

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 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
- 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
- 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
- CONSUMER PROTECTION**
- Due Process—Self Help Repossession Does Not Constitute State Action for Purposes of the Fourteenth Amendment, It Is Not Pe Se Unconscionable, Nor Does It Violate the New Jersey Constitution 7:147-67
- CONTRACTS:**
- PERFORMANCE**
- 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
- COVENANTS**
- Landlord May Be Liable For Theft After Suitable Notice 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 Enforceability of Default Judgments 7:340-65
- CRIMINAL LAW**
- 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
- CRIMINAL PROCEDURE**
- 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
- 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 Defa-
mation Action Brought by
a Private Person Even
Though She Is a Party in
a Widely Publicized Di-
vorce Proceeding 7:861-90
- MAGISTRATES AND
MAGISTRATES' COURTS**
- Challenges to the Veracity of
Facially Sufficient War-
rants—Is the Truth Rele-
vant? 7:827-60
- MANDAMUS**
- Disqualification of Federal
District Judges—Prob-
lems and Proposals 7:612-41
- MEDICAL MALPRACTICE**
- New Jersey Court Places
Burden of Proof on De-
fendants to Establish Non-
culpability Where Un-
conscious Patient Suffers
Injury Not Reasonably
Foreseeable and Unrel-
ated to the Scope of
Treatment 7:208-31
- MENS REA**
- See* SCIENTER
- MENTAL HEALTH**
- The Right to Voluntary, Com-
pensated, 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 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
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 Deci-
sions 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
- MOTOR VEHICLES**
- Due Process—Self-Help Re-
possession Does Not Con-
stitute State Action for
Purposes of the Four-
teenth Amendment, It Is
Not Per Se Unconscion-
able Nor Does It Violate
the New Jersey Consti-
tution 7:147-67
- NEGLIGENCE**
- Privity?—An Obsolete Ap-
proach 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

