Cumulative Index, Volumes 74-78

Follow this and additional works at: https://researchrepository.wvu.edu/wvlr

Recommended Citation

Available at: https://researchrepository.wvu.edu/wvlr/vol78/iss4/10

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 researchrepository@mail.wvu.edu.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>TABLE OF CASES</td>
<td>III</td>
</tr>
<tr>
<td>AUTHOR INDEX TO LEADING ARTICLES</td>
<td>V</td>
</tr>
<tr>
<td>TITLE INDEX</td>
<td>VIII</td>
</tr>
<tr>
<td>SUBJECT INDEX</td>
<td>XIII</td>
</tr>
</tbody>
</table>
# TABLE OF CASES

## A
- **Anderson v. Turner (W. Va.)**<br>74-429 (1972)

## B
- **Baker v. City of Seattle (Wash.)**<br>74-214 (1971)
- **Baldwin v. Butcher (W. Va.)**<br>74-436 (1972)
- **Bell v. Burson (Fed.)**<br>74-181 (1971)
- **Braden v. Judicial Circuit Court (Fed.)**<br>76-237 (1974)
- **Brady v. Reiner (W. Va.)**<br>76-82 (1973)
- **Brewster v. Hines (W. Va.)**<br>74-417 (1972)

## C
- **Cohen v. Chesterfield County School B. (4th Cir.)**<br>77-796 (1975)
- **Colten v. Kentucky (Fed.)**<br>75-372 (1973)
- **Conway v. Dana (Pa.)**<br>77-808 (1975)

## D
- **Marvin L. Dietrich (Tax Court)**<br>74-423 (1972)

## E
- **Edelman v. Jordan (Fed.)**<br>77-753 (1975)

## F
- **Fair v. Krohumea Steel & Aluminum Co. (4th Cir.)**<br>77-370 (1975)
- **Family Savings & Loan, Inc. V. Ciccarello (W. Va.)**<br>77-595 (1975)
- **Fireoved v. United States (3rd Cir.)**<br>75-305 (1973)
- **Ford v. Coiner (W. Va.)**<br>76-242 (1974)
- **Fuentes v. Shevin (Fed.)**<br>78-102 (1975)

## G
- **Gateway Coal Co. v. United Mine Workers (3rd Cir.)**<br>76-260 (1974)

## H
- **Harris v. New York (Fed.)**<br>74-188 (1971)
- **Hart v. Coiner (4th Cir.)**<br>77-344 (1975)

## I
- **In Re A., (Cal.)**<br>76-229 (1974)
- **In Re Estate of Evans (W. Va.)**<br>76-96 (1973)
- **In Re Willis (W. Va.)**<br>78-107 (1975)

## L
- **Linden Lumber Division, Summer & Co. v. NLRB (Fed.)**<br>77-607 (1975)

## M
- **Mahoney v. Walter (W. Va.)**<br>77-780 (1975)
- **Miller v. Burley (W. Va.)**<br>75-185 (1972)
- **Mitchell v. W. T. Grant Co. (Fed.)**<br>78-101 (1975) 069

## N
- **Nemo Foundations Inc. v. New River Co. (W. Va.)**<br>74-432 (1972)
- **North v. Superior Court (Cal.)**<br>76-228 (1974)
- **North Carolina v. Pearce (Fed.)**<br>75-375 (1973)
- **North Georgia Finishing, Inc. v. Di-Chem, Inc. (Fed.)**<br>78-101 (1975)

## O
- **Of Course, Inc. v. Commissioner (4th Cir.)**<br>77-365 (1975)

## P
- **Payne v. Walden (W. Va.)**<br>78-107 (1975)

## R
- **Ruggiero v. Manchin (4th Cir.)**<br>75-88 (1972)

## S
- **San Antonio Independent School District v. Rodriguez (Fed.)**<br>76-73 (1973)
- **Shores Realty Co. v. United States (5th Cir.)**<br>75-423 (1973)
## Table of Cases

<table>
<thead>
<tr>
<th>Case</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State ex rel Clancy v. Coiner (W. Va.)</td>
<td>74-196 (1971)</td>
</tr>
<tr>
<td>State ex rel. Cogar v. Haynes (W. Va.)</td>
<td>74-210 (1971-72)</td>
</tr>
<tr>
<td>State ex rel Shrewsbury v. Poteet (W. Va.)</td>
<td>78-108 (1975)</td>
</tr>
<tr>
<td>State v. Cowan (W. Va.)</td>
<td>77-562 (1975)</td>
</tr>
<tr>
<td>State v. Flinn (W. Va.)</td>
<td>78-145 (1975)</td>
</tr>
<tr>
<td>State v. Gulbankian (Wis.)</td>
<td>75-190 (1972)</td>
</tr>
<tr>
<td>State v. Hood (W. Va.)</td>
<td>74-433 (1972)</td>
</tr>
<tr>
<td>State v. McArdle (W. Va.)</td>
<td>77-564 (1975)</td>
</tr>
<tr>
<td>State v. Moore (W. Va.)</td>
<td>78-93 (1975)</td>
</tr>
<tr>
<td>State v. Slie (W. Va.)</td>
<td>78-93 (1975)</td>
</tr>
<tr>
<td>State v. Smith (W. Va.)</td>
<td>77-564 (1975)</td>
</tr>
<tr>
<td>State v. Thomas (W. Va.)</td>
<td>77-355 (1975)</td>
</tr>
<tr>
<td>State v. Woods (W. Va.)</td>
<td>74-402 (1972)</td>
</tr>
<tr>
<td>Taylor v. Superior Court (Cal.)</td>
<td>74-204 (1971)</td>
</tr>
<tr>
<td>Union Barge Line Corp. v. Marble Cliff Quarries Co. (S.D. W. Va.)</td>
<td>78-123 (1975)</td>
</tr>
<tr>
<td>Uarco, Inc. (NLRB)</td>
<td>77-816 (1975)</td>
</tr>
<tr>
<td>United States v. Generes (Fed.)</td>
<td>75-195 (1972)</td>
</tr>
<tr>
<td>Vesely v. Sager (Cal.)</td>
<td>74-408 (1972)</td>
</tr>
<tr>
<td>Wells Fargo Bank v. Title Insurance and Trust Co. (Cal.)</td>
<td>74-435 (1972)</td>
</tr>
<tr>
<td>Woodruff v. West Virginia Board of Regents (S.D. W. Va.)</td>
<td>74-430 (1972)</td>
</tr>
</tbody>
</table>

IV
<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Page/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cady, Thomas C.</td>
<td>Law of Products Liability in West Virginia</td>
<td>74-283 (1972)</td>
</tr>
<tr>
<td>Cardi, Vincent P.</td>
<td>Strip Mining and the 1971 West Virginia Surface Mining and Reclamation Act</td>
<td>75-319 (1973)</td>
</tr>
<tr>
<td>Cardi, Vincent Paul</td>
<td>The West Virginia Consumer Credit and Protection Act</td>
<td>77-401 (1975)</td>
</tr>
<tr>
<td>Chambers, Thomas N. and Louis S. Southworth, II</td>
<td>West Virginia Tax Law — Hearing and Appeal Procedures</td>
<td>74-135 (1971)</td>
</tr>
<tr>
<td>Curry, Earl M., Jr.</td>
<td>West Virginia and the Uniform Probate Code: An Overview Part II</td>
<td>77-203 (1975)</td>
</tr>
<tr>
<td>Donley, Robert Tucker</td>
<td>Development of the Law of Coal, Oil and Gas from 1951 to 1971</td>
<td>74-260 (1972)</td>
</tr>
<tr>
<td>Early, Bert H.</td>
<td>National Institute of Justice — A Proposal</td>
<td>74-226 (1972)</td>
</tr>
<tr>
<td>Field, Thomas G., Jr.</td>
<td>Intellectual and Industrial Property in a Nutshell</td>
<td>77-525 (1975)</td>
</tr>
<tr>
<td>Frasure, Carl M.</td>
<td>State Disaster Legislation</td>
<td>75-32 (1972)</td>
</tr>
<tr>
<td>Ferguson, Donald</td>
<td>Business Reciprocity as a Sherman Act Violation: A Generally Accepted, But As Yet Unadjudicated, Doctrine</td>
<td>74-343 (1972)</td>
</tr>
<tr>
<td>Gilkey, Royal Clarence</td>
<td>The Judicial Role in Intra-Church Disputes Under Constitutional Guarantees Relating To Religion</td>
<td>75-105 (1972)</td>
</tr>
<tr>
<td>Harris, M. Kay</td>
<td>Disquisition on the Need for a New Model for Criminal Sanctioning Systems</td>
<td>77-263 (1975)</td>
</tr>
<tr>
<td>Johnson, Lynn C., Ernest F. Hays II, and Rolla D. Campbell</td>
<td>Ad Valorem Taxation of Coal Bearing</td>
<td></td>
</tr>
</tbody>
</table>
Author Index to Leading Articles

Jaffe, Louis L.
Ecological Goals and the Ways and Means of Achieving Them 75-1 (1972)

K
Keeton, Robert E.
Routes to Reform of the Automobile Reparations System 74-2 (1971)
Kelley, Marilyn L.
Finality and Habeas Corpus: Is the Rule That Res Judicata May Not Apply to Habeas Corpus or Motion to Vacate Still Viable? 78-1 (1975)
Kennedy, Frank R.
Kohn, Vilma L., Michael C. Hallerud, and John T. Meredith
Kuhn, Edward W.
The Legal Profession's View of No-Fault 74-14 (1971)
Kurland, Philip B.
The Supreme Court, Compulsory Education, and the First Amendment's Religion Clauses 75-213 (1973)

M
Marinelli, Arthur J., Jr.
Occupational Safety and Health Act: The Right of a Worker to a Safe Work Place Environment 78-57 (1975)
McAteer, J. Davitt
McCulloch, Madison
Enforcement of Federal Coal Mine Health and Safety Regulations 77-663 (1975)
McGinley, Patrick
Prohibition of Strip Mining in West Virginia 78-445 (1976)
Megerly, Leslie L.
Pandemonium in the Administrative Resolution of Government Contract Disputes 75-121 (1972)
Melton, John R.
Coal Reserves Should Be the Subject of Equitable Ad Valorem Taxation 76-326 (1974)
Meredith, John T., Michael C. Hallerud, and Vilma L. Kohn
Meserve, Robert W.
Frank Cruise Haymond — In Memoriam 74-337 (1972)
Miernyk, William H.
Coal and the Appalachian Economy 76-281 (1974)
Morris, William O.
Dental Litigation 76-153 (1974)
Norton, F. L.
No-Fault v. The Present Reparations System — A West Virginia Insurance Executive's View 74-35 (1971)

P
Pearson, Ronald G.
Coal's New Values and Our National Priorities 76-277 (1974)
Philipps, J. Timothy
Symposium on No-Fault Insurance — Introduction 74-1 (1971)
Philipps, J. Timothy
VEPCO — The Need for a Revised Tax Appeals Procedure in West Virginia 76-1 (1973)
Preiser, Stanley E.
An Argument to the People On No-Fault Automobile Insurance 74-44 (1971)

R
Ratliff, Ray E., Jr.
The Fairness Doctrine: Its Limits and Occasions in West Virginia Advertising 74-120 (1971)
Rendleman, Doug
Prospective Remedies in Constitutional Adjudication 78-155 (1976)
Rothstein, Mark A.
Author Index To Leading Articles

S
Schauer, Frederick F.
Obscenity and the Conflict of Laws 77-377 (1975)
Schauer, Frederick F.
Southworth, Louis S., II and Thomas N. Chambers
West Virginia Tax Law — Hearing and Appeal Procedures 74-135 (1971)
Sullivan, Willard A., Jr.
An Extraordinary Rule: Rule XVIII, Rules of Practice in the Supreme Court of Appeals of West Virginia 77-1 (1974)

T
Thompson, James H.
State and Local Taxation of the Bituminous Coal Industry 76-297 (1974)
Tompkins, Roger W.

W
Warmuth, Richard A.
Procedural Due Process in the Juvenile Courts of West Virginia 76-16 (1973)
Weese, Dr. Samuel H.
No-Fault Automobile Insurance — An Attempt at a Realistic Evaluation 74-26 (1971)
Whisker, James B.
Historical Development and Subsequent Erosion of the Right to Keep and Bear Arms 73-171 (1976)
Wimpfen, Sheldon P.
Factors Affecting Development of the New Values of Coal 76-267 (1974)
Worrell, Robert M.
The Purpose of Law — A Trial Judge’s View 75-138 (1972)

Y
Young, Harold W.
<table>
<thead>
<tr>
<th>Title</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad Valorem Taxation of Coal Property — Introduction</td>
<td>76-295 (1974)</td>
</tr>
<tr>
<td>Administrative Procedure — Judicial Review — Abolition of Extraordinary Writs</td>
<td>77-548 (1975)</td>
</tr>
<tr>
<td>Adverse Possession — Personal Property — Acquiring Title to Personal Property by Adverse Possession in West Virginia</td>
<td>75-248 (1973)</td>
</tr>
<tr>
<td>An Argument to the People In No-Fault Automobile Insurance</td>
<td>74-44 (1971)</td>
</tr>
<tr>
<td>Business Reciprocity as a Sherman Act Violation: A Generally Accepted, But As Yet Unadjudicated, Doctrine</td>
<td>74-343 (1972)</td>
</tr>
<tr>
<td>Civil Rights — Administrative Enforcement — Damages as an Appropriate Remedy</td>
<td>75-253 (1973)</td>
</tr>
<tr>
<td>Coal and the Appalachian Economy</td>
<td>76-281 (1974)</td>
</tr>
<tr>
<td>Coal and the Energy Crisis</td>
<td>76-287 (1974)</td>
</tr>
<tr>
<td>Coal’s New Values and Our National Priorities</td>
<td>76-277 (1974)</td>
</tr>
<tr>
<td>Coal Reserves Should Be the Subject of Equitable Ad Valorem Taxation</td>
<td>76-325 (1974)</td>
</tr>
<tr>
<td>Constitutional Law — Due Process of Law — Creditors’ Rights and Prejudgment Remedies</td>
<td>76-24 (1973)</td>
</tr>
<tr>
<td>Constitutional Law — The Eleventh Amendment — Injustice for All</td>
<td>77-724 (1975)</td>
</tr>
<tr>
<td>Constitutional Law — The Judicial Role In Intra-Church Disputes in West Virginia</td>
<td>76-81 (1973)</td>
</tr>
<tr>
<td>Constitutional Law — Marital Law — Preserving Order in the State: A Traditional Reappraisal</td>
<td>75-143 (1972)</td>
</tr>
<tr>
<td>Constitutional Law — Minimum Protection in Public School Financing</td>
<td>76-72 (1973)</td>
</tr>
<tr>
<td>Constitutional Law — Minimum Protection in Public School Financing</td>
<td>76-72 (1973)</td>
</tr>
<tr>
<td>Constitutional Law — Right to Privacy — Electronic Surveillance</td>
<td>76-228 (1974)</td>
</tr>
<tr>
<td>Constitutional Law — Taxation — Equal Education: A Public School Financing Proposal For West Virginia</td>
<td>75-50 (1972)</td>
</tr>
<tr>
<td>Constitutional Law — West Virginia’s Distress for Rent Law — A Landlord’s Remedy vs. a Tenant’s Protection</td>
<td>74-170 (1971)</td>
</tr>
<tr>
<td>Constitutional Law — Women’s Rights — Mandatory Pregnancy Leave Unconstitutional</td>
<td>77-796 (1975)</td>
</tr>
<tr>
<td>Consumer Protection — Implied Civil</td>
<td></td>
</tr>
</tbody>
</table>
Title Index

<table>
<thead>
<tr>
<th>Topic</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remedy Under the Federal Consumer Credit Protection Act</td>
<td>77-601 (1975)</td>
</tr>
<tr>
<td>*Contracts — Parol Evidence Rule — Admissibility of Agency Not Appearing in Written Contract</td>
<td>74-162 (1971)</td>
</tr>
<tr>
<td>*Corporations — A Survey of the Pending West Virginia Corporation Act</td>
<td>77-50 (1974)</td>
</tr>
<tr>
<td>*Corporations — 1975 Amendments to the West Virginia Corporations Act</td>
<td>78-336 (1976)</td>
</tr>
<tr>
<td>Criminal Law — Accessory Before the Fact to Misdemeanor — A Legal Impossibility?</td>
<td>74-402 (1972)</td>
</tr>
<tr>
<td>*Criminal Law — Criminal Responsibility — A Pragmatic Approach to the Fourth Circuit</td>
<td>78- (1976)</td>
</tr>
<tr>
<td>Criminal Law — Malicious Mischief — Felony or Misdemeanor</td>
<td>74-209 (1971)</td>
</tr>
<tr>
<td>Criminal Law — Vicarious Liability — Robber Convicted of Murder When Robbery Victim Killed Accomplice</td>
<td>74-204 (1971)</td>
</tr>
<tr>
<td>*Criminal Procedure — Discovery — Movement Toward Full Disclosure</td>
<td>77-561 (1975)</td>
</tr>
<tr>
<td>*Criminal Procedure — Due Process — Right to Counsel at Pretrial Identifications</td>
<td>78-84 (1975)</td>
</tr>
<tr>
<td>Criminal Procedure — Habeas Corpus — Waiver of Relief Under the West Virginia Post-Conviction Habeas Corpus Act</td>
<td>76-242 (1974)</td>
</tr>
<tr>
<td>*Criminal Procedure — Justice of the Peace Courts — Increased Penalty Upon Trial De Novo</td>
<td>75-372 (1973)</td>
</tr>
<tr>
<td>*Criminal Procedure — Post-Conviction Right to Counsel</td>
<td>77-571 (1975)</td>
</tr>
<tr>
<td>Criminal Procedure — Recidivism — Constitutionality of the West Virginia Recidivist Statute</td>
<td>77-343 (1975)</td>
</tr>
<tr>
<td>Criminal Procedure — Right to Counsel — Standard for Judging the Effectiveness of Assistance</td>
<td>77-355 (1975)</td>
</tr>
<tr>
<td>Criminal Procedure — Warrantless Search Permissible Even Though Arresting Officer Had Time to Procure Warrant</td>
<td>78-441 (1976)</td>
</tr>
<tr>
<td>*Debtor's and Creditor's Rights — Attachment and Garnishment — Constitutional Parameters of Prejudgment Remedies</td>
<td>78-99 (1975)</td>
</tr>
<tr>
<td>**Dental Litigation</td>
<td>76-153 (1974)</td>
</tr>
<tr>
<td>**Development of the Law of Coal, Oil and Gas from 1951 to 1971</td>
<td>74-260 (1972)</td>
</tr>
<tr>
<td>**Disquisition on the Need for a New Model For Criminal Sanctioning Systems</td>
<td>77-263 (1975)</td>
</tr>
<tr>
<td>Domestic Relations — Child Support — Equal Obligation of Parents</td>
<td>77-808 (1975)</td>
</tr>
<tr>
<td>**Ecological Goals and the Ways and Means of Achieving Them</td>
<td>75-1 (1972)</td>
</tr>
<tr>
<td>Elections — Vacancies Occurring Close to Elections</td>
<td>75-184 (1972)</td>
</tr>
<tr>
<td>*Eminent Domain: Approaches to Valuation of Real Estate with Emphasis on Mineral Properties</td>
<td>74-307 (1972)</td>
</tr>
<tr>
<td>**Enforcement of Federal Coal Mine Health and Safety Regulations</td>
<td>77-663 (1975)</td>
</tr>
<tr>
<td>*Environmental Law — Air Pollution Abatement — A Supplemental Damage Remedy Under The Clean Air Act</td>
<td>75-266 (1973)</td>
</tr>
</tbody>
</table>
Title Index


*Environmental Law — The Control of Nonreturnable Beverage Containers, Proposed Legislation 74-378 (1972)


*Evidence — The Admissibility of Polygraph Test Results in Paternity Cases 76-45 (1973)

*Evidence — Presumptions — Application of the Deadly Weapons Presumption in West Virginia 75-287 (1973)

*Exemption Statutes — Yesterday's Protection at Today's Costs — An Update Needed 74-370 (1972)

**An Extraordinary Rule: Rule XVIII, Rules of Practice in the Supreme Court of Appeals of West Virginia 77-1 (1974)

F

**Factors Affecting Development of the New Values of Coal 76-267 (1974)

**The Fairness Doctrine: Its Limits and Occasions in West Virginia Advertising 74-120 (1971)


*Fetal Research — The Legislative Answer 78-230 (1976)

**Finality and Habeas Corpus: Is the Rule That Res Judicata May Not Apply to Habeas Corpus or Motion to Vacate Still Viable 78-1 (1975)

**Frank Cruise Haymond — In Memoriam 74-337 (1972)

H

**Historical Development and Subsequent Erosion of the Right to Keep and Bear Arms 78-171 (1976)

*Housing — Mobile Homes — Some Legal Questions 75-382 (1973)

I

Income Tax — Corporate Liquidations — Deductibility of Legal Expenses 77-365 (1975)


**Intellectual and Industrial Property in a Nutshell 77-525 (1975)


J

*Judicial Ethics — Recusal of Judges — The Need for Reform 77-763 (1976)

**The Judicial Role in Intra-Church Disputes Under Constitutional Guarantees Relating To Religion 75-105 (1972)

Juvenile Courts — Waiver of Juvenile Jurisdiction After Adjudication of Delinquency Violates Double Jeopardy Clause of Fifth Amendment 78-428 (1976)

L

*Labor Law — Arbitration — Duties of Successor Employer 78-000 (1976)


*Labor Law — Employer Free Speech — Use of the Gissel Guidelines in Determining Predictions or Threats 74-382 (1972)


Labor Law — Unfair Labor Practices — Solicitation of Employee Grievances During a Union Organizational Campaign 77-816 (1975)

Labor Law — Unions — Union Must Petition for an Election 77-607 (1975)

**Law of Products Liability in West Virginia 74-283 (1972)

Legal Ethics — Drafter of a Will Who Serves as Executor 75-190 (1972)

**The Legal Profession's View of No-Fault 74-14 (1971)

*Living Wills — Need for Legal Recognition 78-379 (1976)

M

*Medical Malpractice — Constitutional-
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>No-Fault Automobile Insurance — An Attempt at a Realistic Evaluation</td>
<td>74-26 (1971)</td>
</tr>
<tr>
<td>The Purpose of Law — A Trial Judge's View</td>
<td>75-138 (1972)</td>
</tr>
<tr>
<td>Real Property — Covenant of General Warranty — Novel Definition of Constructive Eviction in West Virginia</td>
<td>75-145 (1972)</td>
</tr>
<tr>
<td>Reflections on the Bankruptcy Laws of the United States: The Debtor's Fresh Start</td>
<td>75-296 (1973)</td>
</tr>
<tr>
<td>Remedies — Private Nuisance — Comparative Injury Doctrine in West Virginia</td>
<td>77-780 (1975)</td>
</tr>
<tr>
<td>Rights of Mentally Ill — Involuntary Sterilization — Analysis of Recent Statutes</td>
<td>78-131 (1975)</td>
</tr>
<tr>
<td>Routes to Reform of the Automobile Reparations System</td>
<td>74-2 (1971)</td>
</tr>
<tr>
<td>Occupational Safety and Health Act: The Right of a Worker to a Safe Work Place Environment</td>
<td>78-57 (1975)</td>
</tr>
<tr>
<td>Obscenity and the Conflict of Laws</td>
<td>77-377 (1975)</td>
</tr>
<tr>
<td>Pandemonium in the Administrative Resolution of Government Contract Disputes</td>
<td>75-121 (1972)</td>
</tr>
<tr>
<td>The Pauper — Short-Changed at the Jury Box</td>
<td>74-392 (1972)</td>
</tr>
<tr>
<td>Peace Bond — A Questionable Procedure for a Legitimate State Interest</td>
<td>74-328 (1972)</td>
</tr>
<tr>
<td>Physicians and Surgeons — The Expanding Role of the Physician's Assistant</td>
<td>76-162 (1974)</td>
</tr>
<tr>
<td>Police Use of Firearms in West Virginia — An Empirical Study</td>
<td>75-166 (1972)</td>
</tr>
<tr>
<td>Preliminary Injunctions in West Virginia — Discretionary Notice and Due Process</td>
<td>78-113 (1975)</td>
</tr>
<tr>
<td>Prisoner's Rights — The Need for an Inmate Grievance Commission in West Virginia</td>
<td>78-411 (1976)</td>
</tr>
<tr>
<td>The Privacy Interest of the Fourth Amendment — Does Mapp v. Ohio Protect It or Plige It?</td>
<td>74-154 (1971)</td>
</tr>
<tr>
<td>Prospective Remedies in Constitutional Adjucication</td>
<td>78-155 (1976)</td>
</tr>
<tr>
<td>The Purpose of Law — A Trial Judge's View</td>
<td>75-138 (1972)</td>
</tr>
</tbody>
</table>
Title Index

to Students for Civil Rights Violations 78-259 (1976)
**School Books, Lesson Plans, and the Constitution 78- (1976)
**State Disaster Legislation 75-32 (1972)
**State and Local Taxation of the Bituminous Coal Industry 76-297 (1974)
**Strip Mining and the 1971 West Virginia Surface Mining and Reclamation Act 75-319 (1973)
**The Supreme Court, Compulsory Education, and the First Amendment’s Religion Clauses 75-213 (1973)
**Symposium on No-Fault Insurance — Introduction 74-1 (1971)

T
Taxation — Apportionment of Inheritance Tax Where Contingent or Limited Interests are Present 76-96 (1973)
Taxation — Fourth Circuit Disallows Leaseback Deductions 78-442 (1976)
Taxation — Loss Carry-back Privileges of F Reorganizations 74-219 (1971)
Taxation — The Office-in-Home Deduction 74-423 (1972)
Taxation — Requirement for Business Bad Debt Deductions 75-195 (1972)
Taxation — “Section 306 Stock” 75-304 (1973)
Taxation — Subchapter S — Relaxation of the One Class of Stock Requirement 75-422 (1973)
*Torts — Expanding the Concept of Recovery for Mental and Emotional Injury 76-176 (1974)
*Torts — Governmental Immunity — Municipal Immunity Abolished 78-278 (1976)
*Torts — Governmental Immunity in West Virginia — Long Live the King? 76-543 (1974)
Torts — Wrongful Death — Dependent Distributee Need Not Be Totally Dependent Upon Deceased 75-88 (1972)

U
U.C.C. — Statute of Limitations — Conflicts Between Personal Injury and Sales Contract Statutes of Limitations 75-201 (1972)

V
**VEPCO — The Need for a Revised Tax Appeals Procedure in West Virginia 76-1 (1973)

W
**War Powers Legislation 74-53 (1971)
**War Powers Legislation — An Addendum 74-367 (1972)
**The West Virginia Consumer Credit and Protection Act 77-401 (1975)
**West Virginia and the Uniform Probate Code: An Overview 76-111 (1974)
**West Virginia and the Uniform Probate Code: An Overview — Part II 77-203 (1975)
**West Virginia Tax Law — Hearing and Appeal Procedures 74-135 (1971)
Wills — Future Interests — Determining the Class of Heirs Following a Life Estate 75-94 (1972)
*Wills — Implied Gifts of Remainders 76-217 (1974)

Z
Zoning — Modification of Zoning Ordinance Use Restrictions 78- (1976)
SUBJECT INDEX

ACTIONS AND DEFENSES

ADMINISTRATION OF JUSTICE
**A Proposed New Judicial Article for West Virginia 76-481 (1974)

ADMINISTRATIVE LAW AND PROCEDURE
*Administrative Procedure — Judicial Review — Abolition of Extraordinary Writs 77-548 (1975)

ADMINISTRATION OF JUSTICE
**National Institute of Justice — A Proposal 74-226 (1972)

ADMISSIBILITY OF EVIDENCE
*Evidence — The Admissibility of Polygraph Test Results in Paternity Cases 76-45 (1973)
*Contracts — Parol Evidence Rule — Admissibility of Agency Not Appearing in Written Contract 74-162 (1971)
Evidence — Breathalyser Test — Proper Foundation for Admissibility into Evidence 74-432 (1972)

ADVERSE POSSESSION
*Adverse Possession — Personal Property — Acquiring Title to Personal Property by Adverse Possession in West Virginia 75-248 (1973)

ADVERTISING
**The Fairness Doctrine: Its Limits and Occasions in West Virginia Advertising 74-120 (1971)

AGENCY
*Contracts — Parol Evidence Rule — Admissibility of Agency Not Appearing in Written Contract 74-162 (1971)

ALCOHOLIC BEVERAGES
Negligence — Intoxicating Liquors — Vendor's Liability for Damages by Intoxicated Patrons 74-408 (1972)

ANTITRUST LAW
**Business Reciprocity As A Sherman Act Violation: A Generally Accepted, But As Yet Unadjudicated, Doctrine 74-343 (1972)

APPELLATE PROCEDURE
**An Extraordinary Rule: Rule XVIII, Rules of Practice in the Supreme Court of Appeals of West Virginia 77-1 (1975)
**VEPCO — The Need for a Revised Tax Appeals Procedure in West Virginia 76-1 (1973)

ARBORIZATION AND AWARD
*Labor Law — Arbitration — Duties of Successor Employer 78- (1976)

ATTACHMENT AND GARNISHMENT
*Exemption Statutes — Yesterday's Protection at Today's Costs — An Update Needed 74-370 (1972)

ATTORNEYS
Attorneys — Malpractice — Statute of Limitations Extended 77-595 (1975)
<table>
<thead>
<tr>
<th>Subject Index</th>
</tr>
</thead>
</table>
| **AUTOMOBILES**
  See Motor Vehicles |
| **AUTOMOBILE INSURANCE**
  **An Argument to the People on No-Fault Automobile Insurance** 74-44 (1971)
  **No-Fault Automobile Insurance — An Attempt at a Realistic Evaluation** 74-26 (1971)
  **No-Fault vs. The Present Reparations System — A West Virginia Insurance Executive’s View** 74-35 (1971)
  **Routes to Reform of the Automobile Reparations System Symposium on No-Fault Insurance** 74-1 (1971)
  **The Legal Profession’s View of No-Fault** 74-14 (1971) |
| **BANKRUPTCY**
| **BONDS**
  *Peace Bond — A Questionable Procedure for a Legitimate State Interest** 74-326 (1972)
  *Municipal Bonds — The Need for Disclosure** 78-391 (1976)
| **CHURCH AND STATE**
  See Freedom of Religion |
| **CHURCHES**
  Constitutional Law — The Judicial Role in Intra-Church Disputes in West Virginia 76-81 (1973)
  **The Judicial Role in Intra-Church Disputes Under Constitutional Guarantees Relating to Religion** 75-105 (1972) |
| **CIVIL PROCEDURE**
  Civil Procedure — Summary Judgment in Negligence Case Based On Answers to Interrogatories 74-429 (1972)
| **CIVIL RIGHTS**
  *Civil Rights — Administrative Enforcement — Damages as an Appropriate Remedy** 75-253 (1973)
  Schools and School Officials — Liability to Students for Civil Rights Violations 78-259 (1976) |
| **CLASS ACTIONS**
| **COAL**
  **Ad Valorem Taxation of Coal Bearing Lands in West Virginia — A Viewpoint of the Coal Industry** 76-349 (1974)
  **Ad Valorem Taxation of Mineral Resources — Symposium** 76-296 (1974)
  **Coal and the Appalachian Economy** 76-281 (1974)
  **Coal and the Energy Crisis** 76-257 (1974)
  **Coal’s New Values and Our National Priorities** 76-277 (1974)
  **Coal Reserves Should Be the Subject of Equitable Ad Valorem Taxation** 76-326 (1974)
  **Development of the Law of Coal, Oil and Gas From 1951 to 1971** 74-260 (1972)
  **Factors Affecting Development of the New Values of Coal** 76-287 (1974)
  **Speaker’s Forum — The New Values of Coal — Questions and Answers** 76-285 (1974)
  **State and Local Taxation of the Bituminous Coal Industry** 76-297 (1974)
  **Strip Mining and the 1971 West Virginia Surface Mining and Reclamation Act** 75-319 (1973)
  The New Values of Coal — Symposium 76-256 (1974) |
| **COAL MINE HEALTH AND SAFETY**
  See Safety Laws |
| **COMMERCIAL LAW**
  *Constitutional Law — State Taxation of Interstate Commerce — Commerce Clause Analysis** 76-380 (1974) |
Subject Index

COMMERCIAL LAW
U.C.C. — Statute of Limitations — Conflicts Between Personal Injury and Sales Contract Statutes of Limitations
76-201 (1972)

CONFessions
Constitutional Law — Evidence — Use of Miranda-violative Confessions for Impeachment Purposes
74-187 (1971)

CONFLICT OF LAWS
**Obscenity and the Conflict of Laws
77-377 (1975)

CONSTITUTIONAL AMENDMENTS
**A Proposed New Judicial Article for West Virginia 76-481 (1974)

CONSTITUTIONAL LAW
*Constitutional Law — The Children's Crusade for Constitutional Recognition 78-192 (1976)
*Constitutional Law — Due Process of Law — Creditors' Rights and Prejudgment Remedies 76-24 (1973)
Constitutional Law — Evidence — Use of Miranda-violative Confessions for Impeachment Purposes
74-187 (1971)
*Constitutional Law — Martial Law — Preserving Order in the State: A Traditional Reappraisal 76-143 (1972)
Constitutional Law — Minimum protection in Public School Financing 76-72 (1973)
Constitutional Law — Right to Privacy — Electronic Surveillance 76-228 (1874)
*Constitutional Law — State Taxation of Interstate Commerce — Commerce Clause Analysis 76-380 (1974)
*Constitutional Law — Taxation — Equal Education: A Public School Financing Proposal for West Virginia 75-50 (1972)
*Constitutional Laws — The Eleventh Amendment — Injustice for All 77-724 (1975)
Constitutional Law — The Judicial Role in Intra-Church Disputes in West Virginia 76-81 (1973)
Constitutional Law — Women’s Rights — Mandatory Pregnancy Leave Unconstitutional 77-796 (1975)
*Debtor’s and Creditor’s Rights — Attachment and Garnishment — Constitutional Parameters of Prejudgment Remedies 78-99 (1975)
**Historic Development and Subsequent Erosion of the Right to Keep and Bear Arms 78-171 (1967)
**The Judicial Role in Intra-Church Disputes Under Constitutional Guarantees Relating to Religion 75-105 (1972)
Juvenile Courts — Waiver of Juvenile Jurisdiction After Adjudication of Delinquency Violates Double Jeopardy Clause of Fifth Amendment 78-423 (1976)
*Medical Malpractice — Constitutionality of Limits on Liability 78-381 (1976)
*The Pauper — Short-Changed at the Jury Box 74-392 (1972)
*Peace Bond — A Questionable Procedure for a Legitimate State Interest 74-326 (1972)
*Prisoner’s Rights — The Need for an Inmate Grievance Commission in West Virginia 78-441 (1976)
*The Privacy Interest of the Fourth Amendment — Does Mapp v. Ohio Protect It or Pillage It? 74-154 (1971)
# Subject Index

**Procedural Due Process in the Juvenile Courts of West Virginia**  
76-16 (1973)

**Prospective Remedies in Constitutional Adjudication**  
78-155 (1976)

## CONSTITUTIONAL LAW

**School Books, Lesson Plans, and the Constitution**  
78-287 (1976)

Schools and School Officials — Liability to Students for Civil Rights Violations  
78-259 (1976)

Social Welfare — Effect of Eligibility for Unemployment Compensation on A.F.D.C. Benefits  
78-268 (1976)

**The Supreme Court, Compulsory Education, and the First Amendment's Religion Clauses**  
75-213 (1973)

*Torts — Governmental Immunity in West Virginia — Long Live the King?*  
76-543 (1974)

## CONSUMER PROTECTION

Consumer Protection — Implied Civil Remedy Under the Federal Consumer Credit Protection Act  
77-601 (1976)

*Products Liability — West Virginia Consumer Credit and Protection Act — Definitional Inadequacies*  
77-328 (1975)

**The West Virginia Consumer Credit and Protection Act**  
77-401 (1975)

## CONTRACTS

*Contracts — Parol Evidence Rule — Admissibility of Agency Not Appearing in Written Contract*  
74-162 (1971)

## CONTINGENT REMAINDERS

See Future Interests

## CORPORATE LIQUIDATION

*Corporations — A Survey of the Pending West Virginia Corporation Act*  
77-50 (1974)

## CORPORATIONS

*Corporations — 1975 Amendments to the West Virginia Corporations Act*  
78-336 (1976)

*Corporations — A Survey of the Pending West Virginia Corporation Act*  
77-50 (1974)

*Income Tax — Tax Free Transfers to Controlled Corporations*  
76-401 (1974)

Taxations — Loss Carry-Back Privileges of F Reorganizations  
74-219 (1971)

Taxation — Subchapter S — Relaxation of the One Class of Stock Requirement  
75-222 (1973)

## COURTS

**An Extraordinary Rule: Rule XVIII — Rules of Practice in the Supreme Court of Appeals of West Virginia**  
77-1 (1974)

**A Proposed New Judicial Article for West Virginia**  
76-481 (1974)

Courts — Declaratory Judgment — Abstention Doctrine in Federal Equitable Relief  
74-430 (1972)

**National Institute of Justice — A Proposal**  
74-226 (1972)

## CRIMINAL LAW

Criminal Law — Accessory Before the Fact to Misdemeanor — A Legal Impossibility?  
74-402 (1972)

*Criminal Law — Criminal Responsibility — A Pragmatic Approach to the Fourth Circuit*  
78- (1976)

Criminal Law — Juvenile Delinquency — Contributing Survives Constitutional Attack: Confusion or Certainty  
78-145 (1975)

Criminal Law — Malicious Mischief — Felony or Misdemeanor?  
74-209 (1971)

Criminal Law — Plea Bargaining — Withdrawal of Guilty Plea  
74-196 (1971)

Criminal Law — Vicarious Liability — Robber Convicted of Murder when Robbery Victim killed Accomplice  
74-204 (1971)

*The Privacy Interest of the Fourth Amendment — Does Mapp v. Ohio Protect It or Pillage It?*  
74-154 (1971)

## CRIMINAL PROCEDURE

*Criminal Procedure — Discovery —

XVI
Subject Index

Movement Toward Full Disclosure 77-561 (1975)

*Criminal Procedure — Due Process — Right to Counsel at Pretrial Identifications 78-84 (1975)
Criminal Procedure — Habeas Corpus—Waiver of Relief Under the West Virginia Post-Conviction Habeas Corpus Act 76-242 (1974)
*Criminal Procedure — Justice of the Peace Courts — Increased Penalty Upon Trial De Novo 75-372 (1973)
*Criminal Procedure — Post-Conviction Right to Counsel 77-571 (1975)
Procedural Due Process in the Juvenile Courts of West Virginia 76-16 (1973)
Criminal Procedure — Recidivism — Constitutionality of the West Virginia Recidivist Statute 77-343 (1975)
Criminal Procedure — Right to Counsel — Standard for Judging the Effectiveness of Assistance 77-356 (1975)
Criminal Procedure — Warrantless Search Permissible Even Though Arresting Officer Had Time to Procure Warrant 78-441 (1976)
**Disquisition on the Need for a New Model for Criminal Sanctioning Systems 77-263 (1975)
**Finality and Habeas Corpus: Is the Rule That Res Judicata May Not Apply to Habeas Corpus or Motion to Vacate Still Viable? 78-1 (1975)

DAMAGES
*Civil Rights — Administrative Enforcement — Damages as an Appropriate Remedy 75-253 (1973)
*Environmental Law — Air Pollution Abatement — A Supplemental Damage Remedy Under the Clean Air Act 75-268 (1973)

DEBTOR AND CREDITOR
*Constitutional Law — Due Process of Law — Creditors’ Rights and Pre-judgment Remedies 76-24 (1973)
*Debtor’s and Creditor’s Rights — Attachment and Garnishment — Constitutional Parameters of Pre-judgment Remedies 78-99 (1975)
*Exemption Statutes — Yesterday’s Protection At Today’s Costs — An Update Needed 74-370 (1972)

DECLARATORY RELIEF
Courts — Declaratory Judgment — Abstention Doctrine in Federal Equitable Relief 74-430 (1972)

DEEDS
Real Property — Convenant of General Warranty — Novel Definition of Constructive Eviction in West Virginia 74-415 (1972)

DENTISTS
**Dental Litigation 76-153 (1974)

DISCRIMINATION
*Civil Rights — Administrative Enforcement — Damages as an Appropriate Remedy 75-253 (1973)

DIVIDENDS
*Corporations — A Survey of the Pending West Virginia Corporation Act 77-50 (1975)

DOMESTIC RELATIONS
Domestic Relations — Child Support — Equal Obligation of Parents 77-808 (1975)

DRUNKENNESS
Negligence — Intoxicating Liquors — Vendor’s Liability for Damages by Intoxicated Patrons 74-408 (1972)

DUE PROCESS OF LAW
*Constitutional Law — Due Process of Law — Creditors’ Rights and Pre-judgment Remedies 76-24 (1973)
*Criminal Procedure — Due Process —
Right to Counsel at Pretrial Identifications 78-84 (1975)
*Peace Bond — A Questionable Procedure for a Legitimate State Interest 74-326 (1972)
*Preliminary Injunctions in West Virginia — Discretionary Notice and Due Process 78-113 (1975)
Procedural Due Process in the Juvenile Courts of West Virginia 76-16 (1973)

EAVESDROPPING
Constitutional Law — Right to Privacy — Electronic Surveillance 76-228 (1974)

EDUCATION
Constitutional Law — Minimum Protection in Public School Financing 76-72 (1973)
*Constitutional Law — Taxation — Equal Education: A Public School Financing Proposal For West Virginia 75-50 (1972)
**School Books, Lesson Plans, and the Constitution 78-297 (1976)
Schools and School Officials — Liability to Students for Civil Rights Violations 78-259 (1976)
**The Supreme Court, Compulsory Education, and the First Amendment's Religion Clauses 75-213 (1973)

ELECTIONS
Elections — Vacancies Occurring Close to Elections 75-184 (1972)

EMINENT DOMAIN
*Eminent Domain: Approaches to Valuation of Real Estate With Emphasis on Mineral Properties 74-307 (1972)

EMPLOYER AND EMPLOYEE
See Master and Servant

ENVIRONMENTAL CONTROL
**Conservation of Natural Resources — Ecology, Economics and Energy 78-315 (1976)
**Ecological Goals and the Ways and Means of Achieving Them 75-1 (1972)
*Environmental Law — Air Pollution Abatement — A Supplemental Damage Remedy Under the Clean Air Act 75-266 (1973)
*Environmental Law — The Control of Nonreturnable Beverage Containers, Proposed Legislation 74-378 (1972)

**Prohibition of Surface Mining in West Virginia 78- (1976)

EQUAL PROTECTION
*Constitutional Law — Taxation — Equal Education: A Public School Financing Proposal For West Virginia 75-50 (1972)
*Peace Bond — A Questionable Procedure for a Legitimate State Interest 74-326 (1972)

EQUITABLE REMEDIES
Courts — Declaratory Judgment — Abstention Doctrine in Federal Equitable Relief 74-430 (1972)

ESTATE PLANNING
**West Virginia and the Uniform Probate Code:
   An Overview Part I 76-111 (1974)
   An Overview Part II 77-203 (1975)

ESTATE LAW
*Living Wills — Need for Legal Recognition 78- (1976)

ETHICS
See Legal Ethics

EVICTION
Real Property — Covenant of General Warranty — Novel Definition of Constructive Eviction in West Virginia 74-415 (1972)
SUBJECT INDEX

EVIDENCE
Evidence — Breathalyser Test —
Proper Foundation for Admissibility into Evidence 74-432 (1972)

*Contracts — Parol Evidence Rule — Admissibility of Agency Not Appearing in Written Contract 74-162 (1971)

*Evidence — Presumptions — Application of the Deadly Weapons Presumption in West Virginia 75-287 (1973)

Evidence — The Admissibility of Polygraph Test Results in Paternity Cases 76-45 (1973)

EXECUTORS AND ADMINISTRATORS
Legal Ethics — Drafter of a Will Who Serves as Executor 75-190 (1972)

FEDERAL COURTS
See Courts

FEDERAL JURISDICTION


FEDERAL RULES OF CIVIL PROCEDURE

FELONIES
See Criminal Law

FINES
*Criminal Procedure — Justice of the Peace Courts — Increased Penalty Upon Trial De Novo 75-372 (1973)

FIREARMS
See Weapons

FIXTURES
*Housing — Mobile Homes — Some Legal Questions 75-382 (1973)

FORESTS AND FORESTRY

FREEDOM OF RELIGION
**The Judicial Role in Intra-Church Disputes Under Constitutional Guarantees Relating to Religion 75-105 (1972)

**The Supreme Court, Compulsory Education, and the First Amendment’s Religion Clauses 75-213 (1973)

FUTURE INTERESTS
*Real Property — Wills — Judicial Construction of “to A and His Children” 75-296 (1973)

Taxation — Apportionment of Inheritance Tax Where Contingent or Limited Interests Are Present 76-96 (1973)

Wills — Future Interests — Determining the Class of Heirs Following a Life Estate 75-94 (1972)

*Wills — Implied Gifts of Remainders 76-217 (1974)

GIFTS
*Wills — Implied Gifts of Remainders 76-217 (1974)

GOVERNMENT CONTRACTS
**Pandemonium in the Administrative Resolution of Government Contract Disputes 75-121 (1972)

GOVERNMENT IMMUNITY AND LIABILITY
Torts — Governmental Immunity — Municipal Immunity Abolished 78-278 (1976)

*Torts — Governmental Immunity in West Virginia — Long Live the King? 76-543 (1974)

HABEAS CORPUS
**An Extraordinary Rule: Rule XVIII, Rules of Practice in the Supreme Court of Appeals of West Virginia 77-1 (1974)

Subject Index

Criminal Procedure — Habeas Corpus
— Waiver of Relief Under the West Virginia Post-Conviction Habeas Corpus Act 76-242 (1974)

HEIRS
See Inheritance and Succession

HOMICIDE
Criminal Procedure — Habeas Corpus
— Waiver of Relief Under the West Virginia Post-Conviction Habeas Corpus Act 76-242 (1974)
Criminal Law — Vicarious Liability — Robber Convicted of Murder When Robbery Victim Killed Accomplice 74-204 (1971)

HOUSING
*Housing — Mobile Homes — Some Legal Questions 75-382 (1973)

INCOME TAX
Income Tax — Corporate Liquidations — Deductibility of Legal Expenses 77-365 (1976)
Taxation — Fourth Circuit Disallows Leaseback Deductions 78-442 (1976)
Taxation — Loss Carry-back Privileges of F Reorganizations 74-219 (1971)
Taxation — Requirement for Business Bad Debt Deductions 75-195 (1972)
Taxation — “Section 306 Stock” 75-304 (1973)
Taxation — Subchapter S — Relaxation of the One Class of Stock Requirement 75-422 (1973)
Taxation — The Office-in-Home Deduction 74-423 (1972)

INDEPENDENT CONTRACTORS
Torts — Liability Imposed on General Contractor for Independent Contractor’s Negligence 74-434 (1972)

INDUSTRIAL ARBITRATION

INHERITANCE, ESTATE AND GIFT TAXES
Taxation — Apportionment of Inheritance Tax Where Contingent or Limited Interests Are Present 76-96 (1973)

INHERITANCE AND SUCCESSION
Wills — Future Interests — Determining the Class of Heirs Following a Life Estate 75-94 (1972)

INFANTS
Wrongful Death Action — Death of Visible Unborn Child from Prenatal Injury 74-435 (1972)

INSURANCE
**An Argument to the People on No-Fault Insurance 74-44 (1971)
**No-Fault Automobile Insurance — An Attempt at a Realistic Evaluation 74-26 (1971)
**No-Fault vs. The Present Reparations System — A West Virginia Insurance Executive’s View 74-35 (1971)
**Routes to Reform of the Automobile Reparations System 74-2 (1971)
Symposium on No-Fault Insurance 74-1 (1971)
**The Legal Profession’s View of No-Fault 74-14 (1971)

INTERROGATORIES
Civil Procedure — Summary Judgment in Negligence Case Based on Answers to Interrogatories 74-429 (1972)

INTOXICATING LIQUORS
See Alcoholic Beverages

INVITEES AND LICENSEES

JUDGES
The Purpose of Law — A Trial Judges’ View 75-138 (1972)

JUDICIAL ADMINISTRATION
See Administration of Justice

XX
JUDICIAL ETHICS
*Judicial Ethics — Recusal of Judges —
The Need for Reform 77-763 (1975)

JUDICIAL REFORM
**A Proposed New Judicial Article for
West Virginia 76-481 (1974)

JURIES
*The Pauper — Short-Changed at the
Jury Box 74-392 (1972)

JUDICIAL REVIEW
*Administrative Procedure — Judicial
Review — Abolition of Extraordinary
Writs 77-548 (1975)

JURISDICTION
**An Extraordinary Rule: Rule XVIII,
Rules of Practice in the Supreme
Court of Appeals of West Virginia
77-1 (1974)
Criminal Procedure — Habeas Corpus
— Federal Jurisdiction Expanded
76-236 (1974)
Federal Rules of Civil Procedure — Use
of Rule 23 Restricted
76-564 (1974)

JUSTICES OF THE PEACE
**A Proposed New Judicial Article for
West Virginia 76-481 (1974)
*Criminal Procedure — Justice of the
Peace Courts — Increased Penalty
Upon Trial De Novo 75-372 (1973)

JUVENILE COURTS
Procedural Due Process in the Juvenile
Courts of West Virginia
76-16 (1973)
Juvenile Courts — Waiver of Juvenile
Jurisdiction After Adjudication of
Delinquency Violates Double Jeop-
dardy Clause of Fifth Amendment
78-428 (1976)

LABOR LAW
*Labor Law — Arbitration — Duties of
Successor Employer 78- — (1976)
Labor Law — Arbitration of Safety
Disputes 76-249 (1974)
*Labor Law — Employer Free Speech —
Use of the Gissel Guidelines in De-
termining Predictions or Threats
74-382 (1972)
*Labor Law — Safety Disputes — Walk-
outs Under Section 502 of the Taft-
Hartley Act 76-57 (1973)
Labor Law — Unfair Labor Practices —
Solicitation of Employee Grievances
During a Union Organizational Cam-
paign 77-816 (1975)
Labor Law — Unions — Union Must
Petition for An Election
77-607 (1975)

LABOR UNIONS
See Unions

LANDLORD AND TENANT
*Constitutional Law — West Virginia's
Distress for Rent Law — A Land-
lord's Remedy vs. A Tenant’s Protec-
tions 74-170 (1971)

LARCENY
Criminal Law — Accessory Before the
Fact to Misdemeanor — A Legal Im-
possibility? 74-402 (1972)

LAW ENFORCEMENT
*Police Use of Firearms in West Virginia
— An Empirical Study
75-166 (1972)

LAW REFORM
**A Proposed New Judicial Article for
West Virginia 76-481 (1974)

LEGAL ETHICS
Legal Ethics — Drafter of a Will Who
Serves as Executor 75-190 (1972)

LEGAL HISTORY
The Purpose of Law — A Trial Judge's
View 75-138 (1972)

LEGAL PROFESSION
**Frank Cruise Haymond — In
Memoriam 74-337 (1972)
**The Legal Profession's View of No-
Fault 74-14 (1971)

LEGISLATION
*Environmental Law — The Control of
Nonreturnable Beverage Containers,
Proposed Legislation 74-378 (1972)
*Fetal Research — The Legislative Answer 78-230 (1976)
*Prisoner’s Rights — The Need for an Inmate Grievance Commission in West Virginia 78-441 (1976)
**State Disaster Legislation 75-32 (1972)
**War Powers Legislation 74-53 (1971)
**War Powers Legislation An Addendum 74-367 (1972)

LIABILITY INSURANCE
**An Argument to the People on No-Fault Insurance 74-44 (1971)
**No-Fault Automobile Insurance — — An Attempt at a Realistic Evaluation 74-26 (1971)
**No-Fault vs. The Present Reparations System — A West Virginia Insurance Executive’s View 74-35 (1971)
**Routes to Reform of the Automobile Reparations System 74-2 (1971)
Symposium on No-Fault Insurance 74-1 (1971)
**The Legal Profession’s View of No-Fault 74-14 (1971)

LIE DETECTORS
*Evidence — The Admissibility of Polygraph Test Results in Paternity Cases 76-45 (1973)

LIFE ESTATES
Wills — Future Interests — Determining the Class of Heirs Following a Life Estate 75-94 (1972)

LIMITATIONS OF ACTIONS
U.C.C. — Statute of Limitations — Conflicts Between Personal Injury and Sales Contract Statutes of Limitations 75-201 (1972)

MALPRACTICE
Attorneys — Malpractice — Statute of Limitations Extended 77-595 (1975)
**Dental Litigation 76-153 (1974)
*Medical Malpractice — Constitutionality of Limits on Liability 78-381 (1976)

MANDAMUS
**An Extraordinary Rule: Rule XVIII, Rules of Practice in the Supreme Court of Appeals of West Virginia 77-1 (1974)

MARITAL LAW
*Constitutional Law — Marital Law — Preserving Order in the State: A Traditional Reappraisal 75-143 (1972)

MASTER AND SERVANT
Employer and Employee — Employer’s Action for Loss of Services of Employee 74-431 (1972)

MEDICAL JURISPRUDENCE
**Dental Litigation 76-153 (1974)
*Physicians and Surgeons — The Expanding Role of the Physician’s Assistant 76-162 (1974)

MINES AND MINERALS
**Ad Valorem Taxation of Coal Property — Symposium 76-295 (1974)
**Development of the Law of Coal, Oil and Gas from 1951 to 1971 74-260 (1972)
*Eminent Domain: Approaches to Valuation of Real Estate With Emphasis on Mineral Properties 74-307 (1972)
**Strip Mining and the 1971 West Virginia Surface Mining and Reclamation Act 75-319 (1973)

MISDEMEANORS
See Criminal Law

MOTOR VEHICLES
**An Argument to the People on No-Fault Automobile Insurance 74-44 (1971)
**No-Fault Automobile Insurance — An Attempt at a Realistic Evaluation 74-26 (1971)
# Subject Index

**No-Fault vs. The Present Reparations System**
- A West Virginia Insurance Executive's View 74-35 (1971)

**Routes to Reform of the Automobile Reparations System**
- Symposium on No-Fault Insurance 74-2 (1971)

**The Legal Profession's View of No-Fault**
- 74-14 (1971)

**MURDER**
- See Homicide

**NATURAL RESOURCES**

**Conservation of Natural Resources — Ecology, Economics and Energy**
- 78-315 (1976)

**Prohibition of Surface Mining in West Virginia**
- 78-445 (1976)

**NEGLIGENCE**
- Civil Procedure — Summary Judgment in Negligence Case Based on Answers to Interrogatories 74-429 (1972)
- Negligence — Intoxicating Liquors — Vendor’s Liability for Damages by Intoxicated Patrons 74-408 (1972)
- Torts — Liability Imposed on General Contractor For Independent Contractor’s Negligence 74-434 (1972)
- Wrongful Death Action — Death of Viable Unborn Child From Prenatal Injury 74-435 (1972)

**NUISANCE**
- **Private Actions for Public Nuisance: The Standing Problem** 76-453 (1974)
- **Remedies — Private Nuisance — Comparative Injury Doctrine in West Virginia** 77-780 (1975)

**OCCUPATIONAL SAFETY AND HEALTH (OSHA)**
- **Occupational Safety and Health Act: The Right of a Worker to a Safe Work Place Environment** 78-57 (1975)

**OIL AND GAS**
- **Development of the Law of Coal, Oil and Gas From 1951 to 1971** 74-260 (1972)

**PATERNITY**
- *Evidence — The Admissibility of Polygraph Test Results in Paternity Cases* 76-45 (1973)

**PAROL EVIDENCE**
- **Contracts — Parol Evidence Rule — Admissibility of Agency Not Appearing in Written Contract** 74-162 (1971)

**PERSONAL INJURIES**
- **Torts — Expanding the Concept of Recovery for Mental and Emotional Injury** 76-176 (1974)
- **U.C.C. — Statute of Limitations — Conflicts Between Personal Injury and Sales Contract Statutes of Limitations** 75-201 (1972)

**PERSONAL PROPERTY**
- **Adverse Possession — Personal Property — Acquiring Title to Personal Property by Adverse Possession in West Virginia** 75-248 (1973)

**PHYSICIANS AND SURGEONS**
- **Physicians and Surgeons — The Expanding Role of the Physician’s Assistant** 76-162 (1974)
- **Medical Malpractice — Constitutionality of Limits on Liability** 78-381 (1976)

**PLEA BARGAINING**
- **Criminal Law — Plea Bargaining — Withdrawal of Guilty Plea** 74-196 (1971)

**POLICE**
- **Police Use of Firearms in West Virginia — An Empirical Study** 75-166 (1971)

**POLLUTION**
- **Ecological Goals and the Ways and Means of Achieving Them** 75-1 (1972)
Subject Index

*Environmental Law — Air Pollution
Abatement — A Supplemental Damage Remedy Under the Clean Air Act

POOR LAW
See Poverty Law

POVERTY LAW
*The Pauper — Short-Changed at the Jury Box

PRECEDENTS
The Purpose of Law — A Trial Judge's View

PRESCRIPTIONS
See Evidence

PRISONERS
*Prisoner's Rights — The Need for an Inmate Grievance Commission in West Virginia

PROPERTY
*Adverse Possession — Personal Property — Acquiring Title to Personal Property by Adverse Possession in West Virginia
*Eminent Domain — Approaches to Valuation of Real Estate With Emphasis on Mineral Properties
*Real Property — Wills — Judicial Construction of “to A and His Children”

PROPERTY TAXES
**Ad Valorem Taxation of Coal Bearing Lands in West Virginia — A Viewpoint of the Coal Industry

PUBLIC UTILITIES
*Constitutional Law — Obtaining Due Process in Public Utility Pretermination Procedures
REAL PROPERTY
*Eminent Domain: Approaches to Valuation of Real Estate With Emphasis on Mineral Properties 74-307 (1972)
Real Property — Covenant of General Warranty — Novel Definition of Constructive Eviction in West Virginia 74-415 (1972)
*Real Property — Wills — Judicial Construction of “to A and His Children” 75-296 (1973)

REMAINDERS
See Future Interests

REMEDIES
*Remedies — Private Nuisance — Comparative Injury Doctrine in West Virginia 77-780 (1975)

RES JUDICATA
**Finality and Habeas Corpus: Is the Rule that Res Judicata May Not Apply to Habeas Corpus or Motion to Vacate Still Viable? 78-1 (1975)

RIGHT TO COUNSEL
*Criminal Procedure — Due Process — Right to Counsel at Pretrial Identifications 78-84 (1975)
Criminal Procedure — Right to Counsel — Standard for Judging the Effectiveness of Assistance 77-355 (1975)

RIGHTS OF MENTALLY ILL
*Rights of Mentally Ill — Involuntary Sterilization — Analysis of Recent Statutes 78-131 (1975)

RIGHT OF PRIVACY
Constitutional Law — Right to Privacy — Electronic Surveillance 76-228 (1974)
*The Privacy Interest of the Fourth Amendment — Does Mapp v. Ohio Protect It or Pillage It? 74-154 (1971)

ROBBERY
Criminal Law — Vicarious Liability — Robber Convicted of Murder When Robbery Victim Killed Accomplice 74-204 (1971)

SAFETY LAWS
**Enforcement of Federal Coal Mine Health and Safety Regulations 77-663 (1975)

SALES
Products Liability — Application of UCC Sales Article Policy to Leased Chattel 74-214 (1971)

SCHOOLS
Constitutional Law — Minimum Protection in Public School Financing 76-72 (1973)

SECURITIES
Subject Index

SOCIAL WELFARE

STANDING

STARE DECISIS
See Precedents

STATUTE OF LIMITATIONS
See Limitations of Actions

STATUTES
**State Disaster Legislation

STOCKS

TAXATION
**Ad Valorem Taxation of Coal Property — Symposium 76-295 (1974)
**Coal Reserves Should Be the Subject of Equitable Ad Valorem Taxation 76-325 (1974)

TITLES TO LAND
Real Property — Covenant of General Warranty — Novel Definition of Constructive Eviction in West Virginia 74-416 (1972)

TORTS
Civil Procedure — Summary Judgment in Negligence Case Based on Answers to Interrogatories 74-429 (1972)
*Torts — Expanding the Concept of Recovery for Mental and Emotional Injury 76-176 (1974)
Torts — Governmental Immunity — Municipal Immunity Abolished 78-278 (1976)
*Torts — Governmental Immunity in West Virginia — Long Live the King? 76-543 (1974)
*Torts — Invitees, Licensees, and Trespassers — A Trend Towards Abolish-
**Subject Index**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Warranty</strong></td>
<td><em>Housing — Mobile Homes — Some Legal Questions</em></td>
<td>1973</td>
</tr>
<tr>
<td></td>
<td><strong>Law of Products Liability in West Virginia</strong></td>
<td>1972</td>
</tr>
<tr>
<td></td>
<td><em>Real Property — Covenant of General Warranty — Novel Definition of Constructive Eviction in West Virginia</em></td>
<td>1972</td>
</tr>
<tr>
<td><strong>Weapons</strong></td>
<td><em>Police Use of Firearms in West Virginia — An Empirical Study</em></td>
<td>1972</td>
</tr>
<tr>
<td><strong>Wills</strong></td>
<td>Legal Ethics — Drafter of a Will Who Serves as Executor</td>
<td>1972</td>
</tr>
<tr>
<td></td>
<td><em>Living Wills — Need for Legal Recognition</em></td>
<td>1976</td>
</tr>
<tr>
<td></td>
<td><em>Real Property — Wills — Judicial Construction of “to A and His Children”</em></td>
<td>1973</td>
</tr>
<tr>
<td></td>
<td>Wills — Future Interests — Determining the Class of Heirs Following a Life Estate</td>
<td>1972</td>
</tr>
<tr>
<td></td>
<td><em>Wills — Implied Gifts of Remainders</em></td>
<td>1974</td>
</tr>
<tr>
<td><strong>Workmen’s Compensation</strong></td>
<td>Workmen’s Compensation — Statutory Construction — The Demise of the Liberality Rule?</td>
<td>1975</td>
</tr>
<tr>
<td><strong>Wrongful Death</strong></td>
<td>Tort — Wrongful Death — Dependent Distributee Need Not Be Totally Dependent Upon Deceased</td>
<td>1972</td>
</tr>
<tr>
<td></td>
<td>Wrongful Death Action — Death of Viable Unborn Child from Prenatal Injury</td>
<td>1972</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
<td><em>Housing — Mobile Homes — Some Legal Questions</em></td>
<td>1973</td>
</tr>
<tr>
<td></td>
<td>Modifications of Zoning Ordinance Use Restrictions</td>
<td>1976</td>
</tr>
</tbody>
</table>

**XXVII**