

# University of Miami Law Review

VOLUME 52

OCTOBER 1997

NUMBER 1

## ARTICLES

- INSURANCE COVERAGE OF EMPLOYMENT  
DISCRIMINATION CLAIMS..... *Francis J. Mootz III* 1
- AND NEVER THE TWAIN SHALL MEET:  
THE BEST INTERESTS OF CHILDREN  
AND THE ADVERSARY SYSTEM..... *Janet Weinstein* 79
- DON'T KNOW MUCH ABOUT HISTORY:  
THE CONSTITUTION, HISTORICAL PRACTICE,  
AND THE DEATH PENALTY JURISDICTION  
OF COURTS-MARTIAL ..... *John F. O'Connor* 177
- FIRST PRINCIPLES AND FAIR CONSIDERATION:  
THE DEVELOPING CLASH BETWEEN  
THE FIRST AMENDMENT AND  
THE CONSTRUCTIVE FRAUDULENT  
CONVEYANCE LAWS ..... *Jonathan C. Lipson* 247
- SCREEN VERITÉ: DO RULES ABOUT  
ETHICAL SCREENS REFLECT THE  
TRUTH ABOUT REAL-LIFE  
LAW FIRM PRACTICE?..... *Lee A. Pizzimenti* 305

## COMMENT

- THE DEEMED TRANSFER OF RECOURSE  
LIABILITIES LEADS TO *OWEN* TAXES:  
WHAT IS WRONG WITH FORM  
OVER SUBSTANCE?..... *Christine L. Agnew* 365

## CASENOTE

- ELI LILLY & Co. v. AMERICAN CYANAMID Co.*:  
A "PATENT CASE" OF DANGEROUS *DICTA*  
IN THE FEDERAL CIRCUIT? ..... *Nancy J. Flint* 389

UNIVERSITY OF  
**Miami**

**LAW REVIEW**

**ARTICLES**

Insurance Coverage of Employment  
Discrimination Claims FRANCIS J. MOOTZ III

And Never the Twain Shall Meet:  
The Best Interests of Children  
and the Adversary System JANET WEINSTEIN

Don't Know Much About History:  
The Constitution, Historical Practice,  
and the Death Penalty Jurisdiction  
of Courts-Martial JOHN F. O'CONNOR

First Principles and Fair Consideration:  
The Developing Clash Between the First  
Amendment and the Constructive  
Fraudulent Conveyance Laws JONATHAN C. LIPSON

Screen Verité: Do Rules About Ethical  
Screens Reflect the Truth About Real-Life  
Law Firm Practice? LEE A. PIZZIMENTI

**COMMENT**

The Deemed Transfer of Recourse Liabilities  
Leads to *Owen* Taxes: What Is Wrong  
With Form Over Substance?

**CASENOTE**

*Eli Lilly & Co. v. American Cyanamid Co.*:  
A "Patent Case" of Dangerous Dicta  
in the Federal Circuit?

