

# Washington Law Review

---

Volume 59 | Number 1

---

12-1-1983

## Volume 59, 1983–1984

anon

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>

---

### Recommended Citation

anon, Index, *Volume 59, 1983–1984*, 59 Wash. L. Rev. i (1983).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol59/iss1/1>

This Index is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact [cnyberg@uw.edu](mailto:cnyberg@uw.edu).

# WASHINGTON LAW REVIEW

VOLUME 59

1983–1984



## AUTHOR INDEX

- Andrews, Barbara T.  
Federalism and the Wild and Scenic Rivers Act:  
Now You See It, Now You Don't 59:417
- Barsh, Russel Lawrence  
Is There Any Indian "Law" Left? A Review of the  
Supreme Court's 1982 Term 59:863
- Berger, Raoul  
The Activist Legacy of the New Deal Court 59:751
- Buchsbaum, Andrew, P.  
Federalism and the Wild and Scenic Rivers Act:  
Now You See It, Now You Don't 59:417
- Buckland, Laura J.  
Informants' Tips and Probable Cause: The Demise of  
*Aguilar-Spinelli*—*Illinois v. Gates*, 103 S. Ct.  
2317 (1983) 59:635
- Butler, Henry N.  
Restricted Distribution Contracts and the Opportunistic  
Pursuit of Treble Damages 59:27
- Carnilla, Phyllis D.  
*Foremost Insurance Co. v. Richardson*: If This is  
Water, It Must be Admiralty—*Foremost Insur-*  
*ance Co. v. Richardson*, 457 U.S. 668 (1982) 59:1
- Cliff, Carolyn  
Limited Relief for Federal Employees Hypersensi-  
tive to Tobacco Smoke: Federal Employers Who'd  
Rather Fight May Have to Switch 59:305
- Cugini, Crissa  
Wildcat Strikes in Health Care Institutions—*East*  
*Chicago Rehabilitation Center, Inc. v. NLRB*, 710  
F.2d 397 (7th Cir. 1983) 59:947
- Darm, Donna  
Short-Swing Profits in Failed Takeover Bids—The  
Role of Section 16(b) 59:895
- Davis, Michael J.  
A Fresh Look at Premises Liability as Affected by  
the Warranty of Habitability 59:141
- DeLange, Brett T.  
Waiving the Physician-patient Privilege in Involuntary  
Commitment Proceedings in Washington—*In*  
*re R.*, 97 Wn. 2d 182, 641 P.2d 704 (1982) 59:103
- DeLaTorre, Phillip E.  
A Fresh Look at Premises Liability as Affected by  
the Warranty of Habitability 59:141
- Drumheller, Betty L.  
Constitutionalizing Civil Commitment: Another At-  
tempt—*In re Harris*, 98 Wn. 2d 276, 654 P.2d  
109 (1982) 59:375
- Drzal, Michael P.  
*Foremost Insurance Co. v. Richardson*: If This is  
Water, It Must Be Admiralty—*Foremost Insur-*  
*ance Co. v. Richardson*, 457 U.S. 668 (1982) 59:1
- Durney, Edward G.  
The Warranty of Merchantability and Computer  
Software Contracts: A Square Peg Won't Fit in a  
Round Hole 59:111
- Ellwanger, Kimberly T.  
Money Damages for Breach of the Federal-Indian  
Trust Relationship after *Mitchell II*—*United States*  
*v. Mitchell*, 103 S. Ct. 2961 (1983) 59:675
- Fairfax, Sally K.  
Federalism and the Wild and Scenic Rivers Act:  
Now You See It, Now You Don't 59:417
- Haley, John O.  
Antitrust Sanctions and Remedies: A Comparative  
Study of German and Japanese Law 59:471
- Hoffman, Joseph L.  
Court Actions Contesting the Nonjudicial Foreclo-  
sure of Deeds of Trust in Washington 59:323
- Holmlund, Ingrid  
Awards of Attorneys' Fees to Nonprevailing Parties  
Under the Clean Air Act—*Ruckelshaus v. Sierra*  
*Club*, 103 S. Ct. 3274 (1983) 59:585
- Irons, Peter  
Politics and Principles: An Assessment of the Roose-  
velt Record on Civil Rights and Liberties 59:693
- Keyserling, Leon H.  
The New Deal and Its Current Significance In Re Na-  
tional Economic and Social Policy 59:795
- Klevit, Sarah L.  
Entry to Arrest in Third-Party Homes: Ninth Circuit  
Opens the Door—*United States v. Underwood*,  
717 F.2d 482 (9th Cir. 1983) 59:865
- Krebs, Cynthia A.  
The Establishment Clause and Liquor Sales: The Su-  
preme Court Rushes In Where Angels Fear to  
Tread—*Larkin v. Grendel's Den*, 103 S. Ct. 505  
(1982) 59:87
- Kummert, Richard O.  
State Statutory Restrictions on Financial Distribu-  
tions by Corporations to Shareholders: Part II  
59:185
- Lester, Martha  
Subdivision Exactions in Washington: The Contro-  
versy Over Imposing Fees on Developers 59:289
- McLean, John T.  
Minority Shareholders and Cashout Mergers: The  
Delaware Court Offers Plaintiffs Greater Protec-  
tion and a Procedural Dilemma—*Weinberger v.*  
*UOP, Inc.*, 457 A.2d 701 (Del. 1983) 59:119
- Morris, Arval A.  
Justice, War, and the Japanese-American Evacuation  
and Internment—*Book Review of Justice at War: The*  
*Story of the Japanese American Internment*  
Cases 59:843
- Myers, Mark McLean  
A Unified Approach to State and Municipal Tort Lia-  
bility in Washington 59:533
- Parrish, Michael E.  
The Great Depression, the New Deal, and the Amer-  
ican Legal Order 59:723
- Peck, Judith Bellamy  
The Ninth Circuit's Requirement of Notice to Tar-  
gets of Third Party Subpoenas in SEC Investiga-  
tions—A Remedy Without a Right—*Jerry T.*  
*O'Brien, Inc. v. SEC*, 704 F.2d 1065 (9th Cir.  
1983) 59:617

Pool, Tracy

The Status of Statutes Containing Legislative Veto Provisions After *Chadha*—Does the EEOC Have the Authority to Enforce the Equal Pay Act and the Age Discrimination in Employment Act? 59:549

Raymond, Kevin M.

Protecting the People's Waters: The California Supreme Court Recognizes Two Remedies to Safeguard Public Trust Interests in Water—*National Audubon Society v. Superior Court*, 33 Ca. 3d 419, 658 P.2d 709, 189 Cal. Rptr. 346, cert. denied, 104 S. Ct. 413 (1983) 59:357

Roubik, Linda M.

Recovery for "Loss of Chance" In a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

Shattuck, Richard

A Cry for Reform in Construing Washington Municipal Corporation Statutes—*Chemical Bank v. Washington Public Power Supply System*, 99 Wn. 2d 772, 666 P.2d 329 (1983) 59:653

Sherland, Barbara C.

The Functions of Consumer Reporting Agencies Under the Fair Credit Reporting Act—*Bryant v. TRW, Inc.*, 689 F.2d 72 (6th Cir. 1982) 59:401

Simpson, Beryl N.

Constitutional Protection for Creative Tax Shelter Promoters: Ninth Circuit Restricts the Government's Arsenal of Power—*United States v. Dahlstrom*, 713 F.2d 1423 (9th Cir. 1983), cert. denied, 104 S. Ct. 2363 (1984) 59:927

Sisk, Gregory C.

Toward a Unified Reasonable Use Approach to Water Drainage in Washington 59:27

Story, Jacqualee

Administrative Agency Inaction: Misapplication of the Finality Doctrine—*Sierra Club v. Gorsuch*, 715 F.2d 653 (D.C. Cir. 1983) 59:993

Squires, Lynn B.

Autopsy of a Plain English Insurance Contract: Can Plain English Survive Proximate Cause?—*Graham v. PEMCO*, 98 Wn. 2d 533, 656 P.2d 1077 (1983) 59:565

Wallen, Elizabeth Lacalli

Community Property—Characterization of the Inflationary Increase in the Value of Separate Property Improved by Community Funds—*In re Marriage of Elam*, 97 Wn. 2d 811, 650 P.2d 213 (1982) 59:341

Ward, Susan Kae

Corporate Negligence Actions Against Hospitals—Can the Plaintiff Prove a Case? 59:913

Weber, Ellen Lauver

Patenting Inventions That Embody Computer Programs held as Trade Secrets—*White Consolidated Industries v. Vega Servo-Control*, 713 F.2d 788 (Fed. Cir. 1983) 59:601

## TITLE INDEX

- The Activist Legacy of the New Deal Court 59:751
- Administrative Agency Inaction: Misapplication of the Finality Doctrine—*Sierra Club v. Gorsuch*, 715 F.2d 653 (D.C. Cir. 1983) 59:993
- Antitrust Sanctions and Remedies: A Comparative Study of German and Japanese Law 59:471
- Autopsy of a Plain English Insurance Contract: Can Plain English Survive Proximate Cause?—*Graham v. PEMCO*, 98 Wn. 2d 533, 656 P.2d 1077 (1983) 59:565
- Awards of Attorneys' Fees to Nonprevailing Parties Under the Clean Air Act—*Ruckelshaus v. Sierra Club*, 103 S. Ct. 3274 (1983) 59:585
- Community Property—Characterization of the Inflationary Increase in the Value of Separate Property Improved by Community Funds—*In re Marriage of Elam*, 97 Wn. 2d 811, 650 P.2d 213 (1982) 59:341
- Constitutional Protection for Creative Tax Shelter Promoters: Ninth Circuit Restricts the Government's Arsenal of Power—*United States v. Dahlstrom*, 713 F.2d 1423 (9th Cir. 1983), *cert. denied*, 104 S. Ct. 2363 (1984) 59:927
- Constitutionalizing Civil Commitment: Another Attempt—*In re Harris*, 98 Wn. 2d 276, 654 P.2d 109 (1982) 59:375
- Corporate Negligence Actions Against Hospitals—Can the Plaintiff Prove a Case? 59:913
- Court Actions Contesting the Nonjudicial Foreclosure of Deeds of Trust in Washington 59:323
- A Cry for Reform in Construing Washington Municipal Corporation Statutes—*Chemical Bank v. Washington Public Power Supply System*, 99 Wn. 2d 772, 666 P.2d 329 (1983) 59:653
- Entry to Arrest in Third-Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 482 (9th Cir. 1983) 59:965
- The Establishment Clause and Liquor Sales: The Supreme Court Rushes in Where Angels Fear to Tread—*Larkin v. Grendel's Den*, 103 S. Ct. 505 (1982) 59:87
- Federalism and the Wild and Scenic Rivers Act: Now You See It, Now You Don't 59:417
- Foremost Insurance Co. v. Richardson*: If This Is Water, It Must Be Admiralty—*Foremost Insurance Co. v. Richardson*, 457 U.S. 668 (1982) 59:1
- A Fresh Look at Premises Liability as Affected by the Warranty of Habitability 59:141
- The Functions of Consumer Reporting Agencies Under the Fair Credit Reporting Act—*Bryant v. TRW, Inc.*, 689 F.2d 72 (6th Cir. 1982) 59:401
- The Great Depression, the New Deal, and the American Legal Order 59:723
- Informants' Tips and Probable Cause: The Demise of *Aguilar-Spinelli*—*Illinois v. Gates*, 103 S. Ct. 2317 (1983) 59:635
- Is There Any Indian "Law" Left? A Review of the Supreme Court's 1982 Term 59:863
- Justice, War, and the Japanese-American Evacuation and Internment—*Book Review of Justice at War: The Story of the Japanese American Internment Cases* 59:843
- Limited Relief for Federal Employees Hypersensitive to Tobacco Smoke: Federal Employers Who'd Rather Fight May Have to Switch 59:305
- Minority Shareholders and Cashout Mergers: The Delaware Court Offers Plaintiffs Greater Protection and a Procedural Dilemma—*Weinberger v. UOP, Inc.*, 457 A.2d 701 (Del. 1983) 59:119
- Money Damages for Breach of the Federal-Indian Trust Relationship after *Mitchell II*—*United States v. Mitchell*, 103 S. Ct. 2961 (1983) 59:675
- The New Deal and Its Current Significance In Re National Economic and Social Policy 59:795
- The Ninth Circuit's Requirement of Notice to Targets of Third Party Subpoenas in SEC Investigations—A Remedy Without a Right—*Jerry T. O'Brien, Inc. v. SEC*, 704 F.2d 1005 (9th Cir. 1983) 59:617
- Patenting Inventions That Embody Computer Programs Held as Trade Secrets—*White Consolidated Industries v. Vega Servo-Control*, 713 F.2d 788 (Fed. Cir. 1983) 59:601
- Politics and Principles: An Assessment of the Roosevelt Record on Civil Rights and Liberties 59:693
- Protecting the People's Waters: The California Supreme Court Recognizes Two Remedies to Safeguard Public Trust Interests in Water—*National Audubon Society v. Superior Court*, 88 Ca. 3d 419, 658 P.2d 709, 189 Cal. Rptr. 346, *cert. denied*, 104 S. Ct. 413 (1983) 59:357
- Recovery for "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981
- Restricted Distribution Contracts and the Opportunistic Pursuit of Treble Damages 59:27
- Short-Swing Profits in Failed Takeover Bids—The Role of Section 16(b) 59:895
- State Statutory Restrictions on Financial Distributions by Corporations to Shareholders: Part II 59:185
- The Status of Statutes Containing Legislative Veto Provisions After *Chadha*—Does the EEOC Have the Authority to Enforce the Equal Pay Act and the Age Discrimination in Employment Act? 59:549
- Subdivision Exactions in Washington: The Controversy Over Imposing Fees on Developers 59:289
- Toward a Unified Reasonable Use Approach to Water Drainage in Washington 59:61
- A Unified Approach to State and Municipal Tort Liability in Washington 59:533
- Waiving the Physician-Patient Privilege in Involuntary Commitment Proceedings in Washington—*In re R.*, 97 Wn. 2d 182, 641 P.2d 704 (1982) 59:103
- The Warranty of Merchantability and Computer Software Contracts: A Square Peg Won't Fit in a Round Hole 59:511
- Wildcat Strikes in Health Care Institutions—*East Chicago Rehabilitation Center, Inc. v. NLRB*, 710 F.2d 397 (7th Cir. 1983) 59:947



# SUBJECT INDEX

## Administrative Law

Administrative Agency Inaction: Misapplication of the Finality Doctrine—*Sierra Club v. Gorsuch*, 715 F.2d 653 (D.C. Cir. 1983) 59:993

The Ninth Circuit's Requirement of Notice to Targets of Third Party Subpoenas in SEC Investigations—A Remedy Without a Right—*Jerry T. O'Brien, Inc. v. SEC*, 704 F.2d 1065 (9th Cir. 1983) 59:617

Protecting the People's Waters: the California Supreme Court Recognizes Two Remedies to Safeguard Public Trust Interests in Water—*National Audubon Society v. Superior Court*, 33 Ca. 3d 419, 658 P.2d 709, 189 Cal. Rptr. 346, cert. denied, 104 S. Ct. 413 (1983) 59:357

The Status of Statutes Containing Legislative Veto Provisions After *Chadha*—Does the EEOC Have the Authority to Enforce the Equal Pay Act and the Age Discrimination in Employment Act? 59:549

## Admiralty

*Foremost Insurance Co. v. Richardson*: If This is Water, It Must Be Admiralty—*Foremost Insurance Co. v. Richardson*, 457 U.S. 668 (1982) 59:1

## Antitrust

Antitrust Sanctions and Remedies: A Comparative Study of German and Japanese Law 59:471

Restricted Distribution Contracts and the Opportunistic Pursuit of Treble Damages 59:27

## Arrests

Entry to Arrest in Third-Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 782 (1983) 59:965

## Assault and Battery

Limited Relief for Federal Employees Hypersensitive to Tobacco Smoke: Federal Employers Who'd Rather Fight May Have to Switch 59:305

## Attorneys' Fees

Award of Attorneys' Fees to Nonprevailing Parties Under the Clean Air Act—*Ruckelshaus v. Sierra Club*, 103 S. Ct. 3275 (1983) 59:585

## Causation

Recovery for "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

## Church and State

The Establishment Clause and Liquor Sales: The Supreme Court Rushes in Where Angels Fear to Tread—*Larkin v. Grendel's Den*, 103 S. Ct. 505 (1982) 59:87

## Civil Procedure

Minority Shareholders and Cashout Mergers: The Delaware Court Offers Plaintiffs Greater Protection and a Procedural Dilemma—*Weinberger v. UOP*, 457 A.2d 701 (Del. 1983) 59:119

## Civil Rights

Politics and Principles: An Assessment of the Roosevelt Record on Civil Rights and Liberties 59:693

## Community Property

Community Property—Characterization of the Inflationary Increase in the Value of Separate Property Improved by Community Funds—*In re Marriage of Elam*, 97 Wn. 2d 811, 650 P.2d 213 (1982) 59:341

## Comparative Law

Antitrust Sanctions and Remedies: A Comparative Study of German and Japanese Law 59:471

## Computer Law

Patenting Inventions That Embody Computer Programs Held as Trade Secrets—*White Consolidated Industries v. Vega Servo-Control*, 713 F.2d 788 (Fed. Cir. 1983) 59:601

The Warranty of Merchantability and Computer Software Contracts: A Square Peg Won't Fit in a Round Hole 59:511

## Constitutional Law

Constitutionalizing Civil Commitment: Another Attempt—*In re Harris*, 98 Wn. 2d 276, 654 P.2d 109 (1982) 59:375

Constitutional Protection for Creative Tax Shelter Promoters: Ninth Circuit Restricts the Government's Arsenal of Power—*United States v. Dahlstrom*, 713 F.2d 1423 (9th Cir. 1983), cert. denied, 104 S. Ct. 2363 (1984) 59:927

Entry to Arrest in Third Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 782 (1983) 59:965

The Establishment Clause and Liquor Sales: The Supreme Court Rushes in Where Angels Fear to Tread—*Larkin v. Grendel's Den*, 103 S. Ct. 505 (1982) 59:87

Justice, War, and the Japanese-American Evacuation and Internment—*Book Review of Justice at War: The Story of the Japanese American Internment Cases* 59:843

Limited Relief for Federal Employees Hypersensitive to Tobacco Smoke: Federal Employers Who'd Rather Fight May Have to Switch 59:305

The Ninth Circuit's Requirement of Notice to Targets of Third Party Subpoenas in SEC Investigations—A Remedy Without a Right—*Jerry T. O'Brien, Inc. v. SEC*, 704 F.2d 1065 (9th Cir. 1983) 59:617

The Status of Statutes Containing Legislative Veto Provisions after *Chadha*—Does the EEOC Have the Authority to Enforce the Equal Pay Act and the Age Discrimination in Employment Act? 59:549

## Contracts

Autopsy of a Plain English Insurance Contract: Can Plain English Survive Proximate Cause?—*Graham v. PEMCO*, 98 Wn. 2d 533, 656 P.2d 1077 (1983) 59:565

Restricted Distribution Contracts and the Opportunistic Pursuit of Treble Damages 59:27

The Warranty of Merchantability and Computer Software Contracts: A Square Peg Won't Fit in a Round Hole 59:511



## Consumer Rights

The Functions of Consumer Reporting Agencies Under the Fair Credit Reporting Act—*Bryant v. TRW, Inc.*, 689 F.2d 72 (6th Cir. 1982) 59:401

Restricted Distribution Contracts and the Opportunistic Pursuit of Treble Damages 59:27

## Copyright

Patenting Inventions That Embody Computer Programs Held as Trade Secrets—*White Consolidated Industries v. Vega Servo-Control*, 713 F.2d 688 (Fed. Cir. 1983) 59:601

## Corporations

A Cry For Reform in Construing Washington Municipal Corporation Statutes—*Chemical Bank v. Washington Public Power Supply System*, 99 Wn. 2d 772, 666 P.2d 329 (1983) 59:653

Minority Shareholders and Cashout Mergers: The Delaware Court Offers Plaintiffs Greater Protection and a Procedural Dilemma—*Weinberger v. UOP, Inc.*, 457 A.2d 701 (Del. 1983) 59:119

State Statutory Restrictions on Financial Distributions by Corporations to Shareholders: Part II 59:185

## Courts

The Activist Legacy of the New Deal Court 59:751

Is There Any Indian “Law” Left? A Review of the Supreme Court’s 1982 Term 59:863

## Creditor and Debtor

Court Actions Contesting the Nonjudicial Foreclosure of Deeds of Trust in Washington 59:323

The Functions of Consumer Reporting Agencies Under the Fair Credit Reporting Act—*Bryant v. TRW, Inc.*, 689 F.2d 72 (6th Cir. 1982) 59:401

## Criminal Procedure

Entry to Arrest in Third-Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 482 (1983) 59:965

Informants’ Tips and Probable Cause: The Demise of *Aguilar-Spinelli*—*Illinois v. Gates*, 103 S. Ct. 2317 (1983) 59:635

## Damages

Recovery For “Loss of Chance” in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

Restricted Distribution Contracts and the Opportunistic Pursuit of Treble Damages 59:27

## Discovery

Corporate Negligence Actions Against Hospitals—Can the Plaintiff Prove a Case? 59:913

## Due Process of Law

Constitutionalizing Civil Commitment: Another Attempt—*In re Harris*, 98 Wn. 2d 276, 654 P.2d 109 (1982) 59:375

Constitutional Protection for Creative Tax Shelter Promoters: Ninth Circuit Restricts the Government’s Arsenal of Power—*United States v. Dahlstrom*, 713 F.2d 1423 (9th Cir. 1983), *cert. denied*, 104 S. Ct. 2363 (1984) 59:927

Limited Relief for Federal Employees Hypersensitive to Tobacco Smoke: Federal Employers Who’d Rather Fight May Have to Switch 59:305

The Ninth Circuit’s Requirement of Notice to Targets of Third Party Subpoenas in SEC Investigations—A Remedy Without a Right—*Jerry T. O’Brien, Inc. v. SEC*, 704 F.2d 1065 (9th Cir. 1983) 59:617

## Economics

The Activist Legacy of the New Deal Court 59:751

The Great Depression, the New Deal, and The American Legal Order 59:723

The New Deal and Its Current Significance In Re National Economic and Social Policy 59:795

Restricted Distribution Contracts and the Opportunistic Pursuit of Treble Damages 59:27

## Employee Rights

Limited Relief for Federal Employees Hypersensitive to Tobacco Smoke: Federal Employers Who’d Rather Fight May Have to Switch 59:305

## Employer and Employee

Wildcat Strikes in Health Care Institutions—*East Chicago Rehabilitation Center, Inc. v. NLRB*, 710 F.2d 397 (1983) 59:947

## Entry to Arrest

Entry to Arrest in Third-Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 782 (1983) 59:965

## Environmental Law

Award of Attorney’s Fees to Nonprevailing Parties Under the Clean Air Act—*Ruckelshaus v. Sierra Club*, 103 S. Ct. 3275 (1983) 59:585

Federalism and the Wild and Scenic Rivers Act: Now You See It, Now You Don’t 59:417

Protecting the People’s Waters: the California Supreme Court Recognizes Two Remedies to Safeguard Public Trust Interest in Water—*National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 658 P.2d 709, 189 Cal. Rptr. 346, *cert. denied*, 104 S. Ct. 413 (1983) 59:357

## Establishment Clause

The Establishment Clause and Liquor Sales: The Supreme Court Rushes In Where Angels Fear to Tread—*Larkin v. Grendel’s Den*, 103 S. Ct. 505 (1982) 59:87

## Exclusionary Rule

Informants’ Tips and Probable Cause: The Demise of *Aguilar-Spinelli*—*Illinois v. Gates*, 103 S. Ct. 2317 (1983) 59:635

## Federalism

Federalism and the Wild and Scenic Rivers Act: Now You See It, Now You Don’t 59:417

## Fiduciary Relationships

Minority Shareholders and Cashout Mergers: The Delaware Court Offers Plaintiffs Greater Protection and a Procedural Dilemma—*Weinberger v. UOP, Inc.*, 457 A.2d 701 (Del. 1983) 59:119

Money Damages for Breach of the Federal-Indian Trust Relationship after *Mitchell II*—*United States v. Mitchell*, 103 S. Ct. 2961 (1983) 59:675

## Fraud

State Statutory Restrictions on Financial Distributions by Corporations to Shareholders: Part II 59:185

Constitutional Protection for Creative Tax Shelter Promoters: Ninth Circuit Restricts the Government's Arsenal of Power—*United States v. Dahlsrom*, 713 F.2d 1423 (9th Cir. 1983), *cert. denied*, 104 S. Ct. 2363 (1984) 59:927

#### German Law

Antitrust Sanctions and Remedies: A Comparative Study of German and Japanese Law 59:471

#### History

The Activist Legacy of the New Deal Court 59:751

Justice, War, and the Japanese-American Evacuation and Internment—*Book Review of Justice at War: The Story of the Japanese American Internment Cases* 59:843

Politics and Principles: An Assessment of the Roosevelt Record on Civil Rights and Liberties 59:693

The Great Depression, the New Deal, and the American Legal Order 59:723

The New Deal and Its Current Significance In Re National Economic and Social Policy 59:795

#### Hospitals

Corporate Negligence Actions Against Hospitals—Can the Plaintiff Prove a Case? 59:913

#### Indian Law

Is There Any Indian "Law" Left? A Review of the Supreme Court's 1982 Term 59:863

Money Damages for Breach of the Federal-Indian Trust Relationship after *Mitchell II*—*United States v. Mitchell*, 103 S. Ct. 2961 (1983) 59:675

#### Informants

Informants' Tips and Probable Cause: The Demise of *Aguilar-Spinelli*—*Illinois v. Gates*, 103 S. Ct. 2317 (1983) 59:635

#### Insurance

Autopsy of a Plain English Insurance Contract: Can Plain English Survive Proximate Cause? *Graham v. PEMCO*, 98 Wn. 2d 533, 656 P.2d 1077 (1983) 59:565

#### Involuntary Commitment

Constitutionalizing Civil Commitment: Another Attempt—*In re Harris*, 98 Wn. 2d 276, 654 P.2d 109 (1982) 59:375

Waiving the Physician-Patient Privilege in Involuntary Commitment Proceedings in Washington—*In re R.*, 97 Wn. 2d 182, 641 P.2d 704 (1982) 59:103

#### Japanese Law

Antitrust Sanctions and Remedies: A Comparative Study of German and Japanese Law 59:471

#### Judicial Review

The Ninth Circuit's Requirement of Notice to Targets of Third Party Subpoenas in SEC Investigations—A Remedy Without a Right—*Jerry T. O'Brien, Inc. v. SEC*, 704 F.2d 1065 (9th Cir. 1983) 59:617

Administrative Agency Inaction: Misapplication of the Finality Doctrine—*Sierra Club v. Gorsuch*, 715 F.2d 653 (D.C. Cir. 1983) 59:993

#### Jurisdiction

*Foremost Insurance Co. v. Richardson*: If This is Water It Must Be Admiralty—*Foremost Insurance Co. v. Richardson*, 457 U.S. 668 (1982) 59:1

#### Labor Law

Wildcat Strikes in Health Care Institutions—*East Chicago Rehabilitation Center, Inc. v. NLRB*, 710 F.2d 397 (1983) 59:947

#### Land Use

Federalism and the Wild and Scenic Rivers Act: Now You See It, Now You Don't 59:417

Toward a Unified Reasonable Use Approach to Water Drainage in Washington 59:61

#### Landlord and Tenant

A Fresh Look at Premises Liability as Affected by the Warranty of Habitability 59:141

#### Legal Drafting

Autopsy of a Plain English Insurance Contract: Can Plain English Survive Proximate Cause?—*Graham v. PEMCO*, 98 Wn. 2d 533, 656 P.2d 1077 (1983) 59:565

#### Legislative Veto

The Status of Statutes Containing Legislative Veto Provisions after *Chadha*—Does the EEOC Have the Authority to Enforce the Equal Pay Act and the Age Discrimination in Employment Act? 59:549

#### Loss of Chance

Recovery for "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

#### Medical Malpractice

Corporate Negligence Actions Against Hospitals—Can the Plaintiff Prove a Case? 59:913

Recovery for "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

#### Mental Disorders

Constitutionalizing Civil Commitment: Another Attempt—*In re Harris*, 98 Wn. 2d 276, 654 P.2d 109 (1982) 59:375

Waiving the Physician-Patient Privilege in Involuntary Commitment Proceedings in Washington—*In re R.*, 97 Wn. 2d 182, 641 P.2d 704 (1982) 59:103

#### Municipal Corporations

A Cry For Reform In Construing Washington Municipal Corporation Statutes—*Chemical Bank v. Washington Public Power Supply System*, 99 Wn. 2d 772, 666 P.2d 329 (1983) 59:653

#### Negligence

Corporate Negligence Actions Against Hospitals—Can the Plaintiff Prove a Case? 59:913

Recovery for "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

The Warranty of Merchantability and Computer Software Contracts: A Square Peg Won't Fit in a Round Hole 59:511

#### New Deal

The Activist Legacy of the New Deal Court 59:751

The Great Depression, the New Deal, and the American Legal Order 59:723

The New Deal and Its Current Significance In Re National Economic and Social Policy 59:795

## Nuisance

Limited Relief for Federal Employees Hypersensitive to Tobacco Smoke: Federal Employers Who'd Rather Fight May Have to Switch 59:305

## Patents

Patenting Inventions That Embody Computer Programs Held as Trade Secrets—*White Consolidated Industries v. Vega Servo-Control*, 713 F.2d 788 (Fed. Cir. 1983) 59:601

## Personal Injury

A Fresh Look at Premises Liability as Affected by the Warranty of Habitability 59:141

Recovery for "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

## Physicians and Surgeons

Corporate Negligence Actions Against Hospitals—Can the Plaintiff Prove a Case? 59:913

Recovery for "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

## Premises Liability

A Fresh Look at Premises Liability as Affected by the Warranty of Habitability 59:141

## Privacy

Entry to Arrest in Third-Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 782 (1983) 59:965

## Privileges

Waiving the Physician-Patient Privilege in Involuntary Commitment Proceedings in Washington—*In re R.*, 97 Wn. 2d 182, 641 P.2d 704 (1982) 59:103

## Probable Cause

Informants' Tips and Probable Cause: The Demise of *Aguilar-Spinelli*—*Illinois v. Gates*, 103 S. Ct. 2317 (1983) 59:635

## Products Liability

The Warranty of Merchantability and Computer Software Contracts: A Square Peg Won't Fit in A Round Hole 59:511

## Property

Community Property—Characterization of the Inflationary Increase in the Value of Separate Property Improved by Community Funds—*In re Marriage of Elam*, 97 Wn. 2d 811, 650 P.2d 213 (1982) 59:341

Court Actions Contesting the Nonjudicial Foreclosure of Deeds of Trust in Washington 59:323

A Fresh Look at Premises Liability as Affected by the Warranty of Habitability 59:141

Subdivision Exactions in Washington: The Controversy Over Imposing Fees on Developers 59:289

## Proximate Cause

Autopsy of a Plain English Insurance Contract: Can Plain English Survive Proximate Cause?—*Graham v. PEMCO*, 98 Wn. 2d 533, 656 P.2d 1077 (1983) 59:565

## Public Duty Doctrine

A Unified Approach to State and Municipal Tort Liability in Washington 59:533

## Public Resources

Federalism and the Wild and Scenic Rivers Act: Now You See It, Now You Don't 59:417

## Public Trusts

Protecting the People's Waters: the California Supreme Court Recognizes Two Remedies to Safeguard Public Trust Interests in Water—*National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 658 P.2d 709, 189 Cal. Rptr. 346, cert. denied, 104 S. Ct. 413 (1983) 59:357

## Search and Seizure

Entry to Arrest in Third-Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 782 (1983) 59:965

Informant's Tips and Probable Cause: The Demise of *Aguilar-Spinelli*—*Illinois v. Gates*, 103 S. Ct. 2317 (1983) 59:635

## Securities

The Ninth Circuit's Requirement of Notice to Targets of Third Party Subpoenas in SEC Investigations—A Remedy without a Right—*Jerry T. O'Brien Inc. v. SEC*, 704 F.2d 1065 (9th Cir. 1983) 59:617.

## Social Policy

Politics and Principles: An Assessment of the Roosevelt Record on Civil Rights and Liberties 59:693

The New Deal and Its Current Significance in Re National Economic and Social Policy 59:795

## Sovereign Immunity

A Unified Approach to State and Municipal Tort Liability in Washington 59:533

## Standing

Entry to Arrest in Third-Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 782 (1983) 59:965

## State and Local Government

A Cry For Reform in Construing Washington Municipal Corporation Statutes—*Chemical Bank v. Washington Public Power Supply System*, 99 Wn. 2d 772, 666 P.2d 329 (1983) 59:653

A Unified Approach to State and Municipal Tort Liability in Washington 59:533

## Statutes

Antitrust Sanctions and Remedies: A Comparative Study of German and Japanese Law 59:471

Corporate Negligence Actions Against Hospitals—Can the Plaintiff Prove a Case? 59:913

A Cry For Reform in Construing Washington Municipal Corporation Statutes—*Chemical Bank v. Washington Public Power Supply System*, 99 Wn. 2d 772, 666 P.2d 329 (1983) 59:653

Federalism and the Wild and Scenic Rivers Act: Now You See It, Now You Don't 59:417

The Functions of Consumer Reporting Agencies Under the Fair Credit Reporting Act—*Bryant v. TRW, Inc.*, 689 F.2d 72 (6th Cir. 1982) 59:401

State Statutory Restrictions on Financial Distributions by Corporations to Shareholders: Part II 59:185

The Status of Statutes Containing Legislative Veto Provisions After *Chadha*—Does the EEOC Have the Authority to Enforce the Equal Pay Act and the Age Discrimination in Employment Act? 59:549

## Subdivisions

Subdivision Exactions in Washington: The Controversy Over Imposing Fees on Developers 59:289

## Subpoenas

The Ninth Circuit's Requirement of Notice of Targets of Third Party Subpoenas in SEC Investigations—A Remedy Without a Right—*Jerry T. O'Brien Inc. v. SEC*, 704 F.2d 1065 (9th Cir. 1983) 59:617.

## Supreme Court Review

Is There Any Indian "Law" Left? A Review of the Supreme Court's 1982 Term 59:863

## Taxation

Constitutional Protection for Creative Tax Shelter Promoters: Ninth Circuit Restricts the Government's Arsenal of Power—*United States v. Dahlstrom*, 713 F.2d 1423 (9th Cir. 1983), *cert. denied* 104 S. Ct. 2363 (1984) 59:927

## Torts

A Fresh Look at Premises Liability as Affected by the Warranty of Habitability 59:141

*Foremost Insurance Co. v. Richardson*: If This is Water It Must Be Admiralty—*Foremost Insurance Co. v. Richardson*, 457 U.S. 668 (1982) 59:1

Limited Relief for Federal Employees Hypersensitive to Tobacco Smoke: Federal Employers Who'd Rather Fight May Have to Switch 59:305

Recovery For "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981

A Unified Approach to State and Municipal Tort Liability in Washington 59:533

## Trade Secrets

Patenting Inventions That Embody Computer Programs Held as Trade Secrets—*White Consolidated Industries v. Vega Servo-Control*, 713 F.2d 788 (Fed. Cir. 1983), 59:601

## Trust Relationships

Money Damages for Breach of the Federal-Indian Trust Relationship after *Mitchell II*—*United States v. Mitchell*, 103 S. Ct. 2961 (1983) 59:675

## Warrants

Entry to Arrest in Third-Party Homes: Ninth Circuit Opens the Door—*United States v. Underwood*, 717 F.2d 782 (1983) 59:965

Informants' Tips and Probable Cause: The Demise of *Aguilar-Spinelli*—*Illinois v. Gates*, 103 S. Ct. 2317 (1983) 59:635

## Warranty

A Fresh Look at Premises Liability as Affected by the Warranty of Habitability 59:141

The Warranty of Merchantability and Computer Software Contracts: A Square Peg Won't Fit in a Round Hole 59:511

## Water Law

Federalism and the Wild and Scenic Rivers Act: Now You See It, Now You Don't 59:417

Protecting the People's Waters: the California Supreme Court Recognizes Two Remedies to Safeguard Public Trust Interests in Water—*National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 658 P.2d 709, 189 Cal. Rptr. 346, *cert. denied*, 104 S. Ct. 413 (1983) 59:357

Toward a Unified Reasonable Use Approach to Water Drainage in Washington 59:61

## Wrongful Death

Recovery For "Loss of Chance" in a Wrongful Death Action—*Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983) 59:981



## CASE INDEX

Cases that received textual treatment are included in this index. Cases in italic type form the basis for an article, comment, or recent development.

- Abbott Laboratories v. Gardner 59:996-1003  
*Aguilar v. Texas* 59:635  
Albrecht v. Herald Co. 59:44  
Alz v. Leiberson 59:146, 147  
Baerlin v. State 59:543, 544  
Barron v. Baltimore 59:754  
Brennan v. Cockrell Investments 59:156  
Breuer v. Fourre 59:291  
Bridges v. California 59:755-56  
Brown v. Board of Education 59:758-60  
Bruener v. Twin City Fire Ins. 59:571-77  
*Bryant v. TRW, Inc.* 59:401  
Buckley v. Valeo 59:554  
Burch v. Louisiana 59:761  
Carter v. Carter Coal Co. 59:732  
Chambers v. Lowe 59:146, 156  
Chambers-Castanes v. King County 59:544  
Champlin Refining Co. v. Corporation Commission 59:553-55  
Carter v. Carter Coal Co. 59:553, 554  
Chatlos Systems v. National Cash Register Corp. 59:527  
*Chemical Bank v. Washington Public Power Supply System* 59:653  
City of Issaquah v. Teleprompter Corp. 59:666  
*Coburn v. Seda*, 59:913  
County of Del Norte v. Brown 59:452, 461, 466, 467  
County of Del Norte v. United States 59:463-70  
County of Josephine v. Watt 59:463  
Crowell v. McCaffrey 59:167  
Curry v. New York City Housing Authority 59:170, 171  
David J. Greene v. Schenley Industries, Inc. 59:129  
DeJonge v. Oregon, 59:734  
Del Norte v. United States 59:455  
Dr. Miles Medical Co. v. John D. Park & Sons Co. 59:39, 40  
Duke v. Clark 59:167  
*East Chicago Rehabilitation Center, Inc. v. NLRB* 59:947  
Emporium Capwell Co. v. Western Addition Community Org. 59:950  
Erie v. Tompkins 59:744  
*Ex Parte* Endo 59:718-20  
Executive Jet Aviation, Inc. v. City of Cleveland 59:4-26  
EDF v. Ruckelshaus 59:1001  
EEOC v. Allstate Insurance Co. 59:550-63  
EEOC v. Chrysler Corp. 59:550-62  
*Foremost Insurance Co. v. Richardson*, 59:1  
Franklin Packaging Co. v. California Union Insurance Company 59:575  
FTC v. Standard Oil Co. of California 59:620, 621, 631  
Furman v. Georgia, 59:765  
Goodman v. Ramirez 59:170  
*Graham v. Public Employees Mut. Ins. Co.* 59:565  
Grayned v. City of Rockford 59:97  
Greene v. McElroy 59:556, 557  
Guye v. Guye 59:350  
Halvorson v. Dahl 59:545, 546  
Hamlin v. Merlino 59:346, 347, 349  
*Herskovits v. Group Health* 59:981  
Hillis Homes, Inc. v. Snohomish County 59:289-302  
Hirabayashi v. United States 59:718-20, 849-58  
Holmes v. Walton 59:760-61  
Home Building & Loan v. Blaisdell 59:730  
Houston, E. & W. Texas R.R. v. United States (Shreveport) 59:734  
*Illinois v. Gates* 59:635  
*Immigration & Naturalization Service v. Chadha* 59:549  
*In re Marriage of Elam* 59:341  
*In re Harris* 59:375  
In re Levias 59:381  
In re Marriage of Harshman 59:347, 348, 349  
In re Marriage of Johnson 59:347, 348, 349  
*In re R.* 59:103  
Isbrandtsen-Moller Co. v. United States 59:556  
James v. United States 59:933-36  
*Jerry T. O'Brien, Inc. v. SEC* 59:617  
Johnson v. Carter 59:145, 147, 156  
Jones v. Securities & Exchange Commission 59:732  
Jones v. United States 59:637, 642, 969-79  
K.K. Miyagawa v. Gifu Shōkō Shinyō Kumiai 59:504  
Kamarath v. Bennett 59:162  
Kaplan v. Courtson 59:169, 170, 180  
*Kern County Land Co. v. Occidental Petroleum, Inc.* 59:899  
Kiefer-Stewart Co. v. Joseph E. Seagram & Sons, Inc. 59:44  
King v. City of Seattle 59:536  
Kline v. Burns 59:163  
Korematsu v. United States 59: 718-20, 846-62  
Kōsei Torihiki I'inkai v. Nōrin renraku Kyōgōkai 59:484  
Kōsei Torihiki I'inkai. v. Ōkawa K.K. 59:484  
Kōsei Torihiki I'inkai v. Yamaichi Shoken K.K. 59:499, 500  
Krankenhauszusatzversicherung 59:499, 500  
Kuni v. Idemitsu Kōsan K.K. 59:484  
Kuni v. Sekiyu Renmei 59:484  
*Larkin v. Grendel's Den* 59:87  
Lessard v. Schmidt 59:377-80, 389  
Lynch v. Vickers Energy Corp. (Lynch II) 59:128

Marbury v. Madison 59:754, 787  
 Mathews v. Eldridge 59:380, 384, 392  
 Mayor of New York v. Miln 59:763  
 McBride v. 218 E. 70th Street Associates 59:170, 171  
 McCoy v. Ware 59:347-51  
 McGautha v. California 59:765  
 Miller v. Credit Bureau, Inc. 59:406  
 Miller v. Wilson 59:734  
 Minnesota Rate Cases 59:734  
 Montana v. United States 59:871  
 Morris v. McNichol 59:72-84  
 Muller Optical Co. v. EEOC 59:550, 555, 556  
 Municipality of Metropolitan Seattle v. City of Seattle (Metro) 59:664  
 National Audubon Society v. Superior Court (Mono Lake) 59:357  
 National Resources Defense Council, Inc. v. EPA 59:590, 591  
 Near v. Minnesota 59:756  
 Nebbia v. New York 59:730  
 Nevada v. United States 59:887-90  
 New Mexico v. Mescalero Apache Tribe 59:871-73  
 NLRB v. R.C. Can Co. 59:951-61  
 NLRB v. Jones & Laughlin Steel Corp. 59:703, 731, 734, 744  
 Ōkawa v. Matsushita Denka Sangyō K.K. 59:502  
 Old Town Development Co. v. Langford 59:171, 173, 180  
 Oliphant v. Suquamish Indian Tribe 59:891-92  
 Parodi v. Merit System Protection Board 59:306-22  
 Patterson v. Colorado 59:756  
 Patton v. United States 59:761  
 Payton v. New York 59:966-79  
 Pedroza v. Bryant 59:913  
 Pendergrast v. Aiken 59:75  
 Peoples National Bank v. Ostrander 59:330  
 People v. Freer 59:756  
 Perma Life Muffler, Inc. v. International Parts Corp. 59:58  
 Provident Securities, Inc. v. Foremost-McKesson 59:900  
 Rakas v. Illinois 59:970-79  
 Reliance Electric Co. v. Emerson Electric Co. 59:899  
 Republica v. Oswald 59:756  
 Rice v. Rehner 59:873-76  
 Roberts v. City of Boston 59:792-93  
 Roland Corp. v. Najjar 59:130  
 Ruckelshaus v. Sierra Club 59:585  
 Samuel Black Co. v. Burroughs Corp. 59:513, 514  
 Sargent v. Ross 59:155  
 Schechter Poultry Co. v. United States 59:732  
 Screws v. United States 59:709-10  
 Shapiro v. Thompson 59:762-64  
 Shimp v. New Jersey Bell Telephone Co. 59:307, 308  
 Shroades v. Rental Homes, Inc. 59:155  
 Sierra Club v. Costle 59:585  
 Sierra Club v. Gorsuch 59:993  
 Sierra Club v. Morton 59:627  
 Sindell v. Abbott Laboratories 59:983  
 Singer v. Magnavox Co. 59:122-29  
 Smolowe v. Delendo Corp. 59:909  
 Summers v. Tice 59:983  
 Southeastern Community College v. Davis 59:317  
 Spinelli v. United States 59:635  
 State v. Sullivan 59:113  
 Stauffer v. Standard Brands, Inc. 59:129  
 Steagald v. United States 59:965-79  
 Stewart Machine Co. v. Davis 59:744  
 Stromberg v. California 59:734  
 Suzuki v. Yuen 59:383, 389  
 Tanzer v. International Gen. Indus., Inc. 59:122, 126  
 Taylor v. United States 59:113  
 Teerfarben 59:499  
 Toilet Goods Association v. Gardner 59:999, 1000  
 Triangle Underwriters v. Honeywell, Inc. 59:513, 514  
 United States v. Baskes 59:934-46  
 United States v. Butler 59:732  
 United States v. Clardy 59:934-46  
 United States v. Classic 59:708  
 United States v. Critzer 59:933-46  
 United States v. Dahlstrom 59:927  
 United States v. Garber 59:933  
 United States v. Ingredient Technology Corp. 59:934-46  
 United States v. Jackson 59:553, 554  
 United States v. Mitchell (Mitchell I) 59:678-88, 884  
 United States v. Mitchell (Mitchell II) 59:675, 882-86  
 United States v. Powell 59:617-31  
 United States v. Town of North Bonneville 59:666  
 United States v. Underwood 59:965  
 Vickers v. Veterans Administration 59:306-22  
 Weinberger v. UOP, Inc. 59:119  
 West Coast Hotel v. Parrish 59:733  
 Whetzel v. Jess Fisher Management Co. 59:148-50  
 White Consolidated Industries v. Vega Servo-Control 59:601  
 Williams v. Florida 59:760-61  
 Winters v. United States 59:887  
 Yasui v. United States 59:718-20  
 Young v. American Mini Theatres 59:97  
 Zmda v. Commissioner 59:935, 939