

Louisiana Law Review

Volume 37 | Number 1
Fall 1976

Contents

Repository Citation

Contents, 37 La. L. Rev. (1976)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol37/iss1/3>

This Front Matter is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in Louisiana Law Review by an authorized editor of LSU Law Digital Commons. For more information, please contact kreed25@lsu.edu.

Louisiana Law Review

VOLUME 37
1976-1977

CONTENTS

Issue Number 1

ARTICLES

Death on the <i>Callais</i> Coach: The Mystery of Louisiana Wrongful Death and Survival Actions	<i>H. Alston Johnson III</i>	1
The Strongest Presumption Challenged: Speculations on Warren v. Richard and Succession of Mitchell	<i>Katherine Shaw Spaht and William Marshall Shaw, Jr.</i>	59
THE WORK OF THE LOUISIANA LEGISLATURE FOR THE 1976 REGULAR SESSION—A STUDENT SYMPOSIUM	<i>Kathleen Manning Malcolm S. Murchison Judy F. Pierce Randall C. Songy James C. Wear</i>	89
Introduction		89
Private Law		95
Persons		95
Property		106
Successions		110
Torts		112
Matrimonial Regimes		123
Security Devices		129
Trusts and Estate Planning		131
Corporations		133
Financial Institutions		134
Public Law		136
Administrative Law and Procedure		136
Expropriation		147
Criminal Law		151
Insurance		156
State and Local Taxation		158

State and Local Government	168
Labor and Employment	178
Procedure	187
Civil Procedure	187
Pretrial Criminal Procedure	193
Criminal Trial Procedure	195
Postconviction Procedure	199
Evidence	201
COMMENTS	
Joinder of Offenses: Louisiana's New Approach in Historical Perspective	
	<i>David S. Kelly</i> 203
NOTES	
The "Discovery" of Article 2317 (<i>Loescher v. Parr</i> , La. 1976)	
	<i>David Dugas</i> 234
Supervisory Writs: A Solution to the Conflict Between Appellate Review of Facts and the Right to a Civil Jury Trial? (<i>Gonzalez v. Xerox Corp.</i> , La. 1975)	
	<i>Edward R. Greenlee</i> 241
A New Standard of Fault for the Reportorial Privilege (<i>Time, Inc. v. Firestone</i> , U.S. 1976)	
	<i>Paula Hazelrig Hickman</i> 247
Scienter Requirements Under Section 10(b) and Rule 10b-5 (<i>Ernst & Ernst v. Hochfelder</i> , U.S. 1976)	
	<i>William Deryl Medlin</i> 255
Purely Commercial Speech and its Relationship to the First Amendment	
	<i>Paul Preston</i> 263
State Protection of the Viable Unborn Child After <i>Roe v. Wade</i> : How Little, How Late? (<i>Planned Parenthood of Central Missouri v. Danforth</i> , U.S. 1976)	
	<i>Grover Rees III</i> 270
Predial Leases and Personal Rights (<i>Prados v. South Central Bell</i> , La. 1976)	
	<i>David S. Rubin</i> 282
The Fourth Amendment Exclusionary Rule in Federal Habeas Corpus (<i>Stone v. Powell</i> , U.S. 1976)	
	<i>Joseph L. Shea</i> 289

BOOK REVIEW

“SQUEEZE-OUTS” OF MINORITY SHAREHOLDERS: EXPULSION OR
 OPPRESSION OF BUSINESS ASSOCIATES. By F. Hodge O’Neal.
 Callaghan & Co., Chicago, Ill., Pp. xiv, 732. \$37.50.

Glen A. Payne 297

Issue Number 2

The Work of the Louisiana Appellate Courts for the 1975-1976 Term

Faculty Symposium

ARTICLES

Private Law

Persons

Katherine Shaw Spaht 305

Property

A.N. Yiannopoulos 317

Obligations

*Katherine Shaw Spaht and
 H. Alston Johnson III* 332

Torts

William E. Crawford 348

Matrimonial Regimes

Robert A. Pascal 358

Mandate

Milton M. Harrison 375

Partnership

Milton M. Harrison 377

Security Devices

Thomas A. Harrell 379

Prescription

Winston R. Day 386

Corporations

Milton M. Harrison 390

Mineral Rights

Frederick W. Ellis 393

Commercial Paper and Bank
 Deposits and Collections

Ronald L. Hersbergen 406

Successions and Donations	<i>Carlos E. Lazarus</i>	421
Public Law		
Bankruptcy	<i>Hector Currie</i>	440
Conflict of Laws	<i>Howard W. L'Enfant, Jr.</i>	444
Consumer Law	<i>Ronald L. Hersbergen</i>	450
Criminal Law	<i>Roger Stetter</i>	461
Louisiana Constitutional Law	<i>Lee Hargrave</i>	480
Insurance	<i>W. Shelby McKenzie</i>	494
Professional Responsibility	<i>A. Leon Hebert</i>	499
Workmen's Compensation	<i>H. Alston Johnson III</i>	512
Procedure		
Civil Procedure	<i>Frank L. Maraist</i>	528
Pretrial Criminal Procedure	<i>P. Raymond Lamonica</i>	535
Criminal Trial Procedure	<i>John S. Baker, Jr.</i>	554
Postconviction Procedure	<i>Cheney C. Joseph, Jr.</i>	568
Evidence	<i>George W. Pugh and James R. McClelland</i>	575
NOTES		
Bar Owners, Inebriates, and Last Clear Chance	<i>Linton W. Carney</i>	617
Nonpecuniary Damages in Breach of Contract: Louisiana Civil Code Article 1934	<i>Steve M. Marks</i>	625

1976-1977]

VOLUME CONTENTS

The Game's Afoot: The Storekeeper's Heightened Responsibility
For Slip and Fall Accidents
Bruce James Oreck 634

BOOKS RECEIVED 641

Issue Number 3

ARTICLES

Introduction to 1976-1977 Special Issue of the
Louisiana Law Review 643

The Future of the Civil Law
Julio C. Cueto-Rua 645

Some Observations on the Role of the
Judge Under the Swiss Civil Code
Alfred E. von Overbeck 681

The French Law of Filiation
Marie-Louise Engelhard-Grosjean 701

Abuse of Rights in Dutch Civil Law
Chris J.H. Brunner 729

Classical Social Theories and the
Doctrine of "Abuse of Right"
Shael Herman 747

BOOK REVIEW

OBLIGATIONS IN POLISH LAW. By W.J. Wagner. Leiden,
Sijthoff, 1974. Pp. ix, 287 (Vol. 2 of Polish
Civil Law, D. Lasok, ed.; and Vol. 18(2) of Law
in Eastern Europe)
Jurij Fedynskyj 761

Special Supplement to Issue Number 3

Paul Macarius Hebert

Francis C. Sullivan iHighlights of the Professional and Academic
Careers of Paul Macarius Hebert

iii

A Resolution of The Board of Supervisors of
Louisiana State University

v

Funeral Remarks

vii

Through The Periscope of A Long-Time Dean

Paul M. Hebert xi**Issue Number 4**

ARTICLES

The Judiciary Article of the Louisiana
Constitution of 1974*Lee Hargrave* 765

COMMENTS

The Effects of the 200-Mile United
States Fishing Zone*Sarah Weckel Hays* 852Fiduciary Duties of Union Officers
Under Section 501 of the LMRDA*Pete Lewis* 875Rescinding Ratification of Proposed Constitutional
Amendments—A Question for the Court*Grover Rees III* 896

NOTES

Sympathy Strikes and Federal Court Injunctions
(*Buffalo Forge Co. v. United Steelworkers
of America, U.S. 1976*)*C. John Caskey* 926

A State Sovereignty Limitation on the Commerce Power (<i>National League of Cities v. Usery, U.S. 1976</i>)	<i>Richard Curry</i>	933
Due Process and the University Student: The Academic/Disciplinary Dichotomy	<i>M. Michele Fournet</i>	939
Toward a More Rational Analysis of the State Action Exemption in Antitrust Law (<i>Cantor v. Detroit Edison Co., U.S. 1976</i>)	<i>Jerry Harper</i>	949
Louisiana Constitutional Law: Husband's Burden of Providing Alimony and Child Support	<i>Douglas C. Longman, Jr.</i>	957
The Nature of Alimony—Separate or Community Obligation? (<i>Connell v. Connell, La. 1976</i>)	<i>Phillip L. McIntosh</i>	965
Racial Discrimination under the Constitution and Title VII—More Deference to the Reasonable Practices of Lawmakers and Employers (<i>Washington v. Davis, U.S. 1976</i>)	<i>Robert G. Nida</i>	973
Enforcement of Judgments Against Governmental Entities: The New Sovereign Immunity (<i>Foreman v. Vermillion Parish Police Jury, La. App. 3d Cir. 1976</i>)	<i>William Hardy Patrick III</i>	982
<i>Elrod v. Burns</i> : Constitutional Job Security for Public Employees? (<i>U.S. 1976</i>)	<i>Bill Steffes</i>	990
BOOKS RECEIVED		1001

Issue Number 5

ARTICLES

Partially Secured Creditors: Their Rights
and Remedies Under Chapter XI
of the Bankruptcy Act

John C. Anderson 1003

FORUM JURIDICUM

Bartolus of Sassoferrato

Augusto P. Miceli 1027

Edward Livingston and American Penology

Ginger Roberts 1037

COMMENTS

Donations *à Cause de Mort*: A Civilian Solution to
Characterization of Gratuitous Transfers that Elude
Donative Classification Under the Louisiana Civil Code

Joseph S. Palermo, Jr. 1071

The Coconspirator Exception to the Hearsay Rule:
The Limits of Its Logic

Roy S. Payne 1101

De Facto Incorporation and Estoppel to Deny Corporate
Existence in Louisiana

Fritz B. Ziegler 1121

NOTES

The Validity of Criminal Presumptions in Louisiana

Timothy Jonathan Bradley 1155

Character and Prior Conduct of the Victim in
Support of a Plea of Self-Defense

Diane L. Crochet 1166

Land Occupiers' Liability—The Duty of
Reasonable Care to All

Howard Daigle, Jr. 1174

The Public Records Doctrine and Disguised Donations <i>Omnium Bonorum</i> : Third Parties Prevail <i>Patrick Wise Gray</i>	1183
The Classification of Contingent Fee Contracts as Community or Separate Property <i>Kenneth L. Hickman</i>	1190
<i>Aldinger v. Howard</i> : A Possible Problem for Pendent Parties? <i>Guy Holdridge</i>	1202
Attorney Disqualification at the Grand Jury <i>Robert Bruce Macmurdo</i>	1224
Materiality Under the Anti-Fraud Provisions of the Federal Securities Acts: How Much Disclosure? <i>Kim Gregory Mayhall</i>	1232
The Use of a Witness's Privilege for the Benefit of a Defendant <i>Roy Achille Mongrue, Jr.</i>	1244
Louisiana's Retail Sales Tax and the Reprocessing Exclusion <i>Thomas M. McNamara</i>	1252
Oral Argument—A New Constitutional Right? <i>John C. Pickels</i>	1260
Standards of Review: A Solution to the Potential Problems of the 1976 Amendment of the Federal Magistrates Act? <i>Sera H. Russell, III</i>	1268
Incidents to Redhibitory Actions Under Civil Code Article 2531 <i>John Miller Shuey, Jr.</i>	1274
Ensuring Effective Assistance of Counsel for the Criminal Co-Defendant <i>Kathleen K. Stewart</i>	1289
BOOKS RECEIVED	1299