

SETON HALL LAW REVIEW

Volume Twenty-Four

1994

Number Four

TABLE OF CONTENTS

ARTICLES

THE NATIONAL IMPLICATIONS OF LIABILITY
REFORMS FOR GENERAL LIABILITY AND
MEDICAL MALPRACTICE INSURANCE *W. Kip Viscusi* 1743
Patricia Born

EXPANDING THE FIDUCIARY RELATIONSHIP BESTIARY:
DOES CONCURRENT OWNERSHIP SATISFY
THE FAMILY RESEMBLANCE TEST? *Alan M. Weinberger* 1767

RETHINKING FREE EXERCISE:
REDISCOVERING RELIGIOUS
COMMUNITY AND RITUAL..... *Howard M. Friedman* 1800

RECENT DEVELOPMENTS IN TAX LAW

SHOPPING FOR INTANGIBLES AT THE MALL: THE IMPACT OF
SECTION 197 ON THE ACQUISITION OF RETAIL RENTAL REAL
ESTATE..... *Matthew A. Melone* 1825

ECONOMIC REALITY OR REGULATORY GAME PLAYING?: THE TOO
MANY FICTIONS OF THE § 752 LIABILITY ALLOCATION
REGULATIONS *Joseph A. Snoe* 1887

TO BURY FEDERAL TRANSFER TAXES WITHOUT FURTHER
ADIEU..... *Christopher E. Erblich* 1931

ESSAY

HISTORICAL RECONSTRUCTION IN POPULAR LEGAL AND POLITICAL
CULTURE *Anthony Chase* 1969

COMMENTS

JUSTICE FOR OUR CHILDREN: NEW JERSEY ADDRESSES EVIDENTIARY
PROBLEMS INHERENT IN CHILD SEXUAL ABUSE CASES..... 2030

DISQUALIFYING FEDERAL JUDGES FOR BIAS: A CONSIDERATION OF
THE EXTRAJUDICIAL BIAS LIMITATION FOR DISQUALIFICATION
UNDER 28 U.S.C. § 455(A) 2057

NOTES

CIVIL RIGHTS

ABORTION PROTESTS—42 U.S.C. § 1985(3) DOES NOT PROVIDE A FEDERAL CAUSE OF ACTION AGAINST PROTESTERS WHO OBSTRUCT ACCESS TO ABORTION CLINICS (*Bray v. Alexandria Women's Health Clinic*, 113 S. Ct. 753 (1993)) 2096

CONSTITUTIONAL LAW

FOURTEENTH AMENDMENT—VOTERS WHO CHALLENGE A REAPPORTIONMENT PLAN ESTABLISH A CLAIM UNDER THE EQUAL PROTECTION CLAUSE WHERE THE CONGRESSIONAL VOTING DISTRICT IS SO EXTREMELY IRREGULAR IN SHAPE THAT ABSENT A COMPELLING JUSTIFICATION, THE REAPPORTIONMENT IS EXPLAINABLE ONLY FOR THE PURPOSE OF SEGREGATING VOTERS BY RACE (*Shaw v. Reno*, 113 S. Ct. 2816 (1993)) 2146

EMPLOYMENT LAW

SEXUAL HARASSMENT—TO STATE A VALID CAUSE OF ACTION FOR HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT AGAINST A SUPERVISOR, A FEMALE PLAINTIFF MUST ALLEGE THAT THE HARASSING CONDUCT OCCURRED BECAUSE OF HER SEX, AND THAT A REASONABLE WOMAN IN THE PLAINTIFF'S POSITION WOULD DEEM THE HARASSING CONDUCT TO BE SUFFICIENTLY SEVERE OR PERVASIVE TO ALTER HER EMPLOYMENT CONDITIONS AND CREATE A HOSTILE WORKING ATMOSPHERE; EMPLOYER LIABILITY IS DEPENDENT ON THE TYPE OF DAMAGES SOUGHT (*Lehmann v. Toys 'R' Us, Inc.*, 132 N.J. 587, 626 A.2d 445 (1993)) 2195

TORTS

NEGLIGENCE—THE COMMON LAW CATEGORIES OF TRESPASSER, LICENSEE, AND INVITEE THAT GOVERN A LANDOWNER'S DUTY IN A PREMISES LIABILITY ACTION ARE REPLACED BY A SINGLE STANDARD TO EXERCISE REASONABLE CARE AGAINST FORESEEABLE HARMS (*Hopkins v. Fox & Lazo Realtors*, 132 N.J. 426, 625 A.2d 1110 (1993)) 2227

SEARCH AND SEIZURE

STOP AND FRISK—POLICE MAY SEIZE NONTHREATENING CONTRABAND DETECTED THROUGH THE SENSE OF TOUCH DURING A PROTECTIVE PAT DOWN SEARCH SO LONG AS THE SEARCH STAYS WITHIN THE BOUNDS MARKED BY *TERRY V. OHIO* (*Minnesota v. Dickerson*, 113 S. Ct. 2130 (1993)) 2257

*SURVEY OF RECENT DEVELOPMENTS IN
NEW JERSEY LAW*..... 2320

BOOK REVIEW

*GRISWOLD'S OULD FIELDS, NEW CORNE:
THE PERSONAL MEMOIRS OF A TWENTIETH
CENTURY LAWYER*..... *The Honorable James E. Quinn* 2355