

# SUBJECT INDEX

## ACCOUNTANTS AND ACCOUNTING

- Privity?—An Obsolete Approach to the Liability of Accountants to Third Parties ..... 7:507-42
- Alternatives to Privity 7:522-31
- Analysis of the Balancing Approach ..... 7:531-37
- Conclusion ..... 7:541-42
- Elements of a Cause of Action ..... 7:537-41
- Introduction ..... 7:507-10
- Privity of Contract and Accountants' Liability 7:510-22

## ACTIONS AND DEFENSES

- Privity?—An Obsolete Approach to the Liability of Accountants to Third Parties ..... 7:507-42
- Alternatives to Privity 7:522-31
- Analysis of the Balancing Approach ..... 7:531-37
- Conclusion ..... 7:541-42
- Elements of a Cause of Action ..... 7:537-41
- Introduction ..... 7:507-10
- Privity of Contract and Accountants' Liability 7:510-22

## ADMINISTRATIVE AGENCIES

- Administrative Adjudications Resulting in the Imposition of a Statutory Money Penalty Constitute a Class of Actions to Which the Seventh Amendment Does Not Apply ..... 7:458-83

## ADMINISTRATIVE PROCEDURE

- See* ADMINISTRATIVE AGENCIES

## ADMISSIBILITY OF EVIDENCE

- Challenges to the Veracity of Facially Sufficient Warrants—Is the Truth Relevant? ..... 7:827-60
- See also* EVIDENCE

## AFFIDAVITS

- Challenges to the Veracity of Facially Sufficient Warrants—Is the Truth Relevant? ..... 7:827-60

## AIR LAW

- Warsaw Convention—Mental Anguish Alone Is a Compensable Injury Under Article 17 ..... 7:108-25

## ANTITRUST LAW

- Group Boycotts—Per Se or Not Per Se, That Is The Question ..... 7:703-70
- Categorical Analysis of the Circuit Court Decisions ..... 7:758-64
- Conclusion ..... 7:765-70
- Introduction ..... 7:703-08
- Positions Taken by the Lower Federal Courts After *Klor's* ..... 7:737-58
- Supreme Court Decisions Prior To 1948 ... 7:708-22
- The Supreme Court Position After 1948 ..... 7:722-36

## ANTITRUST LAW: DAMAGES

- Private Plaintiff's Standing Under Clayton Act Section 4: Clothing the Naked Emperor ..... 7:588-611

**APPEAL**

Disqualification of Federal District Judges—Problems and Proposals . . . . . 7:612-41

**APPELLATE PROCEDURE**

The Proposed Federal Criminal Justice Reform Act of 1975: Sentencing—Law and Order With a Vengeance . . . . . 7:33-107  
 —Appellate Review of Sentences . . . . . 7:70-80  
 —Capital Punishment . . . . . 7:81-105  
 —Conclusion . . . . . 7:106-07  
 —Consecutive Sentencing . . . . . 7:49-52  
 —Dangerous Special Offenders . . . . . 7:53-63  
 —Introduction . . . . . 7:33-42  
 —Parole . . . . . 7:63-69  
 —Probation . . . . . 7:42-49

**ARREST**

Search and Seizure—*New Jersey Supreme Court v. United States Supreme Court* . . . . . 7:771-826  
 —Conclusion . . . . . 7:825-26  
 —Consent Searches . . . . . 7:815-25  
 —The Exclusionary Rule . . . . . 7:783-94  
 —Introduction . . . . . 7:771-83  
 —Minimization . . . . . 7:810-14  
 —Probable Cause . . . . . 7:794-805  
 —Searches Incidental to Arrest . . . . . 7:805-09

Warrantless Felony Arrests Made in Public Are Valid Despite the Existence of Sufficient Time to Obtain a Warrant; the “Totality of the Circumstances” Test Applies to Consent Searches When Consent Was Given Subsequent to Arrest . . . . . 7:891-909

Conspiracy and Assault—It Is Unnecessary to Prove Scientist to Support a Conviction for Assault or Conspiracy to Assault a Federal Officer . . . . . 7:126-46

**ASSAULT AND BATTERY**

Conspiracy and Assault—It Is Unnecessary to Prove Scientist to Support a Conviction for Assault or Conspiracy to Assault a Federal Officer . . . . . 7:126-46

**AUDITORS AND AUDITING**

See ACCOUNTANTS

**AUTOMOBILES**

When Circumstantial Proof Can Support an Inference that a Defect Existed in a Manufacturer’s Hands: A New Jersey Dilemma . . . . . 7:190-207

**BANKS AND BANKING**

Due Process—Self-Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Per Se Unconscionable, Nor Does It Violate the New Jersey Constitution . . . . . 7:147-67

**BOYCOTTS**

Secondary Boycotts in the Construction Industry: Work Preservation and the Right-to-Control Test . . . . . 7:659-82

**BOYCOTTS AND STRIKES**

Group Boycotts—Per Se or Not Per Se, That Is The Question . . . . . 7:703-70  
 —Categorical Analysis of the Circuit Court Decisions . . . . . 7:758-64  
 —Conclusion . . . . . 7:765-70  
 —Introduction . . . . . 7:703-08  
 —Positions Taken by the Lower Federal Courts After *Klor’s* . . . . . 7:737-58

- Supreme Court Decisions Prior To 1948 ... 7:708-22
  - The Supreme Court Position After 1948 ..... 7:722-36
- BURDEN OF PROOF**
- New Jersey Court Places Burden of Proof on Defendants to Establish Nonculpability Where Unconscious Patient Suffers Injury Not Reasonably Foreseeable and Unrelated to the Scope of Treatment ..... 7:208-31
- CAPITAL PUNISHMENT**
- The Proposed Federal Criminal Justice Reform Act of 1975: Sentencing—Law and Order With a Vengeance ..... 7:33-107
  - Appellate Review of Sentences ..... 7:70-80
  - Capital Punishment .. 7:81-105
  - Conclusion ..... 7:106-07
  - Consecutive Sentencing ..... 7:49-52
  - Dangerous Special Offenders ..... 7:53-63
  - Introduction ..... 7:33-42
  - Parole ..... 7:63-69
  - Probation ..... 7:42-49
- CHATTEL MORTGAGES**
- See* SECURED TRANSACTIONS
- CIRCUMSTANTIAL EVIDENCE**
- New Jersey Court Places Burden of Proof on Defendants to Establish Nonculpability Where Unconscious Patient Suffers Injury Not Reasonably Foreseeable and Unrelated to the Scope of Treatment ..... 7:208-31
  - When Circumstantial Proof Can Support an Inference that a Defect Existed in a Manufacturer's
- Hands: A New Jersey Dilemma ..... 7:190-207
- CITY PLANNING**
- Exclusionary Zoning: A Consideration of Remedies . 7:1-32
  - Conclusion ..... 7:32
  - Introduction ..... 7:1-2
  - Judicial Remedies .... 7:18-32
  - Legislative Remedies . 7:5-13
  - Municipal Remedies . 7:14-18
  - Perspective ..... 7:2-4
- CIVIL RIGHTS**
- The Right to Voluntary, Compensated, Therapeutic Work as Part of the Right to Treatment: A New Theory in the Aftermath of *Souder* ..... 7:298-339
  - Conclusion ..... 7:339
  - Introduction ..... 7:298-301
  - Work Programs and Liberty and Property Concepts: Fourteenth Amendment Considerations ..... 7:329-39
  - Work Programs and the Right to Freedom from Harm ..... 7:327-29
  - Work Programs and the Right to Treatment ... 7:302-23
  - Work Programs and Treatment in the Least Restrictive Setting .... 7:323-27
- CLASS ACTIONS**
- Private Landlord May Exclude Potential Tenants on the Basis of Economic Criteria Which Have Racially Discriminatory Effect ..... 7:168-89
- CODES AND CODIFICATIONS**
- The Proposed Federal Criminal Justice Reform Act of 1975: Sentencing—Law and Order With a Vengeance ..... 7:33-107

- Appellate Review of Sentences ..... 7:70-80
- Capital Punishment .. 7:81-105
- Conclusion ..... 7:106-07
- Consecutive Sentencing ..... 7:49-52
- Dangerous Special Offenders ..... 7:53-63
- Introduction ..... 7:33-42
- Parole ..... 7:63-69
- Probation ..... 7:42-49

**COMMERCIAL LAW**

- Due Process—Self-Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Per Se Unconscionable, Nor Does It Violate the New Jersey Constitution ..... 7:147-67

**COMMITMENT**

- Standard for Commitment Following Acquittal by Reason of Insanity Made Uniform with That for Civil Commitment ..... 7:412-36

**CONFLICT OF LAWS**

- International Law—Revenue Law Rule Preempted by Policy of International Monetary Fund Agreement Where Plaintiff Is a Private Party ..... 7:437-57

**CONSENT SEARCHES**

*See* CRIMINAL PROCEDURE

**CONSPIRACY**

- Conspiracy and Assault—It Is Unnecessary to Prove Scientist to Support a Conviction for Assault or Conspiracy to Assault a Federal Officer ..... 7:126-46

**CONSTITUTIONAL LAW**

- Administrative Adjudications Resulting in the Imposition of a Statutory Money Penalty Constitute a Class of Actions to Which the Seventh Amendment Does Not Apply ..... 7:458-83
- Collateral Problems in Obscenity Regulation: A Uniform Approach to Prior Restraints, Community Standards, and Judgment Preclusion ..... 7:543-87
  - Community Standards 7:566-67
  - Conclusion ..... 7:587
  - Estoppel Effect of Judgments ..... 7:571-87
  - Prior Restraints ..... 7:546-63
  - Prior Restraints—A Procedural Approach ... 7:563-66
- Compensatory Damages for Pain and Suffering Held Recoverable Under the Age Discrimination in Employment Act of 1967 7:642-58
- Due Process—Self-Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Per Se Unconscionable, Nor Does It Violate the New Jersey Constitution ..... 7:147-67
- The Effect of the New Jersey Supreme Court's Service Rule on the Competence of the County District Courts and the Enforceability of Default Judgments ..... 7:340-65
- The First Amendment Does Not Insulate the Press from Liability in a Defamation Action Brought by a Private Person Even Though She Is a Party in a Widely Publicized Divorce Proceeding ..... 7:861-90
- The Proposed Federal Criminal Justice Reform Act of 1975: Sentencing—Law

- and Order With a Ven-  
geance ..... 7:33-107  
—Appellate Review of  
Sentences ..... 7:70-80  
—Capital Punishment .. 7:81-105  
—Conclusion ..... 7:106-07  
—Consecutive Sentenc-  
ing ..... 7:49-52  
—Dangerous Special Of-  
fenders ..... 7:53-63  
—Introduction ..... 7:33-42  
—Parole ..... 7:63-69  
—Probation ..... 7:42-49
- The Right to Voluntary, Com-  
pensated, Therapeutic  
Work as Part of the Right  
to Treatment: A New The-  
ory in the Aftermath of  
*Souder* ..... 7:298-339  
—Conclusion ..... 7:339  
—Introduction ..... 7:298-301  
—Work Programs and  
Liberty and Property  
Concepts: Fourteenth  
Amendment Consider-  
ations ..... 7:329-39  
—Work Programs and the  
Right to Freedom from  
Harm ..... 7:327-29  
—Work Programs and the  
Right to Treatment ... 7:302-23  
—Work Programs and  
Treatment in the Least  
Restrictive Setting ... 7:323-27
- Search and Seizure—*New Jer-  
sey Supreme Court v.  
United States Supreme  
Court* ..... 7:771-826  
—Conclusion ..... 7:825-26  
—Consent Searches ... 7:815-25  
—The Exclusionary Rule 7:783-94  
—Introduction ..... 7:771-83  
—Minimization ..... 7:810-14  
—Probable Cause ..... 7:794-805  
—Searches Incidental to  
Arrest ..... 7:805-09
- CONSUMER PROTECTION**
- Due Process—Self Help Re-  
possession Does Not  
Constitute State Action  
for Purposes of the Four-  
teenth Amendment, It Is  
Not Pe Se Unconscion-
- able, Nor Does It Vio-  
late the New Jersey Con-  
stitution ..... 7:147-67
- CONTRACTS:**  
**PERFORMANCE**
- Privity?—An Obsolete Ap-  
proach to the Liability of  
Accountants to Third Par-  
ties ..... 7:507-42  
—Alternatives to Privity 7:522-31  
—Analysis of the Balanc-  
ing Approach ..... 7:531-37  
—Conclusion ..... 7:541-42  
—Elements of a Cause of  
Action ..... 7:537-41  
—Introduction ..... 7:507-10  
—Privity of Contract and  
Accountants' Liability 7:510-22
- COVENANTS**
- Landlord May Be Liable For  
Theft After Suitable No-  
tice of Defective Lock .. 7:683-702
- COUNTY DISTRICT COURTS**
- The Effect of the New Jersey  
Supreme Court's Service  
Rule on the Competence  
of the County District  
Courts and the Enforce-  
ability of Default Judg-  
ments ..... 7:340-65
- CRIMINAL LAW**
- Conspiracy and Assault—It Is  
Unnecessary to Prove Sci-  
enter to Support a Con-  
viction for Assault or  
Conspiracy to Assault a  
Federal Officer ..... 7:126-46
- CRIMINAL PROCEDURE**
- Challenges to the Veracity of  
Facially Sufficient War-  
rants Is the Truth Rele-  
vant? ..... 7:827-60
- Search and Seizure—*New  
Jersey Supreme Court v.  
United States Supreme  
Court* ..... 7:771-826  
—Conclusion ..... 7:825-26

- Consent Searches . . . . 7:815-25
- The Exclusionary Rule 7:783-94
- Introduction . . . . . 7:771-83
- Minimization . . . . . 7:810-14
- Probable Cause . . . . . 7:794-805
- Searches Incidental to Arrest . . . . . 7:805-09
- Standard for Commitment Following Acquittal by Reason of Insanity Made Uniform with That for Civil Commitment . . . . 7:412-36
- Warrantless Felony Arrests Made in Public Are Valid Despite the Existence of Sufficient Time to Obtain a Warrant; the “Totality of the Circumstances” Test Applies to Consent Searches When Consent Was Given Subsequent to Arrest . . . . . 7:891-909

**DAMAGES**

- Compensatory Damages for Pain and Suffering Held Recoverable Under the Age Discrimination in Employment Act of 1967 7:642-58
- Privity?—An Obsolete Approach to the Liability of Accountants to Third Parties . . . . . 7:507-42
- Alternatives to Privity 7:522-31
- Analysis of the Balancing Approach . . . . . 7:531-37
- Conclusion . . . . . 7:541-42
- Elements of a Cause of Action . . . . . 7:537-41
- Introduction . . . . . 7:507-10
- Privity of Contract and Accountants’ Liability . . 7:510-22
- See also* ANTITRUST LAW: DAMAGES

**DEBTOR AND CREDITOR**

- Due Process—Self-Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Per Se Unconscionable, Nor Does It Vio-

- late the New Jersey Constitution . . . . . 7:147-67

**DEFAMATION**

*See* LIBEL AND SLANDER

**DISCRIMINATION**

- Private Landlord May Exclude Potential Tenants on the Basis of Economic Criteria Which Have Racially Discriminatory Effect . . . . . 7:168-89

**DISCRIMINATION: AGE**

- Compensatory Damages for Pain and Suffering Held Recoverable Under the Age Discrimination in Employment Act of 1967 7:642-58

**DISCRIMINATION: RACE**

- Exclusionary Zoning: A Consideration of Remedies 7:1-32
- Conclusion . . . . . 7:32
- Introduction . . . . . 7:1-2
- Judicial Remedies . . . 7:18-32
- Legislative Remedies . 7:5-13
- Municipal Remedies . 7:14-18
- Perspective . . . . . 7:2-4

**DUE PROCESS OF LAW**

- Collateral Problems in Ob-scenity Regulation: A Uniform Approach to Prior Restraints, Community Standards, and Judgment Preclusion . . . . . 7:543-87
- Community Standards 7:566-67
- Conclusion . . . . . 7:587
- Estoppel Effect of Judgments . . . . . 7:571-87
- Prior Restraints . . . . 7:546-63
- Prior Restraints—A Procedural Approach . . . . 7:563-66
- Due Process—Self-Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Per Se Unconscionable, Nor Does It Violate

- the New Jersey Constitution ..... 7:147-67
- Standard for Commitment Following Acquittal by Reason of Insanity Made Uniform with That for Civil Commitment ..... 7:412-36
- State Prisoners and the Exhaustion of Administrative Remedies: Section 1983 Jurisdiction and the Availability of Adequate State Remedies ..... 7:366-411
- A "Substantial Interest" Must Be Shown Before a Federal Grand Jury May Name an Individual as an Unindicted Coconspirator ..... 7:484-505
- EMPLOYMENT**
- Compensatory Damages for Pain and Suffering Held Recoverable Under the Age Discrimination in Employment Act of 1967 7:642-58
- ESTOPPEL**
- Collateral Problems in Obscenity Regulation: A Uniform Approach to Prior Restraints, Community Standards, and Judgment Preclusion ..... 7:543-87
- Community Standards 7:566-67
- Conclusion ..... 7:587
- Estoppel Effect of Judgments ..... 7:571-87
- Prior Restraints ..... 7:546-63
- Prior Restraints—A Procedural Approach ..... 7:563-66
- EQUAL PROTECTION**
- Compensatory Damages for Pain and Suffering Held Recoverable Under the Age Discrimination in Employment Act of 1967 7:642-58
- "Equal Justice Under the Law": The Evolution of a National Commitment to Legal Services for the Poor and a Study of Its Impact on New Jersey Landlord-Tenant Law .. 7:233-97
- Access to the Courts: Reform for the Future 7:252-60
- Conclusion ..... 7:297
- The Establishment and Survival of Organized Legal Services for the Poor ..... 7:234-52
- The New Jersey Experience: Impact on Landlord-Tenant Reform .. 7:260-97
- Standard for Commitment Following Acquittal by Reason of Insanity Made Uniform with That for Civil Commitment ..... 7:412-36
- EVIDENCE**
- Challenges to the Veracity of Facially Sufficient Warrants—Is the Truth Relevant? ..... 7:827-60
- Search and Seizure—*New Jersey Supreme Court v. United States Supreme Court* ..... 7:771-826
- Conclusion ..... 7:825-26
- Consent Searches .... 7:815-25
- The Exclusionary Rule 7:783-94
- Introduction ..... 7:771-83
- Minimization ..... 7:810-14
- Probable Cause ..... 7:794-805
- Searches Incidental to Arrest ..... 7:805-09
- When Circumstantial Proof Can Support an Inference that a Defect Existed in a Manufacturer's Hands: A New Jersey Dilemma 7:190-207
- See also* BURDEN OF PROOF; CIRCUMSTANTIAL EVIDENCE
- EXTRATERRITORIALITY**
- The Effect of the New Jersey Supreme Court's Service Rule on the Competence of the County District Courts and the Enforceability of Default Judgments ..... 7:340-65

**FAIR HOUSING**

Private Landlord May Exclude Potential Tenants on the Basis of Economic Criteria Which Have Racially Discriminatory Effect ..... 7:168-89

**FAIR TRADE**

Group Boycotts—Per Se or Not Per Se, That Is The Question ..... 7:703-70  
 —Categorical Analysis of the Circuit Court Decisions ..... 7:758-64  
 —Conclusion ..... 7:765-70  
 —Introduction ..... 7:703-08  
 —Positions Taken by the Lower Federal Courts After *Klor's* ..... 7:737-58  
 —Supreme Court Decisions Prior to 1948 ... 7:708-22  
 —The Supreme Court Position After 1948 ..... 7:722-36  
 Private Plaintiff's Standing Under Clayton Act Section 4: Clothing the Naked Emperor ..... 7:588-611

**FAIR TRIAL**

Disqualification of Federal District Judges—Problems and Proposals ..... 7:612-41

**FEDERAL COURTS**

Disqualification of Federal District Judges—Problems and Proposals ..... 7:612-41

**FEDERAL RULES OF CRIMINAL PROCEDURE**

Conspiracy and Assault—It Is Unnecessary to Prove Scientist to Support a Conviction for Assault or Conspiracy to Assault a Federal Officer ..... 7:126-46

**FIRST AMENDMENT**

The First Amendment Does Not Insulate the Press

from Liability in a Defamation Action Brought by a Private Person Even Though She Is a Party in a Widely Publicized Divorce Proceeding ..... 7:861-90

**FOREIGN EXCHANGE**

International Law—Revenue Law Rule Preempted by Policy of International Monetary Fund Agreement Where Plaintiff Is a Private Party ..... 7:437-57

**FOURTH AMENDMENT**

Warrantless Felony Arrests in Public Are Valid Despite the Existence of Sufficient Time to Obtain a Warrant; the "Totality of the Circumstances" Test Applies to Consent Searches When Consent Was Given Subsequent to Arrest ..... 7:891-909

**GOVERNMENT REGULATION**

Private Plaintiff's Standing Under Clayton Act Section 4: Clothing the Naked Emperor ..... 7:588-611

**GRAND JURY**

A "Substantial Interest" Must Be Shown Before a Federal Grand Jury May Name an Individual as an Unindicted Coconspirator ..... 7:484-505

**HOUSING**

Exclusionary Zoning: A Consideration of Remedies . 7:1-32  
 —Conclusion ..... 7:32  
 —Introduction ..... 7:1-2  
 —Judicial Remedies .... 7:18-32  
 —Legislative Remedies . 7:5-13  
 —Municipal Remedies .. 7:14-18  
 —Perspective ..... 7:2-4



**INDEPENDENT CONTRACTORS***See* CONTRACTS**INDICTMENT AND INFORMATION**

A "Substantial Interest" Must Be Shown Before a Federal Grand Jury May Name an Individual as an Unindicted Coconspirator . . . 7:484-505

**INSANITY**

Standard for Commitment Following Acquittal by Reason of Insanity Made Uniform with That for Civil Commitment . . . . . 7:412-36

**INSTALLMENT SALES**

Due Process—Self-Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Per Se Unconscionable, Nor Does It Violate the New Jersey Constitution . . . . . 7:147-67

**INTERNATIONAL AGREEMENTS***See* INTERNATIONAL CONVENTIONS**INTERNATIONAL CONVENTIONS**

Warsaw Convention—Mental Anguish Alone Is a Compensable Injury Under Article 17 . . . . . 7:108-25

**INTERNATIONAL LAW**

International Law—Revenue Law Rule Preempted by Policy of International Monetary Fund Agreement Where Plaintiff Is a Private Party . . . . . 7:437-57

**INTERNATIONAL MONETARY FUND***See* INTERNATIONAL LAW**INTERSTATE COMMERCE**

Group Boycotts—Per Se or Not Per Se, That Is The Question . . . . . 7:703-70  
 —Categorical Analysis of the Circuit Court Decisions . . . . . 7:758-64  
 —Conclusion . . . . . 7:765-70  
 —Introduction . . . . . 7:703-08  
 —Positions Taken by the Lower Federal Courts After *Klor's* . . . . . 7:737-58  
 —Supreme Court Decisions Prior To 1948 . . . 7:708-22  
 —The Supreme Court Position After 1948 . . . . . 7:722-36

**JUDGES**

Disqualification of Federal District Judges—Problems and Proposals . . . . 7:612-41

**JUDGMENTS**

Administrative Adjudications Resulting in the Imposition of a Statutory Money Penalty Constitute a Class of Actions to Which the Seventh Amendment Does Not Apply . . . . . 7:458-83  
*See also* RES JUDICATA

**JURISDICTION**

The Effect of the New Jersey Supreme Court's Service Rule on the Competence of the County District Courts and the Enforceability of Default Judgments . . . . . 7:340-65  
 A "Substantial Interest" Must Be Shown Before a Federal Grand Jury May Name an Individual as an Unindicted Coconspirator . . . . . 7:484-505

**LABOR LAW**

- Secondary Boycotts in the Construction Industry: Work Preservation and the Right-to-Control Test ... 7:659-82

**LABOR UNIONS**

See TRADE UNIONS

**LANDLORD AND TENANT**

- Landlord May Be Liable For Theft After Suitable Notice of Defective Lock .. 7:683-702
- Private Landlord May Exclude Potential Tenants on the Basis of Economic Criteria Which Have Racially Discriminatory Effect ..... 7:168-89

**LAW ENFORCEMENT**

- Search and Seizure—*New Jersey Supreme Court v. United States Supreme Court* ..... 7:771-826
- Conclusion ..... 7:825-26
- Consent Searches .... 7:815-25
- The Exclusionary Rule 7:783-94
- Introduction ..... 7:771-83
- Minimization ..... 7:810-14
- Probable Cause ..... 7:794-805
- Searches Incidental to Arrest ..... 7:805-09

**LEASES**

- Landlord May Be Liable For Theft After Suitable Notice of Defective Lock 7:683-702

**LEGISLATION**

- “Equal Justice Under the Law”: The Evolution of a National Commitment to Legal Services for the Poor and a Study of Its Impact on New Jersey Landlord-Tenant Law .. 7:233-97
- Access to the Courts:

- Reform for the Future 7:252-60
- Conclusion ..... 7:297
- The Establishment and Survival of Organized Legal Services for the Poor ..... 7:234-52
- The New Jersey Experience: Impact on Landlord-Tenant Reform .. 7:260-97
- The Proposed Federal Criminal Justice Reform Act of 1975: Sentencing—Law and Order With a Vengeance ..... 7:33-107
- Appellate Review of Sentences ..... 7:70-80
- Capital Punishment .. 7:81-105
- Conclusion ..... 7:106-07
- Consecutive Sentencing ..... 7:49-52
- Dangerous Special Offenders ..... 7:53-63
- Introduction ..... 7:33-42
- Parole ..... 7:63-69
- Probation ..... 7:42-49

**LIABILITY**

- New Jersey Court Places Burden of Proof on Defendants to Establish Nonculpability Where Unconscious Patient Suffers Injury Not Reasonably Foreseeable and Unrelated to the Scope of Treatment ..... 7:208-31
- Privity?—An Obsolete Approach to the Liability of Accountants to Third Parties ..... 7:507-42
- Alternatives to Privity 7:522-31
- Analysis of the Balancing Approach ..... 7:531-37
- Conclusion ..... 7:541-42
- Elements of a Cause of Action ..... 7:537-41
- Introduction ..... 7:507-10
- Privity of Contract and Accountants’ Liability 7:510-22
- When Circumstantial Proof Can Support an Inference that a Defect Existed in a

- Manufacturer's Hands: A  
New Jersey Dilemma ... 7:190-207
- LIBEL AND SLANDER**
- The First Amendment Does Not Insulate the Press from Liability in a Defamation Action Brought by a Private Person Even Though She Is a Party in a Widely Publicized Divorce Proceeding ..... 7:861-90
- MAGISTRATES AND MAGISTRATES' COURTS**
- Challenges to the Veracity of Facially Sufficient Warrants—Is the Truth Relevant? ..... 7:827-60
- MANDAMUS**
- Disqualification of Federal District Judges—Problems and Proposals ..... 7:612-41
- MEDICAL MALPRACTICE**
- New Jersey Court Places Burden of Proof on Defendants to Establish Non-culpability Where Unconscious Patient Suffers Injury Not Reasonably Foreseeable and Unrelated to the Scope of Treatment ..... 7:208-31
- MENS REA**
- See* SCIENTER
- MENTAL HEALTH**
- The Right to Voluntary, Compensated, Therapeutic Work as Part of the Right to Treatment: A New Theory in the Aftermath of *Souder* ..... 7:298-339
- Conclusion ..... 7:339
- Introduction ..... 7:298-301
- Work Programs and Liberty and Property Concepts: Fourteenth Amendment Considerations ..... 7:329-39
- Work Programs and the Right to Freedom from Harm ..... 7:327-29
- Work Programs and the Right to Treatment . . . 7:302-23
- Work Programs and Treatment in the Least Restrictive Setting .... 7:323-27
- Standard for Commitment Following Acquittal by Reason of Insanity Made Uniform with That for Civil Commitment ..... 7:412-36
- MINORITIES**
- See* DISCRIMINATION
- MONOPOLIES**
- Group Boycotts—Per Se or Not Per Se, That Is The Question ..... 7:703-70
- Categorical Analysis of the Circuit Court Decisions ..... 7:758-64
- Conclusion ..... 7:765-70
- Introduction ..... 7:703-08
- Positions Taken by the Lower Federal Courts After *Klor's* ..... 7:737-58
- Supreme Court Decisions Prior to 1948 . . . 7:708-22
- The Supreme Court Position After 1948 ..... 7:722-36
- MOTOR VEHICLES**
- Due Process—Self-Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Per Se Unconscionable Nor Does It Violate the New Jersey Constitution ..... 7:147-67
- NEGLIGENCE**
- Privity?—An Obsolete Approach to the Liability of Accountants to Third

Parties ..... 7:507-42  
 —Alternatives to Privity 7:522-31  
 —Analysis of the Balancing Approach ..... 7:531-37  
 —Conclusion ..... 7:541-42  
 —Elements of a Cause of Action ..... 7:537-41  
 —Introduction ..... 7:507-10  
 —Privity of Contract and Accountants' Liability 7:510-22

—Capital Punishment .. 7:81-105  
 —Conclusion ..... 7:106-07  
 —Consecutive Sentencing ..... 7:49-52  
 —Dangerous Special Offenders ..... 7:53-63  
 —Introduction ..... 7:33-42  
 —Parole ..... 7:63-69  
 —Probation ..... 7:42-49

**NUISANCE**

Collateral Problems in Obscenity Regulation: A Uniform Approach to Prior Restraints, Community Standards, and Judgment Preclusion ..... 7:543-87  
 —Community Standards 7:566-67  
 —Conclusion ..... 7:587  
 —Estoppel Effect of Judgments ..... 7:571-87  
 —Prior Restraints ..... 7:546-63  
 —Prior Restraints—A Procedural Approach .... 7:563-66

**OBSCENITY**

Collateral Problems in Obscenity Regulation: A Uniform Approach to Prior Restraints, Community Standards, and Judgment Preclusion ..... 7:543-87  
 —Community Standards 7:566-67  
 —Conclusion ..... 7:587  
 —Estoppel Effect of Judgments ..... 7:571-87  
 —Prior Restraints ..... 7:546-63  
 —Prior Restraints—A Procedural Approach .... 7:563-66

**PARDON**

*See* PAROLE

**PAROLE**

The Proposed Federal Criminal Justice Reform Act of 1975: Sentencing—Law and Order With a Vengeance ..... 7:33-107  
 —Appellate Review of Sentences ..... 7:70-80

**PARTIES TO ACTION**

Privity?—An Obsolete Approach to the Liability of Accountants to Third Parties ..... 7:507-42  
 —Alternatives to Privity 7:522-31  
 —Analysis of the Balancing Approach ..... 7:531-37  
 —Conclusion ..... 7:541-42  
 —Elements of a Cause of Action ..... 7:537-41  
 —Introduction ..... 7:507-10  
 —Privity of Contract and Accountants' Liability 7:510-22

**PERSONAL INJURY**

Warsaw Convention—Mental Anguish Alone Is a Compensable Injury Under Article 17 ..... 7:108-25  
*See also* LIABILITY

**POVERTY LAW**

“Equal Justice Under the Law”: The Evolution of a National Commitment to Legal Services for the Poor and a Study of Its Impact on New Jersey Landlord-Tenant Law .. 7:233-97  
 —Access to the Courts: Reform for the Future 7:252-60  
 —Conclusion ..... 7:297  
 —The Establishment and Survival of Organized Legal Services for the Poor ..... 7:234-52  
 —The New Jersey Experience: Impact on Landlord-Tenant Reform .. 7:260-97

**PRISONS AND PRISONERS**

- State Prisoners and the Exhaustion of Administrative Remedies: Section 1983 Jurisdiction and the Availability of Adequate State Remedies ..... 7:366-411

**PROCESS**

- The Effect of the New Jersey Supreme Court's Service Rule on the Competence of the County District Courts and the Enforceability of Default Judgments ..... 7:340-65

**PRODUCTS LIABILITY**

- When Circumstantial Proof Can Support an Inference that a Defect Existed in a Manufacturer's Hands: A New Jersey Dilemma ... 7:190-207

**PROFESSIONS**

- Privity?—An Obsolete Approach to the Liability of Accountants to Third Parties ..... 7:507-42  
 —Alternatives to Privity 7:522-31  
 —Analysis of the Balancing Approach ..... 7:531-37  
 —Conclusion ..... 7:541-42  
 —Elements of a Cause of Action ..... 7:537-41  
 —Introduction ..... 7:507-10  
 —Privity of Contract and Accountants' Liability 7:510-22

**PROPERTY**

- Landlord May Be Liable For Theft After Suitable Notice of Defective Lock .. 7:683-702

**PUBLIC LEGAL SERVICE**

- "Equal Justice Under the Law": The Evolution of a National Commitment to Legal Services for the Poor and a Study of Its

- Impact on New Jersey Landlord-Tenant Law .. 7:233-97  
 —Access to the Courts: Reform for the Future 7:252-60  
 —Conclusion ..... 7:297  
 —The Establishment and Survival of Organized Legal Services for the Poor ..... 7:234-52  
 —The New Jersey Experience: Impact on Landlord-Tenant Reform .. 7:260-97

**REGIONAL PLANNING**

- Exclusionary Zoning: A Consideration of Remedies . 7:1-32  
 —Conclusion ..... 7:32  
 —Introduction ..... 7:1-2  
 —Judicial Remedies .... 7:18-32  
 —Legislative Remedies . 7:5-13  
 —Municipal Remedies . 7:14-18  
 —Perspective ..... 7:2-4

**REMEDIES**

- State Prisoners and the Exhaustion of Administrative Remedies: Section 1983 Jurisdiction and the Availability of Adequate State Remedies ..... 7:366-411

**RES IPSA LOQUITUR**

- New Jersey Court Places Burden of Proof on Defendants to Establish Nonculpability Where Unconscious Patient Suffers Injury Not Reasonably Foreseeable and Unrelated to the Scope of Treatment ..... 7:208-31

**RES JUDICATA**

- Collateral Problems in Obscenity Regulation: A Uniform Approach to Prior Restraints, Community Standards, and Judgment Preclusion ..... 7:543-87  
 —Community Standards 7:566-67  
 —Conclusion ..... 7:587

- Estoppel Effect of Judgments ..... 7:571-87
- Prior Restraints ..... 7:546-63
- Prior Restraints—A Procedural Approach .... 7:563-66

**RESTRAINT OF TRADE**

- Group Boycotts—Per Se or Not Per Se, That Is The Question ..... 7:703-70
- Categorical Analysis of the Circuit Court Decisions ..... 7:758-64
- Conclusion ..... 7:765-70
- Introduction ..... 7:703-08
- Positions Taken by the Lower Federal Courts After *Klor's* ..... 7:737-58
- Supreme Court Decisions Prior To 1948 ... 7:708-22
- The Supreme Court Position After 1948 ..... 7:722-36

**RIGHT TO TREATMENT**

- The Right to Voluntary, Compensated, Therapeutic Work as Part of the Right to Treatment: A New Theory in the Aftermath of *Souder* ..... 7:298-339
- Conclusion ..... 7:339
- Introduction ..... 7:298-301
- Work Programs and Liberty and Property Concepts: Fourteenth Amendment Considerations ..... 7:329-39
- Work Programs and the Right to Freedom from Harm ..... 7:327-29
- Work Programs and the Right to Treatment ... 7:302-23
- Work Programs and Treatment in the Least Restrictive Setting .... 7:323-27

**RIGHT TO TRIAL BY JURY**

- Administrative Adjudications Resulting in the Imposition of a Statutory Money Penalty Constitute a

- Class of Actions to Which the Seventh Amendment Does Not Apply ..... 7:458-83

**SCIENTER**

- Conspiracy and Assault—It Is Unnecessary to Prove Scienter to Support a Conviction for Assault or Conspiracy to Assault a Federal Officer ..... 7:126-46

**SEARCH AND SEIZURE**

- Challenges to the Veracity of Facially Sufficient Warrants—Is the Truth Relevant? ..... 7:827-60
- Warrantless Felony Arrests Made in Public Are Valid Despite the Existence of Sufficient Time to Obtain a Warrant; the “Totality of the Circumstances” Test Applies to Consent Searches When Consent Was Given Subsequent to Arrest ..... 7:891-909
- Search and Seizure—*New Jersey Supreme Court v. United States Supreme Court* ..... 7:771-826
- Conclusion ..... 7:825-26
- Consent Searches ... 7:815-25
- The Exclusionary Rule 7:783-94
- Introduction ..... 7:771-83
- Minimization ..... 7:810-14
- Probable Cause ..... 7:794-805
- Searches Incidental to Arrest ..... 7:805-09

**SECURED TRANSACTIONS**

- Due Process—Self-Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Per Se Unconscionable, Nor Does It Violate the New Jersey Constitution ..... 7:147-67

## STANDING TO SUE

- Private Plaintiff's Standing Under Clayton Act Section 4: Clothing the Naked Emperor ..... 7:588-611
- Privity?—An Obsolete Approach to the Liability of Accountants to Third Parties ..... 7:507-42
  - Alternatives to Privity 7:522-31
  - Analysis of the Balancing Approach ..... 7:531-37
  - Conclusion ..... 7:541-42
  - Elements of a Cause of Action ..... 7:537-41
  - Introduction ..... 7:507-10
  - Privity of Contract and Accountants' Liability 7:510-22
- A "Substantial Interest" Must Be Shown Before a Federal Grand Jury May Name an Individual as an Unindicted Coconspirator 7:484-505

## STATE AGENCIES

- State Prisoners and the Exhaustion of Administrative Remedies: Section 1983 Jurisdiction and the Availability of Adequate State Remedies ..... 7:366-411

## STATUTES

- "Equal Justice Under the Law": The Evolution of a National Commitment to Legal Services for the Poor and a Study of Its Impact on New Jersey Landlord-Tenant Law .. 7:233-97
  - Access to the Courts: Reform for the Future 7:252-60
  - Conclusion ..... 7:297
  - The Establishment and Survival of Organized Legal Services for the Poor ..... 7:234-52
  - The New Jersey Experience: Impact on Landlord-Tenant Reform .. 7:260-97

## TORTS

- New Jersey Court Places Burden of Proof on Defendants to Establish Nonculpability Where Unconscious Patient Suffers Injury Not Reasonably Foreseeable and Unrelated to the Scope of Treatment ..... 7:208-31
- When Circumstantial Proof Can Support an Inference that a Defect Existed in a Manufacturer's Hands: A New Jersey Dilemma ... 7:190-207

## TRADE REGULATION

- Group Boycotts—Per Se or Not Per Se, That Is The Question ..... 7:703-70
  - Categorical Analysis of the Circuit Court Decisions ..... 7:758-64
  - Conclusion ..... 7:765-70
  - Introduction ..... 7:703-08
  - Positions Taken by the Lower Federal Courts After *Klor's* ..... 7:737-58
  - Supreme Court Decisions Prior to 1948 ... 7:708-22
  - The Supreme Court Position After 1948 ..... 7:722-36
- Private Plaintiff's Standing Under Clayton Act Section 4: Clothing the Naked Emperor ..... 7:588-611

## TRADE UNIONS

- Secondary Boycotts in the Construction Industry: Work Preservation and the Right-to-Control Test ... 7:659-82

## UNFAIR COMPETITION

See RESTRAINT OF TRADE

## UNIONS

See TRADE UNIONS

## SUBJECT INDEX

xxv

### UNITED STATES—FEDERAL TRADE COMMISSION

- Group Boycotts—Per Se or  
Not Per Se, That Is The  
Question ..... 7:703-70
- Categorical Analysis of  
the Circuit Court De-  
cisions ..... 7:758-64
- Conclusion ..... 7:765-70
- Introduction ..... 7:703-08
- Positions Taken by the  
Lower Federal Courts  
After *Klor's* ..... 7:737-58
- Supreme Court Deci-  
sions Prior To 1948 ... 7:708-22
- The Supreme Court Po-  
sition After 1948 ..... 7:722-36

### UNITED STATES— OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

- Administrative Adjudications  
Resulting in the Imposi-  
tion of a Statutory Mon-  
ey Penalty Constitute a  
Class of Actions to Which  
the Seventh Amendment  
Does Not Apply ..... 7:458-83

### UNITED STATES—OFFICE OF ECONOMIC OPPORTUNITY

- “Equal Justice Under the  
Law”: The Evolution of a  
National Commitment to  
Legal Services for the  
Poor and a Study of Its  
Impact on New Jersey  
Landlord-Tenant Law .. 7:233-97
- Access to the Courts:  
Reform for the Future 7:252-60
- Conclusion ..... 7:297
- The Establishment and  
Survival of Organized  
Legal Services for the  
Poor ..... 7:234-52
- The New Jersey Expe-  
rience: Impact on Land-  
lord-Tenant Reform .. 7:260-97

### ZONING

- Exclusionary Zoning: A Con-  
sideration of Remedies . 7:1-32
- Conclusion ..... 7:32
- Introduction ..... 7:1-2
- Judicial Remedies .... 7:18-32
- Legislative Remedies . 7:5-13
- Municipal Remedies . 7:14-18
- Perspective ..... 7:2-4



