

**CONTENTS**

	<i>Page</i>
BEYOND SEX DISCRIMINATION: WHY EMPLOYERS DISCRIMINATE AGAINST WOMEN WITH DISABILITIES WHEN THEIR EMPLOYEE HEALTH PLANS EXCLUDE CONTRACEPTIVES FROM PRESCRIPTION COVERAGE .....	<i>Melissa Cole</i> 501

The widespread exclusion of contraceptives from prescription coverage in employee health plans constitutes discrimination against women with disabilities that create a serious health risk in pregnancy. This Article explains why these women are entitled to the legal protections of the ADA and its guarantee that their employers provide the reasonable accommodation of waiving such plan exclusions; why such exclusions are not exempted by the Act's "safe harbor" provision for insurance; and why the ADA imposes on employers an affirmative obligation to extend prescription plan coverage to include contraceptives for protected women with disabilities.

CRYSTALS AND MUD IN BANKRUPTCY LAW: JUDICIAL COMPETENCE AND STATUTORY DESIGN .....	<i>Ted Janger</i> 559
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In this article Professor Janger challenges widely held beliefs about the relationship between judicial competence and statutory drafting strategies as they apply to the Bankruptcy Code. The stakes are high because bankruptcy reform is on the horizon, and both Congress and law and economics scholars frequently cite the limited capacity of bankruptcy judges as a principal basis for limiting the goals of bankruptcy law and curbing judicial discretion. Janger argues that the advocates of statutory precision often misunderstand the relevance of judicial competence to the choice between crystalline and muddy statutory drafting strategies (often referred to as "rules" and "standards"), and fail to appreciate the particular benefits of muddy standards in bankruptcy.

AN OBITUARY OF THE FEDERAL ESTATE TAX .....	<i>M.C. Mirow &amp; Bruce A. McGovern</i>	625
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Breaking the mold of traditional legal scholarship, the authors adopt the genre of the obituary to discuss the development and present condition of the Federal Estate Tax. With a text aimed at readability yet supported by a traditional scholarly apparatus, this article marks a first foray into a method of legal scholarship known as “Historical Surrealism” or “Factual Personalism.” This method of objectifying, personalizing and (re)presenting legislation outside of its expected framework calls the reader to examine the very foundations of what law is.

A DIVISIONAL ARRANGEMENT FOR THE FEDERAL APPEALS COURTS.....	<i>Carl Tobias</i>	633
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After years of controversial debate over the wisdom of splitting the United States Court of Appeals for the Ninth Circuit, Congress authorized the Commission on Structural Alternatives for the Federal Courts of Appeals to study the Ninth Circuit and the appellate system. The commission analyzed the courts and recommended that Congress require adjudicative divisions for the Ninth Circuit and prescribe them for the remaining appeals courts when they increase in size. The commission carefully assessed the appellate courts and developed a pragmatic political compromise; however, it did not persuasively show that the appeals courts experience difficulties sufficiently problematic to warrant treatment with measures as dramatic as the divisional arrangement. Congress, thus, should approve additional study of the appellate courts and continued Ninth Circuit experimentation with promising approaches.

*Notes*

ELVIS KARAOKE SHAKESPEARE AND THE SEARCH FOR A COPYRIGHTABLE STAGE DIRECTION.....	<i>Richard Amada</i>	677
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BORDER CROSSING, CLUB HOPPING, AND UNDERAGE “POSSESSION” OF ALCOHOL: AN ANALYSIS OF THE LAW ENFORCEMENT RESPONSE TO THE PROBLEM OF CROSS-BORDER UNDERAGE DRINKING IN SOUTHERN ARIZONA.....	<i>Scott J. Shelley</i>	709
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*Case Notes*

OGDEN V. J.M. STEEL ERECTING, INC. ....	<i>Jennifer L. Eugster</i>	737
STATE V. PALEO .....	<i>Jacob Ricks Lines</i>	745