

Fall 1981

## Index to Subjects Index to Volume 46

Follow this and additional works at: <http://scholarship.law.missouri.edu/mlr>



Part of the [Law Commons](#)

---

### Recommended Citation

*Index to Subjects Index to Volume 46*, 46 Mo. L. REV. (1981)

Available at: <http://scholarship.law.missouri.edu/mlr/vol46/iss4/14>

This Index and Tables is brought to you for free and open access by the Law Journals at University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Missouri Law Review by an authorized administrator of University of Missouri School of Law Scholarship Repository.

**INDEX TO SUBJECTS**

**ADMINISTRATIVE LAW**

PAGE

Constitutional Validity of Regulations Controlling Noncommercial Door-to-Door Canvassing and Solicitation . . . 130

Discovery of Confidential State Documents 844

**ANTITRUST LAW**

First Amendent Defenses in Antitrust Litigation . . . . . 517

A Renewed Commitment to State Antitrust Enforcement and a State Policy of Competition: The Missouri Experience . . . . . 469

Application of Antitrust Laws to Professional Sports' Eligibility and Draft Rules . . . . . 797

**APPELLATE PROCEDURE**

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 752, 755

**ARBITRATION**

Employers' Liability for Union Unfair Representation: The Judicial Predislection and the Underlying Policy Considerations . . . . . 88

The Uniform Arbitration Act in Missouri . . 627

**ARMED SERVICES**

Protections Against Discrimination Afforded to Uniformed Military Personnel: Sources and Directions . . . . . 265

**ATTORNEYS**

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 709

Attorney Liability for Malicious Prosecution . . . . . 896

**AUTOMOBILES**

Settling Joint Tortfeasor Can Sue for Contribution from Nonsettling Joint Tortfeasor . . . . . 886

**BANKRUPTCY**

The New Debt-Equity Regulations Under the Internal Revenue Code . . . . . 768, 773

**BOYCOTT**

"Single Product" Secondary Consumer Picketing . . . . . 897

**CAUSATION**

A Survey of Organizational and Supervisory Liability under 42 U.S.C. Section 1983 and 42 U.S.C. Section 1985(3) . . . . . 401

**CHURCHES**

Partial Exemption from Property Taxes . . 875

**CIVIL PROCEDURE**

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 752

Discovery of Confidential State Documents . . . . . 846-53

Due Process Requires Notice of Exemptions and a Prompt Postseizure Hearing for Postjudgment Garnishment . . . . . 857

Settling Joint Tortfeasor Can Sue for Contribution from Nonsettling Joint Tortfeasor . . . . . 886

**CIVIL RIGHTS**

Constitutional Validy of Regulations Controlling Noncommercial Door-to-Door Canvassing and Solicitation . . . 121

Protections Against Discrimination Afforded to Uniformed Military Personnel: Sources and Directions . . . . . 269

**COLLECTIVE BARGAINING**

Employers' Liability for Union Unfair Representation: The Judicial Predislection and the Underlying Policy Considerations . . . . . 78

The Duty of Fair Representation: The Emerging Standard of the Union's Duty in the Context of Negligent, Arbitrary, or Perfunctory Grievance Administration . . . . . 142

Application of Antitrust Laws to Professional Sports' Eligibility and Draft Rules . . . . . 806

**COMMERCIAL SPEECH**

First Amendment Defenses in Antitrust Litigation . . . . . 517

**COMPETENCY**

Last Rights: An Analysis of Refusal and Withholding of Treatment Cases . . . 340

**CONSPIRACY**

A Survey of Organizational and Supervisory Liability Under 42 U.S.C. Section 1983 and 42 U.S.C. Section 1985(3) . . . . . 386

CONSTITUTIONAL LAW

Constitutional Validity of Regulations Controlling Noncommercial Door-to-Door Canvassing and Solicitation . . . 121

Justiciability and Foreign Affairs: The Treaty Termination Power . . . . . 164

Protections Against Discrimination Afforded to Uniformed Military Personnel: Sources and Directions . . . . . 268, 280-81

Last Rights: An Analysis of Refusal and Withholding of Treatment Cases . . . 341

A Survey of Organizational and Supervisory Liability Under 42 U.S.C. Section 1983 and 42 U.S.C. Section 1985(3) . . 407, 410, 416

First Amendment Defenses in Antitrust Litigation . . . . . 517

Constitutional Law—Eighth Amendment: Sentences Within Legislatively Determined Limits Are Not Cruel and Unusual Punishments . . . . . 652

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 751

Discovery of Confidential State Documents . . . . . 849, 853

Due Process Requires Notice of Exemptions and a Prompt Postseizure Hearing for Postjudgment Garnishment . . . . . 857

Open-Space Zoning and the Taking Clause: A Two-Part Test . . . . . 868

CONTEMPT

Lawyer Discipline in Missouri: Is A New Ethics Code Necessary? . . . . . 742

CONTRACTS

Antenuptial Contracts Contingent Upon Divorce Are Not Invalid Per Se . . . . 228

Application of Antitrust Laws to Professional Sports' Eligibility and Draft Rules . . . . . 797

CONTRIBUTION

Settling Joint Tortfeasor Can Sue for Contribution from Nonsettling Joint Tortfeasor . . . . . 886

CORPORATIONS

Short-Form Merger in Missouri: Potential Problems for Minority Shareholders? . 195

The New Debt-Equity Regulations Under the Internal Revenue Code . . . . . 764

COURTS

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 709

CREDITOR RIGHTS

The Revised Uniform Limited Partnership Act: Provisions Governing Financial Affairs . . . . . 583-94

The New Debt-Equity Regulations Under the Internal Revenue Code . . . 768, 787-88

Due Process Requires Notice of Exemptions and a Prompt Postseizure Hearing for Postjudgment Garnishment . . . . . 857

Partial Exemption from Property Taxes . . . . . 882

CRIMINAL LAW

A Renewed Commitment to State Antitrust Enforcement and a State Policy of Competition: The Missouri Experience . . . . . 502-09

Constitutional Law—Eighth Amendment: Sentences Within Legislatively Determined Limits Are Not Cruel and Unusual Punishments . . . . . 653

CRIMINAL PROCEDURE

Criminal Law—Search and Seizure: Fourth Amendment Limitations on Warrantless Entries to Arrest . . . . . 423

CRUEL AND UNUSUAL PUNISHMENT

Constitutional Law—Eighth Amendment: Sentences Within Legislatively Determined Limits Are Not Cruel and Unusual Punishments . . . . . 652

DAMAGES

A Renewed Commitment to State Antitrust Enforcement and a State Policy of Competition: The Missouri Experience . . . . . 490-95

DEATH AND DYING

Last Rights: An Analysis of Refusal and Withholding of Treatment Cases . . . 337

DEBTOR AND CREDITOR

The New Debt-Equity Regulations Under the Internal Revenue Code . . . . . 768

Due Process Requires Notice of Exemptions and a Prompt Postseizure Hearing for Postjudgment Garnishment . . . . . 857

DEFENDANTS

A Survey of Organizational and Supervisory Liability Under 42 U.S.C. Section 1983 and 42 U.S.C. Section 1985(3) . . . . . 375-88

**INDEX TO SUBJECTS**

**DISCLOSURE**

The Aftermath of *Daniel*: Private Pension Plans, ERISA, and the Federal Anti-fraud Provisions . . . . . 55-63

**DISCOVERY**

Discovery of Confidential State Documents . . . . . 844

**DISCRIMINATION**

Protections Against Discrimination Afforded to Uniformed Military Personnel: Sources and Directions . . . . . 265  
 A Survey of Organizational and Supervisory Liability Under 42 U.S.C. Section 1983 and 42 U.S.C. Section 1985(3) . . . . . 371

**DIVIDENDS**

The New Debt-Equity Regulations Under the Internal Revenue Code . . . . . 766, 770

**DOCUMENTS AND RECORDS**

Discovery of Confidential State Documents . . . . . 844

**DOMESTIC RELATIONS**

Antenuptial Contracts Contingent Upon Divorce Are Not Invalid Per Se . . . . . 228  
 Concurrent Estates in Land: Joint Tenancy Between Two Married Couples, or a Married Couple and Another Person—Joint Tenancy or Tenancy by the Entirety within the Married Couple . . . . . 439

**DUE PROCESS**

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 741  
 Due Process Requires Notice of Exemptions and a Prompt Postseizure Hearing for Postjudgment Garnishment . . . . . 857

**EMINENT DOMAIN**

Open-Space Zoning and the Taking Clause: A Two-Part Test . . . . . 874

**EMPLOYER AND EMPLOYEE**

The Aftermath of *Daniel*: Private Pension Plans, ERISA, and the Federal Anti-fraud Provisions . . . . . 51  
 Employers' Liability for Union Unfair Representation: The Judicial Predilection and the Underlying Policy Considerations . . . . . 82-120  
 The Duty of Fair Representation: The

Emerging Standard of the Union's Duty in the Context of Negligent, Arbitrary, or Perfunctory Grievance Administration . . . . . 143-46  
 "Single Product" Secondary Consumer Picketing . . . . . 897

**EQUAL PROTECTION**

Protections Against Discrimination Afforded to Uniformed Military Personnel: Sources and Directions . . . . 310-14  
 A Survey of Organizational and Supervisory Liability Under 42 U.S.C. Section 1983 and 42 U.S.C. Section 1985(3) . . 412-17  
 Open-Space Zoning and the Taking Clause: A Two-Part Test . . . . . 871  
 Settling Joint Tortfeasor Can Sue for Contribution from Nonsettling Joint Tortfeasor . . . . . 886

**EQUITABLE REMEDIES**

Short-Form Merger in Missouri: Potential Problems for Minority Shareholders? . . 226  
 Open-Space Zoning and the Taking Clause: A Two-Part Test . . . . . 869

**ESTATE PLANNING**

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax . . . . . 34-50

**ESTATE TAX**

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax . . . . . 1

**EVIDENCE**

The State of the Law as Evidence for the Jury . . . . . 255  
 Discovery of Confidential State Documents . . . . . 853  
 Settling Joint Tortfeasor Can Sue for Contribution from Nonsettling Joint Tortfeasor . . . . . 894

**EXECUTIVE ORDERS**

The State of the Law as Evidence for the Jury . . . . . 267-80

**FREEDOM OF RELIGION**

Constitutional Validity of Regulations Controlling Noncommercial Door-to-Door Canvassing and Solicitation . . . 121, 127-41

**FREEDOM OF SPEECH**

Constitutional Validity of Regulations Controlling Noncommercial Door-to-Door Canvassing and Solicitation . . . . 121

GARNISHMENT

Due Process Requires Notice of Exemptions and a Prompt Postseizure Hearing for Postjudgment Garnishment . . . . . 857

GIFT TAX

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax . . . . . 1

HOMICIDE

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax . . . . . 32

HUSBAND AND WIFE

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax . . . . . 1

Antenuptial Contracts Contingent Upon Divorce Are Not Invalid Per Se . . . . . 228

Concurrent Estates in Land: Joint Tenancy Between Two Married Couples, or a Married Couple and Another Person—Joint Tenancy or Tenancy by the Entirety within the Married Couple . . 439

IMMUNITY

Intergovernmental Zoning Immunity: Time for a New Test? . . . . . 460

INCOME TAX

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax . . . . . 15-16

The Aftermath of *Daniel*: Private Pension Plans, ERISA, and the Federal Anti-fraud Provisions . . . . . 54

The State of the Law as Evidence for the Jury . . . . . 255-56

The New Debt-Equity Regulations Under the Internal Revenue Code . . . . . 764

INCOMPETENCY

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 756

Discovery of Confidential State Documents . . . . . 844

INSURANCE

Insurance Companies: Diverse Judicial Approaches for Determining Ambiguity in Missouri . . . . . 447

The New Debt-Equity Regulations Under the Internal Revenue Code . . . . . 768

INTERNATIONAL LAW

Justiciability and Foreign Affairs: The Treaty Termination Power . . . . . 164

IRC REGULATIONS

The New Debt-Equity Regulations Under the Internal Revenue Code . . . . . 764

JOINT TENANCY

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax . . . . . 1

Concurrent Estates in Land: Joint Tenancy Between Two Married Couples, or a Married Couple and Another Person—Joint Tenancy or Tenancy by the Entirety within the Married Couple . . 439

Joint Savings Accounts: Rights of Non-depositors While Original Joint Tenants Still Alive . . . . . 666

JUDGES

Judicial Ethics: Removal from Office for Political Activity . . . . . 676

JUDICIAL ETHICS

Judicial Ethics: Removal from Office for Political Activity . . . . . 676

JUDICIAL REVIEW

Justiciability and Foreign Affairs: The Treaty Termination Power . . . . . 170-79

JURISDICTION

Employers' Liability for Union Unfair Representation: The Judicial Predilection and the Underlying Policy Considerations . . . . . 89

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 725, 734

Due Process Requires Notice of Exemptions and a Prompt Postseizure Hearing for Postjudgment Garnishment . . . . . 866

LABOR LAW AND RELATIONS

Employers' Liability for Union Unfair Representation: The Judicial Predilection and the Underlying Policy Considerations . . . . . 78

The Duty of Fair Representation: The Emerging Standard of the Union's Duty in the Context of Negligent, Arbitrary, or Perfunctory Grievance Administration . . . . . 142

Labor Union Liability for Wildcat Strikes 242-44

**INDEX TO SUBJECTS**

Unemployment Compensation During Labor Disputes: Qualifying the "Direct Interest" Disqualification . . . 694  
 Application of Antitrust Laws to Professional Sports' Eligibility and Draft Rules . . . . . 806  
 "Single Product" Secondary Consumer Picketing . . . . . 897

**LEGAL ETHICS**

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 709

**LEGISLATION**

Protections Against Discrimination Afforded to Uniformed Military Personnel: Sources and Directions . . . . . 268, 272, 280-309  
 Constitutional Law—Eighth Amendment: Sentences Within Legislatively Determined Limits Are Not Cruel and Unusual Punishments . . . . . 663-66  
 Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 748

**LICENSING**

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 746

**LIENS**

Partial Exemption from Property Taxes . . . 882

**LOCAL GOVERNMENT**

Open-Space Zoning and the Taking Clause: A Two-Part Test . . . . . 868

**MALICIOUS PROSECUTION**

Attorney Liability for Malicious Prosecution . . . . . 896

**MALPRACTICE**

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 715

**MANDAMUS**

Discovery of Confidential State Documents 845

**MASTER SERVANT**

Employers' Liability for Union Unfair Representation: The Judicial Predilection and the Underlying Policy Considerations . . . . . 78  
 Application of Antitrust Laws to Professional Sports' Eligibility and Draft Rules . . . . . 797

**MEDICINE**

Last Rights: An Analysis of Refusal and Withholding of Treatment Cases . . . 338-40

**MENTAL STATES**

A Survey of Organizational and Supervisory Liability Under 42 U.S.C. Section 1983 and 42 U.S.C. Section 1985(3) . . . . . 388-401

**MERGERS**

Short-Form Merger in Missouri: Potential Problems for Minority Shareholders? . 195

**MISSOURI CONSTITUTION**

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? . . . . . 734, 741

**MUNICIPALITIES**

Intergovernmental Zoning Immunity: Time for a New Test? . . . . . 460

**NEGLIGENCE**

Settling Joint Tortfeasor Can Sue for Contribution from Nonsettling Joint Tortfeasor . . . . . 886

**ORDINANCES**

Constitutional Validity of Regulations Controlling Noncommercial Door-to-Door Canvassing and Solicitation . . 125-39

**OVERBREADTH DOCTRINE**

First Amendment Defenses in Antitrust Litigation . . . . . 531-37, 542-52

**PARENT AND CHILD**

Last Rights: An Analysis of Refusal and Withholding of Treatment Cases . . . 361-68

**PARTNERSHIPS**

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax . . . . . 23  
 The Revised Uniform Limited Partnership Act: Provisions Governing Financial Affairs . . . . . 577

**PENSION PLANS**

The Aftermath of *Daniel*: Private Pension Plans, ERISA, and the Federal Anti-fraud Provision . . . . . 51

**PICKETING**

"Single Product" Secondary Consumer Picketing . . . . . 897

MISSOURI LAW REVIEW

PLEADINGS

Settling Joint Tortfeasor Can Sue for Contribution from Nonsettling Joint Tortfeasor ..... 893

PRACTICE AND PROCEDURE

Lawyer Discipline in Missouri: Is a New Ethics Code Necessary? ..... 757

PRE-EMPTION

Employers' Liability for Union Unfair Representation: The Judicial Predilection and the Underlying Policy Considerations..... 89

PRIVATE RIGHT OF ACTION

The Commodity Exchange Act: Statutory Silence is not Authorization for Judicial Legislation of an Implied Private Right of Action ..... 319-35

PROPERTY

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax 18-22, 30, 37-49

Concurrent Estates in Land: Joint Tenancy Between Two Married Couples, or a Married Couple and Another Person—Joint Tenancy or Tenancy by the Entirety within the Married Couple ..... 439

Joint Savings Accounts: Rights of Non-depositors While Original Joint Tenants Still Alive ..... 666

Open-Space Zoning and the Taking Clause: A Two-Part Test ..... 868

Partial Exemption from Property Taxes... 876

REAL PROPERTY

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax 18-22, 30, 37-49

Concurrent Estates in Land: Joint Tenancy Between Two Married Couples, or a Married Couple and Another Person—Joint Tenancy or Tenancy by the Entirety within the Married Couple ..... 439

Open-Space Zoning and the Taking Clause: A Two-Part Test ..... 868

Partial Exemption from Property Taxes... 876

RECIDIVIST STATUTE

Constitutional Law—Eighth Amendment: Sentences Within Legislatively Determined Limits Are Not Cruel and Unusual Punishments ..... 652

RIGHT OF PRIVACY

Constitutional Validity of Regulations Controlling Noncommercial Door-to-Door Canvassing and Solicitation... 122-26  
Discovery of Confidential State Documents 847

RIGHT OF SURVIVORSHIP

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax ..... 37-44  
Joint Savings Accounts: Rights of Non-depositors While Original Joint Tenants Still Alive ..... 666

SALES

Sales: Extension of Implied Warranty of Merchantability to Used Goods ..... 249

SAVINGS ACCOUNTS

Joint Savings Accounts: Rights of Non-depositors While Original Joint Tenants Still Alive ..... 666

SEARCH AND SEIZURE

Criminal Law—Search and Seizure: Fourth Amendment Limitations on Warrantless Entries to Arrest ..... 423

SECURITIES

Securities Regulations: "Scienter" Means Less Protective Power for the Securities and Exchange Commission 686

SETTLEMENTS

Settling Joint Tortfeasor Can Sue for Contribution from Nonsettling Joint Tortfeasor ..... 891

SIMULTANEOUS DEATH

Federal Transfer Taxes on Property Owned Jointly with Right of Survivorship: Part 2—Federal Estate Tax ..... 32-34

STATE AND LOCAL LAW

Open-Space Zoning and the Taking Clause: A Two-Part Test ..... 868

STATE LAW

A Renewed Commitment to State Antitrust Enforcement and a State Policy of Competition: The Missouri Experience ..... 469

TAXATION

Federal Transfer Taxes on Property Owned

**INDEX TO SUBJECTS**

Jointly with Right of Survivorship:  
 Part 2—Federal Estate Tax ..... 1  
 The New Debt-Equity Regulations Under  
 the Internal Revenue Code ..... 764  
 Discovery of Confidential State Documents 844  
 Partial Exemption from Property Taxes... 875

**TENANCY BY THE ENTIRETY**

Concurrent Estates in Land: Joint Tenancy  
 Between Two Married Couples, or a  
 Married Couple and Another Per-  
 son—Joint Tenancy or Tenancy by  
 the Entirety within the Married  
 Couple ..... 439

**TORTS**

Settling Joint Tortfeasor Can Sue for Con-  
 tribution from Nonsettling Joint Tort-  
 feasor ..... 886

**TRADE REGULATION**

First Amendment Defenses in Antitrust  
 Litigation..... 552

**TRUSTS**

Joint Savings Accounts: Rights of Non-  
 depositors While Original Joint  
 Tenants Still Alive ..... 672  
 The New Debt-Equity Regulations Under  
 the Internal Revenue Code ..... 773

**UNIFORM COMMERCIAL CODE**

The Duty of Fair Representation: The  
 Emerging Standard of the Union's  
 Duty in the Context of Negligent, Ar-

bitrary, or Perfunctory Grievance Ad-  
 ministration ..... 149-54  
 Sales: Extension of Implied Warranty of  
 Merchantability to Used Goods ..... 249

**UNION REPRESENTATION**

Employers' Liability for Union Unfair  
 Representation: The Judicial  
 Predilection and the Underlying  
 Policy Considerations ..... 78  
 The Duty of Fair Representations: The  
 Emerging Standard of the Union's  
 Duty in the Context of Negligent, Ar-  
 bitrary, or Perfunctory Grievance Ad-  
 ministration ..... 142

**VAGUENESS DOCTRINE**

First Amendment Defenses in Antitrust  
 Litigation ..... 542-46, 548-52

**WARRANTY**

Sales: Extension of Implied Warranty of  
 Merchantability to Used Goods ..... 249

**WILLS**

Federal Transfer Taxes on Property Owned  
 Jointly with Right of Survivorship:  
 Part 2—Federal Estate Tax ..... 37-50

**ZONING**

Intergovernmental Zoning Immunity:  
 Time for a New Test? ..... 460  
 Open-Space Zoning and the Taking  
 Clause: A Two-Part Test ..... 868