Lead Articles—Authors

Alexander, Larry A.—Modern Equal Protection Theories: A Metatheoretical Taxonomy and Critique ......................................................... 3


Benedict, Michael Les—To Secure These Rights: Rights, Democracy, and Judicial Review in the Anglo-American Constitutional Heritage ........................................ 69

Berger, Raoul—Ely’s "Theory of Judicial Review" .................................................. 87

Berger, Raoul—Incorporation of the Bill of Rights in the Fourteenth Amendment: A Nine-Lived Cat .................. 435

Berger, Raoul—Residence Requirements for Welfare and Voting: A Post-Mortem ...................................... 853

Brest, Paul—The Substance of Process .................................................. 131

Gerety, Thomas—Doing Without Privacy .................................................. 143

Grano, Joseph D.—Ely’s Theory of Judicial Review: Preserving the Significance of the Political Process .................................................. 167

Holmes, William C.—Conspiracies to Monopolize: A Decisional Model .................................................. 731

Kay, Richard S.—Preconstitutional Rules .................................................. 187

Leedes, Gary C.—The Rationality Requirement of the Equal Protection Clause ................................ 639

McGovan, Carl—Regulatory Analysis and Judicial Review .................................................. 627

Maltz, Earl M.—Federalism and the Fourteenth Amendment: A Comment on Democracy and Distrust .................................................. 209

Martz, Gary R.—Consumerism Comes of Age: Treble Damages and Attorney Fees in Consumer Transactions—The Ohio Consumer Sales Practices Act .................................................. 927

Meeks, James E.—Foreword, Symposium: Judicial Review Versus Democracy .................................................. 1

Morgan, Richard J.—Reconciling the "Conflicting" Duties of Transfer Agents and Issuers Under the Securities Act and the Uniform Commercial Code .................................................. 223

Parker, Richard D.—The Past of Constitutional Theory—And Its Future .................................................. 261

Perry, Michael J.—Interpretivism, Freedom of Expression, and Equal Protection .................................................. 261

Roberts, Douglas S.—Consumerism Comes of Age: Treble Damages and Attorney Fees in Consumer Transactions—The Ohio Consumer Sales Practices Act .................................................. 927

Sargent, Mark A.—On the Validity of State Takeover Regulation: State Responses to MITE and Kidwell .................................................. 689

Spak, Michael I.—Predictable Harm: Should the Media be Liable? .................................................. 671

Weidner, Donald J.—Partnership Allocations and Capital Accounts Analysis .................................................. 467

Wellington, Harry H.—The Importance of Being Elegant .................................................. 427

Lead Articles—Titles

Conspiracies to Monopolize: A Decisional Model. William C. Holmes .................................................. 731

Doing Without Privacy. Thomas Gerety .................................................. 143

Ely’s "Theory of Judicial Review." Raoul Berger .................................................. 87


Federalism and the Fourteenth Amendment: A Comment on Democracy and Distrust. Earl M. Maltz .................................................. 209

Foreword, Symposium: Judicial Review Versus Democracy. James E. Meeks .................................................. 1


The Importance of Being Elegant. Harry H. Wellington .................................................. 427

Incorporation of the Bill of Rights in the Fourteenth Amendment: A Nine-Lived Cat. Raoul Berger .................................................. 435

Interpretivism, Freedom of Expression and Equal Protection. Michael J. Perry .................................................. 261
### INDEX

**Modern Equal Protection Theories: A Metatheoretical Taxonomy and Critique. Larry A. Alexander** ................................................................. 3

**On the Validity of State Takeover Regulation: State Responses to MITE and Kidwell. Mark A. Sargent** ................................................................. 689

**Partnership Allocations and Capital Accounts Analysis. Donald J. Weidner** ................................................................. 467

**The Past of Constitutional Theory—And Its Future. Richard D. Parker** ................................................................. 223

**Preconstitutional Rules. Richard S. Kay** ................................................................. 187

**Predictable Harm: Should the Media Be Liable? Michael I. Spak** ................................................................. 671

**The Rationality Requirement of the Equal Protection Clause. Gary C. Leedes** ................................................................. 639

**Reconciling the “Conflicting” Duties of Transfer Agents and Issuers Under the Securities Act and the Uniform Commercial Code. Richard J. Morgan** ................................................................. 879

**Regulatory Analysis and Judicial Review. Carl McGowan** ................................................................. 627

**Residence Requirements for Welfare and Voting: A Post-Mortem. Raoul Berger** ................................................................. 853

**To Secure These Rights: Rights, Democracy, and Judicial Review in the Anglo-American Constitutional Heritage. Michael Les Benedict** ................................................................. 69

**The Substance of Process. Paul Brest** ................................................................. 131

### Book Review


### Comments

**Academic Freedom vs. Title VII: Will Equal Employment Opportunity Be Denied on Campus?** ................................................................. 989

**A Definitional Approach to Secondary School Students' Right toKnow** ................................................................. 1025

**Ex Parte Contacts Within the FCC: Problem in Accountability** ................................................................. 751

**Federal Rule of Civil Procedure 23(a)(3) Typicality Requirement: The Superfluous Prerequisite to Maintaining a Class Action** ................................................................. 797

**Liability for Negligent Prenatal Diagnosis: Parents' Rights to a "Perfect" Child** ................................................................. 551

**The Outer Limits of Parental Autonomy: Withholding Medical Treatment From Children** ................................................................. 813

**The Protection of Confidential News Sources: Enhancing the Utility of Ohio's Shield Law** ................................................................. 1039

**Punitive Damages Awards in Strict Products Liability Litigation: The Doctrine, the Debate, the Defenses** ................................................................. 771

**Status Offenders and Juvenile Court: A Proposal for Revamping Jurisdiction** ................................................................. 1005

**The Uncertain Application of The Right of Privacy in Personal Medical Decisions: The Laetrile Cases** ................................................................. 523

### Case Comments

**Expanding Patent Coverage: Policy Implications of Diamond v. Chakrabarty** ................................................................. 1061

**Firm Disqualification and the Former Government Attorney: Armstrong v. McAlpin** ................................................................. 579

**The National Hockey League's Faceoff with Antitrust: McCourt v. California Sports, Inc.** ................................................................. 603

**The Significant Risk Test and OHSA's Attempts to Regulate Toxic Substances: Industrial Union Department, AFL-CIO v. American Petroleum Institute** ................................................................. 1119

**Is the Right of Access to Trials an Instance of a First Amendment Right to Know: Richmond Newspapers v. Virginia?** ................................................................. 831

**The Tax-Exempt Status of Hospital Service Organizations: HCSC-Laundry v. United States** ................................................................. 1085
SUBJECT INDEX

Subject Index

Administrative Law
Ex Parte Contacts Within the FCC: Problem in Accountability .................. 751
The Significant Risk Test and OSHA’s Attempts to Regulate Toxic Substances: Industrial Union Department, AFL-CIO v. American Petroleum Institute .................. 627
Regulatory Analysis and Judicial Review ... 627

Antitrust
Conspiracies to Monopolize: A Decisional Model ................................ 731
The National Hockey League’s Faceoff with Antitrust: McCourt v. California Sports, Inc. .... 603

Civil Procedure
Federal Cross-Appeals—A Guide and a Proposal ...................................... 505
Federal Rule of Civil Procedure 23(a)(3) Typicality Requirement: The Superfluous Prerequisite to Maintaining a Class Action .................. 797

Civil Rights
Academic Freedom vs. Title VII: Will Equal Employment Opportunity Be Denied on Campus? ................................................................. 989

Constitutional Law
A Definitional Approach to Secondary School Students’ Right to Know.................. 1025
Doing Without Privacy .................. 143
Ely’s “Theory of Judicial Review” .......... 87
Ely’s Theory of Judicial Review: Preserving the Significance of the Political Process ........ 167
Federalism and the Fourteenth Amendment: A Comment on Democracy and Distrust .... 209
Foreword, Symposium: Judicial Review Versus Democracy ........................................ 1
The Importance of Being Elegant ........ 427
Incorporation of the Bill of Rights in the Fourteenth Amendment: A Nine-Lived Cat .......... 435
Interpretivism, Freedom of Expression, and Equal Protection .................. 261
Modern Equal Protection Theories: A Metatheoretical Taxonomy and Critique .......... 3
On the Validity of State Takeover Regulation: State Responses to MITE and Kidwell .... 689
The Past of Constitutional Theory—And Its Future .................. 223
Preconstitutional Rules .................. 187
The Protection of Confidential News Sources: Enhancing the Utility of Ohio’s Shield Law ................................................................. 1039
The Rationality Requirement of The Equal Protection Clause .................. 639
Residence Requirements for Welfare and Voting: A Post-Mortem .................. 853
Is The Right of Access to Trials an Instance of a First Amendment Right to Know: Richmond Newspapers v. Virginia? .................. 831
To Secure These Rights: Rights, Democracy, and Judicial Review in the Anglo-American Constitutional Heritage .................. 69
The Substance of Process .................. 131
The Uncertain Application of the Right of Privacy in Personal Medical Decisions: The Laetrile Cases .................. 523

Consumer Law
Consumerism Comes of Age: Treble Damages and Attorney Fees in Consumer Transactions—The Ohio Consumer Sales Practices Act .... 927

Corporations
On the Validity of State Takeover Regulation: State Responses to MITE and Kidwell .... 689

Environmental Law
OSHA’s Attempts to Regulate Toxic Substances: Industrial Union Department, AFL-CIO v. American Petroleum Institute .................. 1119

Family Law
The Outer Limits of Parental Autonomy: Withholding Medical Treatment from Children .... 831

Jurisprudence

Juvenile Law
Status Offenders and Juvenile Court: A Proposal for Revamping Jurisdiction .................. 1005

Legal Profession

Patent Law

Products Liability
SUBJECT INDEX

Securities Law
Reconciling the “Conflicting” Duties of Transfer Agents and Issuers under the Securities Act and the Uniform Commercial Code ............ 879

Tort Law
Partnership Allocations and Capital Accounts Analysis ........................................ 467

Cases Noted
Armstrong v. McAlpin, 625 F.2d 433 (2d Cir. 1980) ..................................................... 579
Great Western United Corp. v. Kidwell, 577 F.2d 1256 (5th Cir. 1978) ...................... 690
Industrial Union Department, AFL-CIO v. American Petroleum Institute, 448 U.S. 607 (1980) ...... 1119
McCourt v. California Sports, Inc., 600 F.2d 1193 (6th Cir. 1979) ................................. 603
MITE Corp. v. Dixon, 633 F.2d 486 (7th Cir. 1980) ......................................................... 689
Shapiro v. Thompson, 394 U.S. 618 (1969) ................................................................. 853

The Tax-Exempt Status of Hospital Service Organizations: HCSC-Laundry v. United States ............................. 1085

Torts
Liability for Negligent Prenatal Diagnosis: Parents’ Right to a “Perfect” Child? .............. 551
Predictable Harm: Should the Media Be Liable? ......................................................... 671

Torts
Partnership Allocations and Capital Accounts Analysis ................................................. 467