

# SETON HALL LAW REVIEW

Volume Thirteen

1982-1983

Number One

## TABLE OF CONTENTS

### ARTICLES

- FLETCHER v. PECK*: THE NATURE OF THE CONTRACT  
CLAUSE *Joseph M. Lynch* 1
- THE DOCTRINE OF AT-WILL EMPLOYMENT IN THE  
PUBLIC SECTOR *Michael E. Caples*  
*Kenneth J. Hanko* 21

### COMMENTS

- FEDERAL SUPREMACY IN THE REGULATION OF NUCLEAR ENERGY:  
WHERE DO PUNITIVE DAMAGES LIE? ..... 42
- IN RE GRAND JURY INVESTIGATION OF CUISINARTS, INC.*: BLENDING  
TRADITIONAL GRAND JURY POLICY AND EFFECTIVE ANTITRUST EN-  
FORCEMENT ..... 60

### NOTES

#### CONFLICT OF LAWS

- Discovery—Swiss Banks Can Be Compelled To Disclose Identities  
of Clients Suspected of Insider Trading (*Securities and Exchange*  
*Commission v. Banca Della Svizzera Italiana*, S.D.N.Y. 1981) 91

#### CONSTITUTIONAL LAW

- Lis Pendens*—New Jersey's *Lis Pendens* Statute Not Violative of  
Due Process (*Chrysler Corp. v. Fedders Corp.*, 3d Cir. 1982) 115

#### CRIMINAL PROCEDURE

- Right to Counsel—Defendant Alleging Denial of Right to Coun-  
sel Due to Conflict of Interest Must Prove Actual Conflict of  
Interest and Its Adverse Effect on Counsel's Representation  
(*United States v. Laura*, 3d Cir. 1981) ..... 134

#### RADIO AND TELEVISION

- Political Broadcasting—New Jersey Public Broadcasting Author-  
ity Mandated to Cover Gubernatorial Election With Balance  
(*McGlynn v. New Jersey Public Broadcasting Authority*, N.J.  
1981) ..... 153

SECURITIES

Rule 10b-5—Corporate Outsider May Be Liable for Failure To  
Disclose or Abstain Under Rule 10b-5 Based on Employer-Em-  
ployee Fiduciary Relationship (*United States v. Newman*, 2d  
Cir. 1981) ..... 178

*SURVEY OF RECENT DEVELOPMENTS IN  
NEW JERSEY LAW* ..... 198

BOOK REVIEW

*Ethical Problems in Federal Tax Practice*, BERNARD WOLFMAN  
& JAMES P. HOLDEN, Michie Bobbs-Merrill Law Publishers,  
Charlottesville, 1981. Pp. xxiii, 275 ..... *Eric J. Byrne* 225