# Saint Louis University Law Journal

## Vol. 57, No. 4  
**Summer 2013**

### Table of Contents

**Childress Lecture**

**Nino’s Nightmare: Legal Process**  
Theory as a Jurisprudence  
Of Toggling Between Facts  
And Norms  

*William N. Eskridge, Jr.*  865

**Decision Theory and Babbitt v. Sweet**  
Home: Skepticism About Norms,  
Discretion, and the Virtues of  
Purposivism  

*Victoria F. Nourse*  909

**A Harder “Hard Case”**  

*Doug Williams*  931

**Faithful Agency Versus Ordinary**  
Meaning Advocacy  

*James J. Brudney*  975

**Steer Clear of the Twilight Zone**  
And Apply Common Sense:  
A Few Thoughts on Statutory  
Interpretation  

*Richard D. Cudahy*  997

**Interpretation and Accessibility**  

*Karen Petroski*  1003

### Note

**Not Making Sales Paid Too**  
Well for Pharmaceutical  
Reps: Why the Result in  
*Christopher v. Smithkline*  
*Beecham Corp. Makes Sense*  
Even if Its Statutory  
Construction Does Not  

*Robert J. Hurtt, Jr.*  1019
COMMENTS

MODERNIZING UNDERINSURED MOTORIST
COVERAGE IN MISSOURI: REMOVING
THE INSURANCE PARADOX BETWEEN
UNINSURED AND UNDERINSURED
COVERAGE VIA LEGISLATIVE ACTION ....... David W. Reynolds 1049

WHEN, WHERE AND WHY THE FIRST
AMENDMENT PROTECTS THE
RIGHT TO RECORD POLICE
COMMUNICATIONS: A SUBSTANTIAL
INTERFERENCE GUIDELINE FOR
DETERMINING THE SCOPE OF THE
RIGHT TO RECORD AND FOR
REVAMPING RESTRICTIVE STATE
WIRETAPPING LAWS ................................. Justin Welply 1085