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Article

TESTIFYING ABOUT TESTIMONY: PSYCHOLOGICAL EVIDENCE ON PERCEPTUAL AND MEMORY FACTORS AFFECTING THE CREDIBILITY OF TESTIMONY

Charles L. Convis 579

Medical evidence of a witness' *capacity* to testify has long been admitted at trial. However, evidence of a witness' *credibility* is often limited to cross-examination because of the reluctance of courts to interfere with the function of the jury. The author explores the relation of expert testimony to the function of the jury through analysis of Federal Rule of Evidence 702, including the Rule's genesis and extension to other jurisdictions. He then explores the areas where psychological testimony of credibility would aid the fact finder in resolving testimonial contradictions based on perceptual and memory defects.

Comments

DAMAGES FOR THE WRONGFUL BIRTH OF HEALTHY BABIES 605

Parents suing for the wrongful birth of healthy babies have recovered diverse damage awards in the courts. The author examines the various damage awards and underlying rationales, and argues that the benefits rule, which offsets the damage recovered for negligently inflicted harm by benefits perceived to flow from such conduct, is inaccurately applied when emotional benefits are weighed against monetary costs. The author concludes that parents should recover all of their proven damages, including child raising expenses.

PENNSYLVANIA NO-FAULT ACT: THE NEED FOR INTERPRETIVE CONSISTENCY 627

On July 19, 1975, the Pennsylvania No-fault Act became effective and radically altered the traditional tort scheme applicable to victims of motor vehicle accidents. The author explores the most controversial aspect of the Act, the partial abolition of tort liability. Attention is focused on two contested grounds for recovery: recovery of punitive damages by a victim of a drunken driver and recovery of work loss benefits by the estate of a deceased victim. The author discusses the inconsistent judicial constructions of the abolition section and concludes that a victim injured by a drunken driver is not entitled to punitive damages and that a decedent's estate should not be entitled to work loss benefits.

In *Mobil Corp. v. Marathon Oil Co.*, the Sixth Circuit held that "lock-up" agreements in the form of stock and asset options between a tender offer target and a white knight are prohibited manipulative practices under the Williams Act. After discussing the tender offer form of corporate acquisition and describing the use of lock-up devices in this context, the author offers a critical analysis of the *Marathon* opinion in light of the underlying policies, legislative origins, and judicial interpretations of the Williams Act. The author concludes that the state law of corporate fiduciary duty, and not the Williams Act, is the proper standard by which such devices are to be measured.

Recent Decisions

ANTITRUST LAW—SHERMAN ACT—HOME RULE MUNICIPALITIES—MUNICIPAL ORDINANCES—*Community Communications Co. v. City of Boulder*, 102 S. Ct. 835 (1982). 709

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HOW COURTS GOVERN AMERICA

The Honorable John P. Flaherty 835

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When authors of articles published herein are known to have other than a scholarly interest in their writings, that fact will be discussed in the note preceding the first numbered footnote to the article.

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