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**SSRN Publications (as of August, 2009)**

[Frivolous Cases](#), *DePaul Law Review*, Forthcoming, Illinois Public Law Research Paper No. 08-36

[The Fallacy of Dispositive Procedure](#), 50 *B.C. L. Rev.* 759 (2009)

[Why the Motion to Dismiss Is Now Unconstitutional](#), 92 *Minn. L. Rev.* 1851 (2008)

[Why Summary Judgment Is Unconstitutional](#), 93 *Va. L. Rev.* 139 (2007)

[Why Summary Judgment Is Still Unconstitutional: A Reply to Professors Brunet and Nelson](#), 93 *Iowa L. Rev.* 1667 (2008)

[The Unconstitutionality of Summary Judgment: A Status Report](#), 93 *Iowa L. Rev.* 1613 (2008)

[Judicial Modesty and the Jury](#), 76 *U. Colo. L. Rev.* 767 (2005)

[The Seventh Amendment, Modern Procedure and the English Common Law](#), 82 *Wash. U. L.Q.* 687 (2004)

[Re-examining the Constitutionality of Remittitur Under the Seventh Amendment](#), 64 *Ohio St. L.J.* 731 (2003)

[The Civil Jury: The Disregarded Constitutional Actor](#), U. of Cincinnati Public Law Research Paper No. 07-30