CONTENTS

SYMPOSIUM

CAMPBELL AT 21

SYMPOSIUM ARTICLES

Foreword: Fair Use in the Digital Age, and Campbell v. Acuff-Rose at 21

Zahr K. Said 579

Campbell as Fair Use Blueprint?

Pierre N. Leval 597

Market Effects Bearing on Fair Use

Jeanne C. Fromer 615

Campbell at 21/Sony at 31

Jessica Litman 651

Fair Use: An Affirmative Defense?

Lydia Pallas Loren 685

The Imaginary Trademark Parody Crisis (and the Real One)

William McGeveran 713

How Much Is Too Much?: Campbell and the Third Fair Use Factor

R. Anthony Reese 755
Possible Futures of Fair Use

Pamela Samuelson 815

Content, Purpose, or Both?

Rebecca Tushnet 869

NOTES & COMMENTS

“The Shameful Wall of Exclusion”: How Solitary Confinement for Inmates with Mental Illness Violates the Americans with Disabilities Act

Jessica Knowles 893

A New Generation of Class Action Cy Pres Remedies: Lessons from Washington State

Cecily C. Shiel 943

Washington’s Reproductive Privacy Act: An Interpretation and Constitutional Analysis

Ross Tanaka 993
OFFICERS OF ADMINISTRATION
Michael Young, B.A., J.D., President of the University
Kellye Y. Testy, B.A., J.D., Dean, James W. Mifflin University Professor of Law
Patricia Kuszler, M.D., J.D., Vice Dean, Professor of Law
Penny A. Hazelton, B.A., J.D., M.L.L., Associate Dean for Library & Computing Services, Professor of Law
Mary Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Associate Dean for Students & Academic Life, Senior Law Lecturer
Kimberly Eckstein, B.A., Assistant Dean for Advancement
Michelle Gonzalez, J.D., M.P.A., Assistant Dean for Professional & Leadership Development
Michele Storms, B.A., J.D., Assistant Dean for Public Service
Anita Krug, B.A., M.A., J.D., Ph.D., Associate Dean for Faculty Research and Development, Associate Professor of Law
Gregory Hicks, B.A., J.D., Senior Associate Dean for Global Advancement, Professor of Law
Sean O’Connor, B.A., M.A., J.D., Assistant Dean for Law, Business and Technology Initiatives, Professor of Law
Mathew Le, Assistant Dean for Admissions and Financial Aid

FACULTY EMERITI
William R. Andersen, B.S.L., LL.B., LL.M.
Robert H. Aromson, B.A., J.D.
James H. Hardisty, A.B., LL.B.
Roland L. Hjorth, A.B., LL.B
Linda Hume, B.A., J.D.
John Huston, B.A., J.D., LL.M.
John M. Junker, B.A., J.D.
John R. Price, A.B., LL.B.
Roy L. Prosterman, B.A., J.D.
Marjorie D. Rombauer, B.A., J.D.
Charles Z. Smith, B.S., J.D.
Frank W. Smith, B.A., J.D., LL.M.
Philip A. Trautman, B.A., J.D.
Louis Wolcher, B.A., J.D.

FACULTY OF LAW
Craig H. Allen, B.S., J.D., LL.M., Judson Falknor Professor of Law
Kimberly D. Ambrose, B.A., J.D., Senior Law Lecturer
Helen A. Anderson, B.A., J.D., Professor of Law
Robert T. Anderson, B.A., J.D., Professor of Law, Director of Native American Law Center
Thomas R. Andrews, B.A., M.A., J.D., Professor of Law
Karen E. Boxx, B.A., J.D., Professor of Law
Steve P. Calandrillo, B.A., J.D., Charles I. Stone Professor of Law
Ryan Calo, B.A., J.D., Assistant Professor of Law
Thomas D. Cobb, B.A., M.A., M.A., J.D., Senior Law Lecturer
Molly M. Cohan, B.A., J.D., Law Lecturer
William Covington, B.A., J.D., Senior Law Lecturer
Dwight J. Drake, B.S., J.D., Associate Professor of Law
Melissa J. Durkee, B.A., J.D., Assistant Professor of Law
Jonathan A. Eddy, B.A., J.D., Professor of Law, Manager of Afghanistan Legal Educators Project
Jennifer Fan, A.B., J.D., Managing Director, Entrepreneurial Law Clinic & Law Lecturer
Mary D. Fan, B.A., J.D., M.Phl., Professor of Law
Daniel Foote, A.B., J.D., Professor of Law, Dan Ferno Henderson Professorship in East Asian Studies
Julia Gold, B.A., J.D., Principal Law Lecturer, Director of Mediation Clinic
Robert W. Gornalkiewicz, B.A., M.A., J.D., Professor of Law, Faculty Director, IP LLM
Michael Hatfield, B.A., M.A., J.D., Professor of Law
Penny A. Hazelton, B.A., J.D., M.L.L., Professor of Law
Gregory A. Hicks, B.A., J.D., Professor of Law
Mary A. Hotchkiss, B.A., M.S.L.S., J.D., LL.M., Senior Law Lecturer
Maureen A. Howard, B.A., J.D., Associate Professor of Law
Stewart M. Jay, A.B., J.D., Miller, Pendleton Endowed Professor of Law
Sarah Kaltsounis, B.S., M.Ed., J.D., Senior Law Lecturer
Lisa Kelly, B.A., J.D., Professor of Law, Bobbe & Jonathan Bridge Professorship in Child & Family Advocacy,
Director of Children & Youth Advocacy Clinic
Alan Kirtley, B.A., J.D., Associate Professor of Law
Sanne Knudsen, B.S., M.S., J.D., Assistant Professor of Law
Anita K. Krug, B.A., M.A., J.D., Ph.D., Associate Professor of Law
Patricia C. Kuszler, B.A., M.D., J.D., Charles I. Stone Professor of Law, Director of Multidisciplinary Initiatives
Clark B. Lombardi, B.A., M.A., J.D., Ph.D., Associate Professor of Law, Adjunct Associate Professor of Law in International Affairs
Lisa Manheim, B.A., J.D., Assistant Professor of Law
Deborah Maranville, B.A., J.D., Professor of Law, Director of Clinical Law Program
Anna C. Mastroianni, B.S., B.A., J.D., M.P.H., Professor of Law
Shannon McCormack, B.A., J.D., LL.M, Associate Professor of Law
Kathleen M. McGinnis, B.A., J.D., Senior Law Lecturer
Jacqueline McMurtrie, B.G.S., J.D., Professor of Law, Director of Innocence Project Northwest
Theodore A. Myhre, B.A., M.A., J.D., Senior Law Lecturer
Peter Nicolas, B.A., M.P.P., J.D., Jeffrey & Susan Brotman Professor of Law
Sean O’Connor, B.A., M.A., J.D., Professor of Law
Kathleen O’Neill, B.A., J.D., Professor of Law
Elizabeth Porter, B.A., M.Ed., M.A., J.D., Assistant Professor of Law
Anita Ramasastry, B.A., M.A., J.D., D. Wayne & Anne Gittinger Professor of Law, Director for Sustainable International Development LLM
Beth Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law, Director of Global Health & Justice Project
William H. Rodgers, B.A., J.D., Stimson Bullitt Professor of Environmental Law
Zahr Said, B.A., J.D., Ph.D., Assistant Professor of Law
Sallie Thieme Sanford, B.A., J.D., Associate Professor of Law
Eric Schmupper, B.A., M.A., B.Phil., LL.B., Betts, Patterson & Mines Professor of Law
Scott A. Schumacher, B.A., J.D., LL.M., Professor of Law, Director of Federal Tax Clinic, Director of Graduate Program in Taxation
Toshiko Takenaka, B.A., LL.M., Ph.D., W. Hunter Simpson Professor of Law, Director of Center for Advanced Study and Research on Intellectual Property
Kelvye Y. Testy, B.A., J.D., Dean, James W. Mifflin University Professor of Law
Anna Tolin, B.A., J.D., Law Lecturer
Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law
Lea B. Vaughn, A.B., J.D., Professor of Law
Walter J. Walsh, B.C.L., LLM, S.J.D., Associate Professor of Law
Kathryn Watts, B.S., J.D., Garvey, Schubert & Barer Professor of Law
Brenda Williams, B.A., M.P.A., J.D., Law Lecturer
Jane K. Wrin, B.Sc., J.D., Charles I. Stone Professor of Law
Lara Zarowsky, J.D., Law Lecturer
Dongsheng Zang, LL.B., LL.M., S.J.D., Associate Professor of Law, Director Asian Law Center
David Ziff, A.B., J.D., Law Lecturer

ADJUNCT AND VISITING FACULTY
William Bailey, B.A., J.D., Professor from Practice
Betsy Baker, Counsel to the Dean - Alaska Programs & Visiting Professor of Law
Matt Barretto, B.S., M.S., Ph.D., Adjunct Professor, Political Science
Gad Burzili, B.A., LL.S., LL.B., M.A., Ph.D., Adjunct Professor of Law
Katherine Beckett, B.A., M.A., Ph.D., Adjunct Professor, Law Societies and Justice Program, Sociology
Andrew Benjamin, J.D., Ph.D., Affiliate Professor of Law
Sharan B. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law
Angelica Chazarro, B.A., J.D., Visiting Assistant Professor
Denise Dudzinski, Ph.D., MTS, Adjunct Professor, Bioethics and Humanities
John Haley, Professor of Law
Thomas Hazlet, B.S., Pharm.D., Dr.P.H., Adjunct Associate Professor, Pharmacy
Nancy S. Jekcer, B.A., M.A., M.A., Ph.D., Adjunct Professor of Law
Sang Jo Jong, Visiting Professor
Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law
Arzoo Osanloo, B.A., J.D., Ph.D., Adjunct Associate Professor of Law, Law, Societies and Justice Program
Saadia Pekkanen, B.A., M.I.A., Ph.D., M.S.L., Adjunct Associate Professor of Law
Clare Ryan, B.S., M.S., Ph.D., Adjunct Professor, School of Environmental and Forest Sciences
Thomas Schoenbaum, B.A., J.D., Visiting Professor
Hugh D. Spitzer, B.A., J.D., LL.M., Visiting Professor of Law
Faith Stevelman, B.A., M.Phil, J.D., Visiting Professor of Law
Susan Whiting, B.A., Ph.D., Adjunct Associate Professor of Law
Richard O. Zerbe, Jr., A.B., Ph.D., Adjunct Professor of Law

GALLAGHER LAW LIBRARY STAFF
Crystal Albertlal, B.A., Library Specialist, Serials
Karen Ballard, B.A., Library Specialist, Cataloging
Rob Britt, B.A., M.A., M.A., East Asian Law Library Services Coordinator
Judy Davis, B.A., M.L.I.S., Librarian, Resource Sharing
Anna Endter, B.A., J.D., M.L.I.S., Librarian, Reference
Flora Escarez, B.S., Library Specialist, Cataloging
Grace Feldman, B.A., J.D., M.L.I.S., Librarian, Reference
Jonathan Franklin, A.B., A.M., J.D., M.L.I.S., Associate Law Librarian
Sharon Hall, Library Specialist Supervisor, Cataloging
Tricia Hart, B.A., M.L.I.S., Librarian, Cataloging
Ingrid Holmlund, A.B., J.D., M.L.I.S., CILP Co-Editor
Peggy Jarrett, B.A., M.L.I.S., Librarian, Collection Development & Reference
Vi
Richard Jost, B.A., M.A., M.A., Information Systems Coordinator
Kaden Mack, B.A., Library Technician, Circulation
Craig Morley, B.A., Library Materials Conservation Supervisor, Serials
Ann Nez, B.A., M.L.I.S., Librarian, Technical Services Coordinator
Vickie Northington, B.A., Library Supervisor, Circulation
Cheryl Nyberg, B.A., M.S.L.I.S., Librarian, Coordinator of Reference Services
Nikki Pike, Information Specialist, CILP
Patty Roberts, B.A., Library Technician Lead, Evening Circulation Supervisor
Tania Schriwer, B.A., J.D., M.L.I.S., CILP Co-Editor
Dave Tawatao, Senior Computer Specialist
Reba Turnquist, B.A., M.L.I.S., Librarian, Collection Development
Mary Whisner, B.A., J.D., M.L.I.S., Librarian, Reference
Alena Wolotira, B.A., J.D., M.L.I.S., Librarian, Reference; CILP Co-Editor
Quan (John) Zhang, B.A., M.A., Ph.D., Library Specialist, Acquisitions