

1985

## Subject Matter Index to Volume XXIII, 1984-1985

Follow this and additional works at: <https://dsc.duq.edu/dlr>



Part of the [Law Commons](#)

---

### Recommended Citation

*Subject Matter Index to Volume XXIII, 1984-1985*, 23 Duq. L. Rev. xxvi (1985).

Available at: <https://dsc.duq.edu/dlr/vol23/iss4/33>

This Additional Content is brought to you for free and open access by Duquesne Scholarship Collection. It has been accepted for inclusion in Duquesne Law Review by an authorized editor of Duquesne Scholarship Collection.

## SUBJECT MATTER INDEX TO VOLUME XXIII

### A

#### ADMINISTRATIVE LAW

Statutory Inhibitions to the Application of Principles of Cost/Benefit Analysis in Administrative Decision Making 489

#### ANTITRUST

Antitrust Law—Sherman Act Subject Matter Jurisdiction—Application of the Substantial Effect on Interstate Commerce Test 1213

#### APPEAL AND ERROR

The Demise of the Doctrine of

Basic and Fundamental Error in Pennsylvania and the New Role of Strict Issue Preservation 395

#### ATTORNEY'S FEES

Legislative Regulations of Attorneys' Fees—Health Care Services—Malpractice Act—Statutory Severability—Separation of Powers 305

### B

#### BANKRUPTCY

The New Bankruptcy Procedures for Rejection of Collective-Bargaining Agreements: Is the Pendulum Swinging Back? 000

### C

#### CIVIL DISOBEDIENCE

The Disciplinary Dilemma Confronting Attorneys Seeking to Counsel Civil Disobedients 715

#### CIVIL PROCEDURE

The Demise of the Doctrine of Basic and Fundamental Error in Pennsylvania and the New Role of Strict Issue Preservation 395  
 The Federal Rules of Evidence and the Discriminating Selection of Forum 559  
 The Jurisdictional Reach of a Federal Court Hearing a Federal Cause of Action: A Path Through the Maze 323  
 Limiting Discovery of a Defendant's Wealth When Punitive Damages Are Alleged 349  
 Products Liability—Statute of Limitations—Restatement (Second) of Torts—Section 402A—Pennsylvania Uniform Commercial Code Section 2725 279

#### CONFLICTS OF LAW

The Federal Rules of Evidence and the Discriminating Selection of Forum 559

#### CONSTITUTIONAL LAW

##### First Amendment

Attorney Advertising—First Amendment—Pennsylvania Code of Professional Responsibility—Model Rules of Professional Conduct 305  
 Constitutional Law—First Amendment—Closure of a Preliminary Hearing—Public's Right of Access 293  
 Constitutional Law—First Amendment—Right of Access to Civil Trials 1227  
 Group Libel Versus Free Speech: When Big Brother *Should* Butt In 77

##### Fifth Amendment

Constitutional Law—Criminal Law—Fifth Amendment—Compulsory Self-Incrimination—Custodial Interrogation 805

**Fourteenth Amendment**

- Abuse and Neglect of the Unborn: Can the State Intervene? 1
- Constitutional Law—Fourteenth Amendment—Motor Vehicle Code—Void-for-Vagueness
- Doctrine—Strict Liability Crimes 1261

**Fourth Amendment**

- Constitutional Law—Fourth Amendment—Search and Seizure—Exclusionary Rule 1195

**Legislation—Standard of****Review**

- Constitutional Law—Due Process—Standard of Review for Economic Legislation—Retroactive Application 1177
- Notice—Constitutional Law—Tax Sales 773

**DAMAGES**

- Limiting Discovery of a Defendant's Wealth When Punitive Damages Are Alleged 349

**ERISA**

- The Arbitrary and Capricious Standard Under ERISA: Its Origins and Application 1033

**HALAKHAH**

- Reflections on Ethical Elements of Judaic Halakhah 863

**HONORARY CONSULS**

- The Honorary Consul in Modern International Practice: Why Article 68 of the Final Act of

**INSURANCE**

- Discrimination by Gender in Automobile Insurance: A Note on *Hartford Accident and Indemnity Co. v. Insurance Commissioner* 621

**INTEREST**

- The Postjudgment Interest Rate in Pennsylvania: Ignoring Reality for Too Long 1083

**COPYRIGHT**

- Copyright Law—Computer Programs 457

**CRIMINAL PROCEDURE**

- Constitutional Law—Criminal Law—Fifth Amendment—Compulsory Self-Incrimination—Custodial Interrogation 805
- Constitutional Law—Criminal Procedure—Prosecutorial Misconduct—Sanctions 839
- Jones v. United States*: A Sociological Vindication 221
- Retroactivity of Constitutional Decisions—Criminal Procedure 789

**D****DEATH PENALTY**

- The Constitutional Right to Assistance in Addition to Counsel in a Death Penalty Case 753

**E****EVIDENCE**

- The Federal Rules of Evidence and the Discriminating Selection of Forum 559

**K**

the United Nations Conference on Consular Relations Should be Amended to Provide a Uniform Regime for the Sending and Receiving of Honorary Consuls

**I**

Prejudgment Interest and Delay Damage Awards on Breach of Contract and Related Damages: A Comparative Analysis of New York, Ohio, and Pennsylvania Law 1097

**INTERNATIONAL LAW**

The Honorary Consul in Modern International Practice: Why Article 68 of the Final Act of

the United Nations Conference  
on Consular Relations Should  
be Amended to Provide a Uni-

form Regime for the Sending  
and Receiving of Honorary  
Consuls

## J

**JURISDICTION**

The Jurisdictional Reach of a  
Federal Court Hearing a Fed-

eral Cause of Action: A Path  
Through the Maze 323

## L

**LABOR LAW**

The Arbitrary and Capricious  
Standard Under ERISA: Its  
Origins and Application 1033  
Labor Law—National Labor Re-  
lations Act—Section 7—Con-  
certed Activity 1149  
The National Labor Relations  
Act at Fifty: Roots Revisited,  
Heart Rediscovered 1059  
The New Bankruptcy Procedures  
for Rejection of Collective-Bar-  
gaining Agreements: Is the  
Pendulum Swinging Back? 939

Language of the New Legal  
History 363  
Legal Careers in Eighteenth Cen-  
tury America 631  
The National Labor Relations  
Act at Fifty: Roots Revisited,  
Heart Rediscovered 1059

**LIMITATIONS**

Products Liability—Statute of  
Limitations—Restatement  
(Second) of Torts—Section  
402A—Pennsylvania Uniform  
Commercial Code Section  
2725 279

**LEGAL HISTORY**

History and Legal Discourse: The

## M

**MIDWIFERY**

A Matter of the Quality of Birth:  
Mothers and Midwives Shack-

led by the Medical Establish-  
ment and Pennsylvania  
Law 171

## N

**NOTICE**

Notice—Constitutional Law—  
Tax Sales 773

## P

**PROFESSIONAL  
RESPONSIBILITY**

Attorney Advertising—First  
Amendment—Pennsylvania  
Code of Professional Responsi-  
bility—Model Rules of Profes-  
sional Conduct 305  
The Disciplinary Dilemma Con-  
fronting Attorneys Seeking to  
Counsel Civil Disobedients 715

Zoning—Constitutionality of  
Ordinances Failing to Provide  
for Townhouses 263  
Notice—Constitutional Law—  
Tax Sales 773  
Property—Zoning—Exclusionary  
Zoning 249

**PUNITIVE DAMAGES**

The Dubious Extension of Puni-  
tive Damage Recovery in Penn-  
sylvania Products Liability  
Law 681  
Limiting Discovery of a Defen-  
dant's Wealth When Punitive  
Damages are Alleged 349

**PROPERTY**

Coalbed Gas Ownership in Penn-  
sylvania: A Tenuous First Step  
with *U.S. Steel v. Hoge* 735  
Municipalities—Exclusionary

## S

**SECURITIES REGULATION**

Securities Exchange Act of  
1934—SEC Rule 10b-5—In-  
sider Duty—Third Party  
Duty 443

**SOCIAL HOST LIABILITY**

Denial of Social Host Liability  
for Furnishing Alcohol to a  
Visibly Intoxicated Guest in  
*Klein v. Raysinger*: A Failure  
in Judicial Reasoning 1121  
Torts—Negligence—Social Host  
Liability 1307

**TAXATION**

Divorce Tax Reform 1011  
Interest-Free Loans 1019  
Internal Revenue Code—Exempt  
Organizations—Standard for  
Loss of Exemption Under IRC  
Section 501(c)(3) 1245  
Internal Revenue Code—Statu-  
tory Interpretation—Tax Ex-  
empt Status 429  
Prepayment of Intangible Drill-  
ing Costs: Before and After the  
Deficit Reduction Act 991  
Proposed Section 125 Cafeteria  
Plan Regulations: Invalidating  
Certain Section 105 Medical  
Plans Through Forfeiture  
Requirement 659

**TORTS**

Denial of Social Host Liability  
for Furnishing Alcohol to a  
Visibly Intoxicated Guest in

**WORKMEN'S COMPENSATION**

Immunity and Subrogation in  
Pennsylvania Workmen's Com-  
pensation after *Heckendorn v.*  
*Consolidated Rail Corp.*: Too  
Absolute a Victory for the  
Employer? 131

**ZONING**

Municipalities—Exclusionary  
Zoning—Constitutionality—  
Ordinances Failing to Provide  
for Townhouses 263

**STATUTES**

Statutory Inhibitions to the Ap-  
plication of Principles of Cost/  
Benefit Analysis in Adminis-  
trative Decision Making 489

**SUBROGATION**

Immunity and Subrogation in  
Pennsylvania Workmen's Com-  
pensation after *Heckendorn v.*  
*Consolidated Rail Corp.*: Too  
Absolute a Victory for the  
Employer? 131

## T

*Klein v. Raysinger*: A Failure  
in Judicial Reasoning 1121  
The Dubious Extension of Puni-  
tive Damage Recovery in Penn-  
sylvania Products Liability  
Law 681  
An Escape from Strict Liability:  
Pharmaceutical Manufacturers'  
Responsibility for Drug-related  
Injuries under Comment k to  
Section 402A of the *Restate-  
ment (Second) of Torts* 199  
Products Liability—Statute of  
Limitations—*Restatement*  
(*Second*) of *Torts*—Section  
402A—Pennsylvania Uniform  
Commercial Code Section  
2725 279  
Survival Remedies for Deaths on  
the High Seas 981  
Torts—Negligence—Social Host  
Liability 1121

## W

Mental Stimulus Causing Mental  
Disability: Compensability  
Under the Pennsylvania Work-  
men's Compensation Act 375

## Z

Property—Zoning—Exclusionary  
Zoning 249

