

## SUBJECT INDEX

### ADMINISTRATIVE LAW

- Agency Regulations Providing Procedural Safeguards are a Prerequisite for Debarring Corporate Officers Under New Jersey's Prevailing Wage Age ..... 16:886-89

### ADMIRALTY

- Punitive Damages Not Available Under the Jones Act ..... 16:539-56

### ADOPTION

See **Domestic Relations**

### ANTITRUST

- The Antitrust Labor Exemption: An Employer Perspective ... 16:4-73
  - The Historical Development of the Labor Exemption ... 16:7-24
  - Labor in the Pre-Antitrust Years ..... 16:7-8
  - The New Antitrust Laws ..... 16:8-10
  - The New Deal Legislation ..... 16:11-13
  - The Statutory Exemption ..... 16:13-15
  - Congress's Effort to Redress the Balance ..... 16:15-19
  - The Nonstatutory Exemption ..... 16:18-22
  - The Exemptions in Current Times ..... 16:22-24
- Special Considerations from the Employer's Perspective .. 16:51-73
  - Most Favored Nations and Affiliates Clauses ..... 16:51-55
  - The Effect of Labor Law and Labor Law Determinations ..... 16:55-63
  - Per se v.* Rule of Reason Standards ..... 16:63-67
  - Coercion of Employers ..... 16:67-73
- The Tests: An Attempt at Order Amidst Disorder ..... 16:25-51
  - The Statutory Exemption ..... 16:25-32
  - The Nonstatutory Exemption ..... 16:32-51
- Nonprofit Health Maintenance Organization Pricing Policies and the Scope of the Robinson-Patman Price Discrimination Act ..... 16:220-41
- Price Fixing
  - NCAA May Not Establish Price and Output Level of Televised College Football Games ..... 16:171-91

### ATTORNEY-CLIENT PRIVILEGE

See **Evidence**

### BUSINESS JUDGMENT RULE

See **Corporations**

### CHIROPRACTORS

See **Evidence**

### CIVIL PROCEDURE

- Entry of Judgment
  - Summary Judgment on Plaintiff's Claim Will Remain Interlocutory Unless He Demonstrates Insubstantial Counterclaim and Compelling Need to Secure Judgment ..... 16:893-95

## Jury Selection

- Exclusion of Potential Jurors in Capital Sentencing Cases  
No Longer Requires That Venire Members Express  
Their Views About the Death Penalty With  
Unmistakable Clarity ..... 16:851-76
- Peremptory Challenges Subject to Scrutiny Under Sixth  
Amendment Right to Impartial Jury ..... 16:192-219

## Statute of Limitations

- Despite Deletion of Fictitious Party, Subsequent Addition  
of Specific Defendant May Be Allowed to Relate Back  
to Time of Original Complaint ..... 16:898-901
- State Limitation Period for Personal Injury Actions  
Applies to All Section 1983 Claims ..... 16:831-50

**CIVIL SERVICE**

- Suspended City Employee May Recover Back Pay for Period  
After Six Month's Suspension Absent Any Equitable  
Considerations ..... 16:279-81

**CONSPIRACY**

See **Criminal Law**

**CONSTITUTIONAL LAW**

## Due Process

- Municipal Ordinance's Exclusion of "Churches and  
Similar Places of Worship" from Residential Zone  
Impermissibly Vague as Applied to Prayer Services  
Conducted in Minister's Home ..... 16:558-60

## First Amendment

- First Amendment Rights of Judicial Employees Must Be  
Balanced Against Need to Maintain Judicial Integrity ... 16:879-81

## Fourth Amendment

- Dodging a Bullet, But Opening Old Wounds in Fourth  
Amendment Jurisprudence ..... 16:597-629
- Of Bright Lines and Blank Checks ..... 16:601-10
- The Initial Primacy of the Reasonableness Clause—The  
Blank Check is Accepted ..... 16:610-13
- The Primacy of the Warrant Clause—The Blank Check  
Bounces ..... 16:613-19
- The Return of Reasonableness ..... 16:619-26

## Search and Seizure

- "Reasonable Suspicion" Test Provides Constitutional  
Standard for Detaining Suspected Alimentary Canal  
Smugglers ..... 16:763-84

## State Constitutional Doctrine and the Criminal Process ..... 16:630-55

- Historical Perspective ..... 16:631-44
- Nature of State Constitutional Guarantees ..... 16:644-46
- Current Patterns of State Constitutional Analysis ..... 16:646-49
- More Appropriate Analytical Framework ..... 16:649-54
- Additional Considerations ..... 16:654-55

## Tenth Amendment

- Garcia v. San Antonio Metropolitan  
Transit Authority: An Alternate Opinion* ..... 16:74-100

**CONTRACTS**

- Limiting the Employment-at-Will Rule: Enforcing Policy
  - Manual Promises Through Unilateral Contract Analysis .. 16:465-90
  - Development of Employment-at-Will Rule ..... 16:469-77
  - The Woolley Court’s Analysis ..... 16:477-80
  - Unilateral Contract Analysis: Enforcing an Agreement
    - Based on Performance ..... 16:481-88
- Real Estate Commissions
  - Independent Real Estate Broker Not Entitled to Commission Absent Showing of Continuity in Relationship With Contractor ..... 16:889-92

**CORPORATIONS**

- Directors Who Approve Sale of Corporations Without Sufficient Deliberation Not Entitled to Protection Afforded by Business Judgment Rule ..... 16:242-75

**COURTS**

- Retroactive Application of Decisions—Prior Decision Applied Retroactively to Supplemental Teachers Litigating Issue of Status ..... 16:277-79

**CRIMINAL LAW**

- Conspiracy
  - Conspiracy Merges Unless It Has Criminal Objectives Other Than Substantive Offense Proven ..... 16:287-89
- Medical Necessity
  - Medical Necessity is Not a Defense to Narcotics Possession Unless the Drug is Obtained in Compliance With Statutory Guidelines ..... 16:895-98

**CRIMINAL PROCEDURE**

- Jury Selection
  - Trial Court Did Not Impermissibly Curtail Defendant’s Right to Exercise Peremptory Challenges By Impanelling Only Thirteen Jurors ..... 16:906-08
- Sentencing
  - Design, Not Operability, Determines Whether a Weapon is a Firearm Under the Graves Act ..... 16:901-03

**DAMAGES**

See **Admiralty, First Amendment, Toxic Torts**

**DEATH PENALTY**

See **Civil Procedure**

**DEFAMATION**

See **First Amendment**

**DOMESTIC RELATIONS**

- Adoption
  - The First English Adoption Law and its American Precursors ..... 16:656-77
  - The Roman Law of Adoption ..... 16:656-59

- Classical English Property Law . . . . . 16:659-61
- The Problems of Younger Sons . . . . . 16:662-65
- The American Experience . . . . . 16:665-69
- The Harbingers of Reform . . . . . 16:669-74
- The Adoption of Children Act of 1926 . . . . . 16:674-76
- Child Support
  - Equitable Estoppel May Be Applied to Prevent Stepparent From Denying Obligation to Support . . . . . 16:127-49
  - Stepparent Equitably Estopped From Denying Support Obligations After Divorce Based Upon Parent-Child Bonds . . . . . 16:561-63
- Custody
  - Private Agreements Must Be Considered, Though They May Be Rejected in Judicial Determinations of Custody. . . . . 16:884-86
- EQUITABLE ESTOPPEL**
  - See **Domestic Relations**
- ETHICS**
  - Multistate Practice and Conflicting Ethical Obligations . . . . . 16:678-721
    - Major Differences in Ethical Standards . . . . . 16:681-92
    - Jurisdiction Over Lawyers in Multistate Practice . . . . . 16:692-700
    - Ethical Standards to Be Applied . . . . . 16:700-19
    - Additional Suggestions and Discussion . . . . . 16:719-21
- EVIDENCE**
  - Expert Witnesses
    - Physician May Qualify as an Expert in Malpractice Action Against Chiropractor . . . . . 16:745-62
  - Production of Documents
    - Automatic *In Camera* Inspection Not Warranted in Weighing State's Interest in Confidentiality Against Individual's Right of Access to Public Records . . . . . 16:908-10
- FAMILY LAW**
  - See **Domestic Relations**
- FIRST AMENDMENT**
  - Defamation
    - Private Individual May Recover Presumed and Punitive Damages Without a Showing of Actual Malice . . . . . 16:785-810
  - See also **Constitutional Law**
- FOURTH AMENDMENT**
  - See **Constitutional Law**
- GRAVES ACT**
  - See **Criminal Procedure**
- INSURANCE**
  - Policy Containing Automatic Premium Loan Provision Remains Effective Absent Proper Revocation . . . . . 16:881-84
- JURISPRUDENCE**
  - Jurisprudence and Prudential Justice . . . . . 16:571-96

—Explanations .....	16:571-73
—Conceptualizations .....	16:573-81
—Implications .....	16:581-86
—Applications .....	16:586-92
—Ramifications .....	16:592-96

**JURIES**

See **Civil Procedure, Criminal Procedure**

**JONES ACT**

See **Admiralty**

**LABOR LAW**

See **Antitrust**

**LANDLORD-TENANT**

See **Property**

**MERCHANT MARINE ACT**

See **Admiralty**

**NEGLIGENCE**

High-Speed Pursuits: Police Officer and Municipal Liability for Accidents Involving the Pursued and an Innocent Third Party .....	16:101-26
—The Law in New Jersey .....	16:103-09
—The Law in Other Jurisdictions .....	16:109-11
—Policy Issues .....	16:111-19
—Legal Analysis .....	16:120-25
Spouse Has No Duty to Warn of Mate’s Potential Danger to Community .....	16:281-82

**PEREMPTORY CHALLENGES**

See **Civil Procedure**

**PRODUCTS LIABILITY**

The Expanding Scope of Products Liability: New Jersey Extends a Manufacturer’s Responsibility to Include Injuries Caused After a Substantial Alteration of Its Product .....	16:722-44
—Background .....	16:723-27
—The <i>Soler</i> Case .....	16:727-32
—The <i>Brown</i> Case .....	16:732-39
—Analysis and Conclusions .....	16:739-44

**PROPERTY**

Landlord-Tenant	
—Testimony of Fellow Tenants Unnecessary in Eviction Proceedings Against Violent Tenant .....	16:568-69
Zoning	
—“Mother and Daughter” Addition to Home Creates Multi- Family Dwelling .....	16:903-05

**ROBINSON-PATMAN ACT**See **Antitrust****SECURITIES**

Securities Regulation

- Sale of Business Doctrine Does Not Exempt Sale of  
100% of Corporate Stock From Provisions of Federal  
Securities Acts . . . . . 16:811-50

Tender Offers: Disclosure

- A Hard Look at Soft Information: Disclosure of Asset  
Appraisals, Corporate Projections, and Other Forward-  
Looking Information Required if Material and if  
Disclosure Would Be More Beneficial Than Detrimental  
to Target Shareholders . . . . . 16:511-38

**SEARCH AND SEIZURE**See **Constitutional Law****SIXTH AMENDMENT**See **Constitutional Law****STATUTE OF LIMITATIONS**See **Civil Procedure****SUMMARY JUDGMENT**See **Civil Procedure****SUPREME COURT JUSTICES**

- Justice Bradley . . . . . 16:343-75
- Justice William J. Brennan, Jr. . . . . 16:429-60
- Justice Paterson . . . . . 16:313-40
- Justice Pitney . . . . . 16:381-423

**TAXATION**

Filing of Returns

- Reliance on Attorney is Not Reasonable Cause for  
Delinquent Filing of Estate Tax Return . . . . . 16:150-69

State Taxation of Interstate Commerce

- Use of Part-Time, Nonresident Employees and Affiliate  
Officers Provides Sufficient Minimum Contacts for New  
Jersey to Tax Out-of-State Corporation . . . . . 16:564-66

**TENTH AMENDMENT**See **Constitutional Law****TORTS**See **Negligence****TOXIC TORTS**

Damages

- Tort Claims Act Allows Damages Only For Objective  
Injuries . . . . . 16:283-85

*SUBJECT INDEX*

xxix

**WORKERS' COMPENSATION**

Compensation Rate Determined By Aggregating Salaries  
From Three Positions Worked For a Single Employer . . . . 16:285-87

**ZONING**

See **Property**