# TABLE OF CONTENTS

## TRIBUTE

A Tribute to Robert H. Dedman, Sr.  
(1926-2002) ......................... *Robert Dedman, Jr.*  759

In Memoriam: Robert H. Dedman, Sr. ..... *John B. Attanasio*  761

## ESSAYS

Irving L. Goldberg Lecture,  
Southern Methodist University  
Dedman School of Law:  
The Federal Courts:  
Causes of Discontent ................*Richard S. Arnold*  767

Roy R. Ray Lecture,  
Southern Methodist University  
Dedman School of Law:  
Because We Are Final: Judicial Review  
Two Hundred Years After *Marbury* .... *Linda Greenhouse*  781

## ARTICLES

Two Theories of Criminal Law .......... *Richard H.S. Tur*  797

*First Options*, Consent to Arbitration, and  
the Demise of Separability: Restoring  
Access to Justice for Contracts with  
Arbitration Provisions ................. *Richard C. Reuben*  819

Revenue Recognition and  
Corporate Counsel................. *Manning Gilbert Warren III*  885

Judging Made Too Easy: The Judicial  
Exaggeration of Exculpatory and  
Liability-Limiting Clauses in the  
Oilfield’s Operator Fiduciary  
Cases .................................. *John Burritt McArthur*  925
Enron and One.Tel: Employee Entitlements After Employer Insolvency in the United States and Australia (Australian Renegades Championing the American Dream?) .... Louise W. Floyd 975

Federal Habeas Corpus and Postconviction Claims of Actual Innocence Based on DNA Evidence ............... J. Brent Alldredge 1005

CASENOTES

Can the Law Be Copyrighted?—Fifth Circuit Holds that Model Building Codes Lose Copyrights Upon Adoption Into Law—Veeck v. SBCCI ................ Maryjane Boone Bonfield 1025

The Sixth Circuit Holds that Diversity in Higher Education is a Compelling State Interest and that the Admissions Program at The University of Michigan Law School is Narrowly Tailored to Further that Interest—Grutter v. Bollinger ........ Ryan C. Idzior 1031

The Commonwealth Court of Pennsylvania Holds that Cyber Charter Schools are Legal According to the Existing Charter School Law—Pennsylvania School Boards Ass'n, Inc. v. Zogby ............ Kathryn M. Kraft 1039

“Willful and Malicious” Injury Exception to Discharge of Debt—Ninth Circuit Adopts a Subjective Test for What Constitutes “Willful and Malicious” Conduct—In re Su ...................... Katharine Battaia Richter 1045

The Sixth Circuit Holds that the First Amendment Provides a Limited Right of Public Access to Deportation Hearings—Detroit Free Press v. Ashcroft .......................... William Taylor 1051