

VOLUME SEVENTEEN INDEX

ARTICLES—AUTHORS

ALSPAUGH, DORIS Y. AND SHUE, VIRGINIA V.: <i>The Law School Challenge</i>	17:276
BELKNAP, MICHAL R.: <i>Chief Justice Richard J. Hughes: Leadership and Liberal Activism</i>	17:4
BRENNAN, JUSTICE WILLIAM J., JR.: <i>A Tribute to Chief Justice Warren E. Burger</i>	17:3
BROMBERG, MYRON J.: <i>The Mischief of the Strict Liability Label in the Law of Warnings</i>	17:526
BURKE, JAMES M.: <i>DPT Vaccine Controversy: An Assessment of the Liabilities of Manufacturers and Administering Physicians Under Several Legal Theories</i>	17:541
DREIER, HON. WILLIAM A.: <i>Identification of the Defendant/Manufacturer in Generic Product Cases: Issues and Questions</i> .	17:513
EDELL, MARC Z.: <i>Risk Utility Analysis of Unavoidably Unsafe Products</i>	17:623
EPSTEIN, BARRY M. AND KLEIN, MARC S.: <i>The Use and Abuse of Expert Testimony in Product Liability Actions</i>	17:656
GARTH, HON. LEONARD I.: <i>A Tribute to Chief Judge John J. Gibbons</i>	17:199
HALBERT, TERRY ANN: <i>The First Amendment in the Workplace: An Analysis and Call For Reform</i>	17:42
KLEIN, MARC S.: <i>A Critical Analysis of New Jersey's Domicile-Driven Choice of Law Methodology</i>	17:204
MATHEWS, HON. ROBERT A.: <i>A Tribute to Judge Morton I. Greenberg</i>	17:801
OWEN, DAVID G.: <i>Musings on Modern Products Liability Law: A Foreword</i>	17:505
SCHWARTZ, VICTOR E.: <i>Conclusion: Products Liability Law Symposium</i>	17:677
SULLIVAN, CHARLES A. AND ZIMMER, MICHAEL J.: <i>Proving a Violation Under the Age Discrimination in Employment Act of 1967</i>	17:803

ARTICLES—TITLES

CHIEF JUSTICE RICHARD J. HUGHES: LEADERSHIP AND LIBERAL ACTIVISM. <i>Michal R. Belknap</i>	17:4
CONCLUSION: PRODUCTS LIABILITY LAW SYMPOSIUM. <i>Victor E. Schwartz</i>	17:677
DPT VACCINE CONTROVERSY: AN ASSESSMENT OF THE LIABILITIES OF MANUFACTURERS AND ADMINISTERING PHYSICIANS UNDER SEVERAL LEGAL THEORIES. <i>James M. Burke</i>	17:541
THE FIRST AMENDMENT IN THE WORKPLACE: AN ANALYSIS AND CALL FOR REFORM. <i>Terry Ann Halbert</i>	17:42

IDENTIFICATION OF THE DEFENDANT/MANUFACTURER IN GENERIC PRODUCT CASES: ISSUES AND QUESTIONS. <i>Hon. William A. Dreier</i>	17:513
THE LAW SCHOOL CHALLENGE. <i>Doris Y. Alsbaugh and Virginia V. Shue</i>	17:276
THE MISCHIEF OF THE STRICT LIABILITY LABEL IN THE LAW OF WARNINGS. <i>Myron J. Bromberg</i>	17:526
MUSINGS ON MODERN PRODUCTS LIABILITY LAW: A FORWARD. <i>David G. Owen</i>	17:505
PROVING A VIOLATION UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967. <i>Charles A. Sullivan and Michael S. Zimmer</i>	17:803
RISK UTILITY ANALYSIS OF UNAVOIDABLY UNSAFE PRODUCTS. <i>Marc Z. Edell</i>	17:623
A TRIBUTE TO CHIEF JUSTICE WARREN E. BURGER. <i>Justice William J. Brennan, Jr.</i>	17:3
A TRIBUTE TO CHIEF JUDGE JOHN J. GIBBONS. <i>Hon. Leonard I. Garth</i>	17:199
A TRIBUTE TO JUDGE MORTON I. GREENBERG. <i>Hon. Robert A. Mathews</i>	17:801
THE USE AND ABUSE OF EXPERT TESTIMONY IN PRODUCT LIABILITY ACTIONS. <i>Barry M. Epstein and Marc S. Klein</i>	17:656

NOTES

Antitrust—Federal Preemption—Section 1 of Sherman Act Does Not Preempt Municipal Ordinance Fixing Rental Rates (<i>Fisher v. City of Berkeley</i> , U.S. 1986)	17:355
Banks and Banking—Interstate Branching—States May Selectively Authorize Regional Bank Holding Company Acquisitions (<i>Northeast Bancorp, Inc. v. Board of Governors of the Federal of the Federal Reserve System</i> , U.S. 1985)	17:106
Constitutional Law—Elections—State-Mandated Closed Primary Violates Associational Rights of Political Party And Its Members (<i>Tashjian v. Republican Party of Connecticut</i> , U.S. 1986)	17:871
Constitutional Law—Equal Protection Clause—Zoning Ordinance Which Requires Special Use Permit is Violative of the Equal Protection Clause as Applied to the Mentally Retarded (<i>City of Cleburne v. Cleburne Living Center</i> , U.S. 1985)	17:901
Constitutional Law—Establishment Clause—Statute Prohibiting Discharge of Employees Refusing to Work on Their Sabbath Violative of the First Amendment (<i>Estate of Thornton v. Caldor, Inc.</i> , U.S. 1985)	17:127
Constitutional Law—First Amendment—First Amendment Does Not Preclude Closure of Adult Bookstore Where Illegal Activity Occurs on Premises (<i>Arcara v. Cloud Books, Inc.</i> , U.S. 1986)	17:382

Constitutional Law—Zoning and First Amendment—Ordinance Prohibiting Operation Of An Adult Theater In A Residential Community Does Not Violate The First Amendment (<i>City of Renton v. Playtime Theatres, Inc.</i> , U.S. 1986)	17:925
Courts and Procedure—Long Arm Jurisdiction— New Jersey Adopts Stream-of-Commerce Theory for Establishing Personal Jurisdiction Over a Foreign Manufacturer (<i>Charles Gendler & Co., Inc. v. Telecom Equipment Corp.</i> , N.J. 1986) ...	17:700
Criminal Procedure—Confessions—Waiver of Fifth Amendment Rights Held Valid Although Police Failed to Inform Suspect of Attorney's Attempt to Contact Him (<i>Moran v. Burbine</i> , U.S. 1986)	17:402
Criminal Procedure—Habeas Corpus and Right to Counsel— Supreme Court Plurality Determines that Successive Petitions for Habeas Relief May Only Be Granted if Defendant Can Demonstrate "Colorable Showing of Factual Innocence" and Sixth Amendment Does Not Forbid Admission into Evidence of Defendant's Statements to Informant (<i>Kuhlmann v. Wilson</i> , U.S. 1986) ..	17:422
Criminal Procedure—Search and Seizure—Law Officer's Use of Deadly Force Against Nondangerous Fleeing Felon Held Violative of Fourth Amendment (<i>Tennessee v. Garner</i> , U.S. 1985)	17:758
Criminal Procedure—Search and Seizure—Parked Motor Home Held to be Within Scope of Automobile Exception to Warrant Requirement (<i>California v. Carney</i> , U.S. 1985) ..	17:736
Criminal Procedure—Sixth Amendment—Attorney's Failure to Cooperate With Criminal Defendant In Presenting Perjured Testimony Does Not Violate Defendant's Right to Assistance of Counsel (<i>Nix v. Whiteside</i> , U.S. 1986)	17:942
Family Law—Equitable Distribution—License to Practice Medicine May Be Deemed Marital Property Subject to Equitable Distribution (<i>O'Brien v. O'Brien</i> , N.Y. 1985)	17:963
International Arbitration—Commerce—Arbitrability of Antitrust Claims Arising from International Commercial Disputes Recognized Under Federal Arbitration Act (<i>Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.</i> , U.S. 1985)	17:448
Labor Law—Arbitration—Arbitrator Exceeds Authority by Reading Requirements for Progressive Discipline Into Labor Agreement (<i>County College of Morris Staff Association v. County College of Morris</i> , N.J. 1985)	17:307
Products Liability—Damages—Commercial Entity Limited to Breach of Warranty Theory for Recovery of Economic Losses (<i>Spring Motors Distributors, Inc. v. Ford Motor Co.</i> , N.J. 1985)	17:330
Real Property—Leasehold Estates—Damage Quotient Assessed in Commercial Landlord-Tenant Setting (<i>N.J. Industrial Properties, Inc. v. Y.C. & V.L. Inc.</i> , N.J. 1985)	17:73
Securities—Insider Trading— <i>In Pari Delicto</i> Defense Inapplicable in Rule 10b-5 Actions (<i>Bateman Eichler, Hill Richards, Inc. v. Berner</i> , U.S. 1985)	17:148

- Torts—Damages—New Jersey Recognizes Negligence Action for Purely Economic Losses Unaccompanied by Physical Harm (*People Express Airlines, Inc. v. Consolidated Rail Corp.*, N.J. 1985) 17:719
- Torts—The “Fireman’s Rule”—Injured Firemen May Recover Damages for Harm Caused by Willful and Wanton Misconduct (*Mahoney v. Carus Chemical Co., Inc.*, N.J. 1986) . 17:857
- Workers’ Compensation—Indemnity—Workers’ Compensation Act Bars Third-Party Manufacturer’s Recovery of Contribution or Implied Indemnification from Negligent Employer (*Ramos v. Browning Ferris Industries*, N.J. 1986, *Stephenson v. R.A. Jones & Co., Inc.*, N.J. 1986) 17:680

BOOKS REVIEWED

- GREED AND GLORY ON WALL STREET: THE FALL OF THE HOUSE OF LEHMAN. Ken Auletta 17:496
- SHOOT TO KILL? INTERNATIONAL LAWYERS’ INQUIRY INTO THE LETHAL USE OF FIREARMS BY THE SECURITY FORCES IN NORTHERN IRELAND. Kader Asmal 17:188
- THE RISE OF MODERN JUDICIAL REVIEW: FROM CONSTITUTIONAL INTERPRETATION TO JUDGE-MADE LAW. Christopher Wolfe . 17:981

BOOKS REVIEWED - REVIEWERS

- Lloyd, James M.*, GREED AND GLORY ON WALL STREET: THE FALL OF THE HOUSE OF LEHMAN 17:496
- O’Dempsey, Keara M.*, SHOOT TO KILL? INTERNATIONAL LAWYERS’ INQUIRY INTO THE LETHAL USE OF FIREARMS BY THE SECURITY FORCES IN NORTHERN IRELAND 17:188
- Weiss, Todd J.*, THE RISE OF MODERN JUDICIAL REVIEW: FROM CONSTITUTIONAL INTERPRETATION TO JUDGE-MADE LAW 17:981

BOOKS REVIEWED - AUTHORS

- ASMAL, KADER. SHOOT TO KILL? INTERNATIONAL LAWYERS’ INQUIRY INTO THE LETHAL USE OF FIREARMS BY THE SECURITY FORCES IN NORTHERN IRELAND 17:188
- AULETTA, KEN. GREED AND GLORY ON WALL STREET: THE FALL OF THE HOUSE OF LEHMAN 17:496
- WOLFE, CHRISTOPHER. THE RISE OF MODERN JUDICIAL REVIEW: FROM CONSTITUTIONAL INTERPRETATION TO JUDGE-MADE LAW 17:981

SUBJECT INDEX

ADMINISTRATIVE LAW

Sentencing

- Uniform Imposition of Penalties Not Abuse of Discretion 17:476-78

ADMIRALTY

- Commercial Party May Not Recover Economic Losses Under Products Liability Claim 17:784-86

ARBITRATION

- Antitrust Claims Arising From International Commercial Disputes Recognized Under Federal Arbitration Act 17:449-73
- Arbitrator Exceeds Authority By Reading Requirement For Progressive Discipline Into Labor Agreement 17:307-30
- Federal Arbitration Act 17:453-54
- United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards 17:454-56

ANTITRUST

- Section 1 of Sherman Act Does Not Preempt Municipal Ordinance Fixing Rental Rates 17:355-81

BANKS AND BANKING

- States May Selectively Authorize Regional Bank Holding Company Acquisitions 17:106-26
- McFadden Act 17:112-13
- Bank Holding Company Act 17:114-16

CIVIL PROCEDURE

Choice of Law

- A Critical Analysis of New Jersey's Domicile-Driven Choice of Law Methodology 17:204-75
- Choice of Law Process 17:209-24
- Comity 17:211-13
- Loci of Commitment 17:213-24
- Neutral Principles of Traditional Paradigm 17:225-29
- Interest Analysis 17:229-48
- Indeterminate Approach 17:230-38
- Forum Shopping 17:238-42
- Apotheosis of Domicile 17:242-48
- Disgrace of Domicile-Driven Methodology 17:248-70
- Corrupting Influence of Self-Interest 17:248-50
- Incompatibility of Interest Analysis and Rule of Law 17:250-52
- Inefficiencies of Interest Analysis 17:252-70
- Comprehensive Review of New Jersey Law 17:272-75
- New Jersey Adopts Stream-Of-Commerce Theory For Establishing Personal Jurisdiction Over a Foreign Manufacturer 17:700-18
- Notice Under Tort Claims Act 17:178-80

CONFLICTS OF LAW

See CIVIL PROCEDURE

CONSTITUTIONAL LAW

Elections

- State-Mandated Closed Primary Violates Associational Rights of Political Party And Its Members 17:871-900

Establishment Clause

- Statute Prohibiting Discharge of Employees Refusing to Work on Their Sabbath Violative of the First Amendment 17:127-47

Equal Protection

- Zoning Ordinance Which Requires Special Use Permit Is Violative of the Equal Protection Clause As Applied to the Mentally Retarded 17:901-24

First Amendment

- First Amendment Does Not Preclude Closure of Adult Bookstore Where Illegal Activity Occurs on Premises .. 17:382-401
- First Amendment In the Workplace: An Analysis and Call For Reform 17:42-72
- Workplace As A Forum 17:44-51
- Present Protection of Rights In Workplace 17:51-66
- State Action and the First Amendment in the Workplace . 17:66-72

Speech and Assembly

- Demonstrators Prohibited From Picketing Premises Not Devoted to Public Use 17:486-88

CONTEMPT

See PROFESSIONAL RESPONSIBILITY

CRIMINAL LAW

Felony Murder

- Jury Instruction Regarding Causation 17:185-87

Robbery

- Subjective Belief of Threat With Deadly Weapon 17:176-78

CRIMINAL PROCEDURE

Confessions

- Waiver of Fifth Amendment Rights Held Valid Although Police Failed to Inform Suspect of Attorney's Efforts to Contact Him 17:402-21

Habeas Corpus

- Successive Petitions For Habeas Relief Granted If Defendant Can Demonstrate "Colorable Showing" Of Factual Innocence 17:423-47

Search and Seizure

- Law Officers Use of Deadly Force Against Non-Dangerous Fleeing Felon Held Violative of Fourth Amendment 17:758-81
- Parked Motor Home Held to Be Within Scope of Automobile Exception to Warrant Requirements 17:736-57

Sixth Amendment

- Attorney's Failure to Cooperate With Criminal Defendant In Presenting Perjured Testimony Does Not Violate Defendant's Right to Counsel 17:942-62
- Sixth Amendment Does Not Forbid Evidence of Defendant's Statements to Informants 17:423-47

DIVORCE

See FAMILY LAW

DAMAGES

See TORTS

EDUCATION

- The Law School Challenge 17:276-306
- Reflections on Individual Law School and LSAC Action 17:285-93
- Planning/Marketing 17:286-89
- Recruiting 17:289-91
- Retention 17:291-93

EVIDENCE

- Physician-Patient Privilege Will Not Bar Admission of Blood
Tests Involuntarily Taken From Survivor of Fatal Auto
Accident 17:491-93

EXPERT TESTIMONY

See TORTS

FAMILY LAW

- License to Practice Medicine May Be Deemed Marital
Property Subject to Equitable Distribution 17:963-80

FIDUCIARY DUTY

- Greed and Glory on Wall Street: The Fall of the House of
Lehman 17:496-503

FIFTH AMENDMENT

See CRIMINAL PROCEDURE

FIRST AMENDMENT

See CONSTITUTIONAL LAW

HOSPITALS

- Closed Staff Admissions Policy Invalid If Discriminatory In
Nature and Not In Furtherance of Public-Health Care
Needs 17:478-81

INDEMNITY

See WORKERS COMPENSATION

INSURANCE

- Coverage Exclusions For Intentional Acts By Insured In
Automobile Liability Insurance Policies Not Precluded By
No-Fault Act or Public Policy 17:481-83
- Determination of "Occurrence" For Liability Coverage 17:183-85

INTERNATIONAL LAW

- Lethal Use of Firearms in Northern Ireland 17:188-97
- See also ARBITRATION

JURISDICTION

See CIVIL PROCEDURE

LABOR LAW

See ARBITRATION

PHYSICIAN-PATIENT PRIVILEGE

See EVIDENCE

PERJURY

See CRIMINAL PROCEDURE

PRODUCTS LIABILITY

See TORTS

PROFESSIONAL RESPONSIBILITY

Failing to Comply With Court Order Requiring Submission of
Witness List Not Held To Be in Direct Contempt If
Adequate Explanation is Proffered 17:488-91

PROPERTY

Damage Quotient Assessed in Commercial Landlord-Tenant
Setting 17:73-105

RICHARD J. HUGHES

Background and Education 17:5
Lower Court Judge 17:6-13
Governor 17:13-16
Supreme Court Appointee 17:16-18
Administrator 17:19-27
Activist 17:27-41

RIGHT TO DIE

Terminally Ill Individual May Remove Respirator Subject to
Countervailing State Interests 17:483-85

SECURITIES

Insider trading
—*In Pari Delicto* Defense Inapplicable In Rule 10b-5 Actions 17:148-72

SHERMAN ACT

See ANTITRUST

SIXTH AMENDMENT

See CRIMINAL PROCEDURE

TORTS**Damages**

—Commercial Entity Limited to Breach of Warranty Theory
For Recovery of Economic Losses 17:330-54
—Comparative Fault Principles are Inapplicable In Strict
Products Liability Cases 17:791-93
—Injured Fireman May Recover Damages For Harm
Caused By Willful and Wanton Misconduct 17:857-70

—Jury Must Be Charged As to Present Value Principles When Calculating Value of Future Losses	17:493-95
—New Jersey Recognizes Negligence Action For Purely Economic Losses Unaccompanied By Physical Harm ...	17:719-35
—Failure to Read Printed Warning Gives Rise to Defense of Product Misuse	17:786-88
—Machine Designer Has Duty To Warn End Users of Possible Danger Inherent In Its Products	17:796-98
—Manufacturer Is Not Liable For Injuries Caused By Product's Use Where There Are No Defects and Warnings Are Adequate	17:799-800
Products Liability	
—DPT Vaccine Controversy: An Assessment of the Liabilities of Manufacturers and Administering Physicians Under Several Legal Theories	17:541-617
—Historical and Medical Look At DPT Vaccine and Its Administration to Children	17:546-55
—Pertussis	17:547-48
—Obstacles In Producing Safer Vaccine	17:548-49
—Contraindications and Recommendations	17:551-55
—Liability of DPT Vaccine Manufacturers	17:555-607
—Strict Liability	17:555-87
—Negligence in Failing to Develop an Alternative	17:587-89
—Negligent Failure to Warn	17:589-95
—Breach of Warranty	17:595-607
—Liability of Physicians	17:607-14
—Informed Consent	17:607-12
—Wrongful Immunization	17:612-14
—Identification of the Defendant/Manufacturer in Generic Product Cases: Issues and Questions	17:513-25
—Concert of Action Theory of Liability	17:515
—Alternative Liability Theory of Liability	17:515-16
—Enterprise or Industry-Wide Theory of Liability	17:516-17
—Market Share Theory of Liability	17:517-18
—The Mischief of the Strict Liability Label In the Law of Warnings	17:527-40
—Warning as to Obvious Dangers	17:532
—Foreseeability	17:533
—Misapplication of Manufacturing Defect Principles to Failure to Warn Cases	17:533-39
—State of the Art	17:533-35
—Risk Utility Analysis	17:535-536
—Punitive Damages	17:536-37
—Risk Utility Analysis of Unavoidably Unsafe Products ...	17:623-55
—Evolution of Risk Analysis	17:626-38
—Application In Cases Involving Unavoidably Unsafe Products	17:638-51
—Consumer Knowledge	17:646-50
—Judge v. Jury	17:650-51
—Judicial Application to Unavoidably Unsafe Products ...	17:651-55
—The Use and Abuse of Expert Testimony In Product Liability Actions	17:656-76
—Junk Science Phenomenon	17:656-60
—Role of Expert Testimony and the Discretion to Reject It	17:665-67

—Qualifications	17:667-69
—Admissibility	17:669-74
Legislative Limitation on Allowable Time For Filing Products Liability Claim Violates Equal Protection Clause of North Dakota Constitution	17:793-96
Paving Contractor May Not Be Characterized as Manufacturer and Is Not Liable For Patent Defects Known to Owner ...	17:788-90
TRADE REGULATION	
Motor Vehicle Franchise Injury Under New Jersey Motor Vehicle Franchise Act	17:174-76
TRIBUTE	
Chief Justice Warren E. Burger	17:3
Chief Judge John J. Gibbons	17:199-203
Judge Morton I. Greenberg	17:801-02
WILLS	
Failure to Sign at Time of Execution	17:180-83
WORKERS COMPENSATION	
Act Bars Third-Party Manufacturer's Recovery Of Contribution or Implied Indemnification From Negligent Employer	17:680-99
ZONING	
See CONSTITUTIONAL LAW	