

Michigan Law Review

Vol. 105, No. 1

October 2006

CONTENTS

ARTICLES

THE *KERR* PRINCIPLE, STATE ACTION, AND
LEGAL RIGHTS *Don Herzog* 1

INSIDE THE ADMINISTRATIVE STATE:
A CRITICAL LOOK AT THE PRACTICE OF
PRESIDENTIAL CONTROL *Lisa Schultz Bressman*
Michael P. Vandenberg 47

THE NEGLECTED POLITICAL ECONOMY OF
EMINENT DOMAIN *Nicole Stelle Garnett* 101

NOTES

EVOLVING OBJECTIVE STANDARDS:
A DEVELOPMENTAL APPROACH TO CONSTITUTIONAL
REVIEW OF MORALS LEGISLATION *Christian J. Grostic* 151

THERE'S NO "I" IN "LEAGUE": PROFESSIONAL SPORTS
LEAGUES AND THE SINGLE ENTITY DEFENSE *Nathaniel Grow* 183

CONSCRIPTING ATTORNEYS TO BATTLE CORPORATE
FRAUD WITHOUT SHIELDS OR ARMOR? RECONSIDERING
RETALIATORY DISCHARGE IN LIGHT OF
SARBANES-OXLEY *Kim T. Vu* 209

Copyright © 2006 by the Michigan Law Review Association. Except where otherwise expressly provided, the author of each article and note in this issue has granted permission for copies of that article or note to be made for educational use, provided that (i) copies are distributed at or below cost; (ii) the author and the *Michigan Law Review* are identified; (iii) prior written notice of the use is given to the Michigan Law Review Association; and (iv) proper notice of copyright is affixed to each copy.

Michigan Law Review (ISSN 0026-2234) is published monthly in October, November, December, February, March, April, May, and June. Subscriptions: United States, \$60 per year in advance, eight numbers; Foreign, \$70. Editorial and Business Offices: University of Michigan Law School, 625 S. State St., Ann Arbor, Michigan 48109-1215; 734/763-5870 (Business); 734/647-5817 (Fax). Internet Address: <http://students.law.umich.edu/mlr>. Periodicals postage paid at Ann Arbor, Michigan, and additional mailing offices. POSTMASTER: send address changes to Michigan Law Review, 625 S. State St., Ann Arbor, Michigan 48109-1215.

Printed at Joe Christensen, Inc., Lincoln, Nebraska 68521.

Recent Volumes: Single Issues \$10, Book Review \$16, and Special Issues \$12, postpaid, at Editorial and Business Offices.

Volumes 1 through 101, as well as single issues in those volumes, are available in printed and microform from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

Because back stock of the *Review* is turned over to a dealer, back numbers are available to the *Review* for a short time only. We must therefore ask that subscribers report the nonreceipt of copies within six months of the mailing date.

We gladly consider unsolicited manuscripts for publication. Citations in manuscripts should follow the form prescribed in *The Bluebook: A Uniform System of Citation* (18th ed. 2005) and *The Chicago Manual of Style* (15th ed. 2003). We regret that we can return only those manuscripts for which we receive postage and handling fees of \$4.05 for first-class and \$1.97 for media mail book rate.