

Michigan Law Review

Volume 82 | Issue 8

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. 1962 (1984).

Available at: <https://repository.law.umich.edu/mlr/vol82/iss8/7>

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*.

ACCOUNTANTS AND ACCOUNTING

Failure to maintain independence: a proposed cause of action against accountants. 62 Texas L. Rev. 923-48 (Feb.).

ADMINISTRATION OF CRIMINAL JUSTICE

United States v. William Anderson Co.: monetary conditions of probation under the Federal Probation Act. 69 Iowa L. Rev. 1147-61 (May).

Where offenders pay for their crimes: victim restitution and its constitutionality. 59 Notre Dame Law. 685-716 (No. 3).

ADMINISTRATION OF JUSTICE

Judicial review of administrative guidance: governmentally encouraged consensual dispute resolution in Japan. Michael K. Young. 84 Colum. L. Rev. 923-83 (May).

Mental health professionals as civil commitment hearing officers: procedural due process problems. 17 U.C.D. L. Rev. 653-87 (Winter).

Of justiciability, remedies, and public law litigation: notes on the jurisprudence of Lyons. Richard H. Fall, Jr. 59 N.Y.U. L. Rev. 1-75 (Apr.).

Private means to public ends: implications of the private judging phenomenon in California. 17 U.C.D. L. Rev. 611-52 (Winter).

United States magistrates hearing civil cases: the constitutionality of rendering final judgments after Northern Pipeline Construction Co. v. Marathon Pipe Line Co. 59 Notre Dame Law. 897-920 (No. 4).

ADMINISTRATIVE AGENCIES

See *Constitutional Law, Judicial Review*.

ADMINISTRATIVE LAW

See also *Judicial Review*.

The reform of the American administrative process: the contemporary debate. Thomas O. Sargentich. 1984 Wis. L. Rev. 385-442 (No. 2).

ADMINISTRATIVE PROCEDURE

Administrative process reform in a discretionary age: the role of social consequences. Wesley A. Magat & Christopher H. Schroeder. 1984 Duke L.J. 301-44 (Apr.).

Utah International, Inc. v. Watt: adjudicative or legislative hearing. 72 Ky. L.J. 239-61 (No. 1).

ADMINISTRATIVE PROCEDURE: SECURITIES AND EXCHANGE COMMISSION

Jerry T. O'Brien, Inc. v. SEC: does the target of an SEC investigation have the right to notice of third party subpoenas? 59 Notre Dame Law. 733-53 (No. 3).

ADOPTION

Transracial adoption: analysis of the best interests standard. Margaret Howard. 59 Notre Dame Law. 503-55 (No. 3).

ADVERTISING

Liquor advertising: resolving the clash between the first and twenty-first amendments. 59 N.Y.U. L. Rev. 157-86 (Apr.).

AGED

Gerontology and the law: a selected bibliography, 1982-83 update. 57 S. Cal. L. Rev. 650-66 (May).

AGENCY

The economics of vicarious liability. Alan O. Sykes. 93 Yale L.J. 1231-80 (June).

The problem of the undisclosed principal and how it affects agent and third party. 1984 Det. C. L. Rev. 47-75 (Spring).

ANTITRUST LAW

Antitrust exemptions for private requests for governmental action: a critical analysis of the Noerr-Pennington doctrine. Earl W. Kintner & Joseph P. Bauer. 17 U.C.D. L. Rev. 549-89 (Winter).

Antitrust standing, antitrust injury, and the per se standard. 93 Yale L.J. 1309-29 (June).

The Noerr-Pennington doctrine and the petitioning of foreign governments. 84 Colum. L. Rev. 1343-70 (June).

State liability under the Robinson-Patman Act for actions in competition with private enterprise. 30 Wayne L. Rev. 1119-35 (Spring).

ANTITRUST LAW: DAMAGES

A farewell to arms: the implementation of a policy-based standing analysis in antitrust

treble damages actions. 72 Calif. L. Rev. 437-76 (May).

Segregation of antitrust damages: an excessive burden on private plaintiffs. 72 Calif. L. Rev. 403-36 (May).

ANTITRUST LAW: MERGERS

See also *Corporations: Consolidation & Merger*.

The Herfindahl-Hirschman Index and the new antitrust merger guidelines: concentrating on concentration. Neil B. Cohen & Charles A. Sullivan. 62 Texas L. Rev. 453-508 (Nov.).

APPELLATE PROCEDURE

See *Civil Procedure*.

ASSIGNMENT

See *Sales*.

ATTORNEYS

The Equal Access to Justice Act in the federal courts. 84 Colum. L. Rev. 1089-117 (May).

BANKRUPTCY

See also *Commercial Law*.

Balancing section 3 of the United States Arbitration Act and section 1471 of the Bankruptcy Reform Act of 1978: a bankruptcy judge's exercise of "sound discretion". 53 U. Cin. L. Rev. 231-49 (No. 1).

Bankruptcy and mass tort. Mark J. Roe. 84 Colum. L. Rev. 846-922 (May).

Corporate reorganizations and the treatment of diverse ownership interests: a comment on adequate protection of secured creditors in bankruptcy. Douglas G. Baird & Thomas H. Jackson. 51 U. Chi. L. Rev. 97-130 (Winter).

Creditors with unclean hands at the bar of the bankruptcy courts: a proposal for legislative reform. Luize E. Zubrow. 58 N.Y.U. L. Rev. 1383-452 (Dec.).

The farm lease in bankruptcy: a comprehensive analysis. Margaret Rosso Grossman & Thomas G. Fischer. 59 Notre Dame Law. 598-664 (No. 3).

BANKS AND BANKING

Bank insolvency and depositor setoff. 51 U. Chi. L. Rev. 188-221 (Winter).

The due-on-sale controversy: beneficial effects of the Garn-St. Germain Depository Institution Act of 1982. 1984 Duke L.J. 121-40 (Feb.).

BONDS

The economics and jurisprudence of convertible bonds. William W. Bratton, Jr. 1984 Wis. L. Rev. 667-740 (No. 3).

CHARITIES

See also *Taxation*.

The participation of charities in limited partnerships. 93 Yale L.J. 1355-74 (June).

CIVIL PROCEDURE

The doctrine of forum non conveniens: history, application, and acceptance in Iowa. 69 Iowa L. Rev. 975-1010 (May).

Forced disclosure of academic research. 37 Vand. L. Rev. 585-620 (Apr.).

Immediate appealability of orders disqualifying a criminal defendant's counsel. 1984 U. Ill. L. Rev. 135-52 (No. 1).

Michigan v. Long: presumptive federal appellate jurisdiction over state cases containing ambiguous grounds of decision. 69 Iowa L. Rev. 1081-101 (May).

CIVIL RIGHTS

See also *Constitutional Law*.

Exhaustion of administrative remedies in section 1983 actions brought in state court. 69 Iowa L. Rev. 1037-56 (May).

Harlow v. Fitzgerald: the lower courts implement the new standard for qualified immunity under section 1983. 132 U. Pa. L. Rev. 901-34 (Apr.).

The impact of proposed rule 68 on civil rights litigation. 84 Colum. L. Rev. 719-43 (Apr.).

The imperial scholar: reflections on a review of civil rights literature. Richard Delgado. 132 U. Pa. L. Rev. 561-78 (Mar.).

Making the old federalism work: section 1983 and the rights of grant-in-aid beneficiaries. 92 Yale L.J. 1001-21 (May).

Sex equality, sex differences, and the Supreme Court. Ann E. Freedman. 92 Yale L.J. 913-68 (May).

Symposium: national security and civil liberties. Articles by Thomas I. Emerson, Mary M. Cheh, Paul G. Chevigny, John T. Elliff, Judith Schenck Koffler, Bennett L. Gershman & Athan G. Theoharis. 69 Cornell L. Rev. 685-894 (Apr.).

The United Nations Charter and United States civil rights litigation: 1946-1955. Bert B. Lockwood, Jr. 69 Iowa L. Rev. 901-56 (May).

CLASS ACTIONS

See also *Damages*.

Certification of defendant classes under rule 23(b)(2). 84 Colum. L. Rev. 1371-401 (June).

Jurisdiction and notice in class actions: "playing fair" with national classes. 132 U. Pa. L. Rev. 1487-514 (July).

COMMERCE CLAUSE

See *Constitutional Law*.

COMMERCIAL LAW

Efficiency justifications for personal property security. James J. White. 37 Vand. L. Rev. 473-508 (Apr.).

Evidentiary problems in — and solutions for — the Uniform Commercial Code. Ronald J. Allen & Robert A. Hillman. 1984 Duke L.J. 92-119 (Feb.).

The goods/service dichotomy and the U.C.C.: unweaving the tangled web. 59 Notre Dame Law. 717-32 (No. 3).

COMMITMENT

See *Administration of Justice*.

COMMON LAW

The general common law and section 34 of the Judiciary Act of 1789: the example of marine insurance. William A. Fletcher. 97 Harv. L. Rev. 1513-80 (May).

CONSPIRACY

See *Corporations*.

CONSTITUTIONAL LAW

See also *Criminal Procedure*.

Allocational sanctions: the problem of negative rights in a positive state. Seth F. Kreimer. 132 U. Pa. L. Rev. 1293-397 (July).

Assessing the scope of minors' fundamental rights: juvenile curfews and the Constitution. 97 Harv. L. Rev. 1163-81 (Mar.).

Beyond process: a substantive rationale for the bill of attainder clause. 70 Va. L. Rev. 475-506 (Apr.).

The civil and criminal methodologies of the fourth amendment. 93 Yale L.J. 1127-46 (May).

Conditioning financial aid on draft registration: a bill of attainder and fifth amendment analysis. 84 Colum. L. Rev. 775-805 (Apr.).

Congressional control of presidential war-making under the War Powers Act: the status of a legislative veto after Chadha. 132 U. Pa. L. Rev. 1217-41 (June).

Deconstructing the legislative veto. Girardeau A. Spann. 68 Minn. L. Rev. 473-545 (Feb.).

Doe v. Selective Service System: the constitutionality of conditioning student financial assistance on draft registration. 68 Minn. L. Rev. 677-710 (Feb.).

The dormant commerce clause and the constitutionality of intrastate groundwater management programs. 62 Texas L. Rev. 537-57 (Nov.).

In honor of Brown v. Board of Education. Articles by David L. Norman, Drew S. Days, III, William Bradford Reynolds & Burke Marshall. 93 Yale L.J. 983-1012 (May).

A mandatory view of federal court juris-

diction: a guided quest for the original understanding of article III. Robert N. Clinton. 132 U. Pa. L. Rev. 741-866 (Apr.).

Objectivity in constitutional law. Robert W. Bennett. 132 U. Pa. L. Rev. 445-96 (Mar.).

The place of agencies in government: separation of powers and the fourth branch. Peter L. Strauss. 84 Colum. L. Rev. 573-669 (Apr.).

Pornography, padlocks, and prior restraints: the constitutional limits of the nuisance power. 58 N.Y.U. L. Rev. 1478-529 (Dec.).

The presidential polygraph order and the fourth amendment: subjecting federal employees to warrantless searches. 69 Cornell L. Rev. 896-924 (Apr.).

Public school fees in Illinois: a re-examination of constitutional and policy questions. 1984 U. Ill. L. Rev. 99-134 (No. 1).

Reinterpreting the religion clauses: constitutional construction and conceptions of the self. 97 Harv. L. Rev. 1468-86 (Apr.).

The repudiation of National League of Cities: the Supreme Court abandons the state sovereignty doctrine. 69 Cornell L. Rev. 1048-76 (June).

A response to D.A.J. Richards' defense of freewheeling constitutional adjudication. Raoul Berger. 59 Ind. L.J. 340-76 (No. 3).

Rethinking sex and the Constitution. Sylvia A. Law. 132 U. Pa. L. Rev. 955-1040 (June).

Severability of legislative veto provisions: a policy analysis. 97 Harv. L. Rev. 1182-97 (Mar.).

The Storrs lectures: discovering the Constitution. Bruce A. Ackerman. 93 Yale L.J. 1013-72 (May).

CONTRACTS

Rediscovering the contract clause. 97 Harv. L. Rev. 1414-31 (Apr.).

CONTRACTS: COVENANTS

Involuntary nonservitude: the current judicial enforcement of employee covenants not to compete — a proposal for reform. Phillip J. Closius & Henry M. Schaffer. 57 S. Cal. L. Rev. 531-60 (May).

COPYRIGHT

The parody defense to copyright infringement: productive fair use after Betamax. 97 Harv. L. Rev. 1395-413 (Apr.).

Satellite/dish antenna technology: a copyright owner's dilemma. 59 Ind. L.J. 417-42 (No. 3).

CORPORATE REORGANIZATION

See *Bankruptcy*

CORPORATIONS

Corporate criminal liability for intracorporate conspiracy. 72 Ky. L.J. 225-38 (No. 1).

Corporate governance. Oliver Williamson. 93 Yale L.J. 1197-230 (June).

Demise of the director's duty of care: judicial avoidance of standards and sanctions through the business judgment rule. Stuart R. Cohn. 62 Texas L. Rev. 591-638 (Dec.).

Regulating the market for corporate control: a critical assessment of the tender offer's role in corporate governance. John C. Coffee, Jr. 84 Colum. L. Rev. 1145-296 (June).

The standstill agreement: a case of illegal vote selling and a breach of fiduciary duty. 93 Yale L.J. 1093-112 (May).

CORPORATIONS: CONSOLIDATION AND MERGER

Approval of take-out mergers by minority shareholders: from substantive to procedural fairness. 93 Yale L.J. 1113-26 (May).

A reappraisal of current regulation of mergers and acquisitions. Edward F. Greene & James J. Junewicz. 132 U. Pa. L. Rev. 647-739 (Apr.).

CORPORATIONS: MULTINATIONAL

See *Taxation*.

CORPORATIONS: OFFICERS AND DIRECTORS

Cenco, Inc. v. Seidman & Seidman: a futile attempt to deter management fraud. 1984 Duke L.J. 141-61 (Feb.).

CORPORATIONS: STOCKHOLDERS

See also *Corporations: Consolidation & Merger*.

Reappraising the role of the shareholder in the modern public corporation: Weinberger's procedural approach to fairness in freezeouts. Dierdre A. Burgman & Paul N. Cox. 1984 Wis. L. Rev. 593-665 (No. 3).

Shareholder liability for claims by employees. Kenneth B. Davis, Jr. 1984 Wis. L. Rev. 741-67 (No. 3).

CORRUPT PRACTICES

Government corruption and civil RICO: providing compensation for intangible losses. 58 N.Y.U. L. Rev. 1530-87 (Dec.).

COURTS

See also *Common Law*.

The depublication practice of the California Supreme Court. Joseph R. Grodin. 72 Calif. L. Rev. 514-28 (July).

CRIMINAL LAW

See also *Corporations*.

Cross-racial identification errors in crimi-

nal cases. Sheri Lynn Johnson. 69 Cornell L. Rev. 934-87 (June).

A remedial approach to harassment. 70 Va. L. Rev. 507-44 (Apr.).

Unraveling the paradox of blackmail. James Lindgren. 84 Colum. L. Rev. 670-717 (Apr.).

Wisconsin's Party to a Crime Statute: the mens rea element under the aiding and abetting subsection, and the aiding and abetting-choate conspiracy distinction. 1984 Wis. L. Rev. 769-829 (No. 3).

CRIMINAL PROCEDURE

See also *Constitutional Law, Evidence*.

Alibi notice rules: the preclusion sanction as procedural default. 51 U. Chi. L. Rev. 254-85 (Winter).

Criminal procedure — electronic tracking devices and the fourth amendment — United States v. Knotts. 30 Wayne L. Rev. 1151-67 (Spring).

Dark year on death row: guiding sentencer discretion after Zant, Barclay, and Harris. 17 U.C.D. L. Rev. 689-729 (Winter).

Is plea bargaining inevitable? Stephen J. Schulhofer. 97 Harv. L. Rev. 1037-107 (Mar.).

Mandatory advisory counsel for pro se defendants: maintaining fairness in the criminal trial. 72 Calif. L. Rev. 697-719 (July).

Massachusetts v. Sheppard: when the keeper leads the flock astray — a case of good faith or harmless error? Steven K. Sharpe & John E. Fennelly. 59 Notre Dame Law. 665-84 (No. 3).

On exorcising the exclusionary demons: an essay on rhetoric, principle, and the exclusionary rule. Arthur G. LeFrancois. 53 U. Cin. L. Rev. 49-112 (No. 1).

Singer v. United States and the misapprehended source of the nonconsensual bench trial. 51 U. Chi. L. Rev. 222-53 (Winter).

Stop-and-identify statutes after Kolender v. Lawson: exploring the fourth and fifth amendment issues. 69 Iowa L. Rev. 1057-80 (May).

Two-step balancing and the admissibility of other crimes evidence: a sliding scale of proof. Calvin W. Sharpe. 59 Notre Dame Law. 556-97 (No. 3).

CRIMINAL RESPONSIBILITY

The not guilty by reason of insanity verdict: should juries be informed of its consequences? 72 Ky. L.J. 207-24 (No. 1).

DAMAGES

See also *Federal Tort Claims Act*.

The punitive damage class action: a solution to the problem of multiple punishment. 1984 U. Ill. L. Rev. 153-74 (No. 1).

DISCOVERY

See also *Civil Procedure*.

The Hague Convention on the taking of evidence abroad in civil or commercial matters: the exclusive and mandatory procedures for discovery abroad. 132 U. Pa. L. Rev. 1461-85 (July).

DISCRIMINATION

See also *Civil Rights, Constitutional Law, Labor Law*.

Discrimination rules for qualified retirement plans: good intentions confront economic reality. Bruce Wolk. 70 Va. L. Rev. 419-71 (Apr.).

Measuring a redistricting plan's deviation from population equality and its effect on minorities: New Mexico's experiment with a "votes cast" formula. James M. Schermerhorn & Michael A. Soto. 17 U.C.D. L. Rev. 591-610 (Winter).

Section 504 of the Rehabilitation Act: analyzing employment discrimination claims. 132 U. Pa. L. Rev. 867-99 (Apr.).

DISCRIMINATION: RACE

The Justice Department and racially exclusionary municipal practices: creative ventures in Fair Housing Act enforcement. Joel L. Selig. 17 U.C.D. L. Rev. 445-504 (Winter).

DISCRIMINATION: SEX

Exploring the "entire spectrum" of disparate treatment under title VII: rules governing predominantly female jobs. Martha Chamallas. 1984 U. Ill. L. Rev. 1-51 (No. 1).

Interpretation of the Pregnancy Discrimination Act and the EEOC guidelines: conflicting federal responses and analogous confusion at the state level. 1984 Det. C. L. Rev. 77-100 (Spring).

Sexual harassment claims of abusive work environment under title VII. 97 Harv. L. Rev. 1449-67 (Apr.).

DOMESTIC RELATIONS

Fairness standards and separation agreements: a word of caution on contractual freedom. Sally Burnett Sharp. 132 U. Pa. L. Rev. 1399-460 (July).

Federal jurisdiction and the domestic relations exception: a search for parameters. 31 UCLA L. Rev. 843-85 (Apr.).

Making parents behave: the conditioning of child support and visitation rights. 84 Colum. L. Rev. 1059-88 (May).

DUE PROCESS OF LAW

See *Constitutional Law, Poverty Law*.

ECONOMICS

See *Insurance*.

ELECTIONS

See also *Lobbying*.

Choosing representatives by lottery voting. 93 Yale L.J. 1283-308 (June).

EMIGRATION AND IMMIGRATION

Arrests without warrant: the legal and organizational environment of immigration law enforcement. Edwin Harwood. 17 U.C.D. L. Rev. 505-48 (Winter).

EMPLOYER AND EMPLOYEE

Reform for rights of employed inventors. 57 S. Cal. L. Rev. 603-32 (May).

ENERGY RESOURCES

See also *Public Utilities*.

When the exception becomes the rule: regulatory equity and the formulation of energy policy through an exceptions process. Peter H. Schuck. 1984 Duke L.J. 163-300 (Apr.).

ENVIRONMENTAL LAW

Limits and dangers of environmental mediation. David Schoenbrod. 58 N.Y.U. L. Rev. 1453-76 (Dec.).

Protecting national parks from developments beyond their borders. 132 U. Pa. L. Rev. 1189-216 (June).

EQUAL PROTECTION

See *Poverty Law*.

EQUITABLE REMEDIES

See *Remedies*.

ESTATE PLANNING

Symposium: the winds of change in wills, trusts, and estate planning law. Articles by Mary Louise Fellows, Jan Ellen Rein, C. Douglas Miller & R. Alan Rainey. 37 Vand. L. Rev. 667-842 (May).

EVIDENCE

See also *Civil Procedure, Criminal Procedure*.

Admission of other criminal act evidence after adoption of the Federal Rules of Evidence. Thomas J. Reed. 53 U. Cin. L. Rev. 113-69 (No. 1).

The attorney-client privilege in the corporate context: the intersection of federal and Illinois law. 1984 U. Ill. L. Rev. 175-202 (No. 1).

Evidence law — the psychotherapist-patient privilege in federal courts. 59 Notre Dame Law. 791-816 (No. 3).

EXTORTION

See *Criminal Law*.

FEDERAL JURISDICTION

See *Civil Procedure, Constitutional Law, Domestic Relations, Federal Preemption.*

FEDERAL PREEMPTION

Federal jurisdiction over preemption claims: a post-Franchise Tax Board analysis. 62 Texas L. Rev. 893-922 (Feb.).

FEDERAL TORT CLAIMS ACT

Defining punitive damages under the Federal Tort Claims Act. 53 U. Cin. L. Rev. 251-61 (No. 1).

FEEES

See *Attorneys.*

FRAUD

See *Corporations: Officers & Directors.*

FRAUDULENT CONVEYANCES

See *Title to Land.*

FREEDOM OF INFORMATION

Developments under the Freedom of Information Act — 1983. 1984 Duke L.J. 377-421 (Apr.).

FREEDOM OF RELIGION

See also *Constitutional Law.*

The unseen regulator: the role of characterization in first amendment free exercise cases. 59 Notre Dame Law. 978-1004 (No. 4).

Zoning ordinances affecting churches: a proposal for expanded free exercise protection. 132 U. Pa. L. Rev. 1131-62 (June).

FREEDOM OF SPEECH

See also *Advertising, Constitutional Law.*

The divisible first amendment: a critical functionalist approach to freedom of speech and electoral campaign spending. Jeffrey M. Blum. 58 N.Y.U. L. Rev. 1273-382 (Dec.).

First amendment interests in trade secrets, private materials, and confidential information: the use of protective orders in defamation litigation. 69 Iowa L. Rev. 1011-35 (May).

The first amendment right of access to civil trials after *Globe Newspaper Co. v. Superior Court*. 51 U. Chi. L. Rev. 286-314 (Winter).

A first amendment right of access to judicial disciplinary proceedings. 132 U. Pa. L. Rev. 1163-88 (June).

The first amendment side effects of curing Pac-Man fever. 84 Colum. L. Rev. 744-74 (Apr.).

The marketplace of ideas: a legitimizing myth. Stanley Ingber. 1984 Duke L.J. 1-91 (Feb.).

A reconsideration of *Cox v. New Hampshire*: can demonstrators be required to pay

the costs of using America's public forums? 62 Texas L. Rev. 403-51 (Nov.).

Symposium: freedom of expression: theoretical perspectives. Articles by C. Edwin Baker, Martin H. Redish, Franklyn S. Haiman, Kent Greenawalt, Michael J. Perry, Steven Shiffrin & Frederick F. Schauer. 78 Nw. U. L. Rev. 937-1318 (Dec.).

FREEDOM OF THE PRESS

See also *Freedom of Speech, Products Liability, Taxation.*

Press passes and trespasses: newsgathering on private property. 84 Colum. L. Rev. 1298-342 (June).

HABEAS CORPUS

Rose v. Lundy: the Supreme Court adopts the total exhaustion rule for review of mixed habeas corpus petitions. 1984 Wis. L. Rev. 859-92 (No. 3).

HANDICAPPED

See *Discrimination.*

HOUSING

See *Discrimination: Race.*

HUSBAND AND WIFE

See *Domestic Relations.*

INFANTS

See also *Constitutional Law.*

The right to be represented but not heard: reflections on legal representation for children. Martin Guggenheim. 59 N.Y.U. L. Rev. 76-155 (Apr.).

INHERITANCE AND SUCCESSION

See *Wills.*

INHERITANCE, ESTATE AND GIFT TAXES

Simplifying retained life interests, revocable transfers, and marital deduction. Joseph Isenbergh. 51 U. Chi. L. Rev. 1-33 (Winter).

INSURANCE

First party bad faith: common law remedies and a proposed legislative solution. Kerry B. Harvey & Thomas A. Wiseman, III. 72 Ky. L.J. 141-97 (No. 1).

First party, third party, and product liability systems: can economic analysis of law tell us anything about them? Guido Calabresi. 69 Iowa L. Rev. 833-51 (May).

INTERNATIONAL LAW

International law — the political offense exception to extradition: a 19th century British standard in 20th century American courts. 59 Notre Dame Law. 1005-25 (No. 4).

Legal argumentation in international cri-

ses: the downing of Korean Air Lines flight 007. 97 Harv. L. Rev. 1198-213 (Mar.).

National self-defense in international law: an emerging standard for a nuclear age. 59 N.Y.U. L. Rev. 187-29 (Apr.).

JUDGES

See *Administration of Justice*.

JUDGMENTS

Schizophrenia in federal judgment enforcement: registration of foreign judgments under 28 U.S.C. § 1963. Hershel Shanks & Steven A. Standiford. 59 Notre Dame Law. 851-77 (No. 4).

JUDICIAL REVIEW

See also *Administration of Justice*.

The California Supreme Court and selective review. 72 Calif. L. Rev. 720-52 (July).

Judicial review of agency deregulation: alternatives and problems for the courts. James T. O'Reilly. 37 Vand. L. Rev. 509-53 (Apr.).

Judicial review of informal administrative rulemaking. 1984 Duke L.J. 347-76 (Apr.).

JURISPRUDENCE

Flatlaw: an essay on the dimensions of legal reasoning and the development of fundamental normative principles. Timothy P. Terrell. 72 Calif. L. Rev. 288-342 (May).

Legal reasoning and coherence theories: Dworkin's rights thesis, retroactivity, and the linear order of decisions. Kenneth J. Kress. 72 Calif. L. Rev. 369-402 (May).

The need for a theory of legal theories: assessing pragmatic instrumentalism. Michael S. Moore. 69 Cornell L. Rev. 988-1013 (June).

On identifying and reconstructing a general legal theory — some thoughts prompted by Professor Moore's critique. Robert S. Summers. 69 Cornell L. Rev. 1014-46 (June).

LABOR LAW

Abod and its progeny: conflicting perspectives on safeguarding union security agreements and individual rights in the public sector. Mary Aslanian-Bedikian. 1984 Det. C. L. Rev. 23-46 (Spring).

American Tobacco Co. v. Patterson: a pre-Griggs approach to seniority systems under title VII. 1984 Wis. L. Rev. 831-57 (No. 3).

Bona fide security systems: guidelines for the use of disparate impact in the Teamsters analysis. 31 UCLA L. Rev. 886-920 (Apr.).

The definition of "employee" under title VII: distinguishing between employees and independent contractors. 53 U. Cin. L. Rev. 203-29 (No. 1).

Labor bargaining units. Douglas L. Leslie. 70 Va. L. Rev. 353-418 (Apr.).

Labor law — section 7 of the National Labor Relations Act and New Jersey's Casino Control Act: who will control organized crime in Atlantic City? 59 Notre Dame Law. 817-39 (No. 3).

Ohio's public employee bargaining law: can it withstand constitutional challenge? Rebecca Hanner White, Robert E. Kaplan & Michael W. Hawkins. 53 U. Cin. L. Rev. 1-47 (No. 1).

Public employee strikes: legalization through the elimination of remedies. 72 Calif. L. Rev. 629-60 (July).

Standards for enjoining teacher strikes: the irreparable harm test and its statutory analogues. Susan Frelich Appleton. 69 Iowa L. Rev. 853-900 (May).

LEGAL DRAFTING

Why lawyers can't write. Steven Stark. 97 Harv. L. Rev. 1389-93 (Apr.).

LEGAL EDUCATION

Critical legal studies symposium. Articles by Peter Gabel, Duncan Kennedy, Robert W. Gordon, Thomas C. Heller, Allan C. Hutchinson, Patrick J. Monahan, Phillip E. Johnson, Mark G. Kelman, Lewis A. Kornhauser, John Henry Schlegel, Louis B. Schwartz, David L. Shapiro, William H. Simon, Ed Sparer, David M. Trubek, Mark Tushnet, G. Edward White. 36 Stan. L. Rev. 1-674 (Jan.).

LEGAL HISTORY

The Chinese struggle for civil rights in nineteenth century America: the first phase, 1850-1870. Charles J. McClain, Jr. 72 Calif. L. Rev. 529-68 (July).

The Constitution in the Supreme Court: Civil War and Reconstruction, 1865-1873. David P. Currie. 51 U. Chi. L. Rev. 131-86 (Winter).

The creation of a common law rule: the fellow servant rule, 1837-1860. 132 U. Pa. L. Rev. 579-620 (Mar.).

The evolution of Holmes, Holmes and evolution. Jan Vetter. 72 Calif. L. Rev. 343-68 (May).

Papers from the Yale Law Journal symposium on the legacy of the New Deal: problems and possibilities in the administrative state: part I. Articles by Bruce A. Ackerman, Jerry L. Mashaw, Robert L. Rabin, Mirjan Damaska, William H. Simon, Joel F. Handler, Eleanor Holmes Norton, Joel Yellin, Stephen L. Carter, Susan Rose-Ackerman & Ben W. Heineman, Jr. 92 Yale L.J. 1083-356 (June).

The separation of powers under Carter.

Peter E. Quint. 62 Texas L. Rev. 785-891 (Feb.).

LEGAL PROFESSION

Toward another view of legal negotiation: the structure of problem solving. Carrie Menkel-Meadow. 31 UCLA L. Rev. 754-842 (Apr.).

LIBEL AND SLANDER

See *Freedom of Speech, Taxation*.

LOBBYING

The use of public funds for legislative lobbying and electoral campaigning. 37 Vand. L. Rev. 433-72 (Mar.).

MARITIME LAW

Maritime arrest under the Foreign Sovereign Immunities Act: an anachronism. 62 Texas L. Rev. 511-35 (Nov.).

United States activity outside of the Law of the Sea Convention: deep seabed mining and transit passage. 84 Colum. L. Rev. 1032-58 (May).

MEDICAL JURISPRUDENCE

Appointing an agent to make medical treatment choices. 84 Colum. L. Rev. 985-1031 (May).

Feeding the hunger artists: legal issues in treating anorexia nervosa. Rebecca Dresser. Commentary by Norman Fost. 1984 Wis. L. Rev. 297-384 (No. 2).

The legislative response to infant Doe. Abigail Lawlis Kuzma. 59 Ind. L.J. 377-416 (No. 3).

The scope of a psychiatrist's duty to third persons: the protective privilege ends where the public peril begins. 59 Notre Dame Law. 770-90 (No. 3).

Tarasoff, myth and reality: an empirical study of private law in action. Daniel J. Givelber, William J. Bowers & Carolyn L. Blitch. 1984 Wis. L. Rev. 443-97 (No. 2).

MENTAL HEALTH

See *Administration of Justice*.

MILITARY SERVICE

See *Constitutional Law*.

MUNICIPAL CORPORATIONS

See also *Negligence*.

Chemical Bank v. Washington Public Power Supply System: the questionable use of the ultra vires doctrine to invalidate governmental take-or-pay obligations. 69 Cornell L. Rev. 1094-118 (June).

NATURAL RESOURCES

Natural gas regulation and vested property interests: ratable taking, proration standards,

and fieldwide civil liability. 62 Texas L. Rev. 691-762 (Dec.).

NEGLIGENCE

See also *Torts*.

Lender liability for negligent real estate appraisals. Robin Paul Malloy. 1984 U. Ill. L. Rev. 53-97 (No. 1).

Liability of a Michigan municipal corporation for negligence in performing a pre-sale housing inspection required by ordinance. 30 Wayne L. Rev. 1137-50 (Spring).

Municipal liability: the failure to provide adequate police protection — the special duty doctrine should be discarded. 1984 Wis. L. Rev. 499-529 (No. 2).

NEWSPAPERS

See *Freedom of the Press*.

OIL AND GAS

See *Natural Resources*.

PARENT AND CHILD

See *Domestic Relations*.

PARKS AND MONUMENTS

See *Environmental Law*.

PARTNERSHIPS

Partnership level proceedings: policies, procedures and planning. Claudine Ausness. 72 Ky. L.J. 89-140 (No. 1).

PENSION PLANS

See *Discrimination*.

PHILOSOPHY

See *Jurisprudence*.

PLEA BARGAINING

See *Criminal Procedure*.

POLICE

See *Torts*.

POLLUTION

A remedy for the victims of pollution permit markets. 92 Yale L.J. 1022-40 (May).

POVERTY LAW

Due process in the administration of general assistance: are written standards protecting the indigent? 59 Ind. L.J. 443-61 (No. 3).

Intermediate equal protection scrutiny of welfare laws that deny subsistence. 132 U. Pa. L. Rev. 1547-76 (July).

PRIVILEGED COMMUNICATIONS

See *Evidence*.

PRODUCTS LIABILITY

Products liability and the first amendment:

the liability of publishers for failure to warn. 59 Ind. L.J. 503-26 (No. 3).

Statutes of limitations in product liability actions: the discovery rule of *Franzen v. Keere & Co.* 69 Iowa L. Rev. 1127-45 (May).

PROFIT SHARING

The semantic anomaly: maintenance of qualified profit-sharing plans by non-profit organizations — a concept whose time has come. 59 Notre Dame Law. 754-69 (No. 3).

PROPERTY

Compensation for takings: an economic analysis. Lawrence Blume & Daniel L. Rubinfeld. 72 Calif. L. Rev. 569-628 (July).

Mahon reconstructed: why the takings issue is still a muddle. Carol M. Rose. 57 S. Cal. L. Rev. 561-99 (May).

PSYCHIATRY

See *Medical Jurisprudence*.

PUBLIC ADMINISTRATION

The myths of formalism: an essay on our faith that formalism yields fairness and effectiveness in public administration. Randall P. Beznasom. 69 Iowa L. Rev. 957-74 (May).

PUBLIC OFFICIALS AND EMPLOYEES

Developments in the law: public employment. 97 Harv. L. Rev. 1611-800 (May).

PUBLIC UTILITIES

The regulatory treatment of mistakes in retrospect: canceled plants and excess capacity. Richard J. Pierce, Jr. 132 U. Pa. L. Rev. 497-560 (Mar.).

REAL PROPERTY

See *Negligence*.

RECOGNITION OF FOREIGN JUDGMENTS

See *Judgments*.

REMEDIES

The availability of equitable relief in civil causes of action in RICO. 59 Notre Dame Law. 945-77 (No. 4).

Self-help: extrajudicial rights, privileges and remedies in contemporary American society. 37 Vand. L. Rev. 845-1040 (May).

RIGHT TO COUNSEL

Government intrusions into the defense camp: undermining the right to counsel. 97 Harv. L. Rev. 1143-62 (Mar.).

SALES

See also *Commercial Law*.

Regulating the assignment relationship — U.C.C. 2-210. Elliot Axelrod. 1984 Det. C. L. Rev. 1-21 (Spring).

SCHOOLS AND SCHOOL DISTRICTS

School desegregation remedies and the fair governance of schools. Peter M. Shane. 132 U. Pa. L. Rev. 1041-129 (June).

SEARCH AND SEIZURE

See *Constitutional Law*.

SECURITIES

Lifting the cloud of uncertainty over the repo market: characterization of repos as separate purchases and sales of securities. 37 Vand. L. Rev. 401-31 (Mar.).

The measure of recovery under rule 10b-5: a restitution alternative to tort damages. Robert B. Thompson. 37 Vand. L. Rev. 349-98 (Mar.).

SECURITIES: FRAUD

Pleading securities fraud claims with particularity under rule 9(b). 97 Harv. L. Rev. 1432-48 (Apr.).

SECURITIES: INSIDER TRADING

Rule 10b-5 — application of the in pari delicto defense in suits brought against securities brokers by customers who have traded on inside information. 37 Vand. L. Rev. 557-84 (Apr.).

SENTENCING

See *Criminal Procedure*.

SEPARATION OF POWERS

See *Constitutional Law, Legal History*.

SETTLEMENTS

Against settlement. Owen M. Fiss. 93 Yale L.J. 1073-90 (May).

SOCIOLOGY

The ideology of bureaucracy in American law. Gerald E. Frug. 97 Harv. L. Rev. 1277-388 (Apr.).

STANDING TO SUE

See *Administration of Justice*.

STATES' RIGHTS

See *Constitutional Law*.

STATUTES

The art of statutory interpretation. Joseph T. Sneed. 62 Texas L. Rev. 665-88 (Dec.).

Executive discretion and the congressional defense of statutes. 92 Yale L.J. 970-1000 (May).

SUBVERSIVE ACTIVITIES

See *Civil Rights*.

SURVEY OF STATE LAW

The Kentucky law survey. 72 Ky. L.J. 263-504 (No. 2).

TAXATION

Classification of shareholder interest in mutual savings and loans for purposes of nontaxable reorganizations under I.R.C. §§ 354 and 361. 53 U. Cin. L. Rev. 177-201 (No. 1).

Constitutional limitations on state taxation of corporate income from multinational corporations. Paul J. Hartman. 37 Vand. L. Rev. 217-71 (Mar.).

Determining value in barter transactions: a response to Robert Keller's *The Taxation of Barter Transactions*. Joel S. Newman. 68 Minn. L. Rev. 711-15 (Feb.).

The evolving gift-leaseback analysis in light of *May* and *Rosenfeld*. 59 Notre Dame Law. 921-44 (No. 4).

From income to consumption tax: criteria for rules of transition. Avishai Shachar. 97 Harv. L. Rev. 1518-609 (May).

Further notes on transfer tax rates. Joseph Isenbergh. 51 U. Chi. L. Rev. 91-96 (Winter).

Minneapolis State & Tribune Co. v. Minnesota Commissioner of Revenue: differential taxation of the press violates the first amendment. 69 Iowa L. Rev. 1103-26 (May).

Moral obligation financial aid programs: a section 170 analysis. 84 Colum. L. Rev. 1402-24 (June).

Puerto Rico's possessions corporations: do the TEFRA amendments go too far? 1984 Wis. L. Rev. 531-66 (No. 2).

Symposium: Canadian and American perspectives on the deduction for interest payments. Articles by Michael J. McIntyre, John Bossons, Jerome Kurtz, Eugene Steuerle, Richard M. Bird, William C. Gifford, H. David Rosenbloom, Oliver Oldman, Ronald Wilson, William D. Andrews, Charles E. McLure, Jr. & Douglas A. Kahn. 30 Wayne L. Rev. 941-1094 (Spring).

Tax law — collateral-purpose third-party summonses: what's left of I.R.C. section 7609(f)? 59 Notre Dame Law. 1026-46 (No. 4).

Taxation — educational benefit trusts — employers allowed current deduction for trust contributions. 30 Wayne L. Rev. 1097-117 (Spring).

The taxation of defamation recoveries: toward establishing its reputation. 37 Vand. L. Rev. 621-46 (Apr.).

Timing under a unified wealth transfer tax. Theodore S. Sims. 51 U. Chi. L. Rev. 34-90 (Winter).

TAXATION: EXEMPTIONS

Residents' property tax exemptions: a modern analysis under the privileges and im-

munities clause. Glen A. Stankee. 59 Notre Dame Law. 878-96 (No. 4).

TECHNOLOGY

See *Copyright*.

TITLE TO LAND

Constructively fraudulent conveyances: transfers for inadequate consideration. John C. McCoid, II. 62 Texas L. Rev. 639-64 (Dec.).

TORTS

See also *Agency, Bankruptcy*.

A comparative negligence checklist to avoid future unnecessary litigation. John M. Rogers & Randy Donald Shaw. 72 Ky. L.J. 25-88 (No. 1).

Police officers' duty to rescue or aid: are they only good samaritans? 72 Calif. L. Rev. 661-96 (July).

Recent developments in tort law and the federal courts. John W. Wade. 72 Ky. L.J. 1-24 (No. 1).

Some order out of chaos in wrongful death law. T.A. Smedley. 37 Vand. L. Rev. 273-99 (Mar.).

The tort liability of investigative reporters. John W. Wade. 37 Vand. L. Rev. 301-47 (Mar.).

TRUSTS AND TRUSTEES

See *Estate Planning, Taxation*.

UNAUTHORIZED PRACTICE OF LAW

On letting the laity litigate: the petition clause and unauthorized practice rules. 132 U. Pa. L. Rev. 1515-45 (July).

UNFAIR COMPETITION

A federal law of unfair competition: what should be the reach of section 43(a) of the Lanham Act? Joseph P. Bauer. 31 UCLA L. Rev. 671-753 (Apr.).

UNIONS

See *Labor Law*.

VOTING

See *Discrimination*.

WAR AND EMERGENCY POWERS

See also *Constitutional Law*.

A defense of the war powers resolution. 93 Yale L.J. 1330-54 (June).

WATER AND WATERCOURSES

The Great Lakes as a water resource: questions of ownership and control. 59 Ind. L.J. 463-501 (No. 3).

The winters of our discontent: federal reserved water rights in the western states. 69 Cornell L. Rev. 1077-93 (June).

WILLS

See also *Estate Planning*.

The nonprobate revolution and the future of the law of succession. John H. Langbein. 97 Harv. L. Rev. 1108-41 (Mar.).

stantive due process case: *Workers' Compensation Insurers Rating Association v. State*. Carl A. Auerbach. 68 Minn. L. Rev. 545-676 (Feb.).

WORKMEN'S COMPENSATION

The anatomy of an unusual economic sub-