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CONTENTS

Articles

Mental Illness: A Legal Fiction

James H. Hardisty

Professor Hardisty examines the use of the term "mental illness" by the law, focusing upon competency and insanity defense tests. After determining that the term has no accepted medical definition, the author analyzes the necessity for legal usage of the term. Professor Hardisty concludes that the term "mental illness" should be deleted from the law.

Due Process and Deeds of Trust—Strange Bedfellows?

David A. Leen, Peter A. Galbraith and John Gant

The authors examine in detail the validity of the private sale provisions of the Washington Deed of Trust Act in light of the recent procedural due process decisions of the United States Supreme Court. In addition to concluding that the present Washington Act appears to be unconstitutional, the authors briefly discuss the policy considerations involved and suggest general guidelines for change.

Symposium

Comprehensive Judicial Reform—A Timely Alternative to Piecemeal Modification

The Washington Legislature currently has before it S.J. Res. 113, a proposal to comprehensively reform the judicial system in Washington by amending Article IV of the Washington constitution. The proposed changes include a new system for selecting, disciplining and removing judges; a new procedure for financing and administering the courts; and unification of Washington's judicial system. Carefully analyzing this proposal for judicial reform in Washington, United States Supreme Court Justice Tom C. Clark (retired), Washington Supreme Court Justice Robert F. Utter, and Professor Luvern V. Rieke probe and discuss the substantive issues raised by the legislation. Their analysis should be helpful to all those interested in judicial reform—legislators, judges, lawyers, and Washington voters, who may be asked to approve or disapprove S.J. Res. 113 as early as November 1974.
The Need for Judicial Reform

*Tom C. Clark* 806

Unification, Funding, Discipline and Administration: Cornerstones for a New Judicial Article

*Luvern V. Rieke* 811

Selection and Retention—A Judge’s Perspective

*Robert F. Utter* 839

Lampadephoria

On Criteria for Redistricting

*Richard L. Morrill* 847

Comment

Discretion in Felony Sentencing—A Study of Influencing Factors

The desirability and constitutionality of discretionary criminal sentencing can be ascertained only if the factors influencing sentencing decisions are known. The authors analyze data generated by a 1971 survey of Washington State superior court trial judges in order to identify the significant factors and to evaluate their relative importance in criminal sentencing. The results indicate that discretionary sentencing is influenced strongly by social biases in no way dependent upon the culpability of the offender, his personal behavior patterns, or circumstances of the crime.

Recent Developments


Torts—Nuisance Actions Against Municipal Airports—*Nestle v. City of Santa Monica*, 6 Cal. 3d 920, 496 P.2d 480, 101 Cal. Rptr. 568 (1972).
Securities Regulations—Private Offering Exemption: SEC Proposed Rule 146. 922

Reviews

Prosterman, Surviving to 3000  
*William O. Douglas* 941

Geis, Not the Law's Business?  
*Jennifer James* 943

Epilogue 953