



---

Fall 9-1-2005

## Table of Contents

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlulr>

---

### Recommended Citation

*Table of Contents*, 62 Wash. & Lee L. Rev. (2005).

Available at: <https://scholarlycommons.law.wlu.edu/wlulr/vol62/iss4/1>

This Prefatory Matter is brought to you for free and open access by the Washington and Lee Law Review at Washington and Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Law Review by an authorized editor of Washington and Lee University School of Law Scholarly Commons. For more information, please contact [christensena@wlu.edu](mailto:christensena@wlu.edu).

# WASHINGTON AND LEE LAW REVIEW

---

Volume 62

Fall 2005

Number 4

---

## TRIBUTE

A Tribute to Edward O. Henneman 1411

## SYMPOSIUM

### **HAVE WE CEASED TO BE A COMMON LAW COUNTRY? A Conversation on Unpublished, Depublished, Withdrawn and Per Curiam Opinions**

#### **PANEL I: THE CONTROVERSY AND THE RULES**

Much Ado About Little: Explaining the *Sturm Und Drang* over the Citation of Unpublished Opinions 1429  
*Patrick J. Schiltz*

The Dog That Did Not Bark: No-Citation Rules, Judicial Conference Rulemaking, and Federal Public Defenders 1491  
*Stephen R. Barnett*

Take a Letter, Your Honor: Outing the Judicial Epistemology of *Hart v. Massanari* 1553  
*Penelope Pether*

Commentary: Unpublication and the Judicial Concept of Audience 1597  
*Joan M. Shaughnessy*

#### **PANEL II: MORAL AND ETHICAL DIMENSIONS OF THE CONTROVERSY**

Publishing Dissent 1607  
*Arthur J. Jacobson*

Judges as Trustees: A Duty to Account and an Opportunity for Virtue 1637  
*Sarah M.R. Cravens*

Parades of Horribles, Circles of Hell: Ethical  
Dimensions of the Publication Controversy  
*David S. Caudill* 1653

Judicial Triage: Reflections on the Debate  
over Unpublished Opinions  
*David C. Vladeck & Mitu Gulati* 1667

### **RESPONSES TO SYMPOSIUM**

Unspoken Questions in the Rule 32.1 Debate:  
Precedent and Psychology in Judging  
*David E. Klein* 1709

Much Ado About the Tip of an Iceberg  
*William M. Richman* 1723

Fourth Circuit Publication Practices  
*Carl Tobias* 1733

### **NOTES**

In the Land Between Two Maps: Perceived  
Disabilities, Reasonable Accommodations,  
and Judicial Battles over the ADA  
*Nicholas R. Frazier* 1759

Duck Duck Recuse? Foreign Common Law  
Guidance & Improving Recusal  
of Supreme Court Justices  
*R. Matthew Pearson* 1799

Third Party Consent Searches and the Fourth  
Amendment: Refusal, Consent,  
and Reasonableness  
*Elizabeth A. Wright* 1841

Facing a Hobson's Choice? The Constitutionality  
of the EPA's Administrative Compliance Order  
Enforcement Scheme Under the Clean Air Act  
*Christopher M. Wynn* 1879

---

---

# ARTICLES

---

---

