

**Journal Watch**  
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- ADA** “Discipline and Disability: When is Disease a Defense?” 26 **GP Solo** 30 (October/November 2009, No. 7).
- ADOPTION** “International Adoption law: A Comparative Analysis.” 43 **The International Lawyer** 1337 (Fall 2009, No 3).
- ADR** “Alternate Dispute Resolution: What Every Law Student Should Know.” 38 **Student Lawyer** 14 (October 2009, No. 2).
- ARBITRATION** “Arbitration Contract Clauses: A Potential Key to a Cost-Effective Process.” 16 **Dispute Resolution Magazine** 9 (Fall 2009, No. 1).
- BANKRUPTCY** “Get Real: Reframing the Debate over How to Calculate Projected Disposable Income in §1325(b).” 83 **American Bankruptcy Law Journal** 345 (2009, Issue 3).
- BANKRUPTCY LAW** “Negative Equity and Purchase-Money Security Interests Under the Uniform Commercial Code and the BAPCPA.” 95 **Cornell Law Review** 161 (November 2009, No. 1).
- BUSINESS LAW** “Supreme Court Update: Decisions from 2009.” 19 **Business Law Today** 43 (September/October 2009, No. 1).
- CHILD CUSTODY** “Avoiding Conflict at Home When There is Conflict Abroad: Military Child Custody and Visitation.” 43 **Family Law Quarterly** 349 (Summer 2009, No. 2).
- CLASS ACTIONS** “Rotten Bananas: How Dole Food’s Lawyers Discovered a Fraud on the Court, Casting Doubt on a Plaintiffs Bonanza.” 29 **California Lawyer** 22 (October 2009, No. 9).
- “Loss Causation and Class Certification.” 108 **Michigan Law Review** 255 (November 2009, No. 2).
- CONSTITUTIONAL LAW** “Constitutional Issues Under Ohio’s New Regulatory Framework for the Video Service Providers.” 37 **Capital Law Review** 819 (Spring 2009, No. 3).
- “Rethinking Free Speech and Civil Liability.” 109 **Columbia Law Review** 1650 (November 2009, No. 7).

“Evaluating Punishment in Purgatory: The Need to Separate Pretrial Detainees’ Conditions-of-Confinement Claims from Inadequate Eighth Amendment Analysis.” 108 **Michigan Law Review** 417 (December 2009, No. 3).

“From Privacy to Liberty: The Fourth Amendment After *Lawrence*” 57 **UCLA Law Review** 1 (October 2009, No. 1).

“On the Limits of Supremacy: Medical Marijuana and the States’ Overlooked Power to Legalize Federal Crime.” 62 **Vanderbilt Law Review** 1421 (October 2009, No. 5).

- CONSTRUCTION LAW** “Constructing the Construction Case: Tips, Traps and Tricks.” 64 **Dispute Resolution Journal** 62 (August-October 2009, No. 3).
- CONTRACT LAW** “Contract Design and the Structure of Contractual Intent.” 84 **New York University Law Review** 1023 (October 2009, No. 4).
- CONTRACTS** “Drafting Effective Contracts: How to Revise, Edit, and Use Form Agreements.” 19 **Business Law Today** 35 (Nov./Dec 2009, No. 2).
- COPYRIGHT LAW** “Global Trends in Online Copyright Enforcement: A Non-Neutral Role for Network Intermediaries?” 49 **Jurimetrics** 375 (Summer 2009, No. 4).
- “Fair or Foul? The Unanswered Fair Use Implications of the Google Library Project.” 2 **Landslide** 24 (September/October 2009, No. 1).
- CORPORATE TAX** “Liquidation, Reorganization, or Both: Unrestrained Complexity is Not a Joy.” 111 **Journal of Taxation** 269 (November 2009, No. 5.)
- CRIMINAL LAW** “Taking a Stand in Taking a Stand: The Effect of a Prior Criminal Record on the Decision to Testify and on Trial Outcomes.” 94 **Cornell Law Review** 1353 (September 2009, No. 6).
- “Procedural Obstacles to Reviewing Ineffective Assistance of Counsel Claims in State and Federal Postconviction Proceedings.” 24 **Criminal Justice** 6 (Fall 2009, No. 3).
- “The Unworkability Imperative in Criminal Justice Rule-Making.” 55 **Loyola Law Review** 249 (Summer 2009, No. 2).

“Does the Prior Conviction Exception Apply to a Criminal Defendant’s Supervised Release Status?” 76 **The University of Chicago Law Review** 1323 (Summer 2009, No. 3).

“The Psychology of Conflicts of Interest in Criminal Cases.” 58 **The University of Kansas Law Review** 43 (October 2009, No. 1).

“The Constitutional Right to a Treaty Preemption Defense.” 40 **The University of Toledo Law Review** 971 (Summer 2009, No. 4).

## **DAMAGES**

“Procedural Protections in Punitive Damage Cases: Ensuring that Juries are asking the Right Questions About Wealth Evidence.” 81 **Temple Law Review** 1119 (Winter 2008, No. 4).

## **DISCOVERY**

“True Lies: Cutting-Edge Technology has Renewed the Search for a Better Lie Detector. Some Show Promise, but They Have Yet to be Tested in Court.” 95 **ABA Journal** 56 (October 2009, No. 10).

“Simplifying Expert Witness Discovery: Proposed New Federal Civil Rule 26.” 2 **Bar Journal of the Cleveland Metropolitan Bar Association** 16 (November 2009, No. 4).

## **ELDER LAW**

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## **EMPLOYMENT DISCRIMINATION**

“*Gross v. FBL Financial Services, Inc.*: Supreme Court Radically Changes the Ground Rules for Proving ADEA Claims.” 60 **Labor Law Journal** 121 (Fall 2009, No. 3).

## **EMPLOYMENT LAW**

“A Death in the Office.” 95 **ABA Journal** 30 (November 2009, No. 11).

“Attorney-Client Privilege Trumps Workplace Regulations.” 35 **Litigation News** 10 (Fall 2009, No. 1).

## **ENVIRONMENTAL LAW**

“Headwinds to a Clean Energy Future: Nuisance Suits Against Wind Energy Projects in the United States.” 97 **California Law Review** 1337 (October 2009, No. 5).

“Solar Flare-ups.” 29 **California Lawyer** 22 (November 2009, No. 11).

“Climate Change Litigation: Drawing Lines to Avoid Strict, Joint and Several Liability.” 98 **The Georgetown Law Journal** 185 (November 2009, No. 1).

“The Evolution and New Directions in Environmental Auditing and Compliance Management.” 24 **Natural Resources & Environment** 3 (Fall 2009, No. 2).

“Global Warming and the Management-Centered Corporation.” 44 **Wake Forest Law Review** 671 (Fall 2009, No. 3).

## **ESTATE PLANNING**

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## **FAMILY LAW**

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## **FREE SPEECH**

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“But It’s My Turn to Speak! When Can Unruly Speakers at Public Hearings be Forced to Leave or Be Quiet?” 41 **The Urban Lawyer** 579 (Summer 2009, No. 3).

## **GOVERNMENT LIABILITY**

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## **INTERNATIONAL LAW**

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- “Letting Lawyers Go: The Legal and Practical Aspects of Law Firm Layoffs.” 55 **The Practical Lawyer** 43 (October 2009, No. 5).
- LAW PRACTICE** “Business Development Strategies for Smaller Firms: Tactics and Tools for Competing on any Budget.” 35 **Law Practice** 38 (September/October 2009, No. 6).
- “Résumé Rules: The Right Design can Make Your Résumé a Tool to Generate and Direct Interviews.” 38 **Student Lawyer** 20 (November, 2009, No. 3).
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- MEDICAID** “Making Medical Assistance Available: Enforcing the Medicaid Act’s Availability Provision through §1983 Litigation.” 109 **Columbia Law Review** 1440 (October 2009, No. 6).
- MEDICARE** “Medicare Secondary Payer Enforcement: Shifting the Burden of Medicare to the Private Sector.” 39 **The Brief** 12 (Fall 2009, No. 1).
- MUNICIPAL LAW** “When the Interests of Municipalities and Their Officials Diverge: Municipal Dual Representation and Conflicts of Interest in §1983 Litigation.” 119 **Yale Law Review** 86 (October 2009, No. 1).

- OHIO LAW** “Survey of Ohio Law: Ohio Supreme Court Decisions 2008.” 35 **Ohio Northern University Law Review** 1033 (No. 3).
- PATENTS** “The Internalization of Corporate Patent Infringement: Challenging the Federal Circuit’s Approach to Corporate-Participant Liability.” 88 **Texas Law Review** 217 (November 2009, No. 1).
- PENSION PLANS** “International Investments: Surprise Reporting Requirements for Plans and Fiduciaries.” 17 **Journal of Pension Benefits** 45 (Autumn 2009, No. 1).
- PENSIONS** “Current Developments in Employee Benefits and Pensions (Part I).” 40 **The Tax Adviser** 756 (November 2009, No. 11).
- PRIVACY** “Employers Cannot Get the Message: Text Messaging and Employee Privacy.” 54 **Villanova Law Review** 513 (2009, No. 3).
- PROBATE** “Reconfiguring Estate Settlement.” 94 **Minnesota Law Review** 42 (November 2009, No. 1).
- REAL ESTATE LAW** “Green Building Leasing Issues.” 25 **The Practical Real Estate Lawyer** 29 (November 2009, No. 6).
- REAL PROPERTY** “The Consequences of Acquiring Distressed Real Estate Loans.” 37 **Real Estate Taxation** 14 (4<sup>th</sup> Quarter 2009, No. 1).
- S CORPORATIONS** “Current Developments in S Corporations (Part 1).” 40 **The Tax Adviser** 702 (October 2009, No. 10).
- SCHOOL LAW** “MySpace, YourSpace, OurSpace: Student Cyberspeech, Bullying, and Their Impact on School Discipline.” 2009 **University of Illinois Law Review** 1623 (No. 5).
- SPECIAL NEEDS TRUSTS** “Don’t Give Directly to Special Needs Relatives.” 148 **Trusts & Estates** 16 (November 2009, No. 11).
- SUNSHINE LAWS** “Opening Virtual Doors: Addressing Ohio’s Open Meeting Law and the Use of Electronic Communication.” 34 **University of Dayton Law Review** 407 ( Spring 2009, No. 3).

**TAX LAW**

“Debt Workout Issues for REITs are Complicated, Whether They are Debtors or Creditors.” 111 **Journal of Taxation** 158 (September 2009, No. 3).

“Investment and Tax Planning Strategies for Uncertain Economic Times.” 83 **Practical Tax Strategies** 154 (September 2009, No. 3).

“Structure a Buy-Sell Agreement for Maximum Utility.” 83 **Practical Tax Strategies** 196 (October 2009, No. 4).

“New Tax Rules for Child Dependency Exemptions of Divorced or Separated Parents or Parents Who Live Apart.” 87 **Taxes: The Tax Magazine** 36 (October 2009, No. 10).

“Foreign Bank Accounts – FBAR Reporting Obligations, Enforcement Exposures and Managing the Risk: What Every Tax and Compliance Advisor Needs to Know Now!” 87 **Taxes: The Tax Magazine** 35 (November 2009, No. 11).

“Triangles in a World of Squares: A Primer on Significant U.S. Federal Income Tax Issues for Natural Resources Publicly Traded Partnerships (Part I).” 87 **Taxes: The Tax Magazine** 21 (December 2009, No. 12).

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“W(h)ither Preemption?” 45 **Trial** 24 (November 2009, No. 11).

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“Closing Arguments.” 76 **Defense Counsel Journal** 437 (October 2009, No. 4).

**WAGE & HOUR**

“Fair Labor Standards Act and Federal Wage and Hour Issues.” 33 **ALI-ABA Business Law Course Materials Journal** 3 (October 2009, No. 5).

**WORKERS' COMP**

“The Case for Bad Faith in Workers' Comp.” 45 **Trial** 32 (October 2009, No. 10).