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major shift in retirement funding risk from professionally managed plans to ordinary workers, beginning with the substitution of defined contribution plans for defined benefit plans, and continuing with the growing predominance of 401(k) plans. The Article then examines the central problem of the Enron catastrophe: the heavy concentration of 401(k) plans in employer stock. From this context, the Article then considers the essential premise of Social Security privatization—namely, that individuals should control their own retirement assets. The Article concludes with policy recommendations based on this analysis to prevent the sort of financial devastation that Enron (and others) has brought.

In the past decade, thousands of men have frozen their sperm for their own use in case surgery, exposure to chemicals or biological hazards, or various injuries cause them to have difficulty conceiving later. If the man dies and his widow or partner uses his frozen sperm to conceive a child, what legal issues are posed for construing the man's will? If the will leaves a devise to the testator's "children," should we hold his estate open for years in case a child is later born? If the will makes no mention of the testator's children, should a postmortem child inherit as a pretermitted heir? The increasing number of requests to obtain frozen sperm after men have died, plus at least eleven claims filed with the Social Security Administration on behalf of children born years after their fathers' deaths using frozen sperm, indicate that the phenomenon of postmortem children is real. Four recent court cases have grappled with the issue of whether a child conceived postmortem can inherit in intestacy, but so far no court has dealt with the problem of construing the dead father's will. This Article proposes a new framework for resolving these disputes, using common law concepts dating back to ancient Egypt, Greece and Rome to try to resolve the issue without legislation.

Notes

Arizona Case Notes