

Michigan Law Review

Volume 79 | Issue 1

1980

Periodical Index

Michigan Law Review

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

Recommended Citation

Michigan Law Review, *Periodical Index*, 79 MICH. L. REV. 197 (1980).

Available at: <https://repository.law.umich.edu/mlr/vol79/iss1/7>

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*.

ABORTION

The Supreme Court and a minor's abortion decision. Nanette Dembitz. 80 Colum. L. Rev. 1251-63 (Oct.).

ACTIONS AND DEFENSES

Implied rights of action in federal legislation: harmonization within the statutory scheme. 1980 Duke L.J. 928-64 (Nov.).

ADMINISTRATION OF JUSTICE

Facts in lawmaking. Kenneth Culp Davis. 80 Colum. L. Rev. 931-42 (June).

The judiciary's role in South Africa: institutional limitations and moral leadership. Aryeh Neier. 54 N.Y.U. L. Rev. 1163-71 (Dec.).

ADMINISTRATIVE AGENCIES

Jawboning administrative agencies: ex parte contacts by the White House. Paul R. Verkuil. 80 Colum. L. Rev. 943-89 (June).

Judicial resolution of inter-agency legal disputes. 89 Yale L.J. 1595-622 (July).

ADMINISTRATIVE LAW

Disqualifications of decisional officials in rulemaking. Peter L. Strauss. 80 Colum. L. Rev. 990-1051 (June).

How much of what quality? a comment on conscientious procedural design. Jerry L. Mashaw. 65 Cornell L. Rev. 823-35 (June).

Procedures for attacking OSHA inspection warrants. 66 Va. L. Rev. 983-1003 (June).

ADMINISTRATIVE PROCEDURE

Administrative rulemaking and judicial review: some conceptual models. Daniel J. Gifford. 65 Minn. L. Rev. 63-88 (Nov.).

ADMISSIBILITY OF EVIDENCE

The admissibility of novel scientific evidence: *Frye v. United States*, a half-century later. Paul C. Giannelli. 80 Colum. L. Rev. 1197-250 (Oct.).

ANTITRUST LAW

Contribution for antitrust codefendants. 66 Va. L. Rev. 797-825 (May).

A legal and economic analysis of the cost-plus contract exception in *Hanover Shoe* and *Illinois Brick*. 47 U. Chi. L. Rev. 743-70 (Summer).

New perspectives in antitrust litigation: to-

wards a right of comparative contribution. E. Thomas Sullivan. 1980 U. Ill. L.F. 389-423 (No. 2).

NOW or never: is there antitrust liability for noncommercial boycotts? 80 Colum. L. Rev. 1317-40 (Oct.).

Prepaid prescription drug plans under antitrust scrutiny: a stern challenge to health care cost containment. 75 Nw. U. L. Rev. 506-37 (Oct.).

Principles of labor antitrust. Douglas L. Leslie. 66 Va. L. Rev. 1183-234 (Nov.).

Restraints ancillary to joint ventures and licensing agreements: do Sealy and Topco logically survive *Sylvania* and *Broadcast Music*? Martin B. Louis. 66 Va. L. Rev. 879-916 (June).

The Supreme Court and the per se tying rule: cutting the Gordian knot. Tyler A. Baker. 66 Va. L. Rev. 1235-319 (Nov.).

ARBITRATION AND AWARD

Incorporation of state law under the Federal Arbitration Act. 78 Mich. L. Rev. 1391-413 (Aug.).

ASYLUM

The right of asylum under United States law. 80 Colum. L. Rev. 1125-48 (June).

BANKRUPTCY

The priority of severance pay claim in bankruptcy. 27 UCLA L. Rev. 722-56 (Feb.).

BANKS AND BANKING

Legal constraints on bank expansion: can they be removed without destroying the dual banking system? William B. Glidden. 1980 U. Ill. L.F. 369-87 (No. 2).

CIVIL RIGHTS

Civil rights suits against state and local governmental entities and officials: rights of action, immunities, and federalism. 53 S. Cal. L. Rev. 945-1128 (March).

The collateral-estoppel effect to be given state-court judgments in federal section 1983 damage suits. 128 U. Pa. L. Rev. 1471-508 (June).

Damage actions under section 1983 for illegal searches and seizures: reconsidering the applicability of collateral estoppel. 1980 Duke L.J. 1029-62 (Nov.).

CLASS ACTIONS

Federal appellate jurisdiction — a district court order disapproving a proposed settlement of a class action is not appealable under 28 U.S.C. § 1292(A)(1). 48 Geo. Wash. L. Rev. 456-85 (March).

From group litigation to class action: I. Stephen C. Yeazell. 27 UCLA L. Rev. 514-64 (Feb.).

Title VII class actions. George Rutherglen. 47 U. Chi. L. Rev. 688-741 (Summer).

COMMERCE CLAUSE

Hughes v. Oklahoma and Baldwin v. Fish and Games Commission: the commerce clause and state control of natural resources. 66 Va. L. Rev. 1145-67 (Oct.).

CONSTITUTIONAL LAW

Constitutional fate. Philip Bobbitt. 58 Texas L. Rev. 695-775 (April).

Constitutional law — fair trial/free speech — if the issuance of a protective order pursuant to federal rule 26(c) would restrain expression, the district court must determine the order's constitutionality under the first amendment. 48 Geo. Wash. L. Rev. 486-508 (March).

The governmental-proprietary distinction in constitutional law. Michael Wells & Walter Hellerstein. 66 Va. L. Rev. 1073-141 (Oct.).

A process-oriented approach to the contract clause. 89 Yale L.J. 1623-51 (July).

Rationality analysis in constitutional law. Scott H. Bice. 65 Minn. L. Rev. 1-62 (Nov.).

The right of the press and public to attend criminal trial proceedings in Iowa. 66 Iowa L. Rev. 153-86 (Oct.).

COPYRIGHT

Copyright and the fine artist. Donald M. Millinger. 48 Geo. Wash. L. Rev. 354-76 (March).

Universal City Studios, Inc. v. Sony Corp.: "fair use" looks different on videotape. 66 Va. L. Rev. 1005-27 (June).

CORPORATIONS

Corporate self-investigations under the Foreign Corrupt Practices Act. 47 U. Chi. L. Rev. 803-23 (Summer).

Managerial restructuring: prospects for a new regulatory tool. Lewis D. Solomon & Nancy Stein Nowak. 56 Notre Dame Law. 120-40 (Oct.).

Politics, economics, and corporate power: the challenge of bureaucracy. Jan G. Deutsch. 58 Texas L. Rev. 777-87 (April).

CORRUPT PRACTICES

The accounting provisions of the Foreign

Corrupt Practices Act: an alternative perspective on SEC intervention in corporate governance. 89 Yale L.J. 1573-94 (July).

COURTS

Central staff in appellate courts: the experience of the Ninth Circuit. Arthur D. Hellman. 68 Calif. L. Rev. 937-1003 (Sept.).

United States v. Mandel: the problem of evenly divided votes in en banc hearings in the United States Courts of Appeals. 66 Va. L. Rev. 919-41 (June).

CRIMINAL PROCEDURE

Franks v. Delaware: a proposed interpretation and application. 1980 U. Ill. L.F. 601-25 (No. 2).

Interrogation without questions: Rhode Island v. Innis and United States v. Henry. Welsh S. White. 78 Mich. L. Rev. 1209-51 (Aug.).

CRIMINAL RESPONSIBILITY

Drugs and criminal responsibility. 33 Vand. L. Rev. 1145-218 (Oct.).

Fault, threat and the predicates of criminal liability. Graham Strong. 1980 Wis. L. Rev. 441-65 (No. 3).

DISCRIMINATION

Application of title VIII to insurance redlining. 75 Nw. U. L. Rev. 472-505 (Oct.).

The IRS, discrimination, and religious schools: does the revised Proposed Revenue Procedure exact too high a price? 56 Notre Dame Law. 141-59 (Oct.).

DISCRIMINATION: HANDICAPPED

Employment discrimination against the handicapped: can Trageser repeal the private right of action? 54 N.Y.U. L. Rev. 1173-98 (Dec.).

Implied rights of action under the Rehabilitation Act of 1973. 68 Geo. L.J. 1229-60 (Aug.).

DISCRIMINATION: RACE

Affirmative action in employment — the Weber decision. William E. Boyd. 66 Iowa L. Rev. 1-61 (Oct.).

Affirmative action symposium. Articles by Allan P. Sindler, Robert Allen Sedler, Carl Cohen, Kathryn L. Powers, Thomas Sowell, Ralph Smith, and student comment. 26 Wayne L. Rev. 1199-393 (July).

The distorted adversarial posture of title VII affirmative action challenges. 128 U. Pa. L. Rev. 1543-68 (June).

DISCRIMINATION: SEX

Prenatal exposure to fetally toxic work environments: the dilemma of the 1978 pregnancy amendment to title VII of the Civil

Rights Act of 1964. Hannah Arterian Furnish. 66 Iowa L. Rev. 63-129 (Oct.).

DOCUMENTS AND RECORDS

Document retention and destruction: practical, legal and ethical considerations. John M. Fedders & Lauryn H. Guttenplan. 56 Notre Dame Law. 5-64 (Oct.).

Work product protection for compilations of nonparty documents: a proposed analysis. 66 Va. L. Rev. 1323-41 (Nov.).

DUE PROCESS OF LAW

Congressional power to enforce due process rights. 80 Colum. L. Rev. 1265-95 (Oct.).

Procedural due process and jurisdiction to adjudicate: (a) effective-litigation values vs. the territorial imperative (b) the Uniform Child Custody Jurisdiction Act. Leonard G. Ratner. 75 Nw. U. L. Rev. 363-422 (Oct.).

Procedural due process in parole rescission hearings. 66 Va. L. Rev. 779-95 (May).

EMIGRATION AND IMMIGRATION

See also *Labor Law*.

Lawful domicile under section 212(c) of the Immigration and Nationality Act. 47 U. Chi. L. Rev. 771-802 (Summer).

ENVIRONMENTAL LAW

NEPA after *Andrus v. Sierra Club*: the doctrine of substantial deference to the regulations of the council on environmental quality. 66 Va. L. Rev. 843-77 (May).

EQUITABLE CONVERSION

Construction lien claimants' rights against purchase contract interests: the role of equitable conversion. 1980 Wis. L. Rev. 615-36 (No. 3).

ESTATES

Justice and efficiency under a model of estate settlement, John H. Martin. 66 Va. L. Rev. 727-75 (May).

EXECUTIVE POWER

AFL-CIO v. Kahn exaggerates presidential power under the Procurement Act. 68 Calif. L. Rev. 1044-69 (Sept.).

FEDERAL RULES OF CIVIL PROCEDURE

Federal Rules of Civil Procedure: defining a feasible culpability threshold for the imposition of severe discovery sanctions. 65 Minn. L. Rev. 137-57 (Nov.).

FREEDOM OF RELIGION

Jones v. Wolf: church autonomy and the religion clauses of the first amendment. Arlin M. Adams & William R. Hanlon. 128 U. Pa. L. Rev. 1291-339 (June).

FREEDOM OF SPEECH

Constitutional protection of critical speech and the public figure doctrine; retreat by re-affirmation. 1980 Wis. L. Rev. 568-95 (No. 3).

Government speech. Steven Shiffrin. 27 UCLA L. Rev. 565-655 (Feb.).

FREEDOM OF THE PRESS

United States v. Progressive, Inc.: the Faustian bargain and the first amendment. 75 Nw. U. L. Rev. 538-59 (Oct.).

INSURANCE

Pennsylvania National Mutual Casualty Insurance Co. v. Spence: insurers' liability for expanded coverage under the Longshoremen's and Harbor Workers' Compensation Act. 66 Va. L. Rev. 827-42 (May).

INTERPLEADER

Deference to state courts in federal interpleader actions. 47 U. Chi. L. Rev. 824-45 (Summer).

JUDGES

The children of the cabins: the lower federal judiciary, modernization, and the political culture, 1789-1899. Kermit L. Hall. 75 Nw. U. L. Rev. 423-71 (Oct.).

Stump v. Sparkman and the history of judicial immunity. J. Randolph Block. 1980 Duke L.J. 879-925 (Nov.).

JURIES

The American jury: a symposium. Articles by Hans Zeisel, Marjorie S. Schultz, Robert G. Johnston, Alan Schefflin, Jon Van Dyke, Herald P. Fahringer, Courtney Mullin & Joseph M. Hassett. 43 Law & Contemp. Prob. 1-168 (Autumn).

And then there were twelve: statistical reasoning, the Supreme Court, and the size of the jury. David Kaye. 68 Calif. L. Rev. 1004-43 (Sept.).

Application of *Gipson's* unanimous verdict rationale to the Wisconsin party to a crime statute. 1980 Wis. L. Rev. 597-614 (No. 3).

JURISDICTION

Federalism, due process, and minimum contacts: *World-Wide Volkswagen Corp. v. Woodson*. 80 Colum. L. Rev. 1341-62 (Oct.).

World-Wide Volkswagen Corp. v. Woodson: reflections on the road ahead. Kenneth F. Ripple & Mollie A. Murphy. 56 Notre Dame Law. 65-88 (Oct.).

JUVENILE DELINQUENCY

The constitutional rights of children charged with crime: proposal for a return to

the not so distant past. Irene Merker Rosenberg. 27 UCLA L. Rev. 656-721 (Feb.).

LABOR LAW

See also *Antitrust Law*.

Retaliatory reporting of illegal alien employees: remedying the labor-immigration conflict. 80 Colum. L. Rev. 1296-316 (Oct.).

LARCENY

The jurisprudence of larceny: an historical inquiry and interest analysis. Kathleen F. Brickey. 33 Vand. L. Rev. 1101-41 (Oct.).

LAST CLEAR CHANCE

The demise of last clear chance as a separate tort doctrine in Iowa. 66 Iowa L. Rev. 187-208 (Oct.).

LEGAL EDUCATION

Competition in the legal education industry (II): an antitrust analysis. Harry First. 54 N.Y.U. L. Rev. 1049-130 (Dec.).

LEGAL HISTORY

Preserving the progressive spirit in a conservative time: the joint reform efforts of Justice Brandeis and Professor Felix Frankfurter, 1916-1933. David W. Levy & Bruce Allen Murphy. 78 Mich. L. Rev. 1252-304 (Aug.).

LEGAL PROFESSION

Informed consent in the practice of law. Susan R. Martyn. 48 Geo. Wash. L. Rev. 307-53 (March).

LIBEL AND SLANDER

Qualified immunity for federal officials: a proposed standard for defamation cases. 58 Texas L. Rev. 789-807 (April).

LICENSES

Radio formats by administrative choice. Matthew L. Spitzer. 47 U. Chi. L. Rev. 647-87 (Summer).

MENTAL HEALTH

Madness and medicine: the forcible administration of psychotropic drugs. 1980 Wis. L. Rev. 497-567 (No. 3).

MORTGAGES

The judicial and legislative response to price inadequacy in mortgage foreclosure sales. Robert M. Washburn. 53 S. Cal. L. Rev. 843-942 (March).

NATURAL RESOURCES

Land trusts: an alternative method of preserving open space. Randee Gorin Fenner. 33 Vand. L. Rev. 1039-99 (Oct.).

PARTNERSHIPS

Partnership allocations: the need for an entity approach. William S. McKee. 66 Va. L. Rev. 1039-72 (Oct.).

PATERNITY

Probabilities and proof: can HLA and blood group testing prove paternity? Ira Mark Ellman & David Kaye. 54 N.Y.U. L. Rev. 1131-62 (Dec.).

PENSION PLANS

Legal standards governing investment of pension assets for social and political goals. James D. Hutchinson & Charles G. Cole. 128 U. Pa. L. Rev. 1340-88 (June).

PICKETING

Am I my brother's keeper? Secondary picketing under the Norris-LaGuardia Act. Henry H. Perritt, Jr. 68 Geo. L.J. 1191-228 (Aug.).

POLLUTION

Beyond the New Deal: coal and the Clean Air Act. Bruce A. Ackerman & William T. Hassler. 89 Yale L.J. 1466-571 (July).

Direct federal regulation of stationary sources under the Clean Air Act. David P. Currie. 128 U. Pa. L. Rev. 1389-470 (June).

PRECEDENTS

Some thoughts on the death of stare decisis in constitutional law. Earl M. Maltz. 1980 Wis. L. Rev. 467-96 (No. 3).

PRIVILEGED COMMUNICATIONS

The corporate attorney-client privilege: culpable employees, attorney ethics, and the joint defense doctrine. 58 Texas L. Rev. 809-43 (April).

PRIVILEGES

Testimonial privilege and fair trial. Alfred Hill. 80 Colum. L. Rev. 1173-96 (Oct.).

PRODUCTS LIABILITY

Deviation from the negligent product design test — retroactive application of upgraded safety standards. 66 Iowa L. Rev. 209-40 (Oct.).

PUBLIC UTILITIES

Electric range war in Texas: a case study in federal-state energy regulation. A. Robert Thorup. 48 Geo. Wash. L. Rev. 392-432 (March).

Utility "services" under the Uniform Commercial Code: are public utilities in for a shock? Jane P. Mallor. 56 Notre Dame Law. 89-119 (Oct.).

RECIDIVISM

Incapacitating the habitual criminal: the English experience. Leon Radzinowicz & Roger Hood. 78 Mich. L. Rev. 1305-89 (Aug.).

RIGHT TO COUNSEL

A functional analysis of the effective assistance of counsel. 80 Colum. L. Rev. 1053-91 (June).

United States v. Decoster — an alternative approach for reviewing claims of ineffective assistance of counsel in the D.C. Circuit. 68 Geo. L.J. 1261-83 (Aug.).

SAFETY LAWS

Interpreting OSHA's pre-emption clause: farmworkers as a case study. 128 U. Pa. L. Rev. 1509-42 (June).

SCHOOLS AND SCHOOL DISTRICTS

Schoolbooks, school boards, and the Constitution. 80 Colum. L. Rev. 1092-124 (June).

SEARCH AND SEIZURE

Private searches and seizures: an application of the public function theory. 48 Geo. Wash. L. Rev. 433-55 (March).

SECURITIES

The federal securities acts: the demise of the implied private rights doctrine? 1980 U. Ill. L.F. 627-79 (No. 2).

Liability of directors under the Federal Securities Code. 33 Vand. L. Rev. 1219-49 (Oct.).

Registration of stock spin-offs under the Securities Act of 1933. 1980 Duke L.J. 965-96 (Nov.).

SEGREGATION

White flight as a factor in desegregation remedies: a judicial recognition of reality. 66 Va. L. Rev. 961-81 (June).

SEX CRIMES

The constitutionality of statutory rape laws. 27 UCLA L. Rev. 757-815 (Feb.).

SOCIAL SECURITY

The art of decoupling: keeping Social Se-

curity's promise up-to-date. Peter W. Martin. 65 Cornell L. Rev. 748-800 (June).

Children's benefits in Social Security. Stephen D. Sugarman. 65 Cornell L. Rev. 836-908 (June).

SSI treatment of in-kind income — the one-third reduction rule. 65 Cornell L. Rev. 909-33 (June).

Social Security disability hearings: a case study in quality assurance and due process. Deborah A. Chassman & Howard Rolston. 65 Cornell L. Rev. 801-22 (June).

SUPPORT OF DEPENDENTS

Inflation-proof child support decrees: trajectory to a polestar. 66 Iowa L. Rev. 131-52 (Oct.).

SURVEY OF FEDERAL LAW

Tenth Circuit Survey. 58 Den. L.J. 211-542 (No. 2).

SURVEY OF STATE LAW

Illinois developments. 1980 U. Ill. L.F. 425-600 (No. 2).

TAXATION

The cost of education as a deductible business expense: a reassessment. 1980 Duke L.J. 997-1028 (Nov.).

Curing deficiencies in tax and property law: effects on justice and legal service costs. Edward C. Halbach, Jr. 65 Minn. L. Rev. 89-126 (Nov.).

The Gulfstream decision and the section 1031 tax-shelter bail-out scheme. 66 Va. L. Rev. 943-60 (June).

The medical expense deduction: a preliminary postmortem. Joel S. Newman. 53 S. Cal. L. Rev. 787-842 (March).

UNFAIR COMPETITION

Droit moral and sections 43(a) and 44(i) of the Lanham Act — a judicial shell game? James E. Maslow. 48 Geo. Wash. L. Rev. 377-91 (March).

UNITED STATES: SUPREME COURT

The Supreme Court: 1979 term. 94 Harv. L. Rev. 1-295 (Nov.).

