

Journal Watch
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- ADA** “A Call for Uniform Application of the Americans with Disabilities Act: Does Title II Support a Claim for Employment Discrimination.” 47 **Duquesne Law Review** 115 (Winter 2009, No. 1).
- “Lashing Back at the ADA Backlash: How the Americans with Disabilities Act Benefits Americans Without Disabilities.” 76 **Tennessee Law Review** 311 (Winter 2009, No. 2).
- ADMINISTRATIVE LAW** “Institutional Design and the Policing of Prosecutors: Lessons from Administrative Law.” 61 **Stanford Law Review** 869 (February 2009, No. 4).
- ANTITRUST** “Acquisitions from Financially Distressed Entities Under the HSR Act.” 23 **Antitrust** 18 (Spring 2009, No. 2).
- APPELLATE PROCEDURE** “Not Taking Frivolity Lightly: Circuit Variance in Determining Frivolous Appeals Under Federal Rule of Appellate Procedure 38.” 62 **Arkansas Law Review** 249 (2009, No. 2).
- BANKRUPTCY** “The Application of §502(b)(6) to Nontermination Lease Damages: To Cap or Not to Cap?” 83 **The American Bankruptcy Law Journal** 111 (Winter 2009, Issue 1).
- BIOMEDICINE** “Medicine and Money: Clinical Trials and the Financial Market. Are Clinical Trials being Compromised?” 5 **The SciTech Lawyer** 4 (Spring 2009, Issue 4).
- BUSINESS LAW** “75 Years After Prohibition: The Regulatory Hangover Remains.” 18 **Business Law Today** 45 (May/June 2009, No. 5).
- CIVIL RIGHTS** “Orwell’s Vision: Video and the Future of Civil Rights Enforcement.” 68 **Maryland Law Review** 600 (2009, No. 3).
- CLASS ACTIONS** “Two Worlds Collide: How the Supreme Court’s Recent Punitive Damages Decisions Affect Class Actions.” 58 **Defense Law Journal** 73 (May 2009, No. 2).

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“Confronting the Shadow: Is Forcing a Muslim Witness to Unveil in a Criminal Trial a Constitutional Right, or an Unreasonable Intrusion?” 36 **Pepperdine Law Review** 823 (2009, No. 3).

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“FAQ-Filled Guidance on Computing a Partner’s Interest in Profits, Losses, and Capital – Part 1.” 110 **Journal of Taxation** 207 (April 2009, No. 4).

CRIMINAL LAW

“How ‘Implied Consent’ Became Forcible Consent: Ohio’s Forcible Blood-Draw Law.” 1 **Cleveland Metropolitan Bar Journal** 33 (May 2009, No. 14).

“Equal Justice Under the Law: Post-*Booker*, Should Federal Judges Be Able to Depart from the Federal Sentencing Guidelines to Remedy the Disparity Between Codefendants’ Sentences?” 109 **Columbia Law Review** 538 (April 2009, No. 3).

“Go Directly to Jail: White Collar Sentencing After the Sarbanes-Oxley Act.” 122 **Harvard Law Review** 1728 (April 2009, No. 6).

“Symposium: Media, Justice, and the Law.” 61 **Stanford Law Review** 1333 (April 2009, No. 6).

“The Sound of Silence: Holding Batterers Accountable for Silencing Their Victims.” 87 **Texas Law Review** 857 (April 2009, No. 5).

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“Defamation on the Internet – A New Approach to Libel in Cyberspace.” 2 **Journal of International Media & Entertainment Law** 215 (Winter 2009, No. 2).

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“E-Discovery Issues: What Parties and Their Counsel Need to Know in Anticipation of and During Arbitration.” 64 **Dispute Resolution Journal** 20 (February – April 2009, No. 1).

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“Protecting the Elderly: Shield Older Clients from Abuse, Neglect, Fraud.” **Entire Issue:** 44 **Trial**, April 2009, No. 4.

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- FAMILY LAW** “When Love is Not Enough: Termination of Parental Rights When the Parents Have a Mental Disability.” 37 **Capital University Law School** 491 (Winter 2008, No. 2).
- “Family Law Practitioners Beware of the Moving Target.” 1 **Cleveland Metropolitan Bar Journal** 39 (April 2009, No. 13).
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- FMLA** “If I Sign This Release, I can Still Sue You later, Right? The Current (and Future) Status of FMLA Waivers.” 37 **Capital University Law Review** 137 (Fall 2008, No. 1).
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- GUARDIANSHIP** “Asperger’s Disorder, High-Functioning Autism, Guardianship Law in Ohio.” 42 **Akron Law Review** 955 (2009, No. 3).
- JUDGES** “Remaking the United States Supreme Court in the Courts’ of Appeals Image.” 58 **Duke Law Journal** 1439 (April 2009, No. 7).
- “The Promise of Neutrality: Reflections on Judicial Independence.” 36 **Human Rights** 3 (Winter 2009, No. 1).
- “Tips for Facilitating Problem-Solving Court Teams.” 48 **The Judges’ Journal** 20 (Spring 2009, No. 2).
- JUVENILE LAW** “What Does Rule 48 Mean for *Guardian ad Litem* Practice?” 1 **Cleveland Bar Journal** 35 (June 2009, No. 15).

- LABOR LAW** “Playing with Cards: The Incompatibility of the Employee Free Choice Act and the National Labor Relations Board’s Current Doctrines and Practices Governing Union Authorization Cards.” 60 **Labor Law Journal** 16 (Spring 2009, No. 1).
- LAW PRACTICE** “Expelling Law Firm Partners.” 57 **Cleveland State Law Review** 93 (2009, No. 1).
- “Are Your Bills Irrelevant to Clients? Value-Based Billing for Enhanced Client Service and Profitability.” 35 **Law Practice** 52 (June 2009, No. 4).
- “Innovation: Getting it Done.” 35 **Law Practice** 28 (April/May 2009, No. 3).
- LAW STUDENTS** “Stepping Up to the Podium with Confidence: A Primer for Law Students on Preparing and Delivering and Appellate Oral Argument.” 38 **Stetson Law Review** 75 (Fall 2008, No. 1).
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- ORGAN HARVESTING** “Cutting it Close: How a Small-Town DA’s Office Raised Disturbing Questions about the Harvesting of Organs.” 29 **California Lawyer** 18, June 2009, No. 6).
- OVI** “Two Lawyers Walk into a Bar...: DUI Defense is the Specialty People Love to Hate – But dare not Drive Without.” 29 **California Lawyer** 32 (May 2009, No. 5).
- PENSIONS** “Focus On...The Worker, Retiree, and Employer Recovery Act of 2008.” 16 **Journal of Pension Benefits** 5 (Spring 2009, No. 3).

- PRACTICE OF LAW** “Oral Argument and Impression Management: Harnessing the Power of Nonverbal Persuasion for a Judicial Audience.” 57 **University of Kansas Law Review** 631 (March 2009, No. 3).
- PRE-TRIAL** “What Can a Lawyer Do When Preparing a Fact Witness to Testify?” 19 **Experience** 46 (2009, No. 2).
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- PRODUCTS LIABILITY** “Confronting Evidence of Technological Advances in Motor Vehicle Cases: A Defense Counsel’s Perspective.” 38 **The Brief** 46 (Spring 2009, No. 3).
- PROPERTY LAW** “Land Virtures.” 94 **Cornell Law Review** 821 (May 2009, No. 4).
- REAL ESTATE** “Rating Risk After the Subprime Mortgage Crisis: A User Fee Approach for Rating Agency Accountability.” 87 **North Carolina Law Review** 1011 (May 2009, No. 4).
- REAL ESTATE TAXATION** “Using REITs for Infrastructure Revitalization and Development – Part 1.” 36 **Real Estate Taxation** 100 (2nd Quarter, No. 3).
- REAL PROPERTY** “Assignments and Subleases (with Forms and Dialogue)(Part 1).” 25 **The Practical Real Estate Lawyer** 47 (May 2009, No. 3).
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- TAX ACCOUNTING** “Recovery Act Allows Deferral of COD Income – To Elect or Not.” 110 **Journal of Taxation** 260 (May 2009, No. 5).
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- “Self-Directed IRA Withdrawal May be Wise in 2009 – Even if Not Required.” 82 **Practical Tax Strategies** 289 (May 2009, No. 5).
- “Recent Law Changes Impose Restrictions on Home-Sale Exclusion.” 82 **Practical Tax Strategies** 337 (June 2009, No. 6).
- “Sec. 382 After the Bailout.” 40 **The Tax Adviser** 372 (June 2009, No. 6).

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