

H A R V A R D L A W R E V I E W

ARTICLE

EMPTY VOTES
IN JURY DELIBERATIONS

Kim Taylor-Thompson

COMMENTARY

AS-APPLIED AND FACIAL CHALLENGES
AND THIRD-PARTY STANDING

Richard H. Fallon, Jr.

RESPONSE
RIGHTS, RULES, AND THE STRUCTURE
OF CONSTITUTIONAL ADJUDICATION:
A RESPONSE TO PROFESSOR FALLON

Matthew D. Adler

BOOK REVIEW

PRAGMATISTS AND ENVIRONMENTALISTS

Lisa Heinzerling

NOTES

The Relationship Between Equality and Access in
Law School Admissions

Navigating Uncertainty: Gatekeeping in the
Absence of Hard Science

Winning the War on Drugs: A "Second Chance"
for Nonviolent Drug Offenders

Can Intellectual Property Law Regulate Behavior?
A "Modest Proposal" for Weakening Unclean Hands

Recovering the Costs of Public Nuisance Abatement:
The Public and Private City Sue the Gun Industry

RECENT CASES

RECENT PUBLICATIONS

Copyright © 2000 by

THE HARVARD LAW REVIEW ASSOCIATION

HARVARD LAW REVIEW

© 2000 by The Harvard Law Review Association

CONTENTS

ARTICLE

- Empty Votes
in Jury Deliberations *Kim Taylor-Thompson* 1261

COMMENTARY

- As-Applied and Facial Challenges
and Third-Party Standing *Richard H. Fallon, Jr.* 1321

RESPONSE

- Rights, Rules, and the Structure of
Constitutional Adjudication:
A Response to Professor Fallon... *Matthew D. Adler* 1371

BOOK REVIEW

- Pragmatists
and Environmentalists *Lisa Heinzerling* 1421

NOTES

- The Relationship Between
Equality and Access
in Law School Admissions 1449
- Navigating Uncertainty:
Gatekeeping in the Absence
of Hard Science 1467

CONTENTS

Winning the War on Drugs:
A "Second Chance"
for Nonviolent Drug Offenders 1485

Can Intellectual Property Law
Regulate Behavior? A "Modest Proposal"
for Weakening Unclean Hands..... 1503

Recovering the Costs of Public Nuisance
Abatement: The Public and Private
City Sue the Gun Industry 1521

RECENT CASES

Evidence — Evidentiary Privilege —
First Circuit Recognizes Crime-Fraud
Exception to Psychotherapist-Patient
Privilege. — *In re Grand Jury
Proceedings (Gregory P. Violette)*,
183 F.3d 71 (1st Cir. 1999)..... 1539

Constitutional Law — Abortion —
Seventh Circuit Deems Wisconsin
and Illinois Partial-Birth Abortion
Bans Enforceable in Certain
Circumstances. — *Hope Clinic v. Ryan*,
195 F.3d 857 (7th Cir. 1999) (en banc)..... 1545

Family Law — Massachusetts Supreme
Judicial Court Upholds Probate Court's
Exercise of Equity Power in Granting
Visitation Between a Child and a
Lesbian De Facto Parent. — *E.N.O.
v. L.L.M.*, 711 N.E.2d 886 (Mass.),
cert. denied, 120 S. Ct. 500 (1999)..... 1551

Federal Courts — Intervention —
D.C. Circuit Holds That Article III
Standing Is a Prerequisite to Inter-
vention Under 28 U.S.C. § 2348. —
Rio Grande Pipeline Co. v. FERC,
178 F.3d 533 (D.C. Cir. 1999)..... 1557

CONTENTS

International Law — Human Rights —
 European Court of Human Rights
 Rules That British Military's Discharge
 of Homosexuals Is Illegal. — *Lustig-Prean
 and Beckett v. United Kingdom*, App. Nos.
 31417/96 and 32377/96 (Eur. Ct. H.R.
 Sept. 27, 1999), and *Smith and Grady
 v. United Kingdom*, App. Nos. 33985/96
 and 33986/96 (Eur. Ct. H.R. Sept. 27, 1999)..... 1563

RECENT PUBLICATIONS.....1569

CARDEX	✓
VOCES	
B. DATOS	
OK	
11/11/1	1000