Index (Volume 38, 1977)
Index

Index to Lead Articles—Authors

Adelman, Martin J.—The Relevant Market Paradox—Attempted and Completed Patent Fraud Monopolization ..................................................... 289
Blecher, Maxwell M. and Stegman, Daphne M.—Hanson v. Shell Oil Co.: A Straw in the Wind? ......................................................... 269
Frolik, Lawrence A.—Section 118 and the Tax Treatment of Nonshareholder Contributions to Capital .................................................. 499
Hibner, Don T., Jr.—Litigation as an Overt Act in Furtherance of an Attempt to Monopolize ................................................................. 245
Kancelbaum, Joshua J.—Shifting Currents in the Narrow Channel of State Aid to Parochial Schools ....................................................... 757
Minan, John H.—The Allocation of Estate Taxes by Judicial Rule—A Case for Reform ................................................................. 539
Modjeska, Lee M.—The Uncertain Miranda Fuel Doctrine ......................... 807
Reed, Frederick R. and Werth, Robert W.—The Chapter XI Stay Order and the Secured Creditor ............................................................. 33
Smith, Norman T. and Cobbe, Charles M.—Questions of Priority Between Mechanics’ Liensors and Construction Loan Mortgagees ............ 3
Stegman, Daphne M. and Blecher, Maxwell M.—Hanson v. Shell Oil Co.: A Straw in the Wind? ......................................................... 269
Werth, Robert W. and Reed, Frederick R.—The Chapter XI Stay Order and the Secured Creditor ............................................................. 33
Wolfson, Barry M.—Defendant Class Actions ........................................ 459
Young, David J.—Constitutional Validity of State Aid to Pupils in Church-Related Schools—Internal Tension Between the Establishment and Free Exercise Clauses ......................................................... 783

Index to Lead Articles—Titles

The Allocation of Estate Taxes by Judicial Rule: A Case for Reform. John H. Minan ................................................................. 539
The Chapter XI Stay Order and the Secured Creditor. Robert W. Werth and Frederick R. Reed ............................................................. 33
Constitutional Validity of State Aid to Pupils in Church-Related Schools—Internal Tension Between the Establishment and Free Exercise Clauses. David J. Young ......................................................... 783
Defendant Class Actions. Barry M. Wolfson ........................................ 459
**Comments and Notes**

- Business Records and the Fifth Amendment Right Against Self-Incrimination .......................................................... 351
- The Constitutionality of Ohio's Death Penalty ................................................. 617
- Federal Income Tax Treatment of Payments Pursuant to § 16(b) of the Securities Exchange Act of 1934 .......................... 105
- Involuntary Conversions and the Question of Qualified Replacement Property ................................................................. 331
- Mandamus as a Means of Federal Interlocutory Review .................................... 301
- Ohio's Statute of Limitations for Medical Malpractice .................................... 125
- The Relationship Between Trespass and Fourth Amendment Protection After *Katz v. United States* ........................................ 709
- Representation Under the Ohio Public Defender Act ........................................... 855
- Toward Equal Rights for Handicapped Individuals: Judicial Enforcement of Section 504 of the Rehabilitation Act of 1973 .................................................. 677

**Case Comments**

- Accord and Satisfaction Under Uniform Commercial Code Section 1-207: *Scholl v. Tallman* .............................................................. 921
- Ancillary Jurisdiction Over Plaintiff's Claim Against a Non-Diverse Third-Party Defendant: *Kroger v. Oven Equipment & Erection Company* .......................... 939
- Automobile Inventories and the Fourth Amendment: *South Dakota v. Opperman* ................................................................. 177
- The Constitutionality of Requiring Use of Husband's Name in Driver's License: *Whittow v. Hodges* .................................................. 157
- The Gradation of Fourth Amendment Doctrine in the Context of Street Detentions: *People v. DeBour* ............................ 409
- The "Initiation" Requirement of the Fairness Doctrine: *Representative Patsy Mink* .............................................................. 219
- Interest-Free Loans and the Gift Tax: *Crown v. Commissioner* .................... 903
- Separation Agreements and the Modification of Alimony Awards in Ohio: *Wolfe v. Wolfe* .............................................................. 735
INDEX

The Standard of Care for the Medical Specialist in Ohio: *Bruni v. Tatsumi.* .................................................... 203

The Standard of Materiality in the Context of the Proxy Rules: *TSC v. Northway.* .................................................... 379

Books Reviewed

*Gragli a, Lino A., Disaster by Decree: The Supreme Court Decisions on Race and the Schools.* *Reviewed by Michael J. Perry.* ................. 239
# Subject Index

## Administrative Practice
- Toward Equal Rights for Handicapped Individuals: Judicial Enforcement of Section 504 of the Rehabilitation Act of 1973 .......................................................... 677
- The Uncertain *Miranda Fuel* Doctrine .......................................................... 807

## Antitrust
- *Hanson v. Shell Oil Co.*: A Straw in the Wind? ........................................... 269
- Litigation as an Overt Act in Furtherance of an Attempt to Monopolize ............. 245
- The Relevant Market Paradox—Attempted and Completed Patent Fraud Monopolization .......................................................... 289

## Appellate Review
- Mandamus as a Means of Federal Interlocutory Review ..................................... 301

## Bankruptcy
- The Chapter XI Stay Order and the Secured Creditor ..................................... 33

## Civil Procedure
- Defendant Class Actions .......................................................... 459
- Mandamus as a Means of Federal Interlocutory Review ..................................... 301
- Toward Equal Rights for Handicapped Individuals: Judicial Enforcement of Section 504 of the Rehabilitation Act of 1973 .......................................................... 677

## Class Actions
- Defendant Class Actions .......................................................... 459

## Constitutional Law
- Automobile Inventories and the Fourth Amendment: *South Dakota v. Opperman*, 96 S. Ct. 3092 (1976) ........................................ 177
- Business Records and the Fifth Amendment Right Against Self-Incrimination .......................................................... 351
- Constitutional Validity of State Aid to Pupils in Church-Related Schools—Internal Tension Between the Establishment and Free Exercise Clauses .......................................................... 783
- The Constitutionality of Ohio’s Death Penalty ........................................... 617
- The Constitutionality of Requiring Use of Husband’s Name in Driver’s License: *Whitlow v. Hodges*, 539 F.2d 582 (6th Cir.), cert. denied, 97 S. Ct. 654 (1976) ........................................ 157
- *Disaster by Decree*: The Supreme Court Decisions on Race and the Schools by Lino A. Graglia, Book Review .......................................................... 239
- The Relationship Between Trespass and Fourth Amendment Protection After *Katz v. United States* ........................................... 709
- Shifting Currents in the Narrow Channel of State Aid to Parochial Schools .......................................................... 757

## Criminal Law and Procedure
- Business Records and the Fifth Amendment Right Against Self-Incrimination .......................................................... 351
- The Constitutionality of Ohio’s Death Penalty ........................................... 617
- Representation Under the Ohio Public Defender Act ........................................ 855

## Damages
INDEX

Corp. v. IPA Land Development Corp.,
38 N.Y.2d 516, 344 N.E.2d 391, 381
N.Y.S.2d 459 (1976) .............. 437

Debtor-Creditor
Accord and Satisfaction Under Uniform
Commercial Code Section 1-207:
Scholl v. Tallman, 247 N.W.2d 490
(S.D. 1976) ....................... 921
The Chapter XI Stay Order and the Sec-
cured Creditor ................... 33
Questions of Priority Between Mechan-
ics' Liens and Construction Loan
Mortgagees ........................ 3

Education
Constitutional Validity of State Aid to
Pupils in Church-Related Schools—
Internal Tension Between the Estab-
lishment and Free Exercise Clauses
  ................................. 783
DISASTER BY DECREE: The Supreme
Court Decisions on Race and the
Schools by Lino A. Graglia, Book Re-
view .............................. 239
Shifting Currents in the Narrow Chan-
nel of State Aid to Parochial Schools
 ................................ 757

Eighth Amendment
The Constitutionality of Ohio's Death
Penalty ............................ 617

Equal Protection
The Constitutionality of Requiring Use
of Husband's Name in Driver's Lic-
ense: Whitlow v. Hodges, 539 F.2d
582 (6th Cir.), cert. denied, 97 S. Ct.
654 (1976) ....................... 157
DISASTER BY DECREE: The Supreme
Court Decisions on Race and the
Schools by Lino A. Graglia, Book Re-
view .............................. 239

Estate Planning
The Allocation of Estate Taxes by Judi-
cial Rule: A Case for Reform
 ................................ 539
Interest Free Loans and the Gift Tax:
Crown v. Commissioner, 67 T.C. 1060,
appeal docketed, No. 77-1898 (7th Cir.
July 1, 1977) ...................... 903

Evidence
Admissibility of Hypnotic Statements:
Is the Law of Evidence Susceptible?
 ................................ 567

Family Law
The Constitutionality of Requiring Use
of Husband's Name in Driver's Li-
cense: Whitlow v. Hodges, 539 F.2d
582 (6th Cir.), cert. denied, 97 S. Ct.
654 (1976) ....................... 157
Separation Agreements and the Modifi-
cation of Alimony Awards in Ohio:
Wolfe v. Wolfe, 46 Ohio St. 2d 399,
350 N.E.2d 413 (1976) ........... 735

Federal Taxation
Federal Income Tax Treatment of Pay-
ments Pursuant to § 16(b) of Securities
Exchange Act of 1934 ........... 105
Interest Free Loans and the Gift Tax:
Crown v. Commissioner, 67 T.C. 1060,
appeal docketed, No. 77-1898 (7th Cir.
July 1, 1977) ...................... 903
Involuntary Conversions and the Ques-
tion of Qualified Replacement Prop-
erty ............................... 331
Section 118 and the Tax Treatment of
Nonshareholder Contributions to
Capital ............................ 499

First Amendment
Constitutional Validity of State Aid to
Pupils in Church-Related Schools—
Internal Tension Between the Estab-
lishment and Free Exercise Clauses
 ................................ 783
The "Initiation" Requirement of the
Fairness Doctrine: Representative
Patsy Mink, 59 F.C.C.2d 987, 37 RAD.
Reg. (P&F) 2d 744 (1976) ....... 219
Shifting Currents in the Narrow Chan-
nel of State Aid to Parochial Schools
 ................................ 757

Fourth Amendment
Automobile Inventories and the Fourth
Amendment: *South Dakota v. Opperman*, 96 S. Ct. 3092 (1976) ........................................ 177


The Relationship Between Trespass and Fourth Amendment Protection After *Katz v. United States* ................. 709

**Labor Law**

The Uncertain *Miranda Fuel* Doctrine ........................................ 807

**Medical Malpractice**

Ohio's Statute of Limitations for Medical Malpractice ........................................ 125

The Standard of Care for the Medical Specialist in Ohio: *Bruni v. Tatsumi*, 46 Ohio St.2d 127, 346 N.E.2d 673 (1976) ........................................ 203

**Mental and Physical Disability**

Toward Equal Rights for Handicapped Individuals: Judicial Enforcement of Section 504 of the Rehabilitation Act of 1973 ........................................ 677

**Patent Law**

The Relevant Market Paradox—Attempted and Completed Patent Fraud Monopolization ........................................ 289

**Products Liability**


**Proxies**


**Public Defenders**

Representation Under the Ohio Public Defender Act ........................................ 855

**Rule 10b-5**


**Search and Seizure**

Automobile Inventories and the Fourth Amendment: *South Dakota v. Opperman*, 96 S. Ct. 3092 (1976) ........................................ 177


**Secured Creditors Rights**

The Chapter XI Stay Order and the Secured Creditor ........................................ 33

Questions of Priority Between Mechanics' Liens and Construction Loan Mortgages ........................................ 3

**Securities**

Federal Income Tax Treatment of Payments Pursuant to § 16(b) of the Securities Exchange Act of 1934 ........................................ 105


**Torts**


Ohio's Statute of Limitations for Medical Malpractice ........................................ 125

The Standard of Care for the Medical Specialist in Ohio: *Bruni v. Tatsumi*, 46 Ohio St. 2d 127, 346 N.E.2d 673 (1976) ........................................ 203

**Uniform Commercial Code**
