

INDIANA UNIVERSITY
MAR 11 1934
SCHOOL OF LAW-INDPLS
LIBRARY

Periodical
Collection

Indiana Law Review



Volume 27 No. 2 1993

ARTICLES

A Brief Defense of the Supreme Court's Approach to the Interpretation of the Federal Rules of Evidence

Edward J. Imwinkelried

Panhandlers at Yale: A Case Study in the Limits of Law

Brandt J. Goldstein

The Essential Purpose and Analytical Structure of Personal Jurisdiction Law

Roy L. Brooks

NOTES

Changing Sexual Assault Law and the Hmong

Catherine Trevison

Networking Software Copyrights and the Semiconductor Chip Protection Act: A Study of Legal Protection for Application Specific Integrated Circuit Technology

Leland S. Paynter

Anti-Stalker Legislation: A Legislative Attempt to Surmount the Inadequacies of Protective Orders

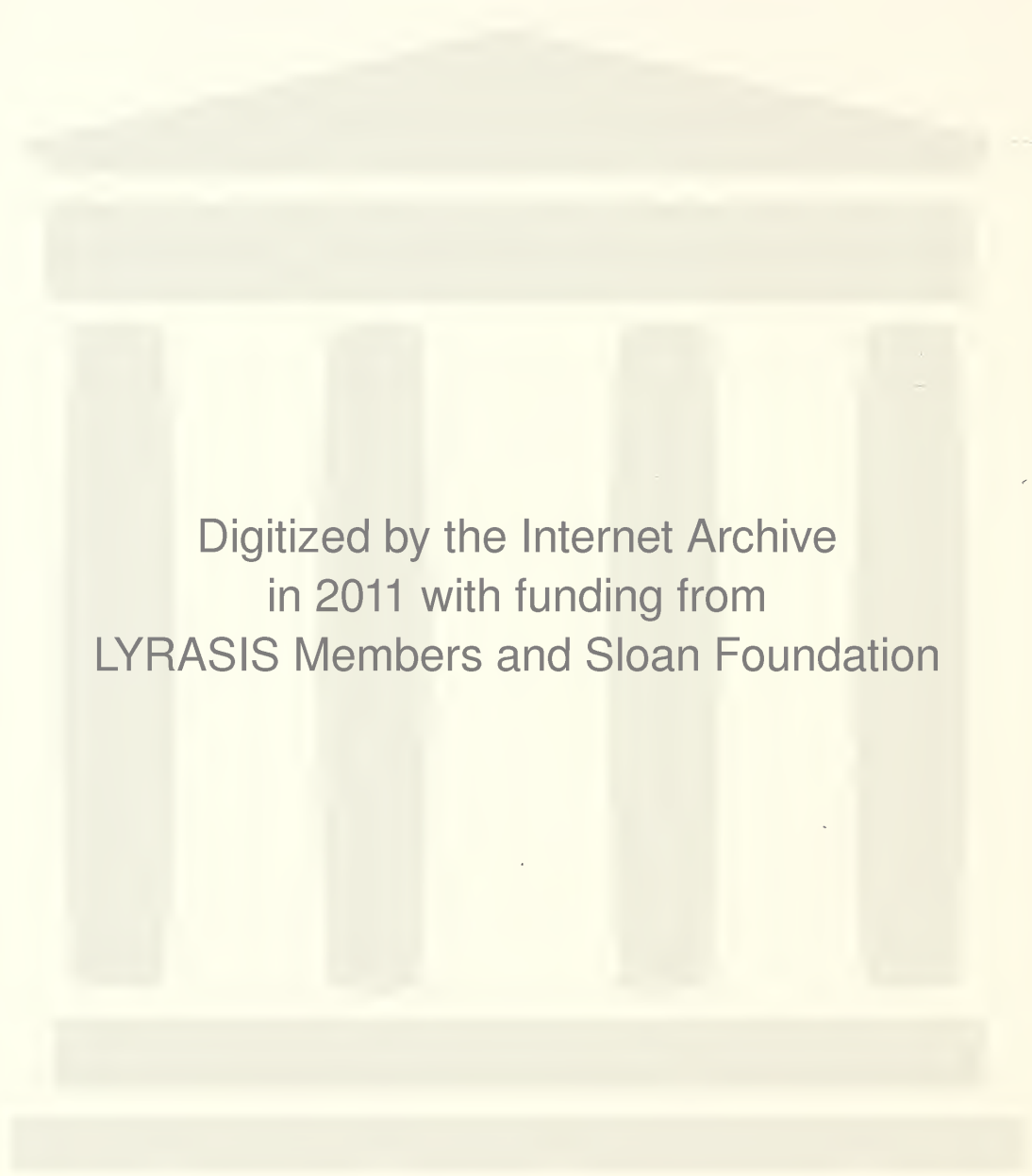
Lowell T. Woods, Jr.

CASE NOTE

Is Justice Kennedy the Supreme Court's Lone Advocate for the Coercion Element in Establishment Clause Jurisprudence?

An Analysis of Lee v. Weisman

Timothy C. Caress



Digitized by the Internet Archive
in 2011 with funding from
LYRASIS Members and Sloan Foundation

Career Move.

No doubt you plan to start a successful legal career soon, so here's a tip:

Start reading *Law Week* now. While you're still in law school.

Why? Because top attorneys nationwide read *Law Week* every week, and as you know, it's never a bad idea to follow in the footsteps of the best. But more importantly—

Law Week gives you complete coverage of today's most important cases, with immediate notification of precedent-setting court decisions in every legal field, plus unparalleled Supreme Court reporting.

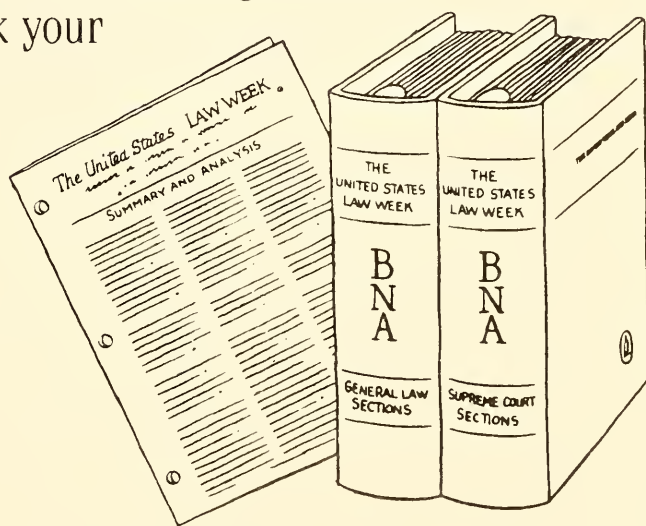
Indeed, *Law Week* puts you on the cutting edge of American law.

What better way to start a successful legal career.

Make your move now. Ask your professor for details on *Law Week's* low student rates today.



The Bureau of National Affairs, Inc.
1231 25th Street, N.W.
Washington, D.C. 20037
202/452-4200



The United States

Law Week



**Please enter my subscription to the
INDIANA LAW REVIEW**

NAME _____

ADDRESS _____

Enclosed is \$ _____ for _____ subscriptions.

Bill me for _____ subscriptions.

Mail to:

INDIANA LAW REVIEW
INDIANA UNIVERSITY
SCHOOL OF LAW—INDIANAPOLIS
735 West New York Street
Indianapolis, Indiana 46202

Subscription Rates (one year):

Regular, \$25; Foreign, \$28; Student, \$17 (4 issues)

Single Issue, \$8; Survey Issue \$17

Indiana Law Review

Volume 27

1993-94

Editor-in-Chief

Jan Michelsen

Executive Managing Editor

Brad A. Galbraith

Executive Editor

Notes and Topics

Patrick J. Preston

Executive Editor

Articles

Deborah G. Hepler

Note Development Editors

David M. Leonard

M. Kathryn Miller

Leland Paynter

Dan Starr

Articles Editors

Joseph R. Alberts

Tracy Vacek Bingle

Thomas A. Dickey

Jeff M. Lozer

Melissa Murrell

Lowell Woods

Associate Editors

Tonya Byes-Parker

Steven P. Caltrider

Timothy C. Caress

Tim Corbin

Ralph E. Dowling

Bill Gigowski

E. Sean Griggs

Ricki Jo Hoffmann

Greg Nester

Charles O'Keefe

Andrew Spencer

Catherine Trevison

Leanna Weissman

John Wilkowski

Tim Wiseman

Editorial Assistant

Amy Morrison Grubbs

Faculty Advisor

Debra A. Falender

INDIANA LAW REVIEW

(ISSN 0090-4198)

Published four times a year by Indiana University. Editorial and Business Offices are located at:

Indiana Law Review
735 W. New York Street
Indianapolis, IN 46202
(317) 274-4440

Subscriptions. The current subscription rates are \$25.00 per four-issue volume (domestic mailing) and \$28.00 (foreign mailing). Unless the Business Office receives notice to the contrary, all subscriptions will be renewed automatically. Address changes must be received at least a month prior to publication to ensure prompt delivery and must include old and new addresses and the proper zip code.

Single and Back Issues. Current single regular issues may be obtained from the *Law Review* Business Office for \$8.00. Current Survey issues may be purchased for \$17.00. Please enclose payment with order. Complete sets and single issues of prior volumes are also available from the *Law Review* Business Office. Unless a claim is made for nonreceipt of issues within one year of the mailing date, we cannot guarantee supplying the issues without charge.

Manuscripts. The *Indiana Law Review* invites submission of unsolicited manuscripts. All citations should conform to *A Uniform System of Citation* (15th ed. 1991). Manuscripts should be submitted in duplicate and double-spaced with wide margins. The *Indiana Law Review*, as a matter of policy, promotes the use of gender-neutral language, and alternate use of the female or male pronoun is intended to refer to both female and male.

Copyright. All articles Copyright 1993 by The Trustees of Indiana University, except where otherwise indicated. All rights reserved. Opinions expressed are those of the contributor and are not presented as the views of the *Indiana Law Review*, its editors, or Indiana University School of Law—Indianapolis.

Indiana Law Review

Volume 27

1993

Number 2

Copyright © 1993 by the Trustees of Indiana University

TABLE OF CONTENTS

ARTICLES

- A Brief Defense of the Supreme Court's Approach to the Interpretation of the Federal Rules of Evidence *Edward J. Imwinkelried* 267
- Panhandlers at Yale: A Case Study in the Limits of Law
 *Brandt J. Goldstein* 295
- The Essential Purpose and Analytical Structure of Personal Jurisdiction Law *Roy L. Brooks* 361

NOTES

- Changing Sexual Assault Law and the Hmong
 *Catherine Trevison* 393
- Networking Software Copyrights and the Semiconductor Chip Protection Act: A Study of Legal Protection for Application Specific Integrated Circuit Technology *Leland S. Paynter* 415
- Anti-Stalker Legislation: A Legislative Attempt to Surmount the Inadequacies of Protective Orders *Lowell T. Woods, Jr.* 449

CASE NOTE

- Is Justice Kennedy the Supreme Court's Lone Advocate for the Coercion Element in Establishment Clause Jurisprudence? An Analysis of *Lee v. Weisman* *Timothy C. Caress* 475

Volume 27

Number 2

The INDIANA LAW REVIEW (ISSN 0090-4198) is the property of Indiana University and is published quarterly by the Indiana University School of Law—Indianapolis, which assumes complete editorial responsibility thereof. Subscription rates: one year \$25; foreign \$28. Please notify us one month in advance of any change in address and include both old and new addresses with zip codes to ensure delivery of all issues. Send all correspondence to Editorial Assistant, Indiana Law Review, Indiana University School of Law—Indianapolis, 735 West New York Street, Indianapolis, Indiana 46202. Publication office: 735 West New York Street, Indianapolis, Indiana 46202. Second class postage paid at Indianapolis, Indiana 46201.

POSTMASTER: Send address changes to INDIANA LAW REVIEW, 735 West New York Street, Indianapolis, Indiana 46202.



The entire text of this Law Review is printed on recycled paper.

Indiana University School of Law—Indianapolis

1993-94 ADMINISTRATIVE OFFICERS AND FACULTY

Administrative Officers

- THOMAS M. EHRLICH, *President of the University and Professor of Law*. LL.B., Harvard University.
- GERALD L. BEPKO, *Vice-President, Indiana University; Chancellor, Indiana University-Purdue University at Indianapolis and Professor of Law*, J.D., IIT/Chicago-Kent College of Law; LL.M., Yale University.
- NORMAN LEFSTEIN, *Dean and Professor of Law*. LL.B., University of Illinois; LL.M., Georgetown University.
- THOMAS B. ALLINGTON, *Associate Dean for Academic Affairs and Professor of Law*. J.D., University of Nebraska; LL.M., New York University.
- ARLENE G. ANDERSON, *Assistant Dean for Student Affairs*, J.D., Indiana University—Indianapolis.
- JONNA M. KANE, *Assistant Dean for External Affairs*. J.D., Indiana University—Indianapolis.
- JONI D. THOMPSON, *Assistant Dean for Development*. M.S., Ball State University.
- ANGELA M. ESPADA, *Assistant Dean for Admissions*. J.D., Indiana University—Bloomington.
- GEORGE DREMONAS, *Career Services Specialist*. J.D., Indiana University—Indianapolis.

Faculty

- CYNTHIA M. ADAMS, *Lecturer in Law*. B.A., Kentucky Wesleyan College, J.D., Indiana University—Indianapolis.
- THOMAS B. ALLINGTON, *Associate Dean and Professor of Law*. B.S., J.D., University of Nebraska; LL.M., New York University.
- EDWARD P. ARCHER, *Professor of Law*. B.M.E., Rensselaer Polytechnic Institute; J.D., LL.M., Georgetown University.
- JAMES F. BAILEY, III, *Professor of Law and Director of Law Library*. A.B., J.D., M.A.L.S., University of Michigan.
- GERALD L. BEPKO, *Vice President, Chancellor and Professor of Law*. B.S., Northern Illinois University; J.D., IIT/Chicago-Kent College of Law; LL.M., Yale University.
- ROBERT BROOKINS, *Associate Professor of Law*. B.S., University of Southern Florida; J.D., Ph.D., Cornell University.
- DANIEL H. COLE, *Assistant Professor of Law*. A.B., Occidental College; A.M., University of Chicago; J.D., Lewis and Clark College; J.S.M., Stanford Law School.
- PAUL N. COX, *Professor of Law*. B.S., Utah State University; J.D., University of Utah; LL.M., University of Virginia.
- CLYDE HARRISON CROCKETT, *Professor of Law*. A.B., J.D., University of Texas; LL.M., University of London (The London School of Economics and Political Science).
- DEBRA A. FALENDER, *Professor of Law*. A.B., Mount Holyoke College; J.D., Indiana University—Indianapolis.
- DAVID A. FUNK, *Professor of Law*. A.B., College of Wooster; J.D., Case Western Reserve University; M.A., The Ohio State University; LL.M., Case Western Reserve University; LL.M., Columbia University.
- PAUL J. GALANTI, *Professor of Law*. A.B., Bowdoin College; J.D., University of Chicago.
- HELEN P. GARFIELD, *Professor of Law*. B.S.J., Northwestern University; J.D., University of Colorado.
- HAROLD GREENBERG, *Professor of Law*. A.B., Temple University; J.D., University of Pennsylvania.
- JEFFREY W. GROVE, *Professor of Law*. A.B., Juniata College; J.D., George Washington University.
- FRANCES W. HARDY, *Clinical Assistant Professor of Law*. B.S., Ball State University; J.D., Indiana University—Indianapolis.
- WILLIAM F. HARVEY, *Carl M. Gray Professor of Law & Advocacy*. A.B., University of Missouri; J.D., LL.M., Georgetown University.
- PAUL T. HAYDEN, *Assistant Professor of Law*. B.A., Yale University; J.D., University of California, Los Angeles.
- W. WILLIAM HODES, *Professor of Law*. A.B., Harvard College; J.D., Rutgers Newark.
- LAWRENCE A. JEGEN, III, *Thomas F. Sheehan Professor of Tax Law and Policy*. A.B., Beloit College; J.D., M.B.A., The University of Michigan; LL.M., New York University.

HENRY C. KARLSON, *Professor of Law*. A.B., J.D., LL.M., University of Illinois.
 WILLIAM ANDREW KERR, *Professor of Law*. A.B., West Virginia University; J.D., LL.M., Harvard University; B.D., Duke University.
 ELEANOR D. KINNEY, *Professor of Law and Director of the Center for Law and Health*. B.A., Duke University; M.A., University of Chicago; J.D., Duke University; M.P.H., University of North Carolina.
 WALTER W. KRIEGER, *Associate Professor of Law*. A.B., Bellarmine College; J.D., University of Louisville; LL.M., George Washington University.
 NORMAN LEFSTEIN, *Dean and Professor of Law*. LL.B., University of Illinois; L.L.M., Georgetown University.
 DEBORAH MCGREGOR, *Lecturer in Law*. B.A., University of Evansville; J.D., Georgetown University.
 WILLIAM E. MARSH, *Professor of Law*. B.S., J.D., University of Nebraska.
 SUSANAH M. MEAD, *Professor of Law*. B.A., Smith College; J.D., Indiana University—Indianapolis.
 MARY H. MITCHELL, *Professor of Law*. A.B., Butler University; J.D., Cornell Law School.
 JAMES P. NEHF, *Assistant Professor of Law*. B.A., Knox College; J.D., University of North Carolina.
 THOMAS R. NEWBY, *Lecturer in Law*. A.B., J.D., Indiana University—Bloomington.
 LESLYE A. OBIORA, *Assistant Professor of Law*. LL.B., University of Nigeria; LL.M., Yale Law School; J.S.D. Candidate Stanford Law School.
 DAVID R. PAPKE, *Professor of Law and American Studies*. A.B., Harvard College; J.D., Yale University; M.A. in American Studies, Yale University; Ph.D. in American Studies, The University of Michigan.
 RONALD W. POLSTON, *Professor of Law*. B.S., Eastern Illinois University; LL.B., University of Illinois.
 FRAN QUIGLEY, *Visiting Assistant Professor of Law*. B.A., Hanover College; M.A., Indiana University—Bloomington; J.D., Indiana University—Indianapolis.
 JOAN M. RUHTENBERG, *Director of Legal Writing*. B.A., Mississippi University for Women; J.D., Indiana University—Indianapolis.
 ANDREW T. SOLOMON, *Lecturer in Law*. A.B., University of Michigan; J.D., Boston University.
 KENNETH M. STROUD, *Professor of Law*. A.B., J.D., Indiana University—Bloomington.
 JAMES W. TORKE, *Professor of Law*. B.S., J.D., University of Wisconsin.
 JOANNE ORR VAN PELT, *Visiting Assistant Professor*. J.D., California Western.
 JAMES PATRICK WHITE, *Professor of Law and Consultant on Legal Education to the American Bar Association*. A.B., University of Iowa; J.D., LL.M., George Washington University.
 LAWRENCE P. WILKINS, *Professor of Law*. B.A., The Ohio State University; J.D., Capital University Law School; LL.M., University of Texas.
 MARY T. WOLF, *Director of Clinical Programs*. B.A., Saint Xavier College; J.D., University of Iowa College of Law.

Emeriti

AGNES P. BARRETT, *Associate Professor Emerita*. B.S., J.D., Indiana University.
 CLEON H. FOUST, *Professor Emeritus*. A.B., Wabash College; J.D., University of Arizona.
 MELVIN C. POLAND, *Cleon H. Foust Professor of Law Emeritus*. B.S., Kansas State University; LL.B., Washburn University; LL.M., University of Michigan.
 R. BRUCE TOWNSEND, *Cleon H. Foust Professor of Law Emeritus*. A.B., Coe College; J.D., University of Iowa.

Law Library Faculty

JAMES F. BAILEY III, *Professor and Director of Law Library*. A.B., J.D., M.A.L.S., University of Michigan.
 MINDE C. GLENN, *Assistant Director for Readers' Services*. B.A., Western Michigan University; M.L.S., Indiana University.
 CHRIS E. LONG, *Visiting Catalog Librarian*. B.A., Indiana University; M.A., Indiana University; M.L.S., Indiana University.
 MAHNAZ K. MOSHFEGH, *Acquisition/Serials Librarian*. B.A., National University of Iran; M.S., Tehran University; M.A., Ball State University; M.L.S., Ph.D., Indiana University.
 KIYOSHI OTSU, *Computer System Specialist and Catalog Librarian*. A.A., Parkland College; A.B., M.S., C.A.S., University of Illinois.
 TERENCE L. ROSE, *Reference Librarian*. B.G.S., M.L.S., University of Michigan

