Cumulative Index to Volumes 79-83

June 1981

Recommended Citation
Available at: https://researchrepository.wvu.edu/wvlr/vol83/iss4/16

This Index is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.
WEST VIRGINIA LAW REVIEW

CUMULATIVE INDEX

Volumes 79-83
1977-81

Disseminated by The Research Repository @ WVU, 1981
TABLE OF CONTENTS

Title Index .................................................. iii
Table of Cases ............................................ x
Author Index to Leading Articles ....................... xiii
Subject Index ............................................. xviii
TITLE INDEX

-A-
A Lawyer's Medical Guide To Black Lung Litigation; N. Leroy Lapp, M.D., 83:721 (1981)
Accidents: Causation and Responsibility In Law, Focus on Coal Mining; J. Davitt McAteer;
83:921 (1981)
Acquisition of Coal Property Interests: Some Federal Tax Planning Observations; Aaron H.
Haspel & Douglas Sumner;
82:1175 (1980)
Affirmative Action: Making Decisions-An Essay; Thomas D. Bartton,
83:47 (1980)
*Age Discrimination in Employment Suits: A Practical Guide;
81:503 (1978)
Alas and Alack, Modified Comparative Negligence Comes to West Virginia; Thomas C. Cady,
82:473 (1980)
Application of a Constitutionally Based Duty of Fair Representation to Union Hiring Halls; Robert
M. Bastress,
82:13 (1979)
Applying Strict Liability to Defective Products Litigation in West Virginia with Explanatory Emphasis Upon Coal Machinery Cases; Richard E. Rowe,
82:13 (1979)
*Attorney's Liabilities Under ERISA;
82:129 (1979)
*Automobile Exception to the Warrant Requirements—Speeding Away from the Fourth Amendment;
82:637 (1980)

-B-
*Ballot Access: Applying the Constitutional Balancing Test to West Virginia Election Code;
83:227 (1981)
Basics of Federal Black Lung Litigation, The; Samuel J. Smith & Ford F. Newman,
83:763 (1981)
*Baughman v. Bradford Coal Co. Inc.: A Reaffirmation of Citizen Suits Policy Within the Clean Air Act;
80:709 (1980)
Black Lung Benefits Act, The: An Operator's Perspective; J. Randolph Query,
83:855 (1981)
*Black Lung Benefits Reform and Revenue Acts of 1977, The;
80:539 (1978).
Black Lung Benefit Trusts as a Federal Self-Insurance Alternative; Pete M. Kelly,
82:847 (1980)
Book Review—A Theory of Criminal Justice by Hyman Gross;
Book Review—The Brethren, Inside the Supreme Court, by Bob Woodward & Scott Armstrong; Gene R.
Nichol, Jr., 82:299 (1979)

-C-
*Changing Concepts in the Ad-Valorem Severance Taxation of Coal in West Virginia;
82:1365 (1980)
*Citizen Participation in the Regulation of Surface Mining;
81:675 (1979)
*Civil Procedure—Concepts of Personal Jurisdiction Before and After Shaffer v. Heitner;
80:285 (1978)
*Civil Procedure—Jurisdiction—The West Virginia Long-Arm Statute;
79:382 (1977)
*Civil Rights—Employment Rights of the Physically Handicapped;
79:398 (1977)
Clean Air Act Proceedings Affecting National Coal Markets: An Examination of the Authority of the President to Allocate Markets; James M. Friedman, 82:867 (1980)
Clementine in the 1980's (EEO and the Woman Miner); Thomas H. Barnard & Brenda J. Clark; 82:899 (1980)


Coal: The Coming Decade; Jennings Randolph, 82:835 (1890)

Commentary—Funding the Federal Judiciary; John M. Slack, 82:1 (1979)

Comparative Negligence in West Virginia: A Defense Overview; Edward M. Kennedy, 82:423 (1980)

A Common Sense Approach to Coal's Role in Resolving America's Energy Crisis; John D. Rockefeller IV, 82:841 (1980)


*Compensating Victims of Crime: Evolving Concept or Dying Theory?; 82:89 (1979)

*Conflict of Laws—An Alternative to Lex Locii Delicti in West Virginia; 80:305 (1978)


*Constitutional Law—Restricting the Application of the Commercial Speech Doctrine; 79:274 (1977)

*Consumer Law—The Supervised Loan in West Virginia; 80:256 (1978)

*Contracts—Developing Concepts of Unconscionability; 80:87 (1977)

*Copyright—The Home Video Recording Controversy; 81:231 (1978)

*Copyright—Originality—Confusing The Standards for Granting Copyrights and Patents; 79:410 (1977)

Counseling The Miner Who Suffers From Respiratory Disease; Gail Falk; 83:833 (1981)

*Creation of Joint Tenancies, The—Common Law Technicalities vs. The Grantor's Intent; 82:335 (1979)

*Criminal Procedure—Recent Developments In West Virginia—Boyd, McAboy and Cannellas; 80:318 (1978)

*Criminal Procedure—Right of Cross Examination—Sexual Assault Statute; 79:293 (1977)


Critique of the Proposed West Virginia Criminal Code; Robert Batey & Jay Montgomery Brown; 80:1 (1977)


82:1385 (1980)

—D—

*Developments Under the Surface Mining Control and Reclamation

*Student Material
•Distribution of Marital Real Property Upon Divorce in West Virginia: The Need for Legislative Reform; 82:611 (1980)
•Domestic Relations—The Right of a Married Woman to Retain Her Maiden Name; 79:108 (1976)
•Due Process Protection for Non-tenured Faculty in Public Institutions of Higher Education: Long Over-due; 83:99 (1980)

—E—
Enactment of the Surface Mining Control and Reclamation Act of 1977 in Retrospect; Morris K. Udall, 81:553 (1979)
•Environmental Law—The Nuances of Nuisance In A Private Action To Control Air Pollution; 80:48 (1977)
Essay—Prejudgment Attachments and the Concept of the Neutral Magistrate: A Tale of Two Cases; James A. McLaughlin; 83:203 (1981)
•Evidentiary Requirements to Prove
•Student Material

Expanding Role of the West Virginia Supreme Court of Appeals in the Review of Workman’s Compensation Appeals; David N. Flannery & Joseph S. Beeson, 81:1 (1978)
•Expert Witnesses—Right To Pay Expert Witnesses On A Contingent Fee Basis in Civil Cases; 80:328 (1978)

—F—
Failure of the Interim Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977: The Need for Flexible Controls; Robert J. Gage, 81:595 (1979)
Farside of Paradox: State Regulation of the Environmental Effects of Coal Mining; K.W. James Rochow, 81:559 (1979)
Federal Coal Leasing Waltz, The; Brian E. McGee & Gerald E. Dahl, 80:455 (1978)
Federal Mine Safety and Health Amendments Act of 1977: Closure Encounters of the Third Kind; Edmund J. Moriarty & Mark M. Pierce, 80:429 (1978)

First Do No Harm: Least Restrictive Alternative Analysis and the Right of Mental Patients To Refuse Treatment; David Zlotnick 83:375 (1981)


-H-

Historical View of the Term Esquire Used by Modern Women Attorneys: Richard Bozman Eaton, 80:209 (1978)

-I-


*Implied Warranty of Habitability in Residential Leases; 81:81 (1978)


*INDEX—Sixty Year Annotated Index of Coal Related Articles from the West Virginia Law Review; 82:1347 (1980)

*Inquiries Into the Numerical Division of Juries: Ellis v. Reed; 82:383 (1979)

*Student Material


-J-


*Judicial Reform in West Virginia: The Magistrate Court System; 79:304 (1977)


-K-

-L-

*Labor or Law—Arbitration—Agreements To Arbitrate in West Virginia; 79:121 (1976)


The Law of Medical Malpractice In West Virginia; Michael J. Farrell, 82:251 (1979)

Legal Ethics And The Prosecuting Attorney; John O. Kizer, 79:387 (1977)

Legal Problems Relating To Ownership of Gas Found in Coal Deposits; Patrick C. McGinley, 80:369 (1978)

Legal Protection of Printed Systems; Dale P. Olson, 81:45 (1978)

Legal Representation Of The Mentally Ill; James R. Elkins, 82:157 (1979)

*Liens—Priority of Common Law Liens and Secured Interests in West Virginia, 79:130 (1976)

Limitations On Rule 106-5; Arthur J. Marinelli, Jr., 80:219 (1978)

M


Mobile Homes: A Partial Solution To West Virginia’s Housing Problems 81:251 (1978)

N

Negotiation and Settlement: An Insurer’s View of Comparative Negligence; John L. Hunt, 82:537 (1980)


A New Look at the Section 119 Meals and Lodging Exclusion; 81:483 (1979)


The New West Virginia Antitrust Act from the Defense Perspective; James F. Rill, 81:207 (1978)

O


P


*Student Material

Plaintiff’s View of Comparative Negligence; E. Joseph Buffa, Jr., 82:523 (1980)

*Pregnancy and Hiring Discrimination; 83:537 (1981)

*Preventive Law and the Negotiating and Drafting of Coal Leases After the Surface Mining Control and Reclamation Act of 1977; 81:733 (1979)


The Protection of Hydrologic and Land Preservation Values Under Surface Mining Control and Reclamation Act of 1977: A Welcome Reform; David Wooley, 81:627


*The Public Trust Doctrine: A New Approach to Environmental Preservation; 81:455 (1978)

*The Public Use Limitation in Eminent Domain: Handley v. Cook; 82:357 (1979)

Q

R

*A Reappraisal of the Branch Banking Prohibition In West Virginia; 82:313 (1979)
Regulatory Authority under the Surface Mine Control and Reclamation Act of 1977; Steven L. Friedman & Henry F. Siedzikowski, 82:1053 (1980)
*A Review of the Conflict Between Community-Based Group Homes for the Mentally Retarded and Restrictive Zoning; 82:669 (1980)

Rights And Responsibilities In Administrative Rule Making In West Virginia; Alfred S. Neely, IV, 79:913 (1977)

---S---
School Desegregation, Class Suits and the Vexing Problem of Group Remedies; Keith Jurow, 80:25 (1977)
*Secular Control of Non-Public Schools; 82:111 (1979)
*Securities—Liability for Short-Swing Profits Under Section 16(b); 79:155 (1978)

Seen and Not Heard: Recent Legislation Affecting Child Welfare In West Virginia; Richard L. Withers, 80:231 (1978)

*Student Material

Short-Notice Termination Clauses in Coal Leases: Effect on Percentage Depletion; Robert G. Lathrop; 83:159 (1981)
*Special Interrogatory Forms— Appendix to Symposium on Bradley v. Appalachian Power Co.—West Virginia Adopts Comparative Negligence; 82:545 (1980)
Streamlining Criminal Procedure In Magistrate Court; Robert Batey & Diana L. Fuller, 79:339 (1977)
*Substantive and Procedural Aspects of the Right to Effective Assistance of Counsel; 81:525 (1979)
*Summary of the Legislative History of the Surface Mining Control and Reclamation Act of 1977 and the Relevant Legal Periodical Literature; 81:775 (1979)
*Symposium on Bradley v. Appalachian Power Co.—West Virginia Adopts Comparative Negligence; 82:473 (1980)
Symposium on Taxation of Coal, Oil and Gas; 82:1115 (1980)
A Tax Incentive Approach to the Depletion Allowance Dilemma; Thomas E. Bulleit, Jr., 82:1115 (1980)

Territorial Due Process: Analysis of an Emergent Doctrine; James Audley McLaughlin, 81:355 (1979)


*Tort of Insurer's Bad Faith Refusal To Pay First-Party Claims; 82:579 (1980)


—U—


*Unauthorized Work Stoppages—Stranger Pickets" In the Coal-fields; 80:492 (1978)


—V—

—W—

Waiver Under The West Virginia Habeas Corpus Act; Gene R. Nichol, Jr., 81:393 (1979)

*Water and Watercourses—Recreational Rights—A Determination of the Public Status of West Virginia Streams; 80:356 (1978)


*Student Material
# TABLE OF CASES

## A


## B


## C

- **Carbon Fuel v. UMW**, 552 F.2d 1346 (4th Cir. 1977) 81:805 (1979)

## D


## E


## F


## G


## H

- **Holder v. Old Ben Coal Co., 618 F.2d 1198 (7th Cir. 1980)** 82:909 (1980)

## I

- **In Re Permanent Surface Mining Regulation Litigation, _____ F.2d _____ (D.C.Cir. 1980)** 82:1053 (1981)

K.

Lilly v. Workmen's Compensation Commissioner, 225 S.E.2d 214 (W. Va. 1976)
Ludwig v. Massachusetts, 427 U.S. 618 (1976)

M.
Masinter v. WEBCO Co., 263 S.E.2d 433 (W.Va. 1980)
Maynard v. Kenova Chemical Co., 626 F.2d 359 (4th Cir. 1980)
McGrady v. Calihan, 244 S.E.2d 793 (W.Va. 1978)

N.
NLRB v. Cambridge Wire Cloth Co., Inc., 622 F.2d 1194 (4th Cir. 1980)

O.

P.
Penoyer v. Neff, 95 U.S. 714 (1877)
Perry v. Sinderman, 408 U.S. 593 (1972)

Q.
Richmond Newspapers, Inc. v. Virginia, 100 S. Ct. 2814 (1980)
Roe v. Wade, 410 U.S. 113 (1973)

R.

S.
S & W Motor Lines, Inc. v. NLRB, 621 F.2d 598 (4th Cir. 1980)
Shrader v. Harris, 631 F.2d 297 (4th Cir. 1980)
Star Coal Co. v. Andrus, (S.D. Iowa)
Stare v. Pearcy, 617 F.2d 43 (4th Cir. 1980)
State v. Frazier, 252 S.E.2d 39 (W. Va. 1979)
State v. McAboy, 236 S.E.2d 431 (W.Va. 1977)
State v. Sanders, 242 S.E.2d 554 (W.Va. 1978)
State v. Thomas, 203 S.E.2d 445 (W.Va. 1974)
State Ex. Rel. Yanero v. Fox, 256 S.E.2d 751 (W.Va. 1979)

-T-

-U-
United States v. McIntosh, 612 F.2d 835 (4th Cir. 1979) 83:683 (1981)


-V-

-W-

-X-Y-Z-
# AUTHOR INDEX TO LEADING ARTICLES

## A


## B

- **Barnard, Thomas H.**, Clementine In The 1980's (EEO And The Woman Miner); 82:899 (1981)
- **Bastress, Robert M.**, Application of a Constitutionally-Based Duty of Fair Representation To Union Hiring Halls; 82:31 (1979)
- **Batey, Robert**, Streamlining Criminal Procedure in Magistrate Court; 79:339 (1977)
- **Beeson, Joseph S.**, Expanding Role of the West Virginia Supreme Court of Appeals in the Review of Workmen's Compensation Cases; 81:1 (1978)

## C

- **Cady, Thomas C.**, Alas and Alack, Modified Comparative Negligence Comes to West Virginia; 82:473 (1980)
- **Clark, Brenda J.**, Clementine in the 1980's (EEO and the Woman Miner); 82:899 (1980)

## D

—E—
Eaton, Richard Bozman, An Historical View of the Term Esquire as Used by Modern Women Attorneys; 80:209 (1978)
Elkins, James R., Legal Representation of the Mentally Ill; 82:157 (1979)

—F—
Falk, Gail, Counseling The Miner Who Suffers From Respiratory Disease; 83:333 (1981)
Farrell, Michael J., The Law of Medical Malpractice in West Virginia; 82:251 (1979)
Flannery, David N., Expanding Role of The West Virginia Supreme Court of Appeals in the Review of Workmen's Compensation Appeals; 81:1 (1978)
Friedman, James M., Clean Air Act Proceedings Affecting National Coal Markets: An Examination of the Authority of the President to Allocate Markets; 82:867 (1980)
Fuller, Diana L., Streamlining Criminal Procedure in Magistrate Court; 79:339 (1977)

—G—

—H—
Hunt, John L., Negotiation and Settlement: An Insurer's View of Comparative Negligence; 82:537 (1980)

—K—
Kennedy, Edward M., Commentary—The Federal Criminal Code Reform
<table>
<thead>
<tr>
<th>Title</th>
<th>Volume (Year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act and New Sentencing Alternatives;</td>
<td>82:423 (1980)</td>
</tr>
<tr>
<td>Kizer, John O., Legal Ethics and the Prosecuting Attorney;</td>
<td>79:367 (1977)</td>
</tr>
<tr>
<td>Marinelli, Arthur J., Jr., Limitations on Rule 10b-5;</td>
<td>80:219 (1978)</td>
</tr>
<tr>
<td>McAteer, J. Davitt, Accidents: Causation and Responsibility in Law, A Focus on Coal Mining;</td>
<td>83:921 (1981)</td>
</tr>
<tr>
<td>McAteer, J. Davitt, A Miner's Bill of Rights;</td>
<td>80:397 (1978)</td>
</tr>
<tr>
<td>McGinley, Patrick C., Legal Problems Relating to Ownership of Gas Found in Coal Deposits;</td>
<td>80:369 (1978)</td>
</tr>
<tr>
<td>McLaughlin, James Audley, Essay—</td>
<td></td>
</tr>
<tr>
<td>Prejudgment Attachments and the Concept of the Neutral Magistrate: A Tale of Two Cases;</td>
<td>83:203 (1981)</td>
</tr>
<tr>
<td>Neely, Alfred S., IV, Rights and Responsibilities in Administrative Rule Making In West Virginia;</td>
<td>79:513 (1977)</td>
</tr>
<tr>
<td>Nichol, Gene R. Jr., Waiver Under the West Virginia Habeas Corpus Act;</td>
<td>81:393 (1979)</td>
</tr>
</tbody>
</table>

Olson, Dale P., Legal Protection of Printed Systems; 81:45 (1978)


Randolph, Jennings, Coal: The Coming Decade; 82:835 (1980)

Rochow, K.W. James, The Farside of Paradox: State Regulation of the Environmental Effects of Coal Mining; 81:559 (1979)
Rockefeller, John D., IV, A Common Sense Approach to Coal's Role in Resolving America's Energy Crisis; 82:841 (1980)
Rowe, Richard E., Applying Strict Liability to Defective Products Litigation in West Virginia with Explanatory Emphasis upon Coal Mining Machinery Cases; 82:13 (1979)

Slack, John M., Commentary—Funding the Federal Judiciary; 82:1 (1979)
Solomons, Mark E., A Critical Analysis of the Legislative History Surrounding the Black Lung Interim Presumptions and a Survey of its Unresolved Issues; 83:569 (1981)

Udall, Morris K., The Enactment of the Surface Mining Control and Reclamation Act of 1977 in Retrospect; 81:553 (1979)
-V-

-W-


-X-Y-Z-

<table>
<thead>
<tr>
<th>SUBJECT INDEX</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ABORTION</strong></td>
</tr>
<tr>
<td>Social Commentary: Values and Legal Personhood; 83:487 (1981)</td>
</tr>
<tr>
<td><strong>ACTS OF LEGAL SIGNIFICANCE</strong></td>
</tr>
<tr>
<td><strong>ADMINISTRATIVE LAW</strong></td>
</tr>
<tr>
<td>Farside of Paradox: State Regulation of the Environmental Effects of Coal Mining; 81:559 (1979)</td>
</tr>
<tr>
<td>Expanding Role of the West Virginia Supreme Court of Appeals in the Review of Workman’s Compensation Appeals; 81:1 (1978)</td>
</tr>
<tr>
<td>*Student Material</td>
</tr>
<tr>
<td>Rights And Responsibilities In Administrative Rule Making In West Virginia; 79:513 (1977)</td>
</tr>
<tr>
<td><strong>ADMINISTRATION OF JUSTICE</strong></td>
</tr>
<tr>
<td>Book Review—The Brethren, Inside the Supreme Court, by Bob Woodward &amp; Scott Armstrong; 82:299 (1979)</td>
</tr>
<tr>
<td>Commentary — Funding the Federal Judiciary; 82:1 (1979)</td>
</tr>
<tr>
<td>Judicial Dilemma: Real or Imagined?; 83:29 (1980)</td>
</tr>
<tr>
<td>*Judicial Reform in West Virginia: The Magistrate Court System; 79:304 (1977)</td>
</tr>
<tr>
<td><strong>ANTI TRUST LAW</strong></td>
</tr>
<tr>
<td>The New West Virginia Antitrust Act from the Defense Perspective; 81:207 (1978)</td>
</tr>
</tbody>
</table>

xviii
ATTACHMENTS
Essay—Prejudgment Attachments and the Concept of the Neutral Magistrate: A Tale of Two Cases; 83:203 (1981)

ATTORNEYS
*Attorney's Liabilities Under ERISA; 82:129 (1979)

ARBITRATION
*Labor Law—Arbitration—Agreements To Arbitrate in West Virginia; 79:121 (1976)

AUTOMOBILE INSURANCE

BANKING
*A Reappraisal of the Branch Banking Prohibition In West Virginia; 82:313 (1979)

BONDS
*Securities—Liability for Short-Swing Profits Under Section 16(b); 79:155 (1976)

BUSINESS ORGANIZATIONS
*Student Material

CAUSATION
Accidents: Causation and Responsibility in Law—A Focus on Coal Mining; 83:921 (1981)

CHARITIES

CHILDREN
Seen And Not Heard: Recent Legislation Affecting Child Welfare In West Virginia; 80:231 (1978)

CIVIL PROCEDURE
*Civil Procedure—Jurisdiction—The West Virginia Long-Arm Statute; 79:382 (1977)

CIVIL RIGHTS
Clementine in the 1980's (EEO and the Woman Miner); 82:899 (1980)
*Civil Rights—Employment Rights of the Physically Handicapped; 79:398 (1977)
A Miner’s Bill of Rights: 80:397 (1978)
*Pregnancy and Hiring Discrimination; 83:537 (1981)
School Desegregation, Class Suits
and the Vexing Problem of Group
Remedies; 80:25 (1977)
*Survey of Developments in The

CLASS ACTIONS
School Desegregation, Class Suits
and the Vexing Problem of Group
Remedies; 80:25 (1977)

CLIENT COUNSELING
Counseling The Miner Who Suffers
From Respiratory Disease;
83:833 (1981)

COLLEGES AND UNIVERSITIES
*Due Process Protection for Non-
tenured Faculty in Public Institutions
of Higher Education: Long
Overdue; 83:99 (1980)

COMMERCIAL LAW
*Survey of Developments in the
*U.C.C. Warranties—Mountaineer
Contractors, Inc. v. Mountain State

COMPARATIVE LAW
A Comparative Study of Miners’
Training and Supervisory Certifi-
cation in the Coal Mines of Great
Britian, the Federal Republic of
Germany, Poland, Romania,
France, Australia and the United
States: The Case for Federal
Certification; 82:937 (1980)
Safety In the United Kingdom’s
Deep Coal Mines; 83:977 (1981)

COMPARATIVE NEGLIGENCE
Alas and Alack, Modified Compara-
tive Negligence Comes to West
Virginia; 83:473 (1980)
Comparative Negligence in West
Virginia; A Defense Overview;
83:493 (1980)
*Students Material

Negotiation and Settlement: An
Insurer’s View of Comparative
Negligence; 82:537 (1980)
Plaintiff’s View of Comparative
Negligence; 82:523 (1980)
*Symposium on Bradley v. Appalachi-
an Power Co.—West Virginia
Adopts Comparative Negli-
gen; 82:473 (1980)
*Special Interrogatory Forms—Ap-
pendix to Symposium on Bradley
v. Appalachian Power Co.—West
Virginia Adopts Comparative Neg-
ligence; 82:545 (1980)

COMPENSATION (FOR VICTIMS
OF CRIME)
*Compensating Victims of Crime:
Evolving Concept or Dying
Theory?; 82:89 (1979)

CONDEMNATION
*The Public Use Limitation in
Eminent Domain: Handley v.
Cook: 82:357 (1979)

CONFLICT OF LAWS
*Conflict of Laws—An Alternative
to Lex Loci Delicti in West
Virginia; 80:305 (1978)

CONSUMER PROTECTION
*Consumer Law—The Supervised
Loan in West Virginia;
80:256 (1978)

CONSTITUTIONAL LAW
Application of a Constitutionally
Based Duty of Fair Representa-
tion to Union Hiring Halls;
82:31 (1979)
*Automobile Exception to the
Warrant Requirements—Speed-
ing Away from the Fourth
Amendment; 82:637 (1980)
*Ballot Access: Applying The Consti-
tutional Balancing Test To The
West Virginia Election Code; 83:227 (1981)

*Constitutional Issues in the Reclamation of Orphaned Mined Lands Under the Surface Mining Control and Reclamation Act of 1977;
81:709 (1979)

*Double Jeopardy In West Virginia:
State ex rel. Dowdy v. Robinson;
83:259 (1981)

*Due Process Protection for Non-tenured Faculty in Public Institutions of Higher Education: Long Overdue;
83:99 (1980)

Essay—Prejudgment Attachments and the Concept of the Neutral Magistrate: A Tale of Two Cases;
83:203 (1981)

Prior Crime Impeachment of Criminal Defendants: A Constitutional Analysis of Rule 609;
82:391 (1980)

*The Public, The Media and The Criminal Defendant: Access to Courtrooms Prevails Over Fears of Prejudicial Publicity;
83:245 (1981)

*Constitutional Law—Restricting the Application of the Commercial Speech Doctrine;
79:274 (1977)

Social Commentary: Values and Legal Personhood;
83:487 (1981)

*Substantive and Procedural Aspects of the Right to Effective Assistance of Counsel;
81:525 (1979)


Territorial Due Process: Analysis of an Emergent Doctrine;
81:355 (1970)

Toward “Constitutionalizing” The Corporation: A Speculative Essay;
80:187 (1978)

*Constitutional Law—U.S. v. Payner;
83:565 (1981)

Waiver Under The West Virginia Habeas Corpus Act; 81:393 (1979)

*West Virginia’s Generation of Electricity Tax: Is It Valid After Snead?;
83:79 (1980)

*Student Material

CONTRACTS

*Contracts—Developing Concepts of Unconscionability; 80:87 (1977)

*Contracts—Survey of Developments in West Virginia Law—1980
83:289 (1981)

COPYRIGHT

*Copyright—The Home Video Recording Controversy; 81:231 (1978)

Legal Protection of Printed Systems;
81:45 (1978)

*Copyright—Originality—Confusing The Standards for Granting Copyrights and Patents; 79:410 (1977)

CORPORATIONS

Toward “Constitutionalizing” The Corporation: A Speculative Essay;
80:187 (1978)

CREDIT

*Consumer Law—The Supervised Loan in West Virginia; 80:256 (1978)

CRIMINAL JUSTICE

Book Review—A Theory of Criminal Justice by Hyman Gross;
81:219 (1978)

Commentary—Funding the Federal Judiciary;
82:1 (1979)


Critique of the Proposed West Virginia Criminal Code; 80:1 (1977)

Edward G. Donley Memorial Lecture: Non-Victim Crime and the Regulation of Prostitution;
79:593 (1977)

*Student Material
CRIMINAL LAW

CRIMINAL PROCEDURE
*Recent Developments in West Virginia—Boyd, McAbey and Cannellas; 80:318 (1978)
*Right of Cross Examination—Sexual Assault Statute; 79:293 (1977)
Streamlining Criminal Procedure In Magistrate Court; 79:339 (1977)
*Substantive and Procedural Aspects of the Right to Effective Assistance of Counsel; 81:525 (1979)
Waiver Under the West Virginia Habeas Corpus Act; 81:393 (1979)
*Student Material

DAMAGES
*Tort of Insurer’s Bad Faith Refusal To Pay First-Party Claims; 82:579 (1980)

DEDICATION TO PUBLIC USE
*The Public Use Limitation in Eminent Domain: Handley v. Cook; 82:357 (1979)
*The Public Trust Doctrine: A New Approach to Environmental Preservation; 81:455 (1978)

DISCOVERY

DISCRIMINATION
Clementine in the 1980’s (EEO and the Woman Miner); 82:899 (1980)
*Pregnancy and Hiring Discrimination; 83:537 (1981)
School Desegregation, Class Suits and the Vexing Problem Of Group Remedies; 80:15 (1977)

DOMESTIC RELATIONS
*Distribution of Marital Real Property Upon Divorce in West Virginia: The Need for Legislative Reform; 82:511 (1980)
*Domestic Relations—The Right of a Married Woman to Retain Her Maiden Name; 79:108 (1976)
### DOUBLE JEOPARDY
*State v. Fraizer; 82:703 (1980)

### DUE PROCESS

**Essay—Prejudgment Attachments and the Concept of the Neutral Magistrate: A Tale of Two Cases; 83:227 (1981)
*Due Process Protection for Non-tenured Faculty in Public Institutions of Higher Education: Long Overdue; 83:99 (1980)

### ECONOMICS

### EDUCATION
*Secular Control of Non-Public Schools; 82:111 (1979)

### ELECTIONS

### ENERGY LAW

### ENVIRONMENTAL CONTROL
*Baughman v. Bradford Coal Co. Inc.: A Reaffirmation of Citizen Suits
ENVIRONMENTAL LAW


*Citizen Participation in the Regulation of Surface Mining; 81:675 (1979)


Federal Coal Leasing Waltz, The; 80:455 (1978)


Legal Problems Relating to Ownership of Gas Found in Coal Deposits; 80:369 (1978)

*Farside of Paradox: State Regulation of the Environmental Effects of Coal Mining; 81:599 (1979)


*Environmental Law—The Nuances of Nuisance In A Private Action To Control Air Pollution; 80:48 (1977)

*Preventive Law and the Negotiating and Drafting of Coal Leases After the Surface Mining Control and Reclamation Act of 1977; 81:733 (1979)


The Protection of Hydrologic and Land Preservation Values Under Surface Mining Control and Reclamation Act of 1977: A Welcome Reform; 81:627

*The Public Trust Doctrine: A New Approach to Environmental Preservation; 81:455 (1978)


*Summary of the Legislative History of the Surface Mining Control and Reclamation Act of 1977 and the Relevant Legal Periodical Literature; 81:775 (1979)

*Water and Watercourses—Recreational Rights—A Determination of the Public Status of West Virginia Streams; 80:350 (1978)


*Student Material
Clean Air Act Proceedings Affecting National Coal Markets: An
Examination of the Authority of the President to Allocate Markets; 82:867 (1980)
A New Program for the Management of Federal Coal Reserves;
82:1019 (1980)
Regulatory Authority Under the Surface Mine Control and Reclama-

EQUAL PROTECTION
Clementine in the 1980's (EEO and the Woman Miner); 82:899 (1980)
*Pregnancy and Hiring Discrimination; 83:537 (1981)

EVIDENCE
Closing The Evidentiary Gap: A Review of Circuit Court Opinions
Analyzing Federal Black Lung Presumptions of Entitlement;
83:793 (1981)
*Criminal Procedure—Right of Cross Examination—Sexual Assault Statute;
79:293 (1977)
*Evidentiary Requirements to Prove a Claim for Black Lung Benefits:
Prior Crime Impeachment of Criminal Defendants: A Constitu-
tional Analysis of Rule 609;
82:391 (1980)

EXPERT WITNESSES
*Expert Witnesses—Right To Pay Expert Witnesses On A Contingent
Fee Basis in Civil Cases;
80:328 (1978)

FEDERAL COURTS
Commentary—Funding the Federal Judiciary;
82:1 (1979)

*United States v. Payner—Constriction of the Federal Courts' Super-
visory Power; 83:565 (1981)
*Survey of Developments in Law—the United States Court of

FEDERAL-STATE RELATIONS
A New Program for the Management of Federal Coal Reserves;
82:1019 (1980)

FINES
Future of Civil Monetary Penalties:
Two Federal Safety Statutes Compared;
79:171 (1977)

FREEDOM OF SPEECH
*Constitutional Law—Restricting the Application of the Commercial
Speech Doctrine; 79:274 (1977)
Fighting for Their Lives: The Applic-
bility of the Fairness Doctrine to Violence in Children's Televi-
sion Programming—An Essay;
82:285 (1979)
*The Public, The Media and the Criminal Defendant: Access to the
Courtrooms Prevails Over Fears of Prejudicial Publicity;
83:227 (1981)

HABEAS CORPUS
Waiver Under the West Virginia Habeas Corpus Act; 81:393 (1979)

HOUSING
*Mobile Homes: A Partial Solution To West Virginia's Housing Prob-
lems; 81:251 (1978)
*Implied Warranty of Habitability in Residential Leases; 81:81 (1978)

INDEXES
*Sixty Year Annotated Index of Coal Related Articles From the West
INFORMATION SYSTEMS
Legal Protection of Printed Systems; 81:45 (1978)

INJUNCTIONS

INSURANCE
Negotiation and Settlement: An Insurer's View of Comparative Negligence; 82:537 (1980)
*Tort of Insurer's Bad Faith Refusal To Pay First-Party Claims; 82:579 (1980)

JOINT TENANCY
*Creation of Joint Tenancies, The—Common Law Technicalities vs. The Grantor's Intent; 82:335 (1979)

JURIES
*Inquiries Into the Numerical Division of Juries: Ellis v. Reed; 82:383 (1979)

JURISDICTION
*Civil Procedure—Jurisdiction—The West Virginia Long-Arm Statute; 79:382 (1977)

*Student Materials

XXVI
and Drafting of Coal Leases After the Surface Mining Control and Reclamation Act of 1977; 81:733 (1979)
Short-Notice Termination Clauses In Coal Leases: Effect on Percentage Depletion; 83:159 (1981)

LEGAL ETHICS
Legal Ethics And The Prosecuting Attorney; 79:367 (1977)
Judicial Dilemma: Real or Imagined?; 83:29 (1980)

LEGAL HISTORY
Historical View of the Term Esquire as Used by Modern Women Attorneys; 80:209 (1978)

LEGAL PROFESSION
Historical View of the Term Esquire as Used by Modern Women Attorneys; 80:209 (1978)
Legal Representation Of The Mentally Ill; 82:157 (1979)
Legal Ethics And The Prosecuting Attorney; 79:367 (1977)
*Attorney's Liabilities Under ERISA; 82:129 (1979)

LIENS
*Leins—Priority of Common Law Liens and Secured Interests in West Virginia; 79:130 (1976)

LITIGATION
The Law of Medical Malpractice In West Virginia; 82:251 (1979)
A Lawyer's Medical Guide To Black Lung Litigation; 83:721 (1981)

LOANS
*Consumer Loans—The Supervised Loan in West Virginia; 80:256 (1978)

*Student Materials

LOBBYING

MALPRACTICE
The Law of Medical Malpractice In West Virginia; 82:251 (1979)

MENTAL HEALTH
First Do No Harm: Least Restrictive Alternative Analysis and the Right of Mental Patients To Refuse Treatment; 83:375 (1981)
Legal Representation Of The Mentally Ill; 82:669 (1980)
*A Review of the Conflict Between Community-Based Group Homes for the Mentally Retarded and Restrictive Zoning; 82:669 (1980)

MINES AND MINERALS
Coal: The Coming Decade; 82:835 (1980)
A Common Sense Approach to Coal's Role in Resolving America's Energy Crisis; 82:841 (1978)
Federal Coal Leasing Waltz, The; 80:455 (1978)
Federal Income Tax Treatment of the Acquisition and Disposition of Coal Interests: An Examination of I.R.C. § 631(c); 82:1139 (1980)
*Sixty Year Annotated Index of Coal Related Articles From the West Virginia Law Review; 82:1347 (1980)


*Preventive Law and the Negotiating and Drafting of Coal Leases After the Surface Mining Control and Reclamation Act of 1977; 81:733 (1979)

MINES AND MINING


*Summary of the Legislative History of the Surface Mining Control and Reclamation Act of 1977 and the Relevant Legal Periodical Literature; 81:775 (1979)


Coal: The Coming Decade; 82:835 (1980)

Clean Air Act Proceedings Affecting National Coal Markets: An Examination of the Authority of the President to Allocate Markets; 82:867 (1980)


A Common Sense Approach to Coal's Role in Resolving America's Energy Crisis; 82:841 (1980)

*Citizen Participation in the Regulation of Surface Mining; 81:675 (1979)


Enactment of the Surface Mining Control and Reclamation Act of 1977 in Retrospect; 81:553 (1979)


Farside of Paradox: State Regulation of the Environmental Effects of Coal Mining; 81:559 (1979)

Independent Contractor Safety In The Mines: A Review and Analysis of Regulatory History with Proposals For Change; 83:945 (1981)

A Miner's Bill of Rights; 80:397 (1978)


*Student Materials

xxviii


Safety In The United Kingdom's Deep Coal Mines; 83:977 (1981)

*Developments Under the Surface Mining Control and Reclamation Act of 1977, A Special Student Project; 82:1277 (1980)

*Unauthorized Work Stoppages—"Stranger Pickets" In the Coalfields; 80:492 (1978)

Accidents: Causation and Responsibility in Law—A Focus on Coal Mining; 83:921 (1981)

MOTION PICTURES

*Copyright—The Home Video Recording Controversy; 81:231 (1978)

NEGLECT

Alas and Alack, Modified Comparative Negligence Comes to West Virginia; 82:473 (1980)

Comparative Negligence in West Virginia: A Defense Overview; 82:493 (1980)

Negotiation and Settlement: An Insurer's View of Comparative Negligence; 82:537 (1980)

Plaintiff's View of Comparative Negligence; 82:523 (1980)

*Symposium on Bradley v. Appalachian Power Co.—West Virginia Adopts Comparative Negligence; 82:473 (1980)


NUISANCE

*Environmental Law—The Nuances of Nuisance In A Private Action

*Student Materials

To Control Air Pollution; 80:48 (1977)

OCCUPATIONAL HEALTH & SAFETY


The Basics of Federal Black Lung Litigation; 83:763 (1981)

Accidents: Causation and Responsibility In Law A Focus On Coal Mining; 83:921 (1981)

*Sixty Year Annotated Index of Coal Related Articles from the West Virginia Law Review; 82:1347 (1980)


Counseling The Miner Who Suffers From Respiratory Disease; 83:833 (1981)

Expanding Role of the West Virginia Supreme Court of Appeals in the Review of Workman's Compensation Appeals; 81:1 (1978)


The Federal Mine Safety and Health Amendments Act: Closure Encounters of the Third Kind; 80:429 (1978)

Independent Contractor Safety In The Mines: A Review And Anal-
ysis of Regulatory History With Proposals For Change; 83:945 (1981)
Safety In The United Kingdom's Deep Coal Mines; 83:977 (1981)

**OIL & COAL**
Legal Problems Relating To Ownership of Gas Found in Coal Deposits; 80:369 (1978)

**PATENTS**
*Copyright—Originality—Confusing The Standards for Granting Copyrights and Patents; 79:410 (1977)
*Copyright—The Home Video Recording Controversy; 81:231 (1978)

**POLLUTION**
See Environmental Regulation

**PRISONER'S RIGHTS**

**PRODUCTS LIABILITY**
Applying Strict Liability to Defective Products Litigation in West Virginia with Explanatory Emphasis Upon Coal Mining Machinery Cases; 82:13 (1979)
*Student Materials


**PROSECUTING ATTORNEYS**
Legal Ethics And The Prosecuting Attorney; 79:367 (1977)

**PROSTITUTION**

**REAL PROPERTY**
*Distribution of Marital Real Property Upon Divorce in West Virginia: The Need for Legislative Reform; 82:611 (1980)
Legal Problems Relating to Ownership of Gas Found in Coal Deposits; 80:369 (1978)
*Mobile Homes: A Partial Solution To West Virginia's Housing Problems; 81:251 (1978)
*The Public Trust Doctrine: A New Approach to Environmental Preservation; 81:455 (1978)
*The Public Use Limitation in Eminent Domain: Handley v. Cook; 82:357 (1979)

**RIGHT TO COUNSEL**
*Substantive and Procedural Aspects of the Right to Effective Assistance of Counsel; 81:525 (1979)

**SEARCH AND SEIZURE**
*Automobile Exception to the Warrant Requirements—Speeding Away from the Fourth Amendments; 82:637 (1980)
SECURITIES
Limitations On Rule 106-5; 80:219 (1978)
*Securities—Liability for Short-Swing Profits Under Section 16(b); 79:155 (1976)

SUPREME COURT
Book Review—The Brethren, Inside the Supreme Court, by Bob Woodward & Scott Armstrong; 82:299 (1979)

TAXATION
Federal Income Tax Treatment of the Acquisition and Disposition of Coal Interests: An Examination of I.R.C. § 631(c); 82:1139 (1980)
*A New Look At the Section 119 Meals and Lodging Exclusion; 81:483 (1979)
Why Wage-Price Controls Fail: A
*Student Material

*Symposium on Taxation of Coal, Oil and Gas; 82:1115 (1980)

TELEVISION
*Constitutional Law—Restricting the Application of the Commercial Speech Doctrine; 79:274 (1977)

TORTS
Alas and Alack, Modified Comparative Negligence Comes to West Virginia; 82:473 (1980)
Applying Strict Liability to Defective Products Litigation in West Virginia with Explanatory Emphasis Upon Coal Mining Machinery Cases; 82:13 (1979)
Comparative Negligence in West Virginia: A Defense Overview; 82:493 (1980)
*Compensating Victims of Crime: Evolving Concept or Dying Theory?; 82:89 (1979)
*Conflict of Laws—An Alternative to Lex Loci Delicti in West Virginia; 80:305 (1978)
Independent Contractor Safety In The Mines: A Review And Analysis of Regulatory History with Proposals For Change; 83:945 (1981)
The Law of Medical Malpractice
In West Virginia; 82:251 (1979)
The New West Virginia Antitrust
Act from the Defense Perspective; 81:207 (1978)
Plaintiff's View of Comparative
Negligence; 82:523 (1980)
*Products Liability—Assumption of
*Survey of Developments in the
*Survey of Developments in West
*Tort of Insurer's Bad Faith Refusal
To Pay First-Party Claims; 82:579 (1980)
*Torts—Parent's Recovery for Loss
Of Society and Companionship of
Child; 80:340 (1978)

UNIONS
Application of a Constitutionally
Based Duty of Fair Representation
to Union Hiring Halls; 82:31 (1979)
*Age Discrimination in Employment
*Usury—A Primer On The West
Virginia Law; 81:101 (1978)
*The Federal Monetary Control Act
of 1980: A Step Toward Deregulation
of State Usury Laws; 83:509 (1981)

VOTING
See Elections

WARRANTIES
*U.C.C. Warranties: Mountaineer
Contractors, Inc. v. Mountain

WATER AND WATERCOURSES
*Water and Watercourses—Recreational Rights—A Determination of
the Public Status of West Virginia Streams; 80:336 (1978)
The Protection of Hydrologic and
Land Preservation Values Under
Surface Mining Control and Reclama-
tion Act of 1977: A Welcome
Reform; 81:627 (1979)

WITNESSES
*Expert Witnesses—Right To Pay
Expert Witnesses On A Contingent
Fee Basis in Civil Cases; 80:328 (1978)

WORKER'S COMPENSATION
*Workmen's Compensation: The
Cumulative Injury Doctrine; 81:435 (1979)
Expanding Role of the West
Virginia Supreme Court of
Appeals in the Review of
Workman's Compensation
Appeals; 81:1 (1978)
Mitchell and Its Progeny: An Analysis
of Recent Developments in
the Payment of Temporary Total
Disability Benefits in Workmen's
Compensation Cases; 83:1 (1980)
*Survey of Developments in West

ZONING
*A Review of the Conflict Between
Community-Based Group Homes
for the Mentally Retarded and
Restrictive Zoning; 82:669 (1980)

*Students Materials

xxxii