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## Articles

### The Economic Efficiency of the Robust Rules of Modern Product Liability Law

Ronald Sisselman and David R. Wade ..... 1

*Since the 1960's, courts have embraced rules imposing "strict liability" on manufacturers for defective products while eschewing traditional negligence rules. This shift has generated considerable scholarship. Much of this scholarship has utilized economic models to analyze legal rules in terms of their economic efficiency. This article, by partitioning the "accident event space," derives and focuses on an alternative set of economically efficient "robust rules" to the inappropriate and narrow "simple rules" derived by previous scholars. Through an examination of existing case law, this article demonstrates that these economically efficient "robust rules" more accurately explain courts' notion of strict liability and courts' seemingly capricious assignment of liability under modern negligence doctrine.*

### Judicial Enforcement of the Right to an Equal Education in Illinois

Michael P. Seng and Michael Booden ..... 45

*In Brown v. Board of Educ., the United States Supreme Court recognized that "education is perhaps the most important function of state and local governments." However, despite this declaration of policy, the Court has not played an affirmative role in assuring that all children have equal education opportunity, regardless of economic or social status. The rest of the federal government has been equally uninterested in enforcing the policy so clearly enunciated in Brown. Unfortunately, Illinois government has done no more than its federal counterpart to ensure that its citizens have equal educational opportunities. This article analyzes federal and Illinois case history on educational opportunity, and focuses on recent litigation that has attempted to establish, at long last, that the equal protection clause entitles all children to equal educational opportunity.*

## Comments and Casenotes

### The Probative Weight of the "Mainstreaming" Requirement Under the EHA

Linda S. Abrahamson..... 93

*This comment examines the case law which has developed around the "mainstreaming" provision of the EHA. It focuses on the fact that placement decisions made by school districts are nearly always upheld, regardless of the desires of parents or handicapped students. The author contends that this inequity does not properly respect the role of parents under the EHA, as advocates for their handicapped children. The author concludes by developing a factor test to determine the appropriate placement for a handicapped student when the degree of mainstreaming is the only issue before a reviewing court.*

### Collective Bargaining Units in the Health Care Industry: The NLRB and Rulemaking

Rhonda Ferrero-Patten ..... 135

*This comment examines the newly promulgated rule by the National Labor Relations Board which states that there are eight presumptively appropriate bargaining units for the health care industry. The history of the National Labor Relations Act and the unique nature of the hospital setting are considered in the context of employee unionization. This comment explores the validity of the NLRB's rule and concludes that there is sound analytical foundation for the continuation of the units, and that each is appropriate in the context of the health care environment.*

### *Doe v. University of Michigan*, District Court Strikes Down University Policy Against Racial Harassment on Grounds of Vagueness and Overbreadth

Timothy B. Zollinger..... 159

*This note examines the United States District Court for the Eastern District of Michigan decision invalidating the University of Michigan's racial harassment policy. The issue facing the court was one of first impression and was whether a university may adopt a racial harassment policy designed to protect harassment and intimidation on the basis of race, without infringing upon an individual's first amendment rights to free speech and expression. This Note examines the court's decision invalidating the policy and ultimately concludes that such decision was mandated by the University's enforcement of the policy.*

## Bibliography

### The Bible Annotated: Use of the Bible in Reported American Decisions

J. Michael Medina ..... 187

*This annotation is a collection of biblical citations in American court opinions where the court or judge directly cited a biblical passage. The author compiled these cases which utilize biblical authority from extensive searches conducted on WESTLAW.*

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