

Michigan Law Review

Volume 82 | Issue 7

1984

Periodical Index

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

Recommended Citation

Michigan Law Review, *Periodical Index*, 82 MICH. L. REV. 1803 (1984).

Available at: <https://repository.law.umich.edu/mlr/vol82/iss7/7>

This Index is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

PERIODICAL INDEX

This index includes *articles*, *comments*, and some of the longer *notes* and *recent developments* that have appeared in leading law reviews since the publication of the last issue of this *Review*.

ADMINISTRATIVE AGENCIES

See *Administrative Law*.

ADMINISTRATIVE LAW

See also *Perjury*.

Congressional review of executive and agency actions after Chadha: "the son of legislative veto" lives on. Elliott H. Levitas & Stanley M. Brand. 72 *Geo. L.J.* 801-11 (Feb.).

Discretionary decisionmaking in the regulatory agencies: a conceptual framework. Daniel J. Gifford. 57 *S. Cal. L. Rev.* 101-35 (Nov.).

The legislative veto after Chadha. Stephen Breyer. 72 *Geo. L.J.* 785-99 (Feb.).

Regulatory values and the exceptions process. 93 *Yale L.J.* 938-57 (Apr.).

Spinning the legislative veto. Girardeau A. Spann. 72 *Geo. L.J.* 813-18 (Feb.).

ADMISSIBILITY OF EVIDENCE

The evolution and confusion of exclusion: does "good faith" make good sense under the fourth amendment? 1983 *Det. C. L. Rev.* 1587-612 (Winter).

State v. Dean: a compulsory process analysis of the inadmissibility of polygraph evidence. 1984 *Wis. L. Rev.* 237-75 (No. 1).

ADVERTISING

See also *Freedom of Speech*.

Why lawyers should be allowed to advertise: a market analysis of legal services. Geoffrey C. Hazard, Jr., Russell G. Pearce & Jeffrey W. Stempel. 58 *N.Y.U. L. Rev.* 1084-113 (Nov.).

ANTITRUST LAW

See also *Law in Arts & Literature*.

Antitrust law and professional behavior. Philip C. Kissam. 62 *Tex. L. Rev.* 1-66 (Aug.).

Antitrust market definition: an integrated approach. Robert G. Harris & Thomas M. Jorde. 72 *Calif. L. Rev.* 1-67 (Jan.).

Apparent authority in antitrust law and ruminations on a new antitrust theory: the implications of American Society of Mechanical Engineers, Inc. v. Hydrolevel Corp. 68 *Minn. L. Rev.* 439-71 (Dec.).

Arizona v. Maricopa County Medical Society: Supreme Court refuses to immunize doc-

tors against sting of Sherman Act section 1. 1983 *Wis. L. Rev.* 1203-30 (No. 5).

Controlling the market power of performing rights societies: an administrative substitute for antitrust regulation. 72 *Calif. L. Rev.* 103-37 (Jan.).

The electric utility price squeeze as an antitrust cause of action. John E. Lopatka. 31 *UCLA L. Rev.* 563-639 (Feb.).

Intraenterprise antitrust conspiracy: a decisionmaking approach. 71 *Calif. L. Rev.* 1732-60 (Dec.).

Intraenterprise conspiracy in decline. Philip Arreda. 97 *Harv. L. Rev.* 451-73 (Dec.).

Judicial reconstruction of the Robinson-Patman Act: predatory differential pricing. Herbert Hovenkamp. 17 *U.C.D. L. Rev.* 309-39 (Fall).

1983 economic review of antitrust developments: the distinction between price and nonprice distribution restrictions. Wesley J. Liebeler. 31 *UCLA L. Rev.* 384-422 (Dec.).

Sherman Act "jurisdiction" in hospital staff exclusion cases. 132 *U. Pa. L. Rev.* 121-43 (Dec.).

State antitrust in the federal scheme. Herbert Hovenkamp. 58 *Ind. L.J.* 375-432 (No. 3).

The treatment of delivery services under section 2(e) of the Robinson-Patman Act. 51 *Geo. Wash. L. Rev.* 727-45 (Aug.).

Vertical integration by the newspaper monopolist. Herbert Hovenkamp. 69 *Iowa L. Rev.* 451-67 (Jan.).

ANTITRUST LAW: FOREIGN

International law — act of state doctrine: an emerging corruption exception in antitrust cases? 59 *Notre Dame Law.* 455-70 (No. 2).

ANTITRUST LAW: MERGERS

Bounding markets in merger cases: identifying relevant competitors. Thomas W. Dunfee, Louis W. Stern & Frederick D. Sturdivant. 78 *Nw. U. L. Rev.* 733-73 (Nov.).

Efficiency considerations in merger enforcement. Alan A. Fisher & Robert H. Lande. Afterword with Walter Vandaele. 71 *Calif. L. Rev.* 1580-706 (Dec.).

The Federal Trade Commission, injunctive relief, and allegedly anticompetitive mergers: preliminary relief under the Federal Trade

Commission Act. 58 Ind. L.J. 293-317 (No. 2).

ATTORNEYS

See also *Securities*.

Rebuttable presumptions and intra-firm screening: the new Seventh Circuit approach to vicarious disqualification of litigation counsel. Craig v. Peterson. 59 Notre Dame Law. 399-411 (No. 2).

BANKRUPTCY

Application of the securities laws in chapter 11 reorganizations under the Bankruptcy Reform Act of 1978. Richard Morgan. 1983 U. Ill. L. Rev. 861-916 (No. 4).

Secured creditors and the automatic stay: variable bargain models of fairness. Raymond T. Nimmer. 68 Minn. L. Rev. 1-52 (Oct.).

BANKRUPTCY: DISCHARGE

Creditor acquiescence as a defense to an exception to discharge in bankruptcy. 58 Ind. L.J. 319-34 (No. 2).

Limiting access to bankruptcy discharge: an analysis of the creditors' data. Teresa A. Sullivan, Elizabeth Warren & Jay Lawrence Westbrook. 1983 Wis. L. Rev. 1091-146 (No. 5).

Toward a reform of the six-year bar to discharge in bankruptcy. 97 Harv. L. Rev. 759-77 (Jan.).

BANKRUPTCY: PREFERENCES

Sales taxes and bankruptcy liquidations: can the state tax collector take a second piece of bankruptcy pie? 1983 U. Ill. L. Rev. 997-1016 (No. 4).

BANKS AND BANKING

The "business of banking" in historical perspective. Edward L. Symons, Jr. 51 Geo. Wash. L. Rev. 676-726 (Aug.).

Markets for money — does the Garn-St. Germain Money Market Deposit Account overcompete with mutual funds. 36 Vand. L. Rev. 1129-63 (May).

Restrictions on bank underwriting of corporate securities: a proposal for more permissive regulation. 97 Harv. L. Rev. 720-38 (Jan.).

BONDS

Fiscal federalism and the use of municipal bond proceeds. Clayton P. Gillette. 58 N.Y.U. L. Rev. 1030-83 (Nov.).

BOOK REVIEWS

1984 survey of books relating to the law. 82 Mich. L. Rev. 635-1148 (Feb.).

BOYCOTTS AND STRIKES

A market power test for noncommercial boycotts. 93 Yale L.J. 523-40 (Jan.).

The political boycott: an unprivileged form of expression. 1983 Duke L.J. 1076-94 (Nov.).

BURDEN OF PROOF

A framework for evaluating the preponderance-of-the-evidence standard. Neil Orloff & Jerry Stedinger. 131 U. Pa. L. Rev. 1159-74 (Apr.).

BUSINESS

The put-up-or-shut-up strategy in business negotiations. William A. Klein. 17 U.C.D. L. Rev. 341-58 (Fall).

CHURCHES

Judicial resolution of intrachurch disputes. 83 Colum. L. Rev. 2007-38 (Dec.).

CIVIL PROCEDURE

See also *Civil Rights, Jurisdiction*.

Developments in federal civil procedure. Articles by Rex R. Perschbacher, Arthur F. Greenbaum & Richard A. Matasar. 17 U.C.D. L. Rev. 1-190 (Fall).

State of mind and credibility in the summary judgment context: a better approach. David A. Sonenshein. 78 Nw. U. L. Rev. 774-810 (Nov.).

CIVIL RIGHTS

See also *Discrimination*.

The anti-caste principle — toward a constitutional standard for review of race cases. Paul R. Dimond. 30 Wayne L. Rev. 1-62 (Fall).

Federalism and federal questions: protecting civil rights under the regime of Swift v. Tyson. 70 Va. L. Rev. 267-96 (Mar.).

A sword as well as a shield: the offensive use of collateral estoppel in civil rights litigation. Joan Mahoney. 69 Iowa L. Rev. 469-95 (Jan.).

The Unruh Civil Rights Act: an uncertain guarantee. 31 UCLA L. Rev. 443-72 (Dec.).

The uses of ambivalence: reflections on the Supreme Court and the constitutionality of affirmative action. Paul J. Mishkin. 131 U. Pa. L. Rev. 907-31 (Mar.).

CLASS ACTIONS

See *Corporations: Stockholders, Labor Law*.

COLLECTIVE BARGAINING

Democracy in collective bargaining. Alan Hyde. 93 Yale L.J. 793-856 (Apr.).

COMMERCIAL LAW

Sections 9-307(1) and 1-201(9) of the Uni-

form Commercial Code: the requirement of buying from a person in the business of selling goods of that kind. 58 Ind. L.J. 335-59 (No. 2).

The weed and the web: section 2-201's corruption of the U.C.C.'s substantive provisions — the quantity problem. Caroline N. Bruckel. 1983 U. Ill. L. Rev. 811-59 (No. 4).

COMMON LAW

The inefficient common law. 92 Yale L.J. 862-87 (Apr.).

COMMUNICATION AND TRAFFIC

The Federal Communications Commission and interactive cable technology: the case for minimal regulation. 97 Harv. L. Rev. 565-83 (Dec.).

Symposium: the new technology in the communications industry: legal problems in a brave new world. Articles by William E. Lee, L. Gregory Ballard, Charles D. Ferris, Eli M. Noam, Anne W. Branscomb & Frank W. Lloyd. 36 Vand. L. Rev. 867-1091 (May).

CONFLICT OF INTEREST

See *Attorneys*.

CONFLICT OF LAWS

Choice of law in right of publicity. 31 UCLA L. Rev. 640-70 (Feb.).

Conflicts among circuits and transfers within the federal judicial system. Richard L. Marcus. 93 Yale L.J. 677-721 (Mar.).

CONSTITUTIONAL AMENDMENTS

The legitimacy of constitutional change: rethinking the amendment process. Walter Dellinger. 97 Harv. L. Rev. 386-432 (Dec.).

CONSTITUTIONAL LAW

See also *Federalism, Jurisdiction, States' Rights, War & Emergency Powers*.

Candidate-making and the Constitution: constitutional restraints on and protections of party nominating methods. Arthur M. Weisburd. 57 S. Cal. L. Rev. 213-81 (Jan.).

A Constitution we are amending in defense of a restrained judicial role. Laurence H. Tribe. Rejoinder by Walter Dellinger. 97 Harv. L. Rev. 433-50 (Dec.).

Constitutional law and the teaching of the parables. Robert A. Burt. 93 Yale L.J. 455-502 (Jan.).

Constitutional law — the witness protection program: investigating the right to companionship, due process, and preemption. 59 Notre Dame Law. 431-54 (No. 2).

Professor Dworkin's external/personal preference distinction. John Hart Ely. 1983 Duke L.J. 959-86 (Nov.).

Recognizing a constitutional right of media

access to evidentiary recordings in criminal trials. 17 U. Mich. J. L. Ref. 121-39 (Fall).

Rethinking selective enforcement in the first amendment context. 84 Colum. L. Rev. 144-76 (Jan.).

Understanding the Lochner era: lessons from the controversy over railroad and utility rate regulation. Stephen A. Siegel. 70 Va. L. Rev. 187-263 (Mar.).

CONTRACTS

See also *Parole Evidence*.

Efficiency and a rule of "free contract": a critique of two models of law and economics. 97 Harv. L. Rev. 978-96 (Feb.).

Imperfect information in markets for contract terms: the examples of warranties and security interests. Alan Schwartz & Louis L. Wilde. 69 Va. L. Rev. 1387-485 (Nov.).

Paternalism and the law of contracts. Anthony T. Kronman. 92 Yale L.J. 763-98 (Apr.).

A procedural approach to the contract clause. 93 Yale L.J. 918-37 (Apr.).

Promissory estoppel and judicial method. Jay M. Feinman. 97 Harv. L. Rev. 678-718 (Jan.).

CONTRACTS: CONSIDERATION

Consideration in exclusive and nonexclusive open quantity contracts under the U.C.C.: a proposal for a new system of validation. Caroline N. Bruckel. 68 Minn. L. Rev. 117-212 (Oct.).

CONTRACTS: PERFORMANCE

More on good faith performance of a contract: a reply to Professor Summers. Steven J. Burton. 69 Iowa L. Rev. 497-512 (Jan.).

COPYRIGHT

See also *Law in Arts & Literature*.

A constitutional analysis of copyrighting government-commissioned work. 84 Colum. L. Rev. 425-66 (Mar.).

The copyrightability of object code. 59 Notre Dame Law. 412-30 (No. 2).

"Give to the invention its meaning and worth": the case for compensating the copyright proprietor for unauthorized reproductions of audio and video works for home use. 30 Wayne L. Rev. 155-82 (Fall).

Substantial similarity between video games: an old copyright problem in a new medium. 36 Vand. L. Rev. 1277-312 (Oct.).

CORPORATIONS

Corporate liability strategies and the costs of legal controls. Reinier H. Kraakman. 93 Yale L.J. 857-98 (Apr.).

Countertrends in corporation law: Model Business Corporation Act revision, British

company law reform, and principles of corporate governance and structure. Douglas M. Branson. 68 Minn. L. Rev. 53-115 (Oct.).

Limiting the use of the RICO Act as a defense to hostile corporate takeovers. 17 U. Mich. J. L. Ref. 57-81 (Fall).

CORPORATIONS: STOCKHOLDERS

Class action treatment of shareholders' suits under section 36(b) of the Investment Company Act. 83 Colum. L. Rev. 2039-67 (Dec.).

The demand requirement in Investment Company Act shareholder actions. 50 U. Chi. L. Rev. 1500-33 (Fall).

COURTS

An appraisal of the Court of Appeals for the Federal Circuit. 57 S. Cal. L. Rev. 301-33 (Jan.).

To preserve an endangered species. Wade H. McCree, Jr. 52 U. Cin. L. Rev. 986-1016 (No. 4).

CRIME, VICTIMS OF

Victim restitution in the criminal process: a procedural analysis. 97 Harv. L. Rev. 931-46 (Feb.).

CRIMINAL JUSTICE, ADMINISTRATION OF

See *Criminal Responsibility*.

CRIMINAL LAW

Decision rules and conduct rules: on acoustic separation in criminal law. Meir Dan-Cohen. 97 Harv. L. Rev. 625-77 (Jan.).

Imputed criminal liability. Paul H. Robinson. 93 Yale L.J. 609-76 (Mar.).

Retribution exclusive of deterrence: an insufficient justification for capital punishment. 57 S. Cal. L. Rev. 199-211 (Nov.).

CRIMINAL PROCEDURE

See also *Jurisdiction*.

Due process in preliminary proceedings under RICO and CCE. 83 Colum. L. Rev. 2068-98 (Dec.).

Prosecutorial immunity: no place for absolutes. 1983 U. Ill. L. Rev. 977-95 (No. 4).

The Supreme Court and pretrial detention of juveniles: a principled solution to a due process dilemma. 132 U. Pa. L. Rev. 95-119 (Dec.).

CRIMINAL RESPONSIBILITY

Restitution in the criminal process: procedures for fixing the offender's liability. 93 Yale L.J. 505-22 (Jan.).

CRIMINOLOGY

See also *Criminal Law*.

The criminal as hero in American fiction.

Teresa Godwin Phelps. 1983 Wis. L. Rev. 1427-54 (No. 6).

DEBTOR AND CREDITOR

Preserving the purchase money status of refinanced or commingled purchase money debt. 35 Stan. L. Rev. 1133-80 (July).

DEFAMATION

Fair comment in California: an unwelcome guest. 57 S. Cal. L. Rev. 173-97 (Nov.).

Toward a new standard of liability for defamation in fiction. 58 N.Y.U. L. Rev. 1115-56 (Nov.).

DENTISTS

Are the supervision regulations which require a licensed dental hygienist to practice under the supervision of a dentist constitutional? 30 Wayne L. Rev. 127-54 (Fall).

DISCOVERY

Twisting the purposes of discovery: expert witnesses and the deposition dilemma. 36 Vand. L. Rev. 1615-45 (Nov.).

DISCRIMINATION

The biases of customers in a host country as a bona fide occupational qualification: *Fernandez v. Wynn Oil Co.* 57 S. Cal. L. Rev. 335-60 (Jan.).

Connecticut v. Teal: the Supreme Court's latest exposition of disparate impact analysis. Jane Rigler. 59 Notre Dame Law. 313-36 (No. 2).

Evolving conceptions of equality under title VII: disparate impact theory and the demise of the bottom line principle. Martha Chamallas. 31 UCLA L. Rev. 305-83 (Dec.).

DISCRIMINATION: HANDICAPPED

The antidiscrimination model reconsidered: ensuring equal opportunity without respect to handicap under section 504 of the Rehabilitation Act of 1973. Judith Welch Wegner. 69 Cornell L. Rev. 401-516 (Mar.).

Employment discrimination against the handicapped and section 504 of the Rehabilitation Act: an essay on legal evasiveness. 97 Harv. L. Rev. 997-1015 (Feb.).

DISCRIMINATION: RACE

The standard of appellate review in title VII disparate-treatment actions. 50 U. Chi. L. Rev. 1481-99 (Fall).

DOMESTIC RELATIONS

Enforcing state domestic relations decrees in federal courts. 50 U. Chi. L. Rev. 1357-79 (Fall).

Human leukocyte antigen testing: technology versus policy in cases of disputed parentage. 36 Vand. L. Rev. 1587-613 (Nov.).

DRUGS

Facial validity of drug paraphernalia legislation in the Seventh Circuit. 1983 Wis. L. Rev. 1473-86 (No. 6).

DUE PROCESS OF LAW

See *Constitutional Law, Criminal Procedure*.

ECONOMICS

See also *Antitrust Law*.

An economic analysis of the lost-volume retail seller. Victor P. Goldberg. 57 S. Cal. L. Rev. 283-98 (Jan.).

ELECTIONS

Federal Election Commission v. Florida for Kennedy Committee: are draft committees political committees within the meaning of FECA? 1983 Det. C. L. Rev. 1679-92 (Winter).

Presidential "draft" committees and the Federal Election Campaign Act. 84 Colum. L. Rev. 198-227 (Jan.).

ENERGY RESOURCES

Wisconsin recognizes the power of the sun: Prah v. Maretti and the Solar Access Act. 1983 Wis. L. Rev. 1263-304 (No. 5).

ENVIRONMENTAL CONTROL

The Endangered Species Act and biological conservation. Edwin M. Smith. 57 S. Cal. L. Rev. 361-413 (Mar.).

ENVIRONMENTAL LAW

Federal supervision of state water quality standards under the Clean Water Act. Jeffrey M. Gaba. 36 Vand. L. Rev. 1167-219 (Oct.).

EQUAL PROTECTION

See also *Husband & Wife*.

Outcome equality or equality of respect: the substantive content of equal protection. C. Edwin Baker. 131 U. Pa. L. Rev. 933-98 (Mar.).

EVIDENCE

See also *Civil Procedure, Discovery, Expert Testimony, Privileged Communications*.

The corroboration requirement of Federal Rule of Evidence 804(b)(3) and United States v. MacDonald: how things should not work. 131 U. Pa. L. Rev. 999-1037 (Mar.).

Evaluating the prejudicial effect of evidence: can judges identify the impact of improper evidence on juries? Lee E. Teitelbaum, Gale Sutton-Barbere & Peder Johnson. 1983 Wis. L. Rev. 1147-201 (No. 5).

Witness explanations during cross-exami-

nation: a rule of evidence examined. 58 Ind. L.J. 361-74 (No. 2).

EXPERT TESTIMONY

Expert legal testimony. 97 Harv. L. Rev. 797-814 (Jan.).

EXPORTS AND IMPORTS

Extraterritorial application of United States law: the case of export controls. 132 U. Pa. L. Rev. 355-90 (Jan.).

EXTRADITION

Revising domestic extradition law. John J. Murphy. 131 U. Pa. L. Rev. 1063-119 (Apr.).

FAIR TRIAL

See *Right to Counsel*.

FEDERAL JURISDICTION

See also *Jurisdiction*.

Application of the federal abstention doctrines to the domestic relations exception to federal diversity jurisdiction. 1983 Duke L.J. 1095-120 (Nov.).

Justice Rehnquist, statutory interpretation, the policies of clear statement, and federal jurisdiction. William V. Luneburg. 58 Ind. L.J. 211-85 (No. 2).

FEDERAL PREEMPTION

The doctrine of conditional preemption and other limitations on tenth amendment restrictions. Ronald D. Rotunda. 132 U. Pa. L. Rev. 289-325 (Jan.).

FEDERAL TORT CLAIMS ACT

Using the Federal Tort Claims Act to remedy property damage following Customs Service seizures. 17 U. Mich. J. L. Ref. 83-97 (Fall).

FEDERALISM

A reassessment of the Younger doctrine in light of the legislative history of reconstruction. Donald H. Zeigler. 1983 Duke L.J. 987-1044 (Nov.).

The rule of law and the states: a new interpretation of the guarantee clause. 93 Yale L.J. 561-80 (Jan.).

FEES

Attorney's fee recovery in bad faith cases: new directions for change. 57 S. Cal. L. Rev. 503-30 (Mar.).

FOREIGN RELATIONS

Foreign policy frustrated — Dames & Moore, claims court jurisdiction and a new raid on the treasury. Phillip R. Trimble. 84 Colum. L. Rev. 317-85 (Mar.).

Who's listening: proposals for amending

the Foreign Intelligence Surveillance Act. 70 Va. L. Rev. 297-37 (Mar.).

FRAUDULENT CONVEYANCES

Good faith and fraudulent conveyances. 97 Harv. L. Rev. 495-510 (Dec.).

Mortgage foreclosure as fraudulent conveyance: is judicial foreclosure an answer to the Durrett problem? 1984 Wis. L. Rev. 195-235 (No. 1).

FREEDOM OF EXPRESSION

See *Libel & Slander*.

FREEDOM OF RELIGION

Department of Civil Rights ex rel Parks v. General Motors Corporation: maintaining the freedom of religious liberty. 1983 Det. C. L. Rev. 1661-78 (Winter).

Menora v. Illinois High School Association: basketball players' free exercise rights compromised — technical foul. 1983 Wis. L. Rev. 1487-503 (No. 6).

A non-conflict approach to the first amendment religion clauses. 131 U. Pa. L. Rev. 1175-208 (Apr.).

Protecting religious exercise: the first amendment and legislative responses to religious vandalism. 97 Harv. L. Rev. 547-64 (Dec.).

Widmar v. Vincent and the public forum doctrine: time to reconsider public school prayer. 1984 Wis. L. Rev. 147-94 (No. 1).

FREEDOM OF SPEECH

Chicken ranch cries foul: limitations on commercial expression — why can't legal prostitutes advertise? 1983 Det. C. L. Rev. 1613-36 (Winter).

The emergence of modern first amendment doctrine. David M. Rabban. 50 U. Chi. L. Rev. 1205-355 (Fall).

The first amendment and nonpicketing labor publicity under section 8(b)(4)(ii)(B) of the National Labor Relations Act. Lee Goldman. 36 Vand. L. Rev. 1469-509 (Nov.).

First amendment protection of ambiguous conduct. 84 Colum. L. Rev. 467-505 (Mar.).

First amendment protection of artistic entertainment: toward reasonable municipal regulation of video games. 36 Vand. L. Rev. 1223-76 (Oct.).

Post-Pruneyard access to Michigan shopping centers: the "mallings" of constitutional rights. 30 Wayne L. Rev. 93-126 (Fall).

The proper role of the prior restraint doctrine in first amendment theory. Martin H. Redish. 70 Va. L. Rev. 53-100 (Feb.).

Tort liability for nonlibelous negligent statements: first amendment considerations. 93 Yale L.J. 744-62 (Mar.).

FREEDOM OF THE PRESS

See also *Constitutional Law, Defamation*.

Media access to evidentiary materials: United States v. Edwards. 1983 Wis. L. Rev. 1455-72 (No. 6).

GOVERNMENT IMMUNITY AND LIABILITY

The eleventh amendment and state sovereign immunity: a reinterpretation. John J. Gibbons. 83 Colum. L. Rev. 1889-2005 (Dec.).

Rejecting absolute immunity for federal officials. 71 Calif. L. Rev. 1707-31 (Dec.).

Section 1983: a limited access highway. Carl B. Rubin, 52 U. Cin. L. Rev. 977-85 (No. 4).

HABEAS CORPUS

The federal interest approach to state waiver of the exhaustion requirement in federal habeas corpus. 97 Harv. L. Rev. 511-28 (Dec.).

HISTORY

Property in the workplace: labor, capital, and crime in the eighteenth-century British woolen and worsted industry. Craig Becker. 69 Va. L. Rev. 1487-515 (Nov.).

HOSPITALS

See *Antitrust Law*.

HUSBAND AND WIFE

Inequality in marital liabilities: the need for equal protection when modifying the necessities doctrine. 17 U. Mich. J. L. Ref. 43-56 (Fall).

IMMIGRATION

The transformation of immigration law. Peter H. Schuck. 84 Colum. L. Rev. 1-90 (Jan.).

INCOME TAX

See *Taxation*.

INDIANS

Federal power over Indians: its sources, scope, and limitations. Nell Jessup Newton. 132 U. Pa. L. Rev. 195-288 (Jan.).

The medieval and renaissance origins of the status of the American Indian in Western legal thought. Robert A. Williams, Jr. 57 S. Cal. L. Rev. 1-99 (Nov.).

Terminating the Indian termination policy. 35 Stan. L. Rev. 1181-215 (July).

INFANTS

See *Juvenile Courts*.

INSURANCE

Adjudicating asbestos insurance liability:

alternatives to contract analysis. 97 Harv. L. Rev. 739-58 (Jan.).

INSURANCE: SECURITIES

The impact of the SEC's shelf registration rule on underwriters' due-diligence investigations. 51 Geo. Wash. L. Rev. 767-90 (Aug.).

INTERNATIONAL LAW

DBS under FCC and international regulation. The Georgetown Space Law Group. 37 Vand. L. Rev. 67-144 (Jan.).

Toward establishing an international tribunal for the settlement of cultural property disputes: how to keep Greece from losing its marbles. 72 Geo. L.J. 1155-82 (Feb.).

JUDGES

Can judges identify fair bargaining procedures?: a comment on Freed, Polsby & Spitzer, Unions, Fairness, and the Conundrums of Collective Choice. Alan Hyde. Reply by Mayer G. Freed, Daniel D. Polsby & Matthew L. Spitzer. 57 S. Cal. L. Rev. 415-28 (Mar.).

JUDICIAL REVIEW

Congressional preclusion of judicial review of federal benefit disbursement: reasserting separation of powers. 97 Harv. L. Rev. 778-96 (Jan.).

Judicial review of constitutional claims against the military. 84 Colum. L. Rev. 387-424 (Mar.).

JURIES

See *Evidence*.

JURISDICTION

See also *Securities: Fraud*.

Alien corporations and federal diversity jurisdiction. 84 Colum. L. Rev. 177-97 (Jan.).

A brave new world for personal jurisdiction: flexible tests under uniform standards. Harold S. Lewis, Jr. 37 Vand. L. Rev. 1-66 (Jan.).

Diversity jurisdiction over alien corporations. 50 U. Cin. L. Rev. 1458-80 (Fall).

A historical interpretation of the eleventh amendment: a narrow construction of an affirmative grant of jurisdiction rather than a prohibition against jurisdiction. William A. Fletcher. 35 Stan. L. Rev. 1033-131 (July).

Jurisdiction over interstate felony murder. 50 U. Chi. L. Rev. 1431-57 (Fall).

The long arm and multiple defendants: the conspiracy theory of in personam jurisdiction. 84 Colum. L. Rev. 506-36 (Mar.).

Values, intuitions, and opinion writing: the judicial process and state court jurisdiction. Kathleen Waits. 1983 U. Ill. L. Rev. 917-75 (No. 4).

JURISPRUDENCE

Legal change: sources of law and legal culture. Alan Watson. 131 U. Pa. L. Rev. 1121-57 (Apr.).

Legal realism, the new journalism, and The Brethren. George Anastaplo. 1983 Duke L.J. 1045-74 (Nov.).

JUVENILE COURTS

The infancy defense in the new juvenile court. Andrew Walkover. 31 UCLA L. Rev. 503-62 (Feb.).

LABOR LAW

See also *Freedom of Speech, Unions*.

The consumer's emerging right to boycott: NAACP v. Claiborne Hardware and its implications for American labor law. Michael C. Harper. 93 Yale L.J. 409-54 (Jan.).

Duty of fair representation after Hoffman v. Lonza: in search of a proper standard for reviewing union representation in the grievance process. 1983 Wis. L. Rev. 1505-23 (No. 6).

International Union of the Plumbing and Pipefitting Industry, Local 141 v. NLRB: closing the door on representation fees in right to work states. 1983 Wis. L. Rev. 1231-62 (No. 5).

The liability of labor relations consultants for advising unfair labor practices. 97 Harv. L. Rev. 529-46 (Dec.).

National Labor Relations Act: the roles of the NLRB and the courts of appeals after Pullman-Standard in determining employer motivation in section 8(a)(3) dual motive cases. 36 Vand. L. Rev. 1095-127 (May).

The "new" terminable-at-will employment contract: an interest and cost incidence analysis. Jeffrey L. Harrison. 69 Iowa L. Rev. 327-61 (Jan.).

Notice to class members under the Fair Labor Standards Act representative action provision. 17 U. Mich. J. L. Ref. 25-42 (Fall).

Subjects of bargaining under the NLRA and the limits of liberal political imagination. 97 Harv. L. Rev. 475-94 (Dec.).

LANDLORD AND TENANT

The revolution in residential landlord-tenant law: causes and consequences: a symposium. Articles by Edward H. Rabin, Lawrence M. Friedman, Charles J. Goetz, Werner Z. Hirsch & Neil K. Komesar. 69 Cornell L. Rev. 517-683 (Mar.).

LANGUAGE

The myth of precision and the law dictionary. David Mellinkoff. 31 UCLA L. Rev. 423-42 (Dec.).

LAW IN ARTS AND LITERATURE

Blanket licensing of music performing rights: possible solutions to the copyright-antitrust conflict. 37 Vand. L. Rev. 183-216 (Jan.).

LAW REFORM

Open forum: reforms in the law. 1983 Det. C. L. Rev. 1013-532 (Winter).

LEGAL ETHICS

See *Attorneys*.

LEGAL HISTORY

The mind of a liberal law professor: selections from the writings of Louis B. Schwartz. 131 U. Pa. L. Rev. 847-905 (Mar.).

Symposium: the New Deal and its legacy. Articles by Robert A. Stein, Walter F. Mondale, Seymour Martin Lipset, Daniel J. Gifford, Harold F. Breimyer, Wayne D. Rasmussen & Wilbur J. Cohen. 68 Minn. L. Rev. 255-408 (Dec.).

The working life of the Marshall Court, 1815-1835. G. Edward White. 70 Va. L. Rev. 1-52 (Feb.).

LEGAL PROFESSION

See also *Advertising*.

The social conscience of a lawyer. Max Rosenn. 69 Iowa L. Rev. 319-26 (Jan.).

LEGISLATION

The Triangle Shirtwaist Company fire of 1911: a lesson in legislative manipulation. 62 Texas L. Rev. 361-87 (Oct.).

LIBEL AND SLANDER

See also *Freedom of Speech*.

Let the author beware: the rejuvenation of the American law of libel. Rodney A. Smolla. 132 U. Pa. L. Rev. 1-94 (Dec.).

Seditious libel and the lost-guarantee of a freedom of expression. William T. Mayton. 84 Colum. L. Rev. 91-142 (Jan.).

MASTER AND SERVANT

See also *Labor Law*.

Fearful asymmetry: employee free choice and employer profitability in First National Maintenance. Richard Litvin. 58 Ind. L.J. 433-504 (No. 3).

MEDICAL JURISPRUDENCE

See *Dentists*.

MILITARY LAW

See *Judicial Review*.

MORTGAGES

See *Fraudulent Conveyances*.

NARCOTICS

Exposing the war on cocaine: the futility and destructiveness of prohibition. Steven Wisotsky. 1983 Wis. L. Rev. 1305-426 (No. 6).

NEGLIGENCE

See also *Personal Injuries, Proximate Cause*.

A new positive economic theory of negligence. Mark F. Grady. 92 Yale L.J. 799-829 (Apr.).

NUISANCE

See also *Trespass*.

Prah v. Maretti: deficiencies of a nuisance law cause of action for obstruction of solar access. 78 Nw. U. L. Rev. 861-92 (Nov.).

OCCUPATIONAL SAFETY

Pink collar blues: potential hazards of video display terminal radiation. 57 S. Cal. L. Rev. 139-71 (Nov.).

OIL AND GAS

Reconsidering the roles of regulation and competition in the natural gas industry. Richard J. Pierce. 97 Harv. L. Rev. 345-85 (Dec.).

OPINIONS

See *Civil Rights*.

PARENT AND CHILD

See also *Domestic Relations*.

The extension of substantive due process rights to noncustodial parents. 52 U. Cin. L. Rev. 1038-54 (No. 4).

A maternal duty to protect fetal health? 58 Ind. L.J. 531-46 (No. 3).

"Who's been searching in my room?" parental waiver of children's fourth amendment rights. 17 U.C.D. L. Rev. 359-88 (Fall).

PARKS AND MONUMENTS

Affirmative obligations in historic-preservation agreements. 51 Geo. Wash. L. Rev. 746-66 (Aug.).

PAROLE

The federal parole decision and the discretionary function exception. 1983 Duke L.J. 1121-38 (Nov.).

PAROLE EVIDENCE

The parole evidence rule: promissory estoppel's next conquest. Michael B. Metzger. 36 Vand. L. Rev. 1383-467 (Nov.).

PATENTS

Limiting the anticompetitive prerogative of patent owners: predatory standards in patent licensing. 92 Yale L.J. 831-61 (Apr.).

The policy implications of granting patent protection to computer software: an economic analysis. 37 Vand. L. Rev. 147-81 (Jan.).

PERJURY

The rule against civil actions for perjury in administrative agency proceedings: a hobgoblin of little minds. 131 U. Pa. L. Rev. 1209-25 (Apr.).

PERSONAL INJURIES

See *Torts*.

The increasingly disparate standards of recovery for negligently inflicted emotional injuries. 52 U. Cin. L. Rev. 1017-37 (No. 4).

PHILOSOPHY

Radical pluralism: a proposed theoretical framework for the conference on critical legal studies. 72 Geo. L.J. 1143-54 (Feb.).

Two faces of law. Lawrence M. Friedman. 1984 Wis. L. Rev. 13-35 (No. 1).

Wrong again. Stanley Fish. 62 Texas L. Rev. 299-316 (Oct.).

PHYSICIANS AND SURGEONS

See *Antitrust Law*.

PLEA BARGAINING

Constitutional alternatives to plea bargaining: a new waive. 132 U. Pa. L. Rev. 327-53 (Jan.).

POLITICS

See also *Constitutional Law*.

By the people: the political dynamics of a constitutional convention. Philip G. Schrag. 72 Geo. L.J. 819-1108 (Feb.).

Presidents and their papers. Carl McGowan. 68 Minn. L. Rev. 409-37 (Dec.).

POLLUTION

See *Environmental Law*.

PRISONS AND PRISONERS

Permanent confiscation of prison contraband: the fifth amendment behind bars. 93 Yale L.J. 901-17 (Apr.).

The privacy and procedural due process rights of hunger striking prisoners. 58 N.Y.U. L. Rev. 1157-230 (Nov.).

PRIVILEGED COMMUNICATIONS

The attorney-client privilege in class actions: fashioning an exception to promote adequacy of representation. 97 Harv. L. Rev. 947-60 (Feb.).

Inadvertent disclosure of documents subject to the attorney-client privilege. 82 Mich. L. Rev. 598-624 (Dec.).

PRODUCTS LIABILITY

Symposium: the passage of time: the implications for product liability. Articles by John W. Wade, James A. Henderson, Jr., Gary T. Schwartz, Joseph A. Page, Victor Schwartz, Jerry J. Phillips, Richard A. Epstein & Guido Calabresi. 58 N.Y.U. L. Rev. 733-944 (Oct.).

PROPERTY

Justice Rehnquist's theory of property. 93 Yale L.J. 541-60 (Jan.).

PROXIMATE CAUSE

Proximate cause and the law of negligence. Mark F. Grady. 69 Iowa L. Rev. 363-449 (Jan.).

PUBLIC OFFICIALS AND EMPLOYEES

See *Government Immunity & Liability*.

RADIO AND TELEVISION

Cellular communications service: wireline delivery or delay? 72 Geo. L.J. 1183-210 (Feb.).

The FCC and reciprocity: an examination of the "public interest" standard. 62 Tex. L. Rev. 319-60 (Oct.).

REAL PROPERTY

Purchaser's depreciation rights in property subject to a lease. 82 Mich. L. Rev. 572-97 (Dec.).

Termination of servitudes: expanding the remedies for "changed conditions". 31 UCLA L. Rev. 226-51 (Oct.).

REMEDIES

A return to principles of corrective justice in deciding economic loss cases. Andrew W. McThenia & Joseph E. Ulrich. 69 Va. L. Rev. 1517-35 (Nov.).

RETROACTIVE LAWS AND DECISIONS

Retroactivity and the exclusionary rule: a unifying approach. 97 Harv. L. Rev. 961-77 (Feb.).

RIGHT OF PRIVACY

Brown v. Johnston: the unexamined issue of privacy in public library circulation records in Iowa. 69 Iowa L. Rev. 535-50 (Jan.).

Is independence day dawning for the right of publicity? Roberta Rosenthal Kwall. 17 U.C.D. L. Rev. 191-255 (Fall).

RIGHT TO COUNSEL

Effective assistance of counsel: the sixth amendment and the fair trial guarantee. 50 U. Chi. L. Rev. 1380-430 (Fall).

SALES

See *Commercial Law*.

SCHOOLS AND SCHOOL DISTRICTS

Education or indoctrination — removal of books from public school libraries: Board of Education, Island Trees Union Free School District No. 26 v. Pico. 68 Minn. L. Rev. 213-53 (Oct.).

The search for constitutional limits on governmental authority to inculcate youth. Tyll van Geel. 62 Texas L. Rev. 197-297 (Oct.).

SCIENCE

See also *Domestic Relations*.

Can science be inopportune? constitutional validity of governmental restrictions on race-IQ research. Richard Delgado and students. 31 UCLA L. Rev. 128-225 (Oct.).

SEARCH AND SEIZURE

Defending the citadel: the dangerous attack of "reasonable good faith". Stanley Ingber. 36 Vand. L. Rev. 1511-84 (Nov.).

Restoring the status quo ante: the fourth amendment exclusionary rule as a compensatory device. William A. Schroeder. 51 Geo. Wash. L. Rev. 633-75 (Aug.).

SECURED TRANSACTIONS

See *Contracts*.

SECURITIES

See also *Bankruptcy, Banks & Banking*.

Current issues in tender offer regulation: lessons from the British. Deborah A. DeMott. 58 N.Y.U. L. Rev. 945-1029 (Nov.).

The front-end loaded, two-tiered tender offer. 78 Nw. U. L. Rev. 811-31 (Nov.).

Rulemaking under section 14(e) of the Exchange Act: the SEC exceeds its reach in attempting to pull the plug on multiple proration pools. 36 Vand. L. Rev. 1313-49 (Oct.).

Secondary liability of attorneys for securities law violations — the need for a single standard of attorney conduct. 30 Wayne L. Rev. 65-92 (Fall).

Secondary liability under section 12(2) of the Securities Act of 1933. 78 Nw. U. L. Rev. 832-60 (Nov.).

Target defensive tactics as manipulative under section 14(e). 84 Colum. L. Rev. 228-62 (Jan.).

SECURITIES: FRAUD

Securities law — subject matter jurisdiction in transnational securities fraud cases: the expanding application of the conduct text. 59 Notre Dame Law. 471-84 (No. 2).

SEPARATION OF POWERS

See also *Constitutional Law, Judicial Review*.

Immigration and Naturalization Service v. Chadha: the death knell for the legislative veto? 69 Iowa L. Rev. 513-33 (Jan.).

Politics v. the cloister: deciding when the Supreme Court should defer to congressional factfinding under the post-civil war amendments. Saul M. Pilchen. 59 Notre Dame Law. 337-98 (No. 2).

Refining the lawmaking function of the Supreme Court. Frederick Schauer. 17 U. Mich. J. L. Ref. 1-24 (Fall).

SLAVERY

The White Slave Traffic Act: the historical impact of a criminal law policy on women. 72 Geo. L.J. 1111-42 (Feb.).

STANDING TO SUE

Rethinking standing. Gene R. Nichol, Jr. 72 Calif. L. Rev. 68-102 (Jan.).

Standing to sue: a proposed separation of powers analysis. David A. Logan. 1984 Wis. L. Rev. 37-82 (No. 1).

Third party standing. Henry P. Monaghan. 84 Colum. L. Rev. 277-316 (Mar.).

STATES' RIGHTS

On reading and using the tenth amendment. 93 Yale L.J. 723-43 (Mar.).

STATUTES

See *Federal Jurisdiction*.

STOCKS

Regulatory subsidies, efficient markets, and shelf registration: an analysis of rule 415. Barbara Ann Banoff. 70 Va. L. Rev. 135-85 (Mar.).

SURVEYS OF LAWS AND DECISIONS

1983 annual survey of Michigan law. 30 Wayne L. Rev. 191-940 (Winter).

TAXATION

Abusive tax shelters: will the latest tools really help? 57 S. Cal. L. Rev. 431-69 (Mar.).

Dissenting opinions by Supreme Court justices in federal income tax controversies. Walter J. Blum. 82 Mich. L. Rev. 431-60 (Dec.).

An essay on the conceptual foundations of the tax benefit rule. Patricia D. White. 82 Mich. L. Rev. 486-506 (Dec.).

Internal Revenue Code section 7609(f) at the John Doe summons enforcement hearing. 1983 U. Ill. L. Rev. 1017-38 (No. 4).

Internal Revenue Service accessibility to

auditors' tax accrual workpapers. 72 *Geo. L.J.* 1211-29 (Feb.).

IRS denials of charitable status: a social welfare organization disease. 82 *Mich. L. Rev.* 508-36 (Dec.).

Intra-familial interest-free demand loans as taxable gifts: the Yipiyuk's reward. John R. Marquis. 1983 *Det. C. L. Rev.* 1551-85 (Winter).

Personal, living or family matters and the value added tax. L. Hart Wright. 82 *Mich. L. Rev.* 419-30 (Dec.).

State-defined marital status: its future as an operative tax factor. Daniel J. Lathrope. 17 *U.C.D. L. Rev.* 257-307 (Fall).

The Supreme Court's misconstruction of a procedural statute — a critique of the court's decision in *Badaracco*. Douglas A. Kahn. 82 *Mich. L. Rev.* 461-85 (Dec.).

Tax litigation and attorney's fees: still a win-lose dichotomy. 57 *S. Cal. L. Rev.* 471-501 (Mar.).

A tax policy analysis of *Bob Jones University v. United States*. Charles O. Galvin & Neal Devins. 36 *Vand. L. Rev.* 1353-82 (Nov.).

Tax treatment of prepublication expenses of authors and publishers. 82 *Mich. L. Rev.* 537-71 (Dec.).

TECHNOLOGY

See also *Radio & Television*

Fear and trembling in the twentieth century: technological risk, uncertainty and emotional distress. Robert A. Bohrer. 1984 *Wis. L. Rev.* 83-128 (No. 1).

TORTS

Beyond good samaritans and moral monsters: an individualistic justification of the general legal duty to rescue. 31 *UCLA L. Rev.* 252-93 (Oct.).

The case of the disappearing defendant: an economic analysis. 132 *U. Pa. L. Rev.* 145-85 (Dec.).

The causal connection in mass exposure cases: a "public law" vision of the tort system. David Rosenberg. 97 *Harv. L. Rev.* 849-929 (Feb.).

Developing a victims' suit for injuries caused by a compulsorily released prisoner. 17 *U. Mich. J. L. Ref.* 99-120 (Fall).

Relief from tort liability through reorganization. 131 *U. Pa. L. Rev.* 1227-47 (Apr.).

The trend toward judicial recognition of wrongful life: a dissenting view. 31 *UCLA L. Rev.* 473-501 (Dec.).

TRESPASS

Remedies for intangible intrusions: the distinction between trespass and nuisance ac-

tions against lawfully zoned businesses in California. 17 *U.C.D. L. Rev.* 389-411 (Fall).

TRIAL PRACTICE

See *Evidence*.

TRIALS

Litigation in America. Articles by Patricia M. Wald, Marc Galanter, David H. Trubek, Austin Sarat, William L.F. Felstiner, Herbert M. Kritzer & Joel B. Grossman. 31 *UCLA L. Rev.* 1-127 (Oct.).

UNDERWRITING

See *Banks & Banking*.

UNFAIR COMPETITION

Trading stamps, S & H, and the FTC's unfairness doctrine. Ernest Gellhorn. 1983 *Duke L.J.* 903-58 (Nov.).

UNFAIR LABOR PRACTICES

See *Labor Law*.

UNIONS

See also *Labor Law*.

Still as strangers: nonemployee union organizers on private commercial property. 62 *Texas L. Rev.* 111-73 (Aug.).

WAR AND EMERGENCY POWERS

The constitutionality of the war powers resolution. Stephen L. Carter. 70 *Va. L. Rev.* 101-34 (Feb.).

The New Deal and the emergency powers doctrine. Michal R. Belknap. 62 *Texas L. Rev.* 67-109 (Aug.).

WARRANTY

See *Contracts*.

WILLS

Is there a simple will? or drafting of a testamentary power of appointment without specific reference to source of the power: opportunity for malpractice? Addison E. Dewey. 1983 *Det. C. L. Rev.* 1533-50 (Winter).

WOMEN

See also *Slavery*.

Women and the law: from Abigail to Sandra. George Edwards. 52 *U. Cin. L. Rev.* 967-76 (No. 4).

ZONING

See also *Trespass*.

Municipal zoning restrictions on adult entertainment: Young, its progeny, and Indianapolis' special exceptions ordinance. 58 *Ind. L.J.* 505-29 (No. 3).

