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Articles

THE JURISDICTIONAL REACH OF A FEDERAL COURT HEARING A FEDERAL CAUSE OF ACTION: A PATH THROUGH THE MAZE

David E. Seidelson 323

The ability of a federal court hearing a federal cause of action to assert jurisdiction over a nonresident defendant is well established. To what extent it may do so, however, is far from clear. The author attempts to clarify the parameters of such jurisdiction in light of recent congressional amendments to the Federal Rules of Civil Procedure, and the recently enacted Federal Courts Improvement Act. In concluding, the author makes specific findings concerning the scope of this jurisdictional reach, the parameters of which may be discerned as possessing a logical symmetry.

LIMITING DISCOVERY OF A DEFENDANT'S WEALTH WHEN PUNITIVE DAMAGES ARE ALLEGED

Stephen E. Woodbury 349

This article addresses the question of when and how information concerning a defendant's financial worth should be disclosed in a claim for punitive damages. The author examines the methods currently used for disclosing this information and argues that the question of discovery of a defendant's wealth should be resolved only after discovery on the merits is concluded. The author rejects other approaches as inadequate, and asserts specifically that a plaintiff should have to prove in a "mini-trial" a prima facie case of a triable issue concerning the defendant's liability for punitive damages before the discovery is allowed.

Essay

HISTORY AND LEGAL DISCOURSE: THE LANGUAGE OF THE NEW LEGAL HISTORY

Samuel J. Astorino 363

While the New Legal History has succeeded in establishing itself as an indispensable perspective in the specific study of the evolution of American law, its findings have not yet been incorporated into the mainstream of general American history. One of the chief reasons for this failure is the employment of technical legal language by lawyer-historians in their historical analyses of the common law and the corresponding inability of non-lawyer historians to understand such language. To this extent, general American history remains incomplete in its portrayal of the past, particularly in the area of industrialization.

Comments

MENTAL STIMULUS CAUSING MENTAL DISABILITY: COMPENSABILITY UNDER THE PENNSYLVANIA WORKMEN'S COMPENSATION ACT

375

Section 301(a) of the Pennsylvania Workmen's Compensation Act, which provides that employers shall be liable for injuries or death of employees, has increasingly been interpreted to include disability stemming from emotional stress alleged to be work-related. The author examines the complex issues involved in determining whether such disability should rightly be considered an "injury," and thus compensable, under the Act. After a general discussion of the policy motivations behind workmen's compensation programs, the author turns to the inherent problem of proving the causative agents of mental disability. Following this discussion, the author conducts a survey of recent commonwealth court decisions which deal with this form of disability. In conclusion, the author recommends a specific standard that should be applied in emotional stress cases which would work to prudently limit claims in this developing area.

THE DEMISE OF THE DOCTRINE OF BASIC AND FUNDAMENTAL ERROR IN PENNSYLVANIA AND THE NEW ROLE OF STRICT ISSUE PRESERVATION

395

The doctrine of basic and fundamental error, as applied by Pennsylvania courts, had long been an exception to the general rule that only properly preserved issues could be entertained on appeal. The Pennsylvania Supreme Court in its 1974 *Dilliplaine* decision fully and finally abrogated this doctrine. In the years following *Dilliplaine*, the Pennsylvania courts have not only followed the rule of strict issue preservation announced in the latter case, but have made the preservation requirements even more stringent. The author first explores the nature of the doctrine of basic and fundamental error as it existed prior to 1974, focusing on the lack of certainty as to the standard applied by the courts in deciding whether the doctrine should be invoked. Following this is a look at *Dilliplaine* itself and the court's rationale justifying the abrogation of the doctrine. The author then examines the progeny of the leading case, elucidating the new exacting preservation standards that these decisions demand. Finally, a few words are offered regarding the impact of these new standards on the individual attorney, his client, and the legal profession in general.

Recent Decisions

INTERNAL REVENUE CODE—STATUTORY INTERPRETATION—TAX
EXEMPT STATUS—*Bob Jones University v. United States*,
103 S. Ct. 2017 (1983).

429

SECURITIES EXCHANGE ACT OF 1934—SEC RULE 10B-5—
INSIDER DUTY—THIRD PARTY DUTY—*Dirks v. Securities
and Exchange Commission*, 103 S. Ct. 3255 (1983).

443

COPYRIGHT LAW—COMPUTER PROGRAMS—*Apple Computer,
Inc. v. Formula Int'l, Inc.*, 725 F.2d 521 (9th Cir. 1984)
(order affirming preliminary injunction).

457

Book Review

CIVIL RIGHTS: RHETORIC OR REALITY?

David L. Gregory 477

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