



# Tulane Law Review

Devoted to the Civil Law,  
Comparative Law, and Admiralty Law

## JOHN MINOR WISDOM LECTURE

WISDOM ON *WEBER*

*Philip P. Frickey*

## ARTICLES

INTERPRETING THE AMERICANS WITH  
DISABILITIES ACT: THE TRIALS OF  
TEXTUALISM AND THE PRACTICAL LIMITS  
OF PRACTICAL REASON

*Jeffrey O. Cooper*

BEFORE *LOCHNER*—DIVERSITY JURISDICTION  
AND THE DEVELOPMENT OF GENERAL  
CONSTITUTIONAL LAW

*Michael G. Collins*

THE ELUSIVE LOGIC OF STANDING DOCTRINE  
IN INTELLECTUAL PROPERTY LAW

*Roger D. Blair*  
*Thomas F. Cotter*

WITH AN EVIL EYE AND AN UNEQUAL HAND:  
PRETEXTUAL STOPS AND DOCTRINAL  
REMEDIES TO RACIAL PROFILING

*Wesley MacNeil Oliver*

## COMMENTS

BLACKMAIL, LEGALITY, AND LIBERALISM

*Ronald Joseph Scalise, Jr.*

DON'T BE SHOCKED! ELECTRIC UTILITY  
DEREGULATION CAN BENEFIT  
LOW-COST STATES

*Laura R. Starling*

## RECENT DEVELOPMENTS

VOLUME 74

NUMBER 4

MARCH 2000

# TULANE LAW REVIEW

VOLUME 74

MARCH 2000

No. 4

## CONTENTS

### JOHN MINOR WISDOM LECTURE

WISDOM ON <i>WEBER</i> .....	<i>Philip P. Frickey</i>	1169
------------------------------	--------------------------	------

### ARTICLES

INTERPRETING THE AMERICANS WITH DISABILITIES ACT: THE TRIALS OF TEXTUALISM AND THE PRACTICAL LIMITS OF PRACTICAL REASON.....	<i>Jeffrey O. Cooper</i>	1207
--	--------------------------	------

BEFORE <i>LOCHNER</i> —DIVERSITY JURISDICTION AND THE DEVELOPMENT OF GENERAL CONSTITUTIONAL LAW .....	<i>Michael G. Collins</i>	1263
--	---------------------------	------

THE ELUSIVE LOGIC OF STANDING DOCTRINE IN INTELLECTUAL PROPERTY LAW .....	<i>Roger D. Blair</i> <i>Thomas F. Cotter</i>	1323
---	--	------

WITH AN EVIL EYE AND AN UNEQUAL HAND: PRETEXTUAL STOPS AND DOCTRINAL REMEDIES TO RACIAL PROFILING .....	<i>Wesley MacNeil Oliver</i>	1409
---	------------------------------	------

### COMMENTS

BLACKMAIL, LEGALITY, AND LIBERALISM .....	<i>Ronald Joseph Scalise, Jr.</i>	1483
--	-----------------------------------	------

DON'T BE SHOCKED! ELECTRIC UTILITY DEREGULATION CAN BENEFIT LOW-COST STATES.....	<i>Laura R. Starling</i>	1519
--	--------------------------	------

## RECENT DEVELOPMENTS

<i>PRYTANIA PARK HOTEL, LTD. V. GENERAL STAR INDEMNITY CO.:</i> HOW A SMALL HOTEL MADE A BIG DIFFERENCE IN THE COMPONENT PART CONCEPT .....	<i>Amy Allums</i>	1543
<i>DEFFENBAUGH-WILLIAMS V. WAL-MART STORES, INC.:</i> TITLE VII PUNITIVE DAMAGES AFTER THE RETROACTIVITY DOCTRINE.....	<i>Brooke J. Egan</i>	1557
<i>COMBS V. CENTRAL TEXAS ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH:</i> MAKING IT DIFFICULT TO KEEP THE FAITH WHEN THE "MINISTER EXCEPTION" TO TITLE VII STILL PREVAILS .....	<i>Kerri A. Gildow</i>	1567
<i>MARCUS V. HANOVER INSURANCE CO.: THE LOUISIANA SUPREME COURT INVALIDATES THE "BUSINESS USE" EXCLUSION AS CONTRARY TO COMPULSORY AUTOMOBILE LIABILITY INSURANCE LAWS.....</i>	<i>Timothy D. Kuo</i>	1579
<i>NASSIF V. SUNRISE HOMES, INC.— SETTLING THE FOUNDATION FOR RECOVERY OF ATTORNEYS' FEES IN IMPLIED INDEMNITY SUITS .....</i>	<i>Ryan D. Showalter</i>	1591