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Legal Perspective Series Lecture

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Change can affect the ratio between misery and fun in being a law student, or any other kind of professional in law. Given the expected pace of change in the world around us, and in the law that we will use in counseling and dispute resolution, we must prepare ourselves for change in the lives of professionals in law.

PART II: THE CHANGING NATURE OF LEGAL
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The striking pace of change in the world economy, foreseeably continuing into the 21st century, will have social, political, and personal consequences to which our legal system must be sensitive. Technological developments portend change in the ways we communicate. Together, these influences from outside the legal system will change both the law and the roles of professionals in law. Change of this magnitude at the least invites, if not compels, thinking about effects on the ways we learn, teach, practice, and make law. We can start by thinking about some directions of change in the nature of legal issues in state and federal courts.

J. Byron McCormick Lecture

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This essay responds to recent critics of the free speech principle. It argues that First Amendment conventions distinguishing speech from action and public from private censorship serve valuable functions. It argues further that a distributive conception of free speech law should not entirely supplant current law.

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This article examines the Supreme Court's analysis of reproductive regulation in the context of age old religious, philosophical and cultural traditions that relegate women to inferior social status because of their capacity to bear children. The Court's tradition-based fundamental rights doctrine looks to history for validation of practices so deeply rooted as to be deemed rights without consideration of the cultural norms that helped to shape those practices. The Court's analysis of reproductive regulation overlooks the cultural norms that have traditionally defined women's roles in society as derivative of their reproductive function. Modern reproductive regulation, infused with these cultural norms, is most appropriately examined under the Equal Protection Clause of the 14th Amendment.

AMORTIZATION OF THE COSTS OF OBTAINING ADDITIONAL BAR ADMISSIONS UNDER SECTION 197 .....*Arthur W. Andrews* 501

Under *Sharon v. Commissioner* and the prior law, the noneducational costs of obtaining additional bar admissions by a fairly young practicing attorney could only be amortized over the lengthy remaining life expectancy. this would usually produce only an insignificant annual deduction. With the advent of new I.R.C. § 197 in 1993 generally allowing the amortization of intangibles over only a fixed 15-year period, however, that situation has now changed. Professor Andrews analyzes section 197 in the context of qualified additional bar admission costs. He concludes that, although it is not the usual application of that provision, section 197 nonetheless clearly applies to such costs, thus creating substantially more worthwhile annual deductions..

WORKPLACE POWER AND COLLECTIVE ACTIVITY: THE SUPERVISORY AND MANAGERIAL EXCLUSIONS IN LABOR LAW .....*George Feldman* 525

The article examines the ideological meaning of Supreme Court cases involving the exclusion of supervisory and managerial employees from the protection of the National Labor Relations Act. The author argues that these decisions depend on viewing the exercise of authority as incompatible with collective action, and therefore undermine one of the central premises of the accommodation on which the Wagner Act rests—that both limited worker empowerment and the continued hierarchical organization of work are possible.

INFORMANT DISCLOSURE AND PRODUCTION: A SECOND LOOK AT PAID INFORMANTS.....*Thomas A. Mauet* 563

The use of paid informants has grown dramatically in recent years, yet little attention has been paid by the courts to the ramifications of this practice. In this article, Professor Mauet argues that prosecutors who use paid informants should have a duty to maintain contact with the informants during the pendency of the case so that the defendant has a realistic opportunity to interview the informants and subpoena them for trial. Prosecutors who fail to fulfill this duty should face sanctions. Doing less may compromise the defendant's right to a fair trial in cases where the informant's testimony could impact on the presentation of an affirmative defense.

CONFLICTS OF INTEREST AND THE INDIGENT CLIENT: BARRING THE DOOR TO THE LAST LAWYER IN TOWN ..... *David H. Taylor* 577

For the indigent client seeking representation from a provider of free legal services, a conflict of interest can bar the door to the "last lawyer in town." For this article, the author conducted a survey of legal services offices which indicated that many conflict of interest situations do not contain any actual prejudice for the indigent client. Nonetheless, given the usual understanding of conflict principles, the only available representation is denied despite the absence of any actual harm. The author argues that this consequence warrants rethinking the application of conflict principles in the legal services context. Because of the unique nature of the legal services attorney-client relationship, that rethinking leads to an actual prejudice standard for conflicts of interest, rather than the usual presumption of prejudice standard. The article also proposes a mechanism for utilization of the standard.

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