

**Journal Watch**  
**June, 2010**

**CONSTITUTIONAL  
LAW**

“OMG! Missing the Teachable Moment and Undermining the Future of the First Amendment – TISNF!” 60 **Case Western Reserve Law Review** 153 (Fall 2009, No. 1).

**COPYRIGHT LAW**

“Guardrail to Guardrail: Statutory Damage Awards in Copyright Infringement Litigation.” 2 **Landslide** 8 (May/June 2010, No. 5).

“Can the Application of Laches Violate the Separation of Powers?: A Surprising Answer from a Copyright Circuit Split.” 44 **Valparaiso University Law Review** 469 (Winter 2010, No. 2).

**CRIMINAL LAW**

“Prosecutorial Sound Bites: When do they Cross the Line?” 44 **Georgia Law Review** 1021 (Summer 2010, No. 4).

**DISCOVERY**

“When Privileged Information Slips Through: Assessing the Impact of FRE 502.” 52 **For the Defense** 16 (June 2010, No. 6).

**EMPLOYMENT LAW**

“Severance and Retention Plans: Practical Considerations.” 34 **ALI-ABA Business Law Course Materials Journal** 4 (June 2010, No. 3).

**ESTATE PLANNING**

“I Do, Act II: Your Guide for Estate Planning in the Context of Second Marriages.” 149 **Trusts & Estates** 30 (June 2010, No. 6).

**FALSE CLAIMS**

“There’s Gold in False Claims.” 30 **California Lawyer** 14 (June 2010, No. 6).

**FAMILY LAW**

“The Due Process Rights of Parents to Cross-Examine Guardians ad Litem in Custody Disputes: The Reality and the Ideal.” 94 **Minnesota Law Review** 2103 (June 2010, No. 6).

**FEDERAL FALSE  
STATEMENTS ACT**

“When is Lying Illegal? When Should it Be? A Critical Analysis of the Federal False Statements Act.” 43 **John Marshall Law Review** 111 (Fall 2009, No. 1).

**HONEST SERVICES  
FRAUD**

“Honest Services Fraud: Federal Prosecution of Public Corruption at the State and Local Levels.” 84 **The Florida Bar Journal** 82 (June 2010, No. 6).

- INTERNATIONAL LAW** “Guns, Butter, and Judges: Judicial Frameworks for Cases Implicating Security-Wealth Tradeoffs.” 85 **New York University Law Review** 587 (May 2010, No. 2).
- LEGAL PRACTICE** “So You Want to Be ‘Of Counsel’ (with Forms).” 56 **The Practical Lawyer** 19 (June 2010, No. 3).
- MEDIATION** “Mediator Listening Skills for All Attorneys.” 89 **Michigan Bar Journal** 32 (June 2010, No. 6).
- MEDICAL MALPRACTICE** “Rules and Reptiles in Med-Mal Trials.” 46 **Trial** 36 (June 2010, No. 6).
- REAL ESTATE** “REMICs – New Guidance for Mortgage Modifications.” 37 **Real Estate Taxation** 100 (2010, No. 3).
- SOVEREIGN IMMUNITY** “Does an Individual Government Official Qualify for Immunity under the Foreign Sovereign Immunities Act?: A Human Rights-Bases Approach to Resolving a Problematic Circuit Split.” 69 **Maryland Law Review** 587 (2010, No. 3).
- STATE SECRETS** “The Coffee Table with Ears.” 30 **California Lawyer** 16 (July 2010, No. 7).
- TAX LAW** “Codification of the Economic Substance Doctrine – Much Ado About Nothing?” 112 **Journal of Taxation** 325 (June 2010, No. 6).
- “HIRE Act, Patient Protection and Affordable Care Act, and Health Care and Education Reconciliation Act of 2010: An Overview.” 56 **The Practical Lawyer** 45 (June 2010, No. 3).
- “Recent Cases Provide Relief for Substantiating Research Tax Credit Claims.” 84 **Practical Tax Strategies** 316 (June 2010, No. 6).
- “News Notes.” 41 **The Tax Adviser** 370 (June 2010, No. 6).