

**Journal Watch**  
**January – March, 2010**

- ACORN** “Stinging ACORN.” 30 **California Lawyer** 11 (February 2010, No. 2).
- ADA** “Testers Standing up for Title III of the ADA.” 59 **Case Western Reserve Law Review** 683 (Spring 2009, No. 3).
- ARBITRATION** “Arbitration vs. Litigation: You Control the Process vs. The Process Controls You.” 64 **Dispute Resolution Journal** 31 (November 2009 – January 2010, No. 4).
- ANTIDISCRIMINATION** “Are Gender Stereotypes Bad for Women? Rethinking Antidiscrimination Law and Work-Family Conflict.” 110 **Columbia Law Review** 1 (January 2010, No. 1).
- ASBESTOS** “Asbestos Fraud Should Lead to Fairness: Why Congress Should Enact the Fairness in Asbestos Injury Resolution Act.” 69 **Maryland Law Review** 162 (2009, No. 1).
- BANKRUPTCY** “Redefining Disposable Income in Chapter 13 Plans: Moving Forward into a ‘New Era in the History of Bankruptcy Law.’” 42 **John Marshall Law Review** 1107 (Summer 2009, No. 4).
- “Compute Value of a Bankrupt Corporation’s Net Operating Loss.” 84 **Practical Tax Strategies** 34 (January 2010, No. 1).
- BUSINESS LAW** “Representing Independent Directors after Sarbanes-Oxley. The Growing Role of Independent Council.” 19 **Business Law Today** 53 (Jan./Feb. 2010, No. 3).
- “Series Limited Liability Companies: A Possible Solution to Multiple LLCs.” 84 **Chicago-Kent Law Review** 271 (2009, No. 1).
- “Notice 2009-70: A Focus on Complex Section 704(c) Netting v. Layering Issues.” 111 **Journal of Taxation** 336 (December 2009, No. 6).
- CIVIL PROCEDURE** “Pleading and the Dilemmas of Modern American Procedure.” 93 **Judicature** 109 (November-December 2009, No. 3).

“Technical Amendments to Rules in 2009 Presage Further Changes in 2010.” 35 **Litigation News** 16 (Winter 2010, No. 2).

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“Days are Days: Calculating Deadlines Under Amended FRCP 6(a).” 2 **Bar Journal of the Cleveland Metropolitan Bar Association** 8 (January 2010, No. 6).

**COMPUTER LAW**

“The Causation Issue in Computer Security Breach Cases.” 93 **Judicature** 75 (September-October 2009, No. 2).

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LAW**

“The Constitutionality of Sex Offender Residency Restrictions: A Takings Analysis.” 29 **The Review of Litigation** 219 (Fall 2009, No. 1).

**COPYRIGHT LAW**

“Statutory Damages in Copyright Law: A Remedy in Need of Reform.” 51 **William & Mary Law Review** 439 (November 2009, No. 2).

**CORPORATE  
TAXATION**

“Current Corporate Income Tax Developments (Part I).” 41 **The Tax Adviser** 186 (March 2010, No. 3).

“What’s Wrong with Shaming Corporate Tax Abuse.” 62 **Tax Law Review** 539 (Summer 2009, No. 4).

**CRIMINAL LAW**

“Designing a Prisoner Reentry System Hardwired to Manage Disputes.” 123 **Harvard Law Review** 1339 (March 2010, No. 5).

“Drug Law Reform – Retreating from an Incarceration Addiction.” 98 **Kentucky Law Journal** 201 (2009-2010, No. 2).

“Fourth Amendment Seizures of Computer Data.” 119 **Yale Law Journal** 700 (January 2010, No. 4).

**DAMAGES**

“Loss of Consortium: When Should You Bring the Claim?” 27 **GP Solo** 36 (January/February 2010, No. 1).

**DISCOVERY**

“The Anti-False Testimony Principle and the Fundamentals of Ethical Preparation of Deposition Witnesses.” 59 **Catholic University Law Review** 1 (Fall 2009, No. 1).

“Power up your Discovery in Trucking Cases.” 46 **Trial** 42 (February 2010, No. 2).

“Toward a Less Hostile Discovery Process.” 46 **Trial** 30 (March 2010, No. 3).

**DOMESTIC  
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“Effects Upon Divorce Proceedings When a Spouse Suffers from Borderline Personality Disorder.” 43 **Family Law Quarterly** 571 (Fall 2009, No. 3).

**E-DISCOVERY**

“Working with an E-Discovery Service Provider.” 6 **The SciTech Lawyer** 12 (Winter 2010, No. 3).

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“A Perspective on the Present and the Future.” 20 **Experience** 26 (2010, No. 1).

“Elder Law Litigation and the Lessons I’ve Learned.” 89 **Michigan Bar Journal** 38 (January 2010, No. 1).

**EMINENT DOMAIN**

“Condemning Religion: RLUIPA and the Politics of Eminent Domain.” 85 **Notre Dame Law Review** 1 (November 2009, No. 1).

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“Born Osama: Muslim-American Employment Discrimination.” 51 **Arizona Law Review** 1069 (Winter 2009, No. 4).

“Was that RIF Discriminatory?” 34 **ALI-ABA Business Law Course Materials Journal** 25 (February 2010, No. 1).

“Sex-Stereotyping Claims by LGBT employee in Ohio.” 24 **Ohio Lawyer** 20 (January-February 2010, No. 1).

**EMPLOYMENT LAW**

“Save the Children: The Legal Abandonment of American Youth in the Workplace.” 43 **Akron Law Review** 107 (2010, No. 1).

**ESTATE PLANNING**

“The Case for Caution: Fraudulent Conveyance Risks in Estate Planning.” 24 **Probate & Property** 41 (January/February 2010, No. 1).

**ESTATE TAXATION**

“The Impossible has Happened: No Federal Estate Tax, No GST, and Carryover Basis for 2010.” 112 **Journal of Taxation** 68 (February 2010, No. 2).

**ETHICS**

“The Ethics of Multijurisdictional Law Practice.” 24 **Ohio Lawyer** 10 (March/April 2010, No. 2).

- EVIDENCE** “The National Academy of Sciences Report: A Challenge to Forensic Science.” 24 **Criminal Justice** 4 (Winter 2010, No. 4).
- FAMILY LAW** “The Law & Living Together: A Cohabitation Agreement is Essential Protection for Unmarried Couples.” 32 **Family Advocate** 28 (Winter 2010, No. 3).
- GAL** “Procedures for Writing Effective Guardian *ad Litem* Reports.” 2 **Bar Journal of the Cleveland Metropolitan Bar Association** 10 (February 2010, No. 7).
- HOUSING** “Federal Preservation Efforts: A Bold Step Forward in the Making?” 18 **Journal of Affordable Housing & Community Development Law** 389 (Summer 2009, No. 4).
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- INTERNET LAW** “Saving the World from Google.” 30 **California Lawyer** 24 (March 2010, No. 3).
- “Badging: Section 230 Immunity in a Web 2.0 World.” 123 **Harvard Law Review** 981 (February 2010, No. 4).
- JUDGES** “*Caperton v. A.T. Massey Coal Co.*: Due Process Limitations on the Appearance of Judicial Bias.” 123 **Harvard Law Review** 73 (November 2009, No. 1).
- “Forensic Science Under the Spotlight.” 48 **Judges’ Journal** 36 (Fall 2009, No. 4).
- “Justice is the Business of Government. The Crucial Role of State Courts.” 49 **Judges’ Journal** 7 (Winter 2010, No. 1).
- “Judicial Decision-Making and Judicial Review: The State of the Debate, Circa 2009.” 112 **West Virginia Law Review** 351 (Winter 2010, No. 2).
- JURIES** “You, the Jury, and the Internet.” 39 **The Brief** 12 (Winter 2010, No. 2).
- JUROR MISCONDUCT** “Reining In Juror Misconduct: Practical Strategies for Judges and Lawyers.” 84 **Florida Bar Journal** 8 (January 2010, No. 1).

- JURY VERDICTS** “Balancing Lenity, Rationality, and Finality: A Case for Special Verdict forms in Cases Involving Overlapping Federal Criminal Offenses.” 59 **Duke Law Journal** 1195 (March 2010, No. 6).
- JUVENILE LAW** “Creating Juvenile Justice: Models for Change.” 93 **Judicature** 22 (July-August 2009, No. 1).
- “*Parens Patriae* run amuck: The Child Welfare System’s Disregard for the Constitutional Rights of Nonoffending Parents.” 82 **Temple Law Review** 55 (Spring 2009, No.1).
- LABOR LAW** “Challenging Recent Pro-Labor Executive Orders and the Employee Free Choice Act.” 60 **Labor Law Journal** 196 (Winter 2009, No. 4).
- LANDLORD-TENANT LAW** “Negotiated Form of Landlord’s Consent to Sublease (with Annotations.” 26 **The Practical Real Estate Lawyer** 45 (January 2010, No. 1).
- LAW PRACTICE** “In Praise of Competitive Advantage: Advice for Firm Leaders in a Revolutionary Time.” 36 **Law Practice** 49 (January/February 2010, No. 1).
- “So You Want to Be a Rainmaker.” 36 **Litigation** 29 (Fall, 2009, No. 1).
- “Office Politics: Hiring and Firing Government Lawyers.” 18 **The Public Lawyer** 6 (Winter 2010, No. 1).
- LEGAL RESEARCH** “Wired! Innovation. Competition. Lower-Cost Alternatives. The Battle for your Legal Research Dollars Heats up.” 96 **ABA Journal** 34 (February 2010, No. 2).
- MEDIATION** “Dynamic Demand Letters.” 45 **Trial** 28 (December 2010, No. 12).
- MEDICAL MALPRACTICE** “A Rogue Rule?: An Exposé on the Unresolved Issues and Needless Litigation Created by Ohio’s Affidavit of Merit Rule.” 37 **Capital Law Review** 1155 (Summer 2009, No. 4).
- MEDICARE** “Get Ready for MIR. (No More Avoiding Medicare) ” 88 **Michigan Bar Journal** 40 (December 2009, No. 12).

- OVI** “The Hoover/HB 17 Dilemma: Advising the OVI Client in the Age of Forcible Blood Draws and Criminalized Refusal.” **Vindicator** 39, Winter 2010.
- PATENTS** “Prepare a Winning Case Before the USPTO.” 2 **Landslide** 12 (January/February 2010, No. 3).
- POLICE MISCONDUCT** “Promoting Civil Rights Through Proactive Policing Reform.” 62 **Stanford Law Review** 1 (December 2009, No. 1).
- PROBATE** “Ten Tips for Handling Complex Probate.” 84 **Florida Bar Journal** 45 (February 2010, No. 2).
- “Over My Dead Body: How the *Albrecht* Decisions Complicate the Constitutional Dilemma of Due Process and the Dead.” 41 **University of Toledo Law Review** 169 (Fall 2009, No. 1).
- PRODUCT LIABILITY** “Finding Middle Ground: Reconciling the Disparate Approaches Courts Have Taken in Determining Liability When a Purchaser Declines Optional Safety Equipment.” 77 **Defense Council Journal** 11 (January 2010, No. 1).
- “The Consumer Product Safety Improvement Act: New Developments, Guidance, and Rulemaking.” 51 **For the Defense** 38 (December 2009, No. 12).
- REAL ESTATE TAXATION** “Target Allocations and the Redemption of a Member.” 37 **Real Estate Taxation** 60 (1<sup>st</sup> Quarter, No. 2).
- REAL PROPERTY** “Aspects of the Interstate Land Sales Full Disclosure Act.” 44 **Real Property, Trust and Estate Law Journal** 441 (Fall 2009, No. 3).
- RETIREMENT BENEFITS** “The North Wind Howled.” 149 **Trusts & Estates** 18 (January 2010, No. 1).
- SECURITY LAW** “Going Private or Going Dark? That is the Question.” 56 **The Practical Lawyer** 39 (February 2010, No. 1).
- SCHOOL LAW** “Hollow Promises for Pregnant Students: How the Regulations Governing Title IX Fail to Prevent Pregnancy Discrimination in School.” 43 **Indiana Law Review** 79 (2009, No. 1).

**SEXTING**

“Sexting, Statutes, and *Saved by the Bell*: Introducing a Lesser Juvenile Charge with an ‘Aggravating Factors’ Framework.” 77 **Tennessee Law Review** 1 (Fall 2009, No. 1).

**SPECIAL NEEDS TRUSTS**

“Top 15 Tips for Estate Planners When Planning for Special Needs Trusts.” 24 **Probate & Property** 38 (March/April 2010, No. 2).

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**TOXIC TORTS**

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- TRADE SECRETS** “Noncompete Agreements and Trade Secrets in the Age of Federal Computer Legislation.” 33 **ALI-ABA Business Law Course Materials Journal** 5 (December 2009, No. 6).
- TRAFFIC LAW** “Talking and Texting While Driving: A Look at Regulating Cell Phone Use Behind the Wheel.” 44 **Valparaiso University Law Review** 237 (Fall 2009, No. 1).
- TRIAL** “Cross-Examination: Seemingly Ubiquitous, Purportedly Omnipotent, and ‘At Risk.’” 44 **International Society of Barristers** 369 (April 2009, No. 2).
- TRUCKING LAW** “Admissions of ‘Guilt.’ The Boomerang Effect of Traffic Citations.” 52 **For the Defense** 18 (February 2010, No. 2).