

SUBJECT INDEX

ABATEMENT

See EQUITABLE REMEDIES

ACTIONS AND DEFENSES

- The New Jersey Tort Claims Act: A Step Forward? 5:284-319
- Statutes of Limitations—Foreign Jurisdiction's General Personal Injury Statute of Limitations Bars a Non-resident's Products Liability Action 5:342-62
- Wrongful Death—Under General Maritime Law Survivor's Cause of Action is Not Precluded by Decedent's Recovery for Injuries Prior to His Death .. 5:896-916

ADMINISTRATION OF JUSTICE

- The Authority of the Circuit Judicial Councils: Separation of Powers in the Courts of Appeals 5:815-63
- Judicial Selection in New Jersey 5:721-813
 - A Brief History of Judicial Selection in America 5:727-34
 - Conclusion 5:786-87
 - Merit Plan Concept: Pro and Con 5:775-80
 - Merit Plans Today: The Trend in New Jersey .. 5:765-75
 - New Jersey as a Leader: The Vanderbilt Legacy 5:741-47
 - New Jersey's Present Selection System 5:747-65
 - A Priority: Recruiting Better Trial Judges ... 5:734-41
 - Recommended: Experimentation With Voluntary Nominating Group and Study Aimed at Constitutional Revision 5:780-86
 - Scope and Background 5:721-27
- The Supreme Court, Congress, and Rules of Evidence ... 5:667-87

ADMINISTRATIVE PROCEDURE

- The Federal Power Commission's Authority to Set Area Rates by Rulemaking 5:31-63
 - Background 5:39-53
 - Conclusion 5:61-63
 - Introduction 5:31-35
 - Judicial Authority In Support of Order No. 435 5:53-61
 - Order No. 435 5:35-39

ADMIRALTY

See MARITIME LAW

ANTITRUST LAW

- Franchising—Restrictive Aspects of Motel Franchising System Individually and Cumulatively Held to Violate the Sherman Act . 5:320-41
- Public Utilities—Power Company's "Refusal to Deal" with Former Municipal Customers Found to Violate Sherman Act 5:92-107

ARBITRATION

See COLLECTIVE BARGAINING

ARREST RECORDS

- Expungement and Sealing of Arrest and Conviction Records: The New Jersey Response 5:864-95
 - The Argument Against Retention 5:867-70
 - The Common Law Approach: A Brief Analysis 5:870-81
 - Conclusion 5:894-95
 - Introduction 5:864-65
 - The New Jersey Statutory Prerogatives 5:881-94
 - The Rationale For Retention 5:865-66

CIVIL COMMITMENT OF MENTALLY ILL

- A Constitutional Right to Court Appointed Counsel

- for the Involuntarily Committed Mentally Ill: Beyond the Civil-Criminal Distinction 5:64-91
- Case Law Recognition Of A Right To Court Appointed Counsel 5:86-89
- The Civil-Criminal Distinction—A Disintegrating Barrier To Due Process Protection 5:82-85
- Conclusion 5:90-91
- Introduction 5:64-66
- The Rationale for Commitment 5:66-75
- The Right To Counsel & Due Process 5:75-79
- The Right To Counsel In Civil Commitment Proceedings 5:79-82

CIVIL PROCEDURE

- Statutes of Limitations—Foreign Jurisdiction's General Personal Injury Statute of Limitations Bars a Non-resident's Products Liability Action 5:342-62
- Wrongful Death—Under General Maritime Law Survivor's Cause of Action is Not Precluded by Decedent's Recovery for Injuries Prior to His Death .. 5:896-916

CIVIL RIGHTS

- Due Process—Inmates Transferred to Out-of-State Prisons are Entitled to Procedural Safeguards ... 5:134-51
- First Amendment—New Jersey's Offensive Language Statute Limited by "Fighting Words" Construction 5:108-20
- Sex Discrimination—Statutory Classifications Based on Sex are Constitutionally "Suspect" 5:958-76

CLAIMS

- The New Jersey Tort Claims Act: A Step Forward? ... 5:284-319

COLLECTIVE BARGAINING

- Public Employees—Court Adds "Public Interest" to the Criteria Used for Determining Appropriate Bargaining Units 5:937-57

COMMERCE

- Franchising—Restrictive Aspects of Motel Franchising System Individually and Cumulatively Held to Violate the Sherman Act . 5:320-41

COMMERCIAL LAW

- New Jersey Court Eliminates "Unreasonably Dangerous" Requirement in Strict Tort Liability Action 5:152-66

CONCILIATION

See COLLECTIVE BARGAINING

CONFLICT OF LAWS

- Statutes of Limitations—Foreign Jurisdiction's General Personal Injury Statute of Limitations Bars a Non-resident's Products Liability Action 5:342-62

CONSTITUTIONAL HISTORY

- Impeachment: An Historical Overview 5:689-719
- "High Crimes and Misdemeanors" 5:711-18
- History: The American Experience 5:694-711
- History: The English Experience 5:690-94

CONSTITUTIONAL LAW

- The Authority of the Circuit Judicial Councils: Separation of Powers in the Courts of Appeals 5:815-63
- Congressional Review of Executive Action 5:489-525
- Cooperation and Non-Cooperation in the Separation of Powers 5:489-98

—Interference With Legislative Power	5:498-513	Educational Financing In New Jersey: <i>Robinson v. Cahill</i> And Beyond	5:1-30
—The Legislative Response—Congressional Review of Executive Action	5:513-24	—Conclusion	5:29-30
Consent Searches and the Fourth Amendment: Voluntariness and Third Party Problems	5:211-83	—Equal Protection And Equal Education	5:12-15
—Abandonment	5:276-78	—Introduction	5:1-4
—Bailors and Bailees	5:272-76	—The New Jersey Trial Strategy	5:4-12
—Bustamonte—A Break With The Past	5:240-52	—A Spectrum Of Analysis	5:15-20
—Conclusion	5:283	—Suggestions For A Legislative Proposal	5:20-29
—Consent and the Supreme Court	5:217-27	First Amendment—New Jersey's Offensive Language Statute Limited by "Fighting Words" Construction	5:108-20
—Familial Consent	5:267-72	Grand Jury—Remedy of Exclusionary Rule Held Inapplicable to Grand Jury Proceedings	5:917-36
—Introduction	5:211-15	Impeachment: An Historical Overview	5:689-719
—Lower Federal Consent Cases	5:232-40	—"High Crimes and Misdemeanors"	5:711-18
—Nature of Consent	5:215-17	—History: The American Experience	5:694-711
—Possession and Control .	5:261-66	—History: The English Experience	5:690-94
—State Consent Cases ...	5:227-32	The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Powers	5:435-88
—Underlying Constitutional Questions	5:278-83	Sex Discrimination—Statutory Classifications Based on Sex are Constitutionally "Suspect"	5:958-76
—Who Can Consent?	5:253-61		
A Constitutional Right to Court Appointed Counsel for the Involuntarily Committed Mentally Ill: Beyond the Civil-Criminal Distinction	5:64-91	CONSUMER PROTECTION	
—Case Law Recognition Of A Right To Court Appointed Counsel	5:86-89	Products Liability—Landlord's Implied Warranty of Habitability Does Not Give Rise to Strict Tort Liability for Tenant's Personal Injuries	5:409-30
—The Civil-Criminal Distinction—A Disintegrating Barrier To Due Process Protection	5:82-85		
—Conclusion	5:90-91	CONTRACTS: RESTRICTIVE CLAUSES	
—Introduction	5:64-66	Franchising—Restrictive Aspects of Motel Franchising System Individually and Cumulatively Held to Violate the Sherman Act	5:320-41
—The Rationale For Commitment	5:66-75		
—The Right To Counsel & Due Process	5:75-79		
—The Right To Counsel In Civil Commitment Proceedings	5:79-82		
Due Process—Inmates Transferred to Out-of-State Prisons are Entitled to Procedural Safeguards ...	5:134-51		

CORPORATIONS

- Securities—Non-participating
Director Owes No Duty
Under Rule 10b-5 to In-
sure That All Material,
Adverse Information is
Conveyed to Prospective
Purchasers 5:363-77
- Shareholder—Employee Com-
pensation in the Profes-
sional Corporation: Pres-
ent and Deferred Compen-
sation Arrangements 5:173-210
- Conclusion 5:209-10
- Introduction 5:173-74
- Non-Qualified Deferred
Compensation Arrange-
ments: A Package Buy-
Out Proposal 5:195-205
- Reasonable Compensa-
tion 5:174-84
- Some Random Observa-
tions on Assignment of
Income and Personal
Holding Company Sta-
tus 5:184-91
- Qualified Retirement
Plans 5:191-95
- Tangential Aspects:
Continued Relationships
and Accumulated Earn-
ings 5:205-09

COURTS

- The Authority of the Circuit
Judicial Councils: Separation
of Powers in the
Courts of Appeals 5:815-63
- Grand Jury—Government
Must Demonstrate Rele-
vancy Prior to Seeking En-
forcement of Grand Jury
Subpoenas Through Civil
Contempt 5:378-93
- Judicial Selection in New Jer-
sey 5:721-813
- A Brief History of Judi-
cial Selection in Amer-
ica 5:727-34
- Conclusion 5:786-87
- Merit Plan Concept:
Pro and Con 5:775-80

- Merit Plans Today: The
Trend in New Jersey .. 5:765-75
- New Jersey as a Leader:
The Vanderbilt Legacy 5:741-47
- New Jersey's Present Se-
lection System 5:747-65
- A Priority: Recruiting
Better Trial Judges ... 5:734-41
- Recommended: Experi-
mentation with Volun-
tary Nominating Group
and Study Aimed at
Constitutional Revision 5:780-86
- Scope and Background 5:721-27
- The Supreme Court, Con-
gress, and Rules of Evi-
dence 5:667-87

CRIMINAL LAW

- First Amendment—New Jer-
sey's Offensive Language
Statute Limited by "Fight-
ing Words" Construction 5:108-20

CRIMINAL PROCEDURE

- Consent Searches and the
Fourth Amendment: Vol-
untariness and Third
Party Problems 5:211-83
- Abandonment 5:276-78
- Bailors and Bailees ... 5:272-76
- Bustamonte—A Break
With The Past 5:240-52
- Conclusion 5:283
- Consent and the Su-
preme Court 5:217-27
- Familial Consent 5:267-72
- Introduction 5:211-15
- Lower Federal Consent
Cases 5:232-40
- Nature of Consent 5:215-17
- Possession and Control 5:261-66
- State Consent Cases ... 5:227-32
- Underlying Constitu-
tional Questions 5:278-83
- Who Can Consent? 5:253-61
- Expungement and Sealing of
Arrest and Conviction
Records: The New Jersey
Response 5:864-95
- The Argument Against
Retention 5:867-70
- The Common Law Ap-

- proach: A Brief Analysis 5:870-81
- Conclusion 5:894-95
- Introduction 5:864-65
- The New Jersey Statutory Prerogatives 5:881-94
- The Rationale For Retention 5:865-66
- Grand Jury—Government Must Demonstrate Relevancy Prior to Seeking Enforcement of Grand Jury Subpoenas Through Civil Contempt 5:378-93
- Grand Jury—Remedy of Exclusionary Rule Held Inapplicable to Grand Jury Proceedings 5:917-36
- DAMAGES**
- Public Trust—Injury to Public Trust is Basis for Award of Damages 5:394-408
- DEATH**
- See WRONGFUL DEATH
- DEFENSES**
- See ACTIONS AND DEFENSES
- DELEGATION OF POWERS**
- See SEPARATION OF POWERS
- DISCRIMINATION**
- Sex Discrimination—Statutory Classifications Based on Sex are Constitutionally "Suspect" 5:958-76
- DOCUMENTS AND RECORDS**
- Expungement and Sealing of Arrest and Conviction Records: The New Jersey Response 5:864-95
- The Argument Against Retention 5:867-70
- The Common Law Approach: A Brief Analysis 5:870-81
- Conclusion 5:894-95
- Introduction 5:864-65
- The New Jersey Statutory Prerogatives 5:881-94
- The Rationale for Retention 5:865-66
- DUE PROCESS OF LAW**
- A Constitutional Right to Court Appointed Counsel for the Involuntarily Committed Mentally Ill: Beyond the Civil-Criminal Distinction 5:64-91
- Case Law Recognition Of A Right To Court Appointed Counsel ... 5:86-89
- The Civil-Criminal Distinction—A Disintegrating Barrier To Due Process Protection 5:82-85
- Conclusion 5:90-91
- Introduction 5:64-66
- The Rationale For Commitment 5:66-75
- The Right To Counsel & Due Process 5:75-79
- The Right To Counsel In Civil Commitment Proceedings 5:79-82
- Due Process—Inmates Transferred to Out-of-State Prisons are Entitled to Procedural Safeguards ... 5:134-51
- First Amendment—New Jersey's Offensive Language Statute Limited by "Fighting Words" Construction 5:108-20
- EDUCATIONAL FUNDING/FISCAL POLICIES**
- Educational Financing in New Jersey: *Robinson v. Cahill* and Beyond 5:1-30
- Conclusion 5:29-30
- Equal Protection And Equal Education 5:12-15
- Introduction 5:1-4
- The New Jersey Trial Strategy 5:4-12
- A Spectrum of Analysis 5:15-20
- Suggestions for a Legislative Proposal 5:20-29
- EIGHTH AMENDMENT**
- Due Process—Inmates Transferred to Out-of-State

SUBJECT INDEX

xv

- Prisons are Entitled to
Procedural Safeguards ... 5:134-51
- ELECTRICITY**
- Public Utilities—Power Com-
pany's "Refusal to Deal"
with Former Municipal
Customers Found to Vio-
late Sherman Act 5:92-107
- EMPLOYER AND EMPLOYEE**
- Picking Up of Hitchhikers
Constitutes Sufficient
Work-Connection to Es-
tablish Compensability
Under the New Jersey
Workmen's Compensation
Act 5:977-92
- Public Employees—Court
Adds "Public Interest" to
the Criteria Used for De-
termining Appropriate
Bargaining Units 5:937-57
- ENVIRONMENTAL CONTROL**
- Public Trust—Injury to Pub-
lic Trust is Basis for
Award of Damages 5:394-408
- Rivers and Harbors Act of
1899—Construction Activi-
ties in Violation of Act
Enjoined by Way of
Abatement 5:121-33
- EQUAL PROTECTION**
- Educational Financing in New
Jersey: *Robinson v. Ca-
hill* and Beyond 5:1-30
- Conclusion 5:29-30
- Equal Protection And
Equal Education 5:12-15
- Introduction 5:1-4
- The New Jersey Trial
Strategy 5:4-12
- A Spectrum of Analysis
—Suggestions for a Legis-
lative Proposal 5:20-29
- Sex Discrimination—Statutory
Classifications Based on
Sex are Constitutionally
"Suspect" 5:958-76
- EQUITABLE REMEDIES**
- Public Trust—Injury to Pub-
lic Trust is Basis for
Award of Damages 5:394-408
- Rivers and Harbors Act of
1899—Construction Activi-
ties in Violation Of Act
Enjoined by Way of
Abatement 5:121-33
- EVIDENCE**
- The Supreme Court, Con-
gress, and Rules of Evi-
dence 5:667-87
- EXCLUSIONARY RULE**
- Grand Jury—Remedy of Ex-
clusionary Rule Held In-
applicable To Grand Jury
Proceedings 5:917-36
- EXECUTIVE BRANCH**
- Congressional Review of Ex-
ecutive Action 5:489-525
- Cooperation and Non-
Cooperation in the Sep-
aration of Powers 5:489-98
- Interference With Legis-
lative Power 5:498-513
- The Legislative Re-
sponse — Congressional
Review of Executive Ac-
tion 5:513-24
- The Interdependence of Leg-
itimacy: An Introduction
to the Meaning of Sepa-
ration of Powers 5:435-88
- Separation of Powers in the
Domain of Foreign Af-
fairs: The Intent of the
Constitution Historically
Examined 5:527-665
- "Advice and Consent" as
a Traditional Formula
of English Constitu-
tionalism 5:541-47
- American Departures
from English Precedent
—The Articles of Confed-
eration 5:565-69
- Conclusion 5:665
- The Constitutional Con-
vention: Final Six Weeks

of Compromise and Decision, August 6-September 17, 1787	5:601-60	—The Rationale for Retention	5:865-66
—The Constitutional Convention: Initial Two Months, May 25-July 26, 1787	5:574-91	FEDERAL COURTS	
—Criticisms of the Royal Prerogative of War and Peace	5:556-63	<i>See</i> COURTS	
—The Distinction Between "Advice" and "Consent"	5:540-41	FEDERAL POWER COMMISSION	
—The Draft Constitution of the Committee of Detail, August 6, 1787 ...	5:592-601	The Federal Power Commission's Authority to Set Area Rates by Rulemaking	5:31-63
—The Foreign-Affairs Provisions of the Constitution Interpreted	5:660-65	—Background	5:39-53
—Introduction	5:529-30	—Conclusion	5:61-63
—The Making of War and Peace by The Continental Congress	5:563-65	—Introduction	5:31-35
—Parliament's Demand for a Voice in Foreign Policy	5:547-56	—Judicial Authority In Support of Order No. 435	5:53-61
—Pre-Convention Discussions, 1786-1787	5:569-74	—Order No. 435	5:35-39
—The Real Meaning of Separation of Powers ..	5:534-37	FIFTH AMENDMENT	
—Separation of Powers Applied to the Handling of Foreign Affairs	5:537-40	Grand Jury—Government Must Demonstrate Relevancy Prior to Seeking Enforcement of Grand Jury Subpoenas Through Civil Contempt	5:378-93
EXECUTIVE PRIVILEGE		FIRST AMENDMENT	
The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Powers	5:435-88	First Amendment—New Jersey's Offensive Language Statute Limited by "Fighting Words" Construction	5:108-20
EXPUNGEMENT		FISH AND GAME	
Expungement and Sealing of Arrest and Conviction Records: The New Jersey Response	5:864-95	Public Trust—Injury to Public Trust is Basis for Award of Damages	5:394-408
—The Argument Against Retention	5:867-70	FOREIGN RELATIONS	
—The Common Law Approach: A Brief Analysis	5:870-81	<i>See</i> U.S. FOREIGN RELATIONS	
—Conclusion	5:894-95	FOURTEENTH AMENDMENT	
—Introduction	5:864-65	A Constitutional Right to Court Appointed Counsel for the Involuntarily Committed Mentally Ill: Beyond the Civil-Criminal Distinction	5:64-91
—The New Jersey Statutory Prerogatives	5:881-94	—Case Law Recognition Of A Right To Court Appointed Counsel	5:86-89
		—The Civil-Criminal Dis-	

SUBJECT INDEX

xvii

- inction—A Disintegrating Barrier To Due Process Protection 5:82-85
—Conclusion 5:90-91
—Introduction 5:64-66
—The Rationale For Commitment 5:66-75
—The Right To Counsel & Due Process 5:75-79
—The Right To Counsel In Civil Commitment Proceedings 5:79-82
- FOURTH AMENDMENT**
- Consent Searches and the Fourth Amendment: Voluntariness and Third Party Problems 5:211-83
—Abandonment 5:276-78
—Bailors and Bailees 5:272-76
—Bustamonte—A Break With The Past 5:240-52
—Conclusion 5:283
—Consent and the Supreme Court 5:217-27
—Familial Consent 5:267-72
—Introduction 5:211-15
—Lower Federal Consent Cases 5:232-40
—Nature of Consent 5:215-17
—Possession and Control 5:261-66
—State Consent Cases 5:227-32
—Underlying Constitutional Questions 5:278-83
—Who Can Consent? 5:253-61
- Grand Jury—Government Must Demonstrate Relevance Prior to Seeking Enforcement of Grand Jury Subpoenas Through Civil Contempt 5:378-93
- Grand Jury—Remedy of Exclusionary Rule Held Inapplicable to Grand Jury Proceedings 5:917-36
- FRANCHISING**
- Franchising—Restrictive Aspects of Motel Franchising System Individually and Cumulatively Held to Violate the Sherman Act ... 5:320-41
- FRAUD**
- Securities — Non-participating Director Owes No Duty Under Rule 10b-5 to Insure that All Material, Adverse Information is Conveyed to Prospective Purchasers 5:363-77
- FREEDOM OF SPEECH**
- First Amendment—New Jersey's Offensive Language Statute Limited by "Fighting Words" Construction 5:108-20
- GOVERNMENTAL IMMUNITY AND LIABILITY**
- The New Jersey Tort Claims Act: A Step Forward? 5:284-319
- GRAND JURY**
- Grand Jury—Government Must Demonstrate Relevance Prior to Seeking Enforcement of Grand Jury Subpoenas Through Civil Contempt 5:378-93
- Grand Jury—Remedy of Exclusionary Rule Held Inapplicable to Grand Jury Proceedings 5:917-36
- HOUSING**
- See LANDLORD AND TENANT
- IMPEACHMENT**
- Impeachment: An Historical Overview 5:689-719
—"High Crimes and Misdemeanors" 5:711-18
—History: The American Experience 5:694-711
—History: The English Experience 5:690-94
- The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Powers 5:435-88
- IMPOUNDMENT**
- Congressional Review of Executive Action 5:489-525

- Cooperation and Non-Cooperation in the Separation of Powers 5:489-98
 - Interference With Legislative Power 5:498-513
 - The Legislative Response — Congressional Review of Executive Action 5:513-24
- INJUNCTIONS**
- See* EQUITABLE REMEDIES
- JUDGES**
- The Authority of the Circuit Judicial Councils: Separation of Powers in the Courts of Appeals 5:815-63
 - Judicial Selection in New Jersey 5:721-813
 - A Brief History of Judicial Selection in America 5:727-34
 - Conclusion 5:786-87
 - Merit Plan Concept: Pro and Con 5:775-80
 - Merit Plans Today: The Trend in New Jersey .. 5:765-75
 - New Jersey as a Leader: The Vanderbilt Legacy 5:741-47
 - New Jersey's Present Selection System 5:747-65
 - A Priority: Recruiting Better Trial Judges ... 5:734-41
 - Recommended: Experimentation with Voluntary Nominating Group and Study Aimed at Constitutional Revision 5:780-86
 - Scope and Background 5:721-27
- JUDICIAL COUNCILS**
- The Authority of the Circuit Judicial Councils: Separation of Powers in the Courts of Appeals 5:815-63
- JUDICIAL REVIEW**
- The Authority of the Circuit Judicial Councils: Separation of Powers in the Courts of Appeals 5:815-63
 - The Federal Power Commission's Authority to Set Area Rates by Rulemaking
 - Background 5:39-53
 - Conclusion 5:61-63
 - Introduction 5:31-35
 - Judicial Authority In Support of Order No. 435 5:53-61
 - Order No. 435 5:35-39
 - The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Powers 5:435-88
- LABOR LAW**
- Public Employees—Court Adds "Public Interest" to the Criteria Used for Determining Appropriate Bargaining Units 5:937-57
- LABOR UNIONS**
- See* UNIONS
- LANDLORD AND TENANT**
- Products Liability—Landlord's Implied Warranty of Habitability Does Not Give Rise to Strict Tort Liability for Tenant's Personal Injuries 5:409-30
- LAW ENFORCEMENT**
- Expungement and Sealing of Arrest and Conviction Records: The New Jersey Response 5:864-95
 - The Argument Against Retention 5:867-70
 - The Common Law Approach: A Brief Analysis 5:870-81
 - Conclusion 5:894-95
 - Introduction 5:864-65
 - The New Jersey Statutory Prerogatives 5:881-94
 - The Rationale for Retention 5:865-66
 - Grand Jury—Government Must Demonstrate Relevancy Prior to Seeking Enforcement of Grand Jury Subpoenas Through Civil Contempt 5:378-93

LEASES

See LANDLORD AND TENANT

LEGAL PROFESSION

- Judicial Selection in New Jersey 5:721-813
 - A Brief History of Judicial Selection in America 5:727-34
 - Conclusion 5:786-87
 - Merit Plan Concept: Pro and Con 5:775-80
 - Merit Plans Today: The Trend in New Jersey .. 5:765-75
 - New Jersey as a Leader: The Vanderbilt Legacy 5:741-47
 - New Jersey's Present Selection System 5:747-65
 - A Priority: Recruiting Better Trial Judges ... 5:734-41
 - Recommended: Experimentation with Voluntary Nominating Group and Study Aimed at Constitutional Revision 5:780-86
 - Scope and Background 5:721-27

LEGISLATIVE BRANCH

- Congressional Review of Executive Action 5:489-525
 - Cooperation and Non-Cooperation in the Separation of Powers 5:489-98
 - Interference With Legislative Power 5:498-513
 - The Legislative Response — Congressional Review of Executive Action 5:513-24
- The Interdependence of Legitimacy: An Introduction to the Meaning of Separation of Powers 5:435-88
- Separation of Powers in the Domain of Foreign Affairs: The Intent of the Constitution Historically Examined 5:527-665
 - “Advice and Consent” as a Traditional Formula of English Constitutionalism 5:541-47

- American Departures from English Precedent 5:530-34
- The Articles of Confederation 5:505-69
- Conclusion 5:665
- The Constitutional Convention: Final Six Weeks of Compromise and Decision, August 6-September 17, 1787 5:601-60
- The Constitutional Convention: Initial Two Months, May 25-July 26, 1787 5:574-91
- Criticisms of the Royal Prerogative of War and Peace 5:556-63
- The Distinction Between “Advice” and “Consent” 5:540-41
- The Draft Constitution of the Committee of Detail, August 6, 1787 ... 5:592-601
- The Foreign-Affairs Provision of the Constitution Interpreted 5:660-65
- Introduction 5:529-30
- The Making of War and Peace by the Continental Congress 5:563-65
- Parliament's Demand for a Voice in Foreign Policy 5:547-56
- Pre-Convention Discussions, 1786-1787 5:569-74
- The Real Meaning of Separation of Powers .. 5:534-37
- Separation of Powers Applied to the Handling of Foreign Affairs 5:537-40

LICENSING

- Franchising—Restrictive Aspects of Motel Franchising System Individually and Cumulatively Held to Violate the Sherman Act 5:320-41

LIMITATION OF ACTIONS

- Statute of Limitations—Foreign Jurisdiction's General Personal Injury Statute of Limitations Bars a

- Non-resident's Products
Liability Action 5:342-62
- MARITIME LAW**
- Wrongful Death—Under General Maritime Law Survivor's Cause of Action is Not Precluded by Decedent's Recovery for Injuries Prior to His Death .. 5:896-916
- MENTAL HEALTH**
- A Constitutional Right to Court Appointed Counsel for the Involuntarily Committed Mentally Ill: Beyond the Civil-Criminal Distinction 5:64-91
- Case Law Recognition Of A Right To Court Appointed Counsel 5:86-89
- The Civil-Criminal Distinction—A Disintegrating Barrier To Due Process Protection 5:82-85
- Conclusion 5:90-91
- Introduction 5:64-66
- The Rationale For Commitment 5:66-75
- The Right To Counsel & Due Process 5:75-79
- The Right To Counsel In Civil Commitment Proceedings 5:79-82
- MISREPRESENTATION**
- Securities — Non-participating Director Owes No Duty Under Rule 10b-5 to Insure that All Material, Adverse Information is Conveyed to Prospective Purchasers 5:363-77
- MUNICIPAL CORPORATIONS**
- Public Utilities—Power Company's "Refusal to Deal" with Former Municipal Customers Found to Violate Sherman Act 5:92-107
- NATURAL RESOURCES**
- See* ENVIRONMENTAL CONTROL
- PENOLOGY**
- Due Process—Inmates Transferred to Out-of-State Prisons are Entitled to Procedural Safeguards ... 5:134-51
- PERSONAL INJURIES**
- New Jersey Court Eliminates "Unreasonably Dangerous" Requirement in Strict Tort Liability Action ... 5:152-66
- Picking Up of Hitchhikers Constitutes Sufficient Work-Connection to Establish Compensability Under the New Jersey Workmen's Compensation Act 5:977-92
- Statute of Limitations—Foreign Jurisdiction's General Personal Injury Statute of Limitations Bars a Non-resident's Products Liability Action 5:342-62
- POLLUTION**
- See* ENVIRONMENTAL CONTROL
- PRISONS AND PRISONERS**
- Due Process—Inmates Transferred to Out-of-State Prisons are Entitled to Procedural Safeguards ... 5:134-51
- PRISON TRANSFERS**
- Due Process—Inmates Transferred to Out-of-State Prisons are Entitled to Procedural Safeguards ... 5:134-51
- PRODUCTS LIABILITY**
- New Jersey Court Eliminates "Unreasonably Dangerous" Requirement in Strict Tort Liability Action ... 5:152-66
- Products Liability—Landlord's Implied Warranty of Habitability Does Not Give Rise to Strict Tort Liability for Tenant's Personal Injuries 5:409-30
- Statute of Limitations—For-

SUBJECT INDEX

xxi

- eign Jurisdiction's General Personal Injury Statute of Limitations Bars a Non-resident's Products Liability Action 5:342-62
- PROFESSIONAL CORPORATIONS**
- Shareholder—Employee Compensation in the Professional Corporation: Present and Deferred Compensation Arrangements 5:173-210
- Conclusion 5:209-10
- Introduction 5:173-74
- Non-Qualified Deferred Compensation Arrangements: A Package Buy-Out Proposal 5:195-205
- Reasonable Compensation 5:174-84
- Some Random Observations on Assignment of Income and Personal Holding Company Status 5:184-91
- Qualified Retirement Plans 5:191-95
- Tangential Aspects: Continued Relationship and Accumulated Earnings 5:205-09
- PUBLIC OFFICIALS AND EMPLOYEES**
- Public Employees—Court Adds “Public Interest” to the Criteria Used for Determining Appropriate Bargaining Units 5:937-57
- PUBLIC UTILITIES**
- Public Utilities—Power Company's “Refusal to Deal” with Former Municipal Customers Found to Violate Sherman Act 5:92-107
- PUBLIC WELFARE**
- Public Interest—Injury to Public Trust is Basis for Award of Damages 5:394-408
- REHABILITATION OF CRIMINALS**
- Expungement and Sealing of Arrest and Conviction
- Records: The New Jersey Response 5:864-95
- The Argument Against Retention 5:867-70
- The Common Law Approach: A Brief Analysis 5:870-81
- Conclusion 5:894-95
- Introduction 5:864-65
- The New Jersey Statutory Prerogatives 5:881-94
- The Rationale for Retention 5:865-66
- REMEDIES**
- Products Liability—Landlord's Implied Warranty of Habitability Does Not Give Rise to Strict Tort Liability for Tenant's Personal Injuries 5:409-30
- Rivers and Harbors Act of 1899—Construction Activities in Violation of Act Enjoined by Way of Abatement 5:121-33
- Wrongful Death—Under General Maritime Law Survivor's Cause of Action is Not Precluded by Decedent's Recovery for Injuries Prior to His Death 5:896-916
- REPRESENTATIVE GOVERNMENT**
- Separation of Powers in the Domain of Foreign Affairs: The Intent of the Constitution Historically Examined 5:527-665
- “Advice and Consent” as a Traditional Formula of English Constitutionalism 5:541-47
- American Departures from English Precedent 5:530-34
- The Articles of Confederation 5:565-69
- Conclusion 5:665
- The Constitutional Convention: Final Six Weeks of Compromise and Decision, August 6-September 17, 1787 5:601-60
- The Constitutional Con-

vention: Initial Two Months, May 25-July 26, 1787	5:574-91
—Criticisms of the Royal Prerogative of War and Peace	5:556-63
—The Distinctions Between "Advice" and "Consent"	5:540-41
—The Draft Constitution of the Committee of Detail, August 6, 1787 ...	5:592-601
—The Foreign-Affairs Provisions of the Constitution Interpreted	5:660-65
—Introduction	5:529-30
—The Making of War and Peace by the Continental Congress	5:563-65
—Parliament's Demand for a Voice in Foreign Policy	5:547-56
—Pre-Convention Discussions, 1786-1787	5:569-74
—The Real Meaning of Separation of Powers ..	5:534-37
—Separation of Powers Applied to the Handling of Foreign Affairs	5:537-40

RESTRAINT OF TRADE

Franchising—Restrictive Aspects of Motel Franchising System Individually and Cumulatively Held to Violate the Sherman Act ...	5:320-41
---	----------

RIGHT OF PRIVACY

Consent Searches and the Fourth Amendment: Voluntariness and Third Party Problems	5:211-83
—Abandonment	5:276-78
—Bailors and Bailees	5:272-76
—Bustamonte—A Break With The Past	5:240-52
—Conclusion	5:283
—Consent and the Supreme Court	5:217-27
—Familial Consent	5:267-72
—Introduction	5:211-15
—Lower Federal Consent Cases	5:232-40

—Nature of Consent	5:215-17
—Possession and Control	5:261-66
—State Consent Cases ...	5:227-32
—Underlying Constitutional Questions	5:278-83
—Who Can Consent?	5:253-61
Expungement and Sealing of Arrest and Conviction Records: The New Jersey Response	5:864-95
—The Argument Against Retention	5:867-70
—The Common Law Approach: A Brief Analysis	5:870-81
—Conclusion	5:894-95
—Introduction	5:864-65
—The New Jersey Statutory Prerogatives	5:881-94
—The Rationale For Retention	5:865-66

RIGHT TO COUNSEL

A Constitutional Right to Court Appointed Counsel for the Involuntarily Committed Mentally Ill: Beyond the Civil-Criminal Distinction	5:64-91
—Case Law Recognition Of A Right To Court Appointed Counsel	5:86-89
—The Civil-Criminal Distinction—A Disintegrating Barrier To Due Process Protection	5:82-85
—Conclusion	5:90-91
—Introduction	5:64-66
—The Rationale For Commitment	5:66-75
—The Right To Counsel & Due Process	5:75-79
—The Right To Counsel In Civil Commitment Proceedings	5:79-82

SALES AND SERVICES

New Jersey Court Eliminates "Unreasonably Dangerous" Requirement in Strict Tort Liability Action ...	5:152-66
--	----------

SEAMEN

Wrongful Death—Under General Maritime Law Surviv-	
---	--

or's Cause of Action is Not
Precluded by Decedent's
Recovery For Injuries
Prior to His Death 5:896-916

SEARCH AND SEIZURE

Consent Searches and the
Fourth Amendment: Vol-
untariness and Third
Party Problems 5:211-83
—Abandonment 5:276-78
—Bailors and Bailees 5:272-76
—Bustamonte—A Break
With The Past 5:240-52
—Conclusion 5:283
—Consent and the Su-
preme Court 5:217-27
—Familial Consent 5:267-72
—Introduction 5:211-15
—Lower Federal Consent
Cases 5:232-40
—Nature of Consent 5:215-17
—Possession and Control
5:261-66
—State Consent Cases ... 5:227-32
—Underlying Constitu-
tional Questions 5:278-83
—Who Can Consent? 5:253-61
Grand Jury—Remedy of Ex-
clusionary Rule Held In-
applicable To Grand Jury
Proceedings 5:917-36

SECURITIES

Securities—Non-participating
Director Owes No Duty
Under Rule 10b-5 to In-
sure that All Material, Ad-
verse Information is Con-
veyed to Prospective Pur-
chasers 5:363-77

SEPARATION OF POWERS

The Authority of the Circuit
Judicial Councils: Separation
of Powers in the
Courts of Appeals 5:815-63
Congressional Review of Ex-
ecutive Action 5:489-525
—Cooperation and Non-
Cooperation in the Sepa-
ration of Powers 5:489-98
—Interference With Legis-
lative Power 5:498-513

—The Legislative Re-
sponse — Congressional
Review of Executive Ac-
tion 5:513-24
Impeachment: An Historical
Overview 5:689-719
—“High Crimes and Mis-
demeanors” 5:711-18
—History: The American
Experience 5:694-711
—History: The English
Experience 5:690-94
The Interdependence of Leg-
itimacy: An Introduction
to the Meaning of Separation
of Powers 5:435-88
Separation of Powers in the
Domain of Foreign Af-
fairs: The Intent of the
Constitution Historically
Examined 5:527-665
—“Advice and Consent” as
a Traditional Formula
of English Constitu-
tionalism 5:541-47
—American Departures
from English Precedent 5:530-69
—Conclusion 5:665
—The Constitutional Con-
vention: Final Six Weeks
of Compromise and De-
cision, August 6-Septem-
ber 17, 1787 5:601-60
—The Constitutional Con-
vention: Initial Two
Months, May 25-July 26,
1787 5:574-91
—Criticisms of the Royal
Prerogative of War and
Peace 5:556-63
—The Distinction Be-
tween “Advice” and
“Consent” 5:540-51
—The Draft Constitution
of the Committee of De-
tail, August 6, 1787 ... 5:592-601
—The Foreign-Affairs Pro-
visions of the Constitu-
tion Interpreted 5:660-65
—Introduction 5:529-30
—The Making of War and
Peace by the Continen-
tal Congress 5:563-65

—Parliament's Demand for a Voice in Foreign Policy	5:547-56	—Conclusion	5:29-30
—Pre-Convention Discussions, 1786-1787	5:569-74	—Equal Protection and Equal Education	5:12-15
—The Real Meaning of Separation of Powers ..	5:534-37	—Introduction	5:1-4
—Separation of Powers Applied to the Handling of Foreign Affairs	5:537-40	—The New Jersey Trial Strategy	5:4-12
The Supreme Court, Congress, and Rules of Evidence ...	5:667-87	—A Spectrum of Analysis	5:15-20
		—Suggestions for a Legislative Proposal	5:20-29
SEX DISCRIMINATION		Shareholder—Employee Compensation in the Professional Corporation: Present and Deferred Compensation Arrangements	5:173-210
Sex Discrimination—Statutory Classifications Based on Sex are Constitutionally "Suspect"	5:958-76	—Conclusion	5:209-10
		—Introduction	5:173-74
SOCIAL SECURITY		—Non-Qualified Deferred Compensation Arrangements: A Package Buy-Out Proposal	5:195-205
Sex Discrimination—Statutory Classifications Based on Sex are Constitutionally "Suspect"	5:958-76	—Reasonable Compensation	5:174-84
		—Some Random Observations on Assignment of Income and Personal Holding Company Status	5:184-91
STATUTE OF LIMITATIONS		—Qualified Retirement Plans	5:191-95
See LIMITATION OF ACTIONS		—Tangential Aspects: Continued Relationships and Accumulated Earnings	5:205-09
STATUTES		TORT CLAIMS ACTS	
First Amendment—New Jersey's Offensive Language Statute Limited by "Fighting Words" Construction	5:108-20	The New Jersey Tort Claims Act: A Step Forward? ...	5:284-319
The New Jersey Tort Claims Act: A Step Forward? ...	5:284-319		
STOCKS		TORTS	
Securities—Non-participating Director Owes No Duty Under Rule 10b-5 to Insure that All Material, Adverse Information is Conveyed to Prospective Purchasers	5:363-77	New Jersey Court Eliminates "Unreasonably Dangerous" Requirement in Strict Tort Liability	5:152-66
		The New Jersey Tort Claims Act: A Step Forward?	5:284-319
SURVIVAL OF ACTIONS		Products Liability—Landlord's Implied Warranty of Habitability Does Not Give Rise to Strict Tort Liability for Tenant's Personal Injuries	5:409-30
See WRONGFUL DEATH			
TAXATION			
Educational Financing in New Jersey: <i>Robinson v. Cahill</i> and Beyond	5:1-30		

TRADE REGULATION

- Public Utilities—Power Company's "Refusal to Deal" with Former Municipal Customers Found to Violate Sherman Act 5:92-107

UNFAIR COMPETITION

- Franchising—Restrictive Aspects of Motel Franchising System Individually and Cumulatively Held to Violate the Sherman Act 5:320-41
- Public Utilities—Power Company's "Refusal to Deal" with Former Municipal Customers Found to Violate Sherman Act 5:92-107

UNIONS

- Public Employees—Court Adds "Public Interest" to the Criteria Used for Determining Appropriate Bargaining Units 5:937-57

UNITED STATES: FOREIGN RELATIONS

- Separation of Powers in the Domain of Foreign Affairs: The Intent of the Constitution Historically Examined 5:527-665
 - "Advice and Consent" as a Traditional Formula of English Constitutionalism 5:541-47
 - American Departures from English Precedent 5:530-34
 - The Articles of Confederation 5:565-69
 - Conclusion 5:665
 - The Constitutional Convention: Final Six Weeks of Compromise and Decision, August 6-September 17, 1787 5:601-60
 - Criticisms of the Royal Prerogative of War and Peace 5:556-63
 - The Distinction Between "Advice" and "Consent" 5:540-41

- The Draft Constitution of the Committee of Detail, August 6, 1787 5:592-601
- The Foreign-Affairs Provisions of the Constitution Interpreted 5:660-65
- Introduction 5:529-30
- The Making of War and Peace by the Continental Congress 5:563-65
- Parliament's Demand for a Voice in Foreign Policy 5:547-56
- Pre-Convention Discussions, 1786-1787 5:569-74
- The Real Meaning of Separation of Powers .. 5:534-37
- Separation of Powers Applied to the Handling of Foreign Affairs 5:537-40

VICARIOUS LIABILITY

- The New Jersey Tort Claims Act: A Step Forward? ... 5:284-319

WARRANTY

- New Jersey Court Eliminates "Unreasonably Dangerous" Requirement in Strict Tort Liability Action 5:152-66
- Products Liability—Landlord's Implied Warranty of Habitability Does Not Give Rise to Strict Tort Liability for Tenant's Personal Injuries 5:409-30

WATER AND WATERCOURSES

See ENVIRONMENTAL CONTROL

WOMEN

- Sex Discrimination—Statutory Classifications Based on Sex are Constitutionally "Suspect" 5:958-76

WORKMEN'S COMPENSATION

- Picking Up of Hitchhikers Constitutes Sufficient Work-Connection to Establish Compensability Under the New Jersey Workmen's Compensation Act 5:977-92

WRONGFUL DEATH

Wrongful Death—Under Gen-
eral Maritime Law Surviv-

or's Cause of Action is Not
Precluded by Decedent's
Recovery for Injuries Prior
to His Death 5:896-916