Index (Volume 40, Number 4, 1979)
Index

Volume 40
1979

Lead Articles—Authors

Averitt, Neil W.—Structural Remedies in Competition Cases Under the Federal Trade
Commission Act ...................................................... 781
Baker, Donald I. and Grimm, Karen L.—S.600—An Unnecessary and Dangerous Foray into
Classic Populism ...................................................... 847
Blakely, Susan Smith—Judicial and Legislative Attitudes Toward the Right to an Equal
Education for the Handicapped ........................................... 603
Bowman, Jeffrey H. and Miller, Arthur S.—Presidential Attacks on the Constitutionality of
Federal Statutes: A New Separation of Powers Problem ........................................... 51
Brandel, Roland E. and Olliff III, Eustace A.—The Electronic Fund Transfer Act: A Primer 531
Brodley, Joseph F.—Limiting Conglomerate Mergers: The Need for Legislation ........ 867
Collin, Thomas J.—Anticompetitive Intent and Refusals to Deal Under Section 1 of the
Sherman Act ........................................................ 895
Goldsmith, Jeffrey M.—Involuntary Manslaughter: Review and Commentary on Ohio Law 569
Grimm, Karen L. and Baker, Donald I.—S.600—An Unnecessary and Dangerous Foray into
Classic Populism ...................................................... 847
Knepper, William E.—Liability of Lawyer-Directors ........................................... 341
Maltz, Earl M.—Portrait of a Man in the Middle—Mr. Justice Powell, Equal Protection,
and the Pure Classification Problem ........................................... 941
Miller, Arthur S. and Bowman, Jeffrey H.—Presidential Attacks on the Constitutionality of
Federal Statutes: A New Separation of Powers Problem ........................................... 51
Olliff III, Eustace A. and Brandel, Roland E.—The Electronic Fund Transfer Act: A Primer 531
Peck, Cornelius J.—Unjust Discharges From Employment: A Necessary Change in the Law 1
Roberts, Barry S.—Toward a General Theory of Commercial Speech and the First Amendment 115
Shipley, David E.—Warrantless Administrative Inspections After Marshall v. Barlow’s, Inc. 81
Travalio, Gregory M.—Suffer the Little Children—But Not In My Neighborhood: A
Constitutional View of Age-Restrictive Housing ...................................................... 295

Lead Articles—Titles

Anticompetitive Intent and Refusals to Deal Under Section 1 of the Sherman Act.
Thomas J. Collin ...................................................... 895
The Electronic Fund Transfer Act: A Primer. Roland E. Brandel and Eustace A. Olliff III 531
Involuntary Manslaughter: Review and Commentary on Ohio Law, Jeffrey M. Goldsmith 569
Judicial and Legislative Attitudes Toward the Right to an Equal Education for the
Handicapped. Susan Smith Blakely ...................................................... 603
Liability of Lawyer-Directors. William E. Knepper ...................................................... 341
Portrait of a Man in the Middle—Mr. Justice Powell, Equal Protection, and the Pure
Classification Problem. Earl M. Maltz ...................................................... 941
Presidential Attacks on the Constitutionality of Federal Statutes: A New Separation of
Powers Problem. Arthur S. Miller and Jeffrey H. Bowman ...................................................... 51
S.600—An Unnecessary and Dangerous Foray into Classic Populism. Donald I. Baker and
Karen L. Grimm ...................................................... 847
Neil W. Averitt ...................................................... 781
Suffer the Little Children—But Not In My Neighborhood: A Constitutional View of Age-
Restrictive Housing. Gregory M. Travalio ...................................................... 295
Toward a General Theory of Commercial Speech and the First Amendment. Barry S. Roberts 115
Unjust Discharges From Employment: A Necessary Change in the Law. Cornelius J. Peck 1
Warrantless Administrative Inspections After Marshall v. Barlow’s, Inc. David E. Shipley 81
INDEX

Comments

An Analysis of the Judicial Interpretation of the 1974 Ohio Speedy Trial Act: The First Five Years .......................................................... 363
Congressional Intent and the ERA: A Proposed New Analysis ........................................ 637

Case Comments

The Attorney-Client Privilege, the Self-Evaluation Report Privilege, and Diversified Industries, Inc. v. Meredith .................................................. 699
Changing the Standard for the Admissibility of Novel Scientific Evidence: State v. Williams ............................................. 757
Coerced Donation of Body Tissues: Can We Live With McFall v. Shimp? ..................... 409
The Convenience of the Employer Doctrine and State Trooper Cash Meal Allowances Under the Internal Revenue Code: Commissioner v. Kowalski ........................................ 229
Ford Motor Credit Co. v. Byrd: Is Repossession Accomplished by the Use of Stealth, Trickery, or Fraud a Breach of the Peace Under Uniform Commercial Code Section 9-503? ........................................ 501
Immediate Appealability of Orders Denying Class Certification: Coopers & Lybrand v. Livesay and Gardner v. Westinghouse Broadcasting Co. ........................................ 441
Multiple Criminal Representation Examined: Holloway v. Arkansas ......................... 251
Nolde and Arbitration of Post-Contract Disputes ..................................................... 187
Recovery of Punitive Damages Against Municipalities: Young v. City of Des Moines ..... 967
Resolving the Conflict Between the Sherman Act and the Robinson-Patman Act: United States v. United States Gypsum Co. ........................................ 475
The Right of an Indigent Defendant to an Interpreter in a Civil Trial: Jara v. Municipal Court ..................................................... 663
Strict Products Liability: Giving Content to the Term "Defect" in Design Cases—Barker v. Lull Engineering Co. ..................................................... 209
Water Rights and National Forests—Narrowing the Implied Reservation Doctrine: United States v. New Mexico ..................................................... 729

Recent Developments

Corporate Liquidations Under I.R.C. Section 336 and the Tax Benefit Rule: TennesseeCarolina Transportation, Inc. v. Commissioner ............................................. 517
The Effect of Custodial Parents' Sexual Conduct in Dependency Determinations: In re Burrell ..................................................... 1017
The Need for Legislative Action to Abolish Interspousal Immunity: Varholla v. Varholla ..................................................... 771
Old Albany Estates, Ltd. v. Highland Carpet Co.: A Written Confirmation Under U.C.C., Section 2-207 ..................................................... 525

Subject Index

Administrative Law
Warrantless Administrative Inspections After Marshall v. Barlow's, Inc. ................................. 81
Structural Remedies in Competition Cases Under the Federal Trade Commission Act ............................................. 781

Antritrust
Anticompetitive Intent and Refusals to Deal Under Section 1 of the Sherman Act 895
Limiting Conglomerate Mergers: The Need for Legislation ........................................ 867
Resolving the Conflict Between the Sherman
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act and the Robinson-Patman Act: United States v. United States Gypsum Co.</td>
<td>475</td>
</tr>
<tr>
<td>S.600—An Unnecessary and Dangerous Foray into Classic Populism</td>
<td>847</td>
</tr>
<tr>
<td>Structural Remedies in Competition Cases Under the Federal Trade Commission Act</td>
<td>781</td>
</tr>
<tr>
<td>Attorney-Client Privilege: The Attorney-Client Privilege, the Self-Evaluative Report Privilege, and Diversified Industries, Inc. v. Meredith</td>
<td>699</td>
</tr>
<tr>
<td>Banking Law: The Electronic Fund Transfer Act: A Primer</td>
<td>531</td>
</tr>
<tr>
<td>Civil Procedure (Federal): Immediate Appealability of Orders Denying Class Certification: Coopers &amp; Lybrand v. Livesay and Gardiner v. Westinghouse Broadcasting Co.</td>
<td>441</td>
</tr>
<tr>
<td>Constitutional Law: Congressional Intent and the ERA: A Proposed New Analysis</td>
<td>637</td>
</tr>
<tr>
<td>FCC v. Pacifica Foundation: An Indecent (Speech) Decision? (George Carlin’s “Filthy Words”)</td>
<td>155</td>
</tr>
<tr>
<td>Portrait of a Man in the Middle—Mr. Justice Powell, Equal Protection, and the Pure Classification Problem</td>
<td>941</td>
</tr>
<tr>
<td>The Right of an Indigent Defendant to an Interpreter in a Civil Trial: Jara v. Municipal Court</td>
<td>663</td>
</tr>
<tr>
<td>Suffer the Little Children—But Not In My Neighborhood: A Constitutional View of Age-Restrictive Housing</td>
<td>295</td>
</tr>
<tr>
<td>Toward a General Theory of Commercial Speech and the First Amendment</td>
<td>115</td>
</tr>
<tr>
<td>Liability of Lawyer-Directors</td>
<td>341</td>
</tr>
<tr>
<td>Involuntary Manslaughter: Review and Commentary on Ohio Law</td>
<td>569</td>
</tr>
<tr>
<td>Multiple Criminal Representation Examined: Holloway v. Arkansas</td>
<td>251</td>
</tr>
<tr>
<td>Education: Judicial and Legislative Attitudes Toward the Right to an Equal Education for the Handicapped</td>
<td>603</td>
</tr>
<tr>
<td>EFT Act: The Electronic Fund Transfer Act: A Primer</td>
<td>531</td>
</tr>
<tr>
<td>ERA: Congressional Intent and the ERA: A Proposed New Analysis</td>
<td>637</td>
</tr>
<tr>
<td>Evidence: The Attorney-Client Privilege, the Self-Evaluative Report Privilege, and Diversified Industries, Inc. v. Meredith</td>
<td>699</td>
</tr>
<tr>
<td>Changing the Standard for the Admissibility of Novel Scientific Evidence: State v. Williams</td>
<td>757</td>
</tr>
<tr>
<td>Family Law: The Effect of Custodial Parents’ Sexual Conduct in Dependency Determinations: In re Burrell</td>
<td>1017</td>
</tr>
<tr>
<td>First Amendment: FCC v. Pacifica Foundation: An Indecent (Speech) Decision? (George Carlin’s “Filthy Words”)</td>
<td>155</td>
</tr>
<tr>
<td>Toward a General Theory of Commercial Speech and the First Amendment</td>
<td>115</td>
</tr>
<tr>
<td>Nolde and Arbitration of Post-Contract Disputes</td>
<td>187</td>
</tr>
<tr>
<td>Unjust Discharges From Employment: A Necessary Change in the Law</td>
<td>1</td>
</tr>
<tr>
<td>Legal Profession: Liability of Lawyer-Directors</td>
<td>341</td>
</tr>
<tr>
<td>Medical Jurisprudence: Coerced Donation of Body Tissues: Can We Live With McFall v. Shimp?</td>
<td>409</td>
</tr>
<tr>
<td>Products Liability: Strict Products Liability: Giving Content to the Term “Defect” in Design Cases—Barker v. Lull Engineering Co.</td>
<td>209</td>
</tr>
<tr>
<td>Search and Seizure: Warrantless Administrative Inspections After Marshall v. Barlow’s, Inc.</td>
<td>81</td>
</tr>
</tbody>
</table>
## INDEX

### Separation of Powers
Presidential Attacks on the Constitutionality of Federal Statutes: A New Separation of Powers Problem .................................. 51

### Speedy Trials
An Analysis of the Judicial Interpretation of the 1974 Ohio Speedy Trial Act: The First Five Years ................................. 363

### Tax Law
The Convenience of the Employer Doctrine and State Trooper Cash Meal Allowances Under the Internal Revenue Code: Commissioner v. Kovalski ............................................. 229
Corporate Liquidations Under I.R.C. Section 336 and the Tax Benefit Rule: Tennessee-Carolina Transportation, Inc. v. Commissioner ................................................... 517

### Torts
Finding a Cause of Action for Wrongful Death in the Warsaw Convention: Benjamins v. British European Airways ................. 277
The Need for Legislative Action to Abolish Interspousal Immunity: Varholla v. Varholla .................................................. 771

### Cases Noted
Barker v. Lull Engineering, 20 Cal. 3d 413, 573, P.2d 443, 143 Cal. Rptr. 225 (1978) ........ 209
Benjamins v. British European Airways, 572 F.2d 913 (2d Cir. 1978) ......................... 277
Commissioner v. Kovalski, 434 U.S. 77 (1977) ............................................. 229
Coopers & Lybrand v. Livesay, 437 U.S. 463 (1978) ........................................ 441
Diversified Industries, Inc. v. Meredith, 572 F.2d 596 (8th Cir. 1978) ......................... 699
FCC v. Pacifica Foundation, 438 U.S. 726 ..................................................... 155
Ford Motor Credit Co. v. Byrd, 351 So. 2d 557 (Ala. 1977) ............................... 501
Holloway v. Arkansas, 435 U.S. 475 (1978) .................................................... 251
In re Burrell, 58 Ohio St. 2d 37, 388 N.E.2d 738 (1979) .................................. 1017
Mcfall v. Shimp, No. 78-17711 In Equity (C.P. Allegheny County, Pa., July 26, 1978) .. 409
Nolde Brothers v. Local 358, Bakery & Confectioners Workers Union, 430 U.S. 243 (1977) 187
State v. Williams, 388 A.2d 300 (Me. 1978) .................................................. 757
Tennessee-Carolina Transportation, Inc. v. Commissioner, 582 F.2d 376 (6th Cir. 1978) .... 517
United States v. New Mexico, 438 U.S. 696 (1978) ........................................ 729
United States v. One 1975 Mercedes 280S, 590 F.2d 196 (6th Cir. 1978) ................. 1007
Varholla v. Varholla, 56 Ohio St. 2d 269, 383 N.E.2d 888 (1978) ......................... 771
Young v. City of Des Moines, 262 N.W.2d 612 (Iowa 1978) ............................... 967

### Recovery of Punitive Damages Against Municipalities: Young v. City of Des Moines

### U.C.C.
Old Albany Estates, Ltd. v. Highland Carpet Co.: A Written Confirmation Under U.C.C. Section 2-207 ........................................ 525
Ford Motor Credit Co. v. Byrd: Is Repossession Accomplished by the Use of Stealth, Trickery, or Fraud a Breach of the Peace Under Uniform Commercial Code Section 9-503, ........................................ 501

### Water Law

### Workers’ Compensation
Definition of Injury in Ohio Worker’s Compensation Law: Bowman v. National Graphics Corp. ........................................... 1007

### Errata
39 Ohio St. L.J. 466 .................................................. 777
40 Ohio St. L.J. 633 n.181 ............................................. 1025
40 Ohio St. L.J. 659 .................................................. 1025