SUBJECT INDEX

ADMINISTRATIVE LAW

HAWLEY, Joshua D.
The Transformative Twelfth Amendment . . 1501

HESSICK, F. Andrew
HESSICK, Carissa Byrne
The Non-Redelegation Doctrine . . . 163

KIM, Andrew Tae-Hyun
Rethinking Review Standards in Asylum . . 581

TRAN, Sarah
Cyber-Republicanism . . . 383

DIAMOND, Shari Seidman
ROSE, Mary R.
MURPHY, Beth
Embedded Experts on Real Juries: A Delicate Balance . . . . 885

HANS, Valerie P.
What’s It Worth? Jury Damage Awards as Community Judgments 935

LAHAV, Alexandra D.
The Jury and Participatory Democracy . . . 1029

LANDSMAN, Stephan
Juries as Regulators of Last Resort . . . 1061

LEIB, Ethan J.
SEROTA, Michael
PONET, David L.
Fiduciary Principles and the Jury . . . . 1109

KRITZER, Herbert M.
LIU, Guangya
VIDMAR, Neil
An Exploration of “Noneconomic” Damages in Civil Jury Awards . . . 971

NELSON, William E.
Political Decision Making by Informed Juries . . . 1149

SOMIN, Ilya
Jury Ignorance and Political Ignorance . . . . 1167

THOMAS, Suja A.
Blackstone’s Curse: The Fall of the Criminal, Civil, and Grand Juries and the Rise of the Executive, the Legislature, the Judiciary, and the States . . . 1195

BANKRUPTCY

SKEEL, JR., David A.
When Should Bankruptcy Be An Option (For People, Places, or Things)? . . 2217

CIVIL PROCEDURE

ABRAMSON, Jeffrey
Second-Order Diversity Revisited . . . 739

AMAR, Akhil Reed
Opening Remarks, Symposium, The Civil Jury as a Political Institution . . . 729

ARDIA, David S.
Freedom of Speech, Defamation, and Injunctions . . . . 1

CARBONE, Christina S.
PLAUT, Victoria C.
Diversity and the Civil Jury . . . . 837

2321
WHITEHOUSE, Sheldon
Restoring the Civil Jury’s Role
in the Structure of our
Government . . . . . . . 1241

CIVIL RIGHTS

LANDAU, Joseph
Presidential Constitutionalism
and Civil Rights ...... 1719

MARCEAU, Justin F.
Is Guilt Dispositive? Federal
Habeas After Martinez 2071

O’ROURKE, Anthony
Windsor Beyond Marriage:
Due Process, Equality &
Undocumented
Immigration . . . . . . . 2171

RAMSINI, Larsa K.
Note, The Unwelcome
Requirement in Sexual
Harassment: Choosing a
Perspective and
Incorporating the Effect of
Supervisor-Subordinate
Relations . . . . . . . . . . . 1961

CONSTITUTIONAL LAW

ARAIZA, William D.
Flunking the Class-of-One/
Failing Equal Protection 435

ARDIA, David S.
Freedom of Speech,
Defamation, and
Injunctions . . . . . . . . . 1

DRANOFF, Scott
Note, Tinkering with Speech
Categories: Solving the
Off-Campus Student Speech
Problem with a Categorical
Approach and a
Comprehensive
Framework . . . . . . . . 649

HAWLEY, Joshua D.
The Transformative Twelfth
Amendment . . . . . . . 1501

HESSICK, F. Andrew
HESSICK, Carissa Byrne
The Non-Redelegation
Doctrine . . . . . . . . . . 163

LAHAV, Alexandra D.
The Jury and Participatory
Democracy . . . . . . . . 1029

LANDAU, Joseph
Presidential Constitutionalism
and Civil Rights ...... 1719

MARCEAU, Justin F.
Is Guilt Dispositive? Federal
Habeas After Martinez 2071

O’ROURKE, Anthony
Windsor Beyond Marriage:
Due Process, Equality &
Undocumented
Immigration . . . . . . . 2171

CONTRACT LAW

HOUSE, Nicholas R.
Note, Conflicting Property
Rights Between Conservation
Easements and Oil and Gas
Leases in Ohio: Why Current
Law Could Benefit
Conservation Efforts . . 1587

VERSTEIN, Andrew
Ex Tempore Contracting . 1869

CORPORATE LAW

LEIB, Ethan J.
SEROTA, Michael
PONET, David L.
Fiduciary Principles and
the Jury . . . . . . . . . . . 1109
PRESTIDGE, Adam
Note, Avoiding FCPA Surprises: Safe Harbor from Successor Liability in Cross-Border Mergers and Acquisitions ........ 305

CRIMINAL LAW

HESSICK, F. Andrew
HESSICK, Carissa Byrne
The Non-Redelegation Doctrine ..................... 163

MARCEAU, Justin F.
Is Guilt Dispositive? Federal Habeas After Martinez 2071

SULLY, Janet C.
Precedent or Problem?: Alameda County’s Diversion Policy for Youth Charged with Prostitution and the Case for a Policy of Immunity .............. 687

CRIMINAL PROCEDURE

ABRAMSON, Jeffrey
Second-Order Diversity Revisited .................. 739

DIAMOND, Shari Seidman
ROSE, Mary R.
MURPHY, Beth
Embedded Experts on Real Juries: A Delicate Balance ............. 885

FERGUSON, Andrew Guthrie
Personal Curtilage: Fourth Amendment Security in Public ........................ 1283

GRIFFIN, Christopher L.
SLOAN, Frank A.
ELDRED, Lindsey M.
Corrections for Racial Disparities in Law Enforcement ........ 1365

HESSICK, F. Andrew
HESSICK, Carissa Byrne
The Non-Redelegation Doctrine ..................... 163

LEIB, Ethan J.
SEROTA, Michael
PONET, David L.
Fiduciary Principles and the Jury .................. 1109

MARCEAU, Justin F.
Is Guilt Dispositive? Federal Habeas After Martinez 2071

O’ROURKE, Anthony
Windsor Beyond Marriage: Due Process, Equality & Undocumented Immigration ............. 2171

ELECTION LAW

LEVITT, Justin
The Partisanship Spectrum ..................... 1787

EMPIRICAL LEGAL STUDIES

ABRAMSON, Jeffrey
Second-Order Diversity Revisited .................. 739

BRUDNEY, James J.
BAUM, Lawrence
Oasis or Mirage: The Supreme Court’s Thirst for Dictionaries in the Rehnquist and Roberts Eras .................. 483

DIAMOND, Shari Seidman
ROSE, Mary R.
MURPHY, Beth
Embedded Experts on Real Juries: A Delicate Balance ............. 885
GRiffin, Christopher L.
SLOAN, Frank A.
ELDRED, Lindsey M.
Corrections for Racial Disparities in Law Enforcement ........ 1365

KRITZER, Herbert M.
LIU, Guangya
VIDMAR, Neil
An Exploration of “Noneconomic” Damages in Civil Jury Awards ... 971

EMPLOYMENT LAW
RAMSINI, Larsa K.
Note, The Unwelcome Requirement in Sexual Harassment: Choosing a Perspective and Incorporating the Effect of Supervisor-Subordinate Relations ............. 1961

ENVIRONMENTAL LAW
HOUSE, Nicholas R.
Note, Conflicting Property Rights Between Conservation Easements and Oil and Gas Leases in Ohio: Why Current Law Could Benefit Conservation Efforts .. 1587

FAMILY LAW
AVIEL, Rebecca
A New Formalism for Family Law ............. 2003

FEDERALISM
HESSICK, F. Andrew
HESSICK, Carissa Byrne
The Non-Redelegation Doctrine ............. 163

LANDAU, Joseph
Presidential Constitutionalism and Civil Rights ...... 1719

O’ROURKE, Anthony
Windsor Beyond Marriage: Due Process, Equality & Undocumented Immigration .......... 2171

STUBBLEBINE, Meghan S.
Note, The Federal Medical Loss Ratio: A Permissible Federal Regulation or an Encroachment on State Power? ............. 341

FIRST AMENDMENT
ARDIA, David S.
Freedom of Speech, Defamation, and Injunctions ............. 1

DRANOFF, Scott
Note, Tinkering with Speech Categories: Solving the Off-Campus Student Speech Problem with a Categorical Approach and a Comprehensive Framework ............. 649

HAN, David S.
The Mechanics of First Amendment Audience Analysis ............. 1647

FOURTH AMENDMENT
FERGUSON, Andrew Guthrie
Personal Curtilage: Fourth Amendment Security in Public ............. 1283

HEALTH CARE LAW AND POLICY
STUBBLEBINE, Meghan S.
Note, The Federal Medical Loss Ratio: A Permissible Federal Regulation or an Encroachment on State Power? ............. 341
## IMMIGRATION LAW

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>BARRETT, Erin E.</td>
<td>Note, Who Is Patrolling the Border of Ethical Conduct?: The Convergence of Federal Immigration Attorneys, Benefit Fraud, and Model Rule 4.2</td>
</tr>
<tr>
<td>KIM, Andrew Tae-Hyun</td>
<td>Rethinking Review Standards in Asylum</td>
</tr>
</tbody>
</table>

## INTELLECTUAL PROPERTY

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>BARTHOLOMEW, Mark</td>
<td>Trademark Morality</td>
</tr>
<tr>
<td>GRYNBERG, Michael</td>
<td>More Than IP: Trademark Among the Consumer Information Laws</td>
</tr>
<tr>
<td>MILLER, M.C.</td>
<td>Note, Copyrighting the “Useful Art” of Couture: Expanding Intellectual Property Protection for Fashion Designs</td>
</tr>
</tbody>
</table>

## INTERNET LAW

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRANOFF, Scott</td>
<td>Note, Tinkering with Speech Categories: Solving the Off-Campus Student Speech Problem with a Categorical Approach and a Comprehensive Framework</td>
</tr>
</tbody>
</table>

## JUDICIARY

<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMAR, Akhil Reed</td>
<td>Opening Remarks, Symposium, The Civil Jury as a Political Institution</td>
</tr>
<tr>
<td>AVIEL, Rebecca</td>
<td>A New Formalism for Family Law</td>
</tr>
<tr>
<td>BAUM, Lawrence</td>
<td>Oasis or Mirage: The Supreme Court’s Thirst for Dictionaries in the Rehnquist and Roberts Eras</td>
</tr>
<tr>
<td>CARBONE, Christina S.</td>
<td>Diversity and the Civil Jury</td>
</tr>
<tr>
<td>HANS, Valerie P.</td>
<td>What’s It Worth? Jury Damage Awards as Community Judgments</td>
</tr>
<tr>
<td>HESSICK, F. Andrew</td>
<td>The Non-Redelegation Doctrine</td>
</tr>
<tr>
<td>HESSICK, Carissa Byrne</td>
<td>An Exploration of “Noneconomic” Damages in Civil Jury Awards</td>
</tr>
<tr>
<td>KIM, Andrew Tae-Hyun</td>
<td>Rethinking Review Standards in Asylum</td>
</tr>
<tr>
<td>KKRITZER, Herbert M.</td>
<td>The Jury and Participatory Democracy</td>
</tr>
<tr>
<td>LIU, Guangya</td>
<td></td>
</tr>
<tr>
<td>VIDMAR, Neil</td>
<td></td>
</tr>
<tr>
<td>LAHAV, Alexandra D.</td>
<td>The Jury and Participatory Democracy</td>
</tr>
</tbody>
</table>
LANDSMA N, Stephan
Juries as Regulators of Last
Resort .................. 1061

LEVIT T, Justin
The Partisanship
Spectrum ............... 1787

NELSON, William E.
Political Decision Making
by Informed Juries . . . . 1149

SOMIN, Ilya
Jury Ignorance and Political
Ignorance ............... 1167

THOMAS, Suja A.
Blackstone’s Curse: The Fall
of the Criminal, Civil, and
Grand Juries and the Rise
of the Executive, the
Legislature, the Judiciary,
and the States ........... 1195

WHITEHOUSE, Sheldon
Restoring the Civil Jury’s Role
in the Structure of our
Government ............. 1241

LAW AND ECONOMICS

HOUSE, Nicholas R.
Note, Conflicting Property
Rights Between Conservation
Easements and Oil and Gas
Leases in Ohio: Why Current
Law Could Benefit
Conservation Efforts . . . 1587

KRITZER, Herbert M.
LIU, Guangya
VIDMAR, Neil
An Exploration of
“Noneconomic” Damages
in Civil Jury Awards . . . 971

SKEEL, JR., David A.
When Should Bankruptcy
Be an Option (for People,
Places, or Things)? . . . . 2217

LEGAL HISTORY

AMAR, Akhil Reed
Opening Remarks,
Symposium, The Civil
Jury as a Political
Institution ............. 729

BRUDNEY, James J.
BAUM, Lawrence
Oasis or Mirage: The
Supreme Court’s Thirst
for Dictionaries in the
Rehnquist and Roberts
Eras ................... 483

HAWLEY, Joshua D.
The Transformative Twelfth
Amendment ............ 1501

LANDSMA N, Stephan
Juries as Regulators of Last
Resort .................. 1061

MILLER, M.C.
Note, Copyrighting the “Useful
Art” of Couture: Expanding
Intellectual Property
Protection for Fashion
Designs ................. 1617

NELSON, William E.
Political Decision Making
by Informed Juries . . . . 1149

THOMAS, Suja A.
Blackstone’s Curse: The Fall
of the Criminal, Civil, and
Grand Juries and the Rise
of the Executive, the
Legislature, the Judiciary,
and the States ........... 1195

WHITEHOUSE, Sheldon
Restoring the Civil Jury’s Role
in the Structure of our
Government ............. 1241
### LOCAL GOVERNMENT LAW

ROEDER, Cassandra B.

Note, Transparency Trumps Technology: Reconciling Open Meetings Laws with Modern Technology ............ 2287

### PATENT LAW

MILLER, M.C.

Note, Copyrighting the “Useful Art” of Couture: Expanding Intellectual Property Protection for Fashion Designs ............ 1617

PEACOCK, Skyler R.


### PHILOSOPHY OF LAW

AMAR, Akhil Reed

Opening Remarks, Symposium, The Civil Jury as a Political Institution ............ 729

BURNS, Robert P.

The Jury as a Political Institution: An Internal Perspective ............ 805

CARBONE, Christina S.

Diversity and the Civil Jury ............ 837

LAHAV, Alexandra D.

The Jury and Participatory Democracy ............ 1029

LEIB, Ethan J.
SEROTA, Michael

PONET, David L.

Fiduciary Principles and the Jury ............ 1109

LEVITT, Justin

The Partisanship Spectrum ............ 1787

SOMIN, Ilya

Jury Ignorance and Political Ignorance ............ 1167

STASZEWSKI, Glen

Statutory Interpretation as Contestatory Democracy 221

### PROPERTY

HOUSE, Nicholas R.

Note, Conflicting Property Rights Between Conservation Easements and Oil and Gas Leases in Ohio: Why Current Law Could Benefit Conservation Efforts .. 1587

PEACOCK, Skyler R.


### STATUTORY INTERPRETATION

BRUDNEY, James J.

Oasis or Mirage: The Supreme Court’s Thirst for Dictionaries in the Rehnquist and Roberts Eras ............ 483

O’ROURKE, Anthony

Windsor Beyond Marriage: Due Process, Equality & Undocumented Immigration ............ 2171

PRESTIDGE, Adam

Note, Avoiding FCPA Surprises: Safe Harbor From Successor Liability in Cross-Border Mergers and Acquisitions ..... 305
RAMSINI, Larsa K.
Note, The Unwelcome
Requirement in Sexual
Harassment: Choosing a
Perspective and
Incorporating the Effect of
Supervisor-Subordinate
Relations ............. 1961

TECHNOLOGY AND LAW

PEACOCK, Skyler R.
Note, Why Manufacturing
Matters: 3D Printing,
Computer-Aided Designs,
and the Rise of End-User
Patent Infringement . . . 1933

ROEDER, Cassandra B.
Note, Transparency Trumps
Technology: Reconciling Open
Meetings Laws with Modern
Technology .......... 2287

TRAN, Sarah
Cyber-Republicanism . . . . 383

TORT LAW

KRITZER, Herbert M.
LIU, Guangya
VIDMAR, Neil
An Exploration of
“Noneconomic” Damages
in Civil Jury Awards . . . 971

TWELFTH AMENDMENT

HAWLEY, Joshua D.
The Transformative
Twelfth Amendment . . 1501