## INDEX TO VOLUME 85

### Leading Articles

- **Bad Faith Suits: Are They Applicable to Health Maintenance Organizations?**
  - **Joanne B. Stern**
  - Page: 911
- **The Coal Depletion Allowance Deduction**
  - **Martin J. McMahon, Jr.**
  - Page: 581
- **Communication in the Courtroom:**
  - **Jury Instructions**
  - **Michael J. Farrell**
  - Page: 5
- **Confidentiality: The Future Crime—Contraband Dilemmas**
  - **Deborah Abramovsky**
  - Page: 929
- **Criminal Sanctions Under the Federal Mine Safety and Health Act of 1977**
  - **Dennis M. Ryan**
  - **Ronald J. Schell**
  - Page: 757
- **Due Process and Commerce Clause Considerations Under the West Virginia Business and Occupation and Carrier Income Taxes**
  - **J.C. Penney to Milacron**
  - **Robert G. Lathrop**
  - Page: 307
- **Employers’ Workmen’s Compensation Obligations and the Bankruptcy Tax Priority**
  - **James B. Haines, Jr.**
  - Page: 97
- **Employment Discrimination and Labor Arbitrators: A Question of Competence**
  - **Anthony F. Bartlett**
  - Page: 873
- **Equal Educational Opportunity for Special Pupil Populations and the Federal Role**
  - **Betsy Levin**
  - Page: 159
- **Is Everyone Paying Their Fair Share? An Analysis of Taxpayers’ Actions to Equalize Taxes**
  - **Jane Moran**
  - Page: 209
- **The Federal Black Lung Program: A 1983 Primer**
  - **John S. Lopatto III**
  - Page: 677
- **Federal Tort Liability for Negligent Mine Safety Inspections**
  - **W. Eugene Basanta**
  - Page: 519
- **Grievance Mediation: A Step Towards Peace in the Bituminous Coal Industry**
  - **Stephen B. Goldberg**
  - Page: 777
- **Legal Implications of a Permanent Manned Presence in Space**
  - **Delbert D. Smith**
  - **Stefan M. Lopatkiewicz**
  - **Martin A. Rothblatt**
  - Page: 857
Minimizing the Impact of Withdrawal Liability Under the Multiemployer Pension Plan Amendments Act of 1980 ......................... Bruce Gabler 707


A Proposed West Virginia Response to the Initiative of Regulation D .......... James A. Russell’ 59

Rail Rates for Coal Transportation: An ICC Decision Costly to Shippers ................ Ben David Shiriak 739

Right to Education for the Handicapped in West Virginia ............... Laura F. Rothstein 187

The Staggers Rail Act of 1980: Deregulation Gone Awry ........ Ben Johnson

Student Projects


Recent Developments in Black Lung Litigation—Rebuttal of the Interim
Presumption ...................... Tony Cicconi 851

Recent Developments Under the Surface Mining Control and Reclamation Act of 1977 .................. Rebecca L. Stepto 829

Retroactive Land Statutes—Indiana’s Dormant Mineral Act Declared Constitutional. . Deborah McHenry Woodburn 783

Survey of Developments in West Virginia Law: 1982 ................................ 411

United States Steel Corp. v. Hoge: A Judicial Decision Which Fails To Solve the Coalbed Gas Ownership Problem ........ Steven P. McGowan 803

Student Notes

The ‘Bad Blood Factor’ and § 302 Redemptions: A Retrospective Examination and Analysis .................. Joseph J. Miller 139
Death Knell for *Trageser*: Section 504 of the Rehabilitation Act in Light of *North Haven* .... *M. Katherine Webster-O'Keefe* 371

Description of West Virginia's New Probate System .............. *Karl Warden* 393


Parental Notification and Abortion:
A Review and Recommendation to
West Virginia’s Legislature .... *David W. Frame* 943

Revisions in Abandoned and Unclaimed Property Legislation: A Look at the 1981 Uniform Unclaimed Property Act and West Virginia’s Revised Uniform Act ............ *James Dartlin Meadows* 969

Teachers’ Union and Employment Rights:
A Survey of West Virginia Law ............................................ *William B. Flanigan* 239

West Virginia’s Reimbursement Statute: The Hidden Costs of Institutionalization ........... *Samme L. Gee* 121

Case Comments

*Bowman v. Leverette:*
Retroactivity of Criminal Procedure Decisions ............ *Mary Sanders Richards* 273
          *John Michael Hedges*

*Kell v. Appalachian Power Co.:* Aerial Application of Herbicides on Utility Right-of-Ways ............ *Thad S. Huffman* 995

*State v. Stanley:*
Exclusion of Statements Made by Illegally “Seized” Suspects ......................................... *Rebecca L. Stepto* 287

*Syndenstricker v. Unipunch Products, Inc.:*
Contribution and Indemnity Under *Mandolidis Theory* ............ *Richard M. Yurko, Jr.* 299
West v. National Mines:
Creation of Private Nuisance
by Use of Public Property ...... Gene W. Bailey, II 263

In Memoriam

Russell C. Dunbar .................. James M. Sprouse 1
Russell C. Dunbar: A Wise and
Understanding Heart ............... Forest J. Bowman 3