David M. Child laundering as exploitation: applying anti-trafficking norms to intercountry adoption under the coming Hague regime. 32 Vt. L. Rev. 1-55 (2007).

Sykes, Tiffany. Note. Much ado about SOMETHING: reconciling *Roper v. Simmons* with the Gang Deterrence and Community Protection Act of 2007 and the possibility of inconsistent jurisprudence. (*Roper v. Simmons*, 543 U.S. 551, 2005.) 34 New Eng. J. on Crim. & Civ. Confinement 163-192 (2008).

LAW AND SOCIETY

Levinson, Justin D. Forgotten racial equality: implicit bias, decisionmaking, and misremembering. 57 Duke L.J. 345-424 (2007).

LAW ENFORCEMENT AND CORRECTIONS

Parker, RJ. Case comment. Home confinement: stretching the limits on restricting a probationer's liberty. (*Commonwealth v. Morasse*, 842 N.E.2d 909, 2006.) 34 New Eng. J. on Crim. & Civ. Confinement 133-161 (2008).

Ravich, Timothy M. Is airline passenger profiling necessary? 62 U. Miami L. Rev. 1-57 (2007).

Zucker, Bruce. The right to confront adverse witnesses at post-conviction release revocation hearings. 34 New Eng. J. on Crim. & Civ. Confinement 87-103 (2008).

Symposium. Parole and Probation. Articles by Wayne A. Logan, Richard G. Wright and Rhiana Kohl. 34 New Eng. J. on Crim. & Civ. Confinement 3-63 (2008).

LEGAL PROFESSION

Armitage, Mark A. Professional responsibility. 53 Wayne L. Rev. 541-562 (2007).

Davis, Anthony E. Legal ethics and risk management: complementary visions of lawyer regulation. 21 Geo. J. Legal Ethics 95-131 (2008).

Hammargren, Laura R. Comment. Servant leadership and women in the law: a new nexus of women, leadership and the legal profession. 4 U. St. Thomas L.J. 624-642 (2007).

MacEwen, Bruce, Milton C. Regan, Jr. and Larry Ribstein. Law firms, ethics, and equity capital. 21 Geo. J. Legal Ethics 61-94 (2008).

Oseid, Julie A. When Big Brother is watching [out for] you: mentoring lawyers, choosing a mentor, and sharing ten virtues from my mentor. 59 S.C. L. Rev. 393-431 (2008).

Pabon Lopez, Maria. The future of women in the legal profession: recognizing the challenges ahead by reviewing current trends. 19 Hastings Women's L.J. 53-103 (2008).

Rigg, Robert R. The t-rex without teeth: evolving *Strickland v. Washington* and the test for ineffective assistance of counsel. 35 Pepp. L. Rev. 77-105 (2007).

Williams, Joan C. The politics of time in the legal profession. 4 U. St. Thomas L.J. 379-404 (2007).

MOTOR VEHICLES

Volik, Heather Harrison. Driving down the wrong road: the Fifth Circuit's definition of unauthorized use of a motor vehicle as a crime of violence in the immigration context. 39 St. Mary's L.J. 149-184 (2007).

PRACTICE AND PROCEDURE

Cook, Kate S., et al. Trial practice and procedure. 59 Mercer L. Rev. 423-446 (2007).

Hall, Roland F.L. Appellate practice and procedure. 59 Mercer L. Rev. 21-33 (2007).

SEXUALITY AND THE LAW

Hamrin, Rebecca Kennedy Comment. Supervised release under chapter 980: alternatives to protect Wisconsin while upholding the Constitution. 2007 Wis. L. Rev. 889-932.

Teichner, Lauren A. Unusual suspects: recognizing and responding to female staff perpetrators of sexual misconduct in U.S. prisons. 14 Mich. J. Gender & L. 259-298 (2008).

Zimmerman, Paul R. and Bruce L. Benson. Alcohol and rape: an "economics-of-crime" perspective. 27 Int'l Rev. L. & Econ. 442-473 (2007).

SOCIAL WELFARE

Acs, Gregory. A good employee or a good parent? Challenges facing low-income working families. 4 U. St. Thomas L.J. 489-507 (2007).

Lipman, Francine J. Bearing witness to economic injustices of undocumented immigrant families: a new class of "undeserving" poor. 7 Nev. L.J. 736-758 (2007).

Scaparotti, Alyssa E. Note. Serious emotional disturbances: children's fight for community-based services through Medicaid litigation. 41 Suffolk U.L. Rev. 193-215 (2007). ■