

Journal Watch
July, 2010

**APPELLATE
LITIGATION**

“Observations on the Rise of the Appellate Litigator.” 29 **The Review of Litigation** 511 (Symposium 2010, No. 3).

BANKRUPTCY

“The Appeal of Direct Appeal – Use of the New 28 U.S.C. §158(d)(2).” 84 **American Bankruptcy Law Journal** 145 (Issue 2, 2010).

CLASS ACTIONS

“Nine Lives: The Punitive Damage Case.” 58 **University of Kansas Law Review** 845 (May 2010, No. 4).

CRIMINAL LAW

“The District Attorney’s Role in Criminal Justice Reform.” 44 **International Society of Barristers** 456 (October 2009, No. 4).

DISCOVERY

“Facebook Isn’t Your Space Anymore: Discovery of Social Networking Websites.” 58 **University of Kansas Law Review** 1279 (June 2010, No. 5).

ELDER CARE

“Step by Step: Help Your Clients Pick a Nursing Home.” 46 **Trial** 16 (July 2010, No. 7).

EMPLOYMENT LAW

“An Inevitable Progression in the Scope of Title VII’s Anti-Retaliation Provision: Third-Party Retaliation Claims.” 38 **Capital University Law Review** 643 (Spring 2010, No. 3).

“*Ricci v. DeStefano*: New Opportunities for Employers to Correct Disparate Impact Using Croson Studies (Part One of a Two Part Series).” 61 **Labor Law Journal** 67 (Summer 2010, No. 2).

ESTATE PLANNING

“The Grantor Trust Rules: Competing Powers and Ascertainable Standards.” 85 **Practical Tax Strategies** 4 (July 2010, No. 1).

FAMILY LAW

“Successful Strategies for Litigation and Trial of Marital Property Disputes.” 89 **Michigan Bar Journal** 20 (July 2010, No. 7).

“Marriage and Parenthood as Status and Rights: The Growing, Problematic and Possibly Constitutional Trend to Disaggregate Family Status from Family Rights.” 71 **Ohio State Law Journal** 127 (2010, No. 1).

“Revitalizing the Adversary System in Family Law.” 78 **University of Cincinnati Law Review** 891 (Spring 2010, No. 3).

FEDERAL PREEMPTION	“Two-Dimensional Federalism and Foreign Affairs Preemption.” 44 Valparaiso University Law Review 863 (Spring 2010, No. 3).
FIDUCIARY	“The 2010 Landscape for Fiduciaries: Dilemmas Faced During the ‘gap’” 149 Trusts & Estates 35 (July 2010, No. 7).
HITECH ACT	“Emerging Trends in Electronic Health Record Liability.” 52 For the Defense 39 (July 2010, No. 7).
INTENT	“Interpreting Intent: How Research on Folk Judgments of Intentionality can Inform Statutory Analysis.” 75 Brooklyn Law Review 409 (Winter 2009, No. 2).
JURY	“The Online Juror.” 93 Judicature 231 (May-June 2010, No. 6).
JUVENILE LAW	“Do You Swear to Tell the Truth, the Whole Truth, and Nothing But the Truth <i>Against</i> Your Child?” 43 Loyola of Los Angeles Law Review 551 (Winter 2010, No. 2).
PENSIONS	“DB Pensions: The Real Deal.” 17 Journal of Pension Benefits 3 (Summer 2010, No. 4).
PUBLIC PRIVACY	“Street Shootings: Covert Photography and Public Privacy.” 63 Vanderbilt Law Review 1131 (May 2010, No. 4).
REAL PROPERTY	“What You Should Know About Conservation Easements (with forms).” 26 The Practical Real Estate Lawyer 9 (July 2010, No. 4).
TAX LAW	“Tax Benefits for Litigation” 41 Tax Adviser 464 (July 2010, No. 7).