CONTENTS

SYMPOSIUM
IN HONOR OF JACK WEINSTEIN
TWENTIETH ANNUAL CLIFFORD SYMPOSIUM
ON TORT LAW AND SOCIAL POLICY

INTRODUCTION ......................... Stephan Landsman 249

ADDRESS

NOTES ON UNIFORMITY AND INDIVIDUALITY
IN MASS LITIGATION ..................... Jack B. Weinstein 251

ARTICLES

JACK WEINSTEIN: JUDICIAL STRATEGIST .... Jeffrey B. Morris 279

EMPATHY AND ARTICLE III: JUDGE WEINSTEIN,
CASES AND CONTROVERSIES ............... Susan A. Bandes 317

THE FEMINIST JURISPRUDENCE OF
JUDGE JACK B. WEINSTEIN ............... Anita Bernstein 341

WHAT A (VERY) SMART TRIAL JUDGE
KNOWS ABOUT JURIES ................. Shari Seidman Diamond
& Francis Doorley 373

JUDGE JACK WEINSTEIN AND THE
ALLURE OF ANTIPROCEDURALISM .... Howard M. Erichson 393

ORGANIZED COMMON SENSE: SOME
LESSONS FROM JUDGE JACK WEINSTEIN’S
UNCOMMONLY SENSIBLE APPROACH TO
EXPERT EVIDENCE .......................... David L. Faigman
& Claire Lesikar 421
JACK WEINSTEIN AND THE MISSING PIECES OF THE HEARSAY PUZZLE ....... Richard D. Friedman 449

JUDGING RESPONSIBILITY, RESPONSIBLE JUDGING................. John C. P. Goldberg 475

JUDGE JACK WEINSTEIN AND THE CONSTRUCTION OF TORT LAW IN AMERICA: AN INTELLECTUAL HISTORY ..............James R. Hackney, Jr. 495

PARTICIPATION AND PROCEDURE ........Alexandra D. Lahav 513

TWO MODELS OF THE CIVIL LITIGANT ........David Marcus 537

REPEAT PLAY EVIDENCE: JACK WEINSTEIN, “PEDAGOGICAL DEVICES,” TECHNOLOGY, AND EVIDENCE ..........Jennifer L. Mnookin 571

COMPETING VALUES: PRESERVING LITIGANT AUTONOMY IN AN AGE OF COLLECTIVE REDRESS ................. Linda S. Mullenix 601

JUDGE JACK WEINSTEIN AND THE WORLD OF TORT: INSTITUTIONAL AND HISTORICAL PERSPECTIVES..................Robert L. Rabin 641

PROCEDURE AS SUBSTANCE..........Elizabeth M. Schneider 669

THE BP OIL SPILL SETTLEMENTS, CLASSWIDE PUNITIVE DAMAGES, AND SOCIETAL DETERRENCE ............. Catherine M. Sharkey 681

THE PSYCHOLOGY OF AGGREGATION: PROMISE AND POTENTIAL PITFALLS ..............Tom R. Tyler 711

COMMENTS

RETHINKING THE “FORCE” BEHIND “FORCED PROCREATION”: THE CASE FOR GIVING WOMEN EXCLUSIVE DECISIONAL AUTHORITY OVER THEIR CRYOPRESERVED PRE-EMBRYOS . Marina Merjan 737

ERISA AND ARBITRATION: HOW SAFE IS YOUR 401(k)? ............ Kate Watson Moss 773