H A R V A R D LAW REVIEW

ARTICLES

SECOND-ORDER DIVERSITY

Heather K. Gerken

CONTRACTING OUT OF BANKRUPTCY:
AN Empirical Intervention

Elizabeth Warren and Jay Lawrence Westbrook

BOOK REVIEW

SQUARING THE CIRCLE?

RECONCILING SOVEREIGNTY AND
GLOBAL GOVERNANCE THROUGH
GLOBAL GOVERNMENT NETWORKS

Kenneth Anderson

NOTE

The Impermeable Life: Unsolicited Communications in the Marketplace of Ideas

BOOK NOTE

RECENT CASES

RECENT PUBLICATIONS

Copyright © 2005 by

THE HARVARD LAW REVIEW ASSOCIATION

HARVARD LAW REVIEW

© 2005 by The Harvard Law Review Association

CONTENTS

ARTICLES	
Second-Order Diversity	Heather K. Gerken 1099
Contracting Out of Bankruptcy: An Empirical Intervention	Elizabeth Warren and Jay Lawrence Westbrook 1197
BOOK REVIEW	
Squaring the Circle? Reconciling Sovereignty and Global Governance Through Global Government Networks	Kenneth Anderson 1255
NOTE	
The Impermeable Life: Unsolicited Communications in the Marketplace of Ideas	1314
BOOK NOTE	
The Days After Tomorrow	1339
RECENT CASES	
Diversity Jurisdiction — Definition of Corporation Under 28 U.S.C. § 1332(C) — Seventh Circuit Holds That the Term "Corporation" Is Entirely State-Defined. — Hoagland v. Sandberg, Phoenix & von Gontard, P.C., 385 F.3d 737 (7th Cir. 2004)	1347

CONTENTS

Copyright Law —
Sound Recording Act —
Sixth Circuit Rejects De Minimis
Defense to the Infringement of a
Sound Recording Copyright. —
Bridgeport Music, Inc. v.
Dimension Films,
383 F.3d 390 (6th Cir. 2004)
Civil Procedure —
Personal Jurisdiction —
Ninth Circuit Requires
Intentional, Wrongful Conduct To
Satisfy the Calder Effects Test. —
Yahoo! Inc. v. La Ligue Contre
le Racisme et l'Antisemitisme,
379 F.3d 1120 (9th Cir. 2004)
Administrative Law —
Ninth Circuit Holds That Attorney
General's Directive Criminalizing
Physician-Assisted Suicide Exceeded
Authority Under Federal Controlled
Substances Act. — Oregon v. Ashcroft,
368 F.3d 1118 (9th Cir. 2004)
Antitrust Law —
Nonstatutory Labor Exemption —
Second Circuit Exempts NFL Eligibility
Rules from Antitrust Scrutiny. —
Clarett v. National Football League,
369 F.3d 124 (2d Cir. 2004)1379

CONTENTS

Constitutional Law —	
Equal Protection — Ninth Circuit	
Holds That Racial Tiebreaker in	
High School Assignment Plan	
Violates the Equal Protection Clause. —	
Parents Involved in Community Schools v.	
Seattle School District, No. 1,	
377 F.3d 949 (9th Cir. 2004)	1387
DECENIT DUDI ICATIONIC	7.004
RECENT PUBLICATIONS	1395