June 1976

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 ian.harmon@mail.wvu.edu.
INDEX

VOLUMES 74-78

1972-76
TABLE OF CONTENTS

TABLE OF CASES ............................................ III
AUTHOR INDEX TO LEADING ARTICLES ............ V
TITLE INDEX .................................................. VIII
SUBJECT INDEX ........................................... XIII
### TABLE OF CASES

| A | Anderson v. Turner (W. Va.) | 74-429 (1972) |
| B | Baker v. City of Seattle (Wash.) | 74-214 (1971) |
|  | Baldwin v. Butcher (W. Va.) | 74-436 (1972) |
|  | Bell v. Burson (Fed.) | 74-181 (1971) |
|  | Brady v. Reiner (W. Va.) | 76-82 (1973) |
|  | Brewster v. Hines (W. Va.) | 74-417 (1972) |
| C | Cohen v. Chesterfield County School B. (4th Cir.) | 77-796 (1975) |
|  | Colten v. Kentucky (Fed.) | 75-372 (1973) |
|  | Conway v. Dana (Pa.) | 77-808 (1975) |
| D | Marvin L. Dietrich (Tax Court) | 74-423 (1972) |
| E | Edelman v. Jordan (Fed.) | 77-753 (1975) |
| F | Fair v. Krohumel Steel & Aluminum Co. (4th Cir.) | 77-370 (1975) |
|  | Family Savings & Loan, Inc. V. Ciccarello (W. Va.) | 77-595 (1975) |
|  | Fiereved v. United States (3rd Cir.) | 75-305 (1973) |
|  | Fuentes v. Shevin (Fed.) | 78-102 (1975) |
| G | Gateway Coal Co. v. United Mine Workers (3rd Cir.) | 76-250 (1974) |
| H | Harris v. New York (Fed.) | 74-188 (1971) |
|  | Hart v. Coiner (4th Cir.) | 77-344 (1975) |
|  | Home Construction Corporation of America v. United States (5th Cir.) | 74-220 (1971) |
| I | In Re A., (Cal.) | 76-229 (1974) |
|  | In Re Estate of Evans (W. Va.) | 76-96 (1973) |
|  | In Re Willis (W. Va.) | 78-107 (1975) |
| L | Linden Lumber Division, Summer & Co. v. NLRB (Fed.) | 77-607 (1975) |
| M | Mahoney v. Walter (W. Va.) | 77-780 (1975) |
|  | Miller v. Burley (W. Va.) | 75-185 (1972) |
| N | Nemo Foundations Inc. v. New River Co. (W. Va.) | 74-432 (1972) |
|  | North v. Superior Court (Cal.) | 76-228 (1974) |
|  | North Carolina v. Pearce (Fed.) | 75-375 (1973) |
| O | Of Course, Inc. v. Commissioner (4th Cir.) | 77-365 (1975) |
| P | Payne v. Walden (W. Va.) | 78-107 (1975) |
| R | Ruggiero v. Manchin (4th Cir.) | 75-88 (1972) |
|  | Shores Realty Co. v. United States (5th Cir.) | 75-423 (1973) |

III
<table>
<thead>
<tr>
<th>Table of Cases</th>
</tr>
</thead>
</table>
| Sniadach v. Family Finance Corp. (Fed.)  
78-101 (1976) |
| State ex rel Clancy v. Coiner (W. Va.)  
74-196 (1971) |
| State ex rel. Cogar v. Haynes (W. Va.)  
74-210 (1971-72) |
| State ex rel Shrewsbury v. Poteet (W. ??Va.)  
78-108 (1975) |
| State v. Cowan (W. Va.)  
77-562 (1975) |
| State v. Flinn (W. Va.)  
78-145 (1975) |
| State v. Gulbankian (Wis.)  
75-190 (1972) |
| State v. Hood (W. Va.)  
74-433 (1972) |
| State v. McArdle (W. Va.)  
77-564 (1975) |
| State v. Moore (W. Va.)  
78-93 (1975) |
| State v. Slie (W. Va.)  
78-93 (1975) |
| State v. Smith (W. Va.)  
77-564 (1975) |
| State v. Thomas (W. Va.)  
77-355 (1975) |
| State v. Woods (W. Va.)  
74-402 (1972) |
| Straley v. Gassaway Motor Co., Inc. (S. C.)  
W. Va.)  
78-108 (1975) |
| Summers v. Crown Construction Co. (4th Cir.)  
74-435 (1972) |
| T |
| Taylor v. Superior Court (Cal.)  
74-204 (1971) |
| Union Barge Line Corp. v. Marble Cliff Quarries Co. (S.D. W. Va.)  
78-123 (1975) |
| Uarco, Inc. (NLRB)  
77-816 (1975) |
| United States v. Generes (Fed.)  
75-195 (1972) |
| V |
| Vesely v. Sager (Cal.)  
74-408 (1972) |
| W |
| Wells Fargo Bank v. Title Insurance and Trust Co. (Cal.)  
74- (1972) |
| Woodruff v. West Virginia Board of Regents (S.D. W. Va.)  
74-430 (1972) |
| Z |
| Zahn v. International Paper Co. (Fed.)  
76-564 (1974) |

IV

https://researchrepository.wvu.edu/wvlr/vol78/iss4/10
AUTHOR INDEX TO LEADING ARTICLES

Berry, Thornton G. Jr.
A Proposed New Judicial Article for West Virginia 76-481 (1974)

Bondurant, Donald M.

C

Cady, Thomas C.
Law of Products Liability in West Virginia 74-283 (1972)

Campbell, Rolla D., Lynn C. Johnson, and Ernest F. Hays II

Cardi, Vincent P.
Strip Mining and the 1971 West Virginia Surface Mining and Reclamation Act 75-319 (1973)

Cardi, Vincent Paul
The West Virginia Consumer Credit and Protection Act 77-401 (1975)

Chambers, Thomas N. and Louis S. Southworth, II
West Virginia Tax Law — Hearing and Appeal Procedures 74-135 (1971)

Curry, Earl M., Jr.

Curry, Earl M., Jr.
West Virginia and the Uniform Probate Code: An Overview Part II 77-203 (1975)

D

Donley, Robert Tucker
Development of the Law of Coal, Oil and Gas from 1951 to 1971 74-260 (1972)

E

Early, Bert H.
National Institute of Justice — A Proposal 74-226 (1972)

Emerson, J. Terry
War Powers Legislation 74-53 (1971)

F

Field, Thomas G., Jr.
Intellectual and Industrial Property in a Nutshell 77-525 (1975)

Frasure, Carl M.
State Disaster Legislation 75-32 (1972)

Ferguson, Donald
Business Reciprocity as a Sherman Act Violation: A Generally Accepted, But As Yet Unadjudicated, Doctrine 74-343 (1972)

G

Gilkey, Royal Clarence
The Judicial Role in Intra-Church Disputes Under Constitutional Guarantees Relating To Religion 75-105 (1972)

H

Halleruad, Michael C., Vilma L. Kohn, and John T. Meredith

Hardesty, C. Howard, Jr.
Coal and the Energy Crisis 76-257 (1974)

Harris, M. Kay
Disquisition on the Need for a New Model for Criminal Sanctioning Systems 77-263 (1975)

Hays, Ernest F., II, Rolla D. Campbell, and Lynn C. Johnson

Hechler, Ken

J

Johnson, Lynn C., Ernest F. Hays II, and Rolla D. Campbell
Ad Valorem Taxation of Coal Bearing
Author Index to Leading Articles

Jaffe, Louis L.

Ecological Goals and the Ways and Means of Achieving Them 75-1 (1972)

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)

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)

Megyeri, 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 76-325 (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)

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)
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 78-171 (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.
# TITLE INDEX

## A

- **Ad Valorem Taxation of Coal Property — Introduction** 76-295 (1974)
- *Adverse Possession — Personal Property — Acquiring Title to Personal Property by Adverse Possession in West Virginia* 75-248 (1973)
- **An Argument to the People In No-Fault Automobile Insurance** 74-44 (1971)

## B

- **Business Reciprocity as a Sherman Act Violation: A Generally Accepted, But As Yet Unadjudicated, Doctrine** 74-343 (1972)
- *Civil Rights — Administrative Enforcement — Damages as an Appropriate Remedy* 75-253 (1973)
- **Coal and the Appalachian Economy** 76-281 (1974)
- **Coal and the Energy Crisis** 76-287 (1974)
- **Coal’s New Values and Our National Priorities** 76-277 (1974)
- **Coal Reserves Should Be the Subject of Equitable Ad Valorem Taxation** 76-325 (1974)
- **Conservation of Natural Resources — Ecology, Economics and Energy** 78- (1976)
- *Constitutional Law — 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 — Marital Law — Preserving Order in the State: A Traditional Reappraisal* 75-143 (1972)
- Constitutional Law — Minimum Protection in Public School Financing 76-72 (1973)
- 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)
- *Constitutional Law — West Virginia’s Distress for Rent Law — A Landlord’s Remedy vs. a Tenant’s Protection* 74-170 (1971)
- Constitutional Law — Women’s Rights — Mandatory Pregnancy Leave Unconstitutional 77-796 (1975)
- Consumer Protection — Implied Civil

---

https://researchrepository.wvu.edu/wvlr/vol78/iss4/10
Remedy Under the Federal Consumer Credit Protection Act 77-601 (1975)
*Corporations — A Survey of the Pending West Virginia Corporation Act 77-50 (1974)
*Corporations — 1975 Amendments to the West Virginia Corporations Act 78-336 (1976)
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 — Malicious Mischief — Felony or Misdemeanor 74-209 (1971)
Criminal Law — Vicarious Liability — Robber Convicted of Murder When Robbery Victim Killed Accomplice 74-204 (1971)
*Criminal Procedure — Discovery — 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)
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 77-355 (1975)
Criminal Procedure — Warrantless Search Permissible Even Though Arresting Officer Had Time to Procure Warrant 78-441 (1976)

D
*Debtor's and Creditor's Rights — Attachment and Garnishment — Constitutional Parameters of Prejudgment Remedies 78-99 (1975)
**Dental Litigation 76-153 (1974)
**Development of the Law of Coal, Oil and Gas from 1951 to 1971 74-260 (1972)
**Disquisition on the Need for a New Model For Criminal Sanctioning Systems 77-263 (1975)
Domestic Relations — Child Support — Equal Obligation of Parents 77-808 (1975)

E
**Ecological Goals and the Ways and Means of Achieving Them 75-1 (1972)
Elections — Vacancies Occurring Close to Elections 75-184 (1972)
*Eminent Domain: Approaches to Valuation of Real Estate with Emphasis on Mineral Properties 74-307 (1972)
**Enforcement of Federal Coal Mine Health and Safety Regulations 77-663 (1975)
*Environmental Law — Air Pollution Abatement — A Supplemental Damage Remedy Under The Clean Air Act 75-266 (1973)
<table>
<thead>
<tr>
<th>Title Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Environmental Law — The Control of Nonreturnable Beverage Containers, Proposed Legislation</td>
</tr>
<tr>
<td>*Evidence — The Admissibility of Polygraph Test Results in Paternity Cases</td>
</tr>
<tr>
<td>*Evidence — Presumptions — Application of the Deadly Weapons Presumption in West Virginia</td>
</tr>
<tr>
<td>*Exemption Statutes — Yesterday's Protection at Today's Costs — An Update Needed</td>
</tr>
<tr>
<td>**An Extraordinary Rule: Rule XVIII, Rules of Practice in the Supreme Court of Appeals of West Virginia</td>
</tr>
<tr>
<td>**Factors Affecting Development of the New Values of Coal</td>
</tr>
<tr>
<td>**The Fairness Doctrine: Its Limits and Occasions in West Virginia Advertising</td>
</tr>
<tr>
<td>*Petal Research — The Legislative Answer</td>
</tr>
<tr>
<td>**Finality and Habeas Corpus: Is the Rule That Res Judicata May Not Apply to Habeas Corpus or Motion to Vacate Still Viable</td>
</tr>
<tr>
<td>**Frank Cruise Haymond — In Memoriam</td>
</tr>
<tr>
<td>**Historical Development and Subsequent Erosion of the Right to Keep and Bear Arms</td>
</tr>
<tr>
<td>*Housing — Mobile Homes — Some Legal Questions</td>
</tr>
<tr>
<td>Income Tax — Corporate Liquidations — Deductibility of Legal Expenses</td>
</tr>
<tr>
<td>**Intellectual and Industrial Property in a Nutshell</td>
</tr>
<tr>
<td>*Judicial Ethics — Recusal of Judges — The Need for Reform</td>
</tr>
<tr>
<td>**The Judicial Role in Intra-Church Disputes Under Constitutional Guarantees Relating To Religion</td>
</tr>
<tr>
<td>Juvenile Courts — Waiver of Juvenile Jurisdiction After Adjudication of Delinquency Violates Double Jeopardy Clause of Fifth Amendment</td>
</tr>
<tr>
<td>**Law of Products Liability in West Virginia</td>
</tr>
<tr>
<td>**Legal Ethics — Drafter of a Will Who Serves as Executor</td>
</tr>
<tr>
<td>**The Legal Profession's View of No-Fault</td>
</tr>
<tr>
<td>*Living Wills — Need for Legal Recognition</td>
</tr>
<tr>
<td>**Medical Malpractice — Constitutional-</td>
</tr>
</tbody>
</table>
Title Index
et al.: Cumulative Index, Volumes 74-78

ity of Limits on Liability 78-381 (1976)
*Municipal Bonds — The Need for Disclosure 78-391 (1976)

N
**National Institute of Justice — A Proposal 74-226 (1972)
Negligence — Intoxicating Liquors — Vendor's Liability for Damages by Intoxicated Patrons 74-408 (1972)
**No-Fault Automobile Insurance — An Attempt at a Realistic Evaluation 74-26 (1971)

O
**Occupational Safety and Health Act: The Right of a Worker to a Safe Work Place Environment 78-57 (1975)
**Obscenity and the Conflict of Laws 77-377 (1975)

P
**Pandemonium in the Administrative Resolution of Government Contract Disputes 75-121 (1972)
*The Pauper — Short-Changed at the Jury Box 74-392 (1972)
*Peace Bond — A Questionable Procedure for a Legitimate State Interest 74-326 (1972)
*Physicians and Surgeons — The Expanding Role of the Physician's Assistant 76-162 (1974)
*Police Use of Firearms in West Virginia — An Empirical Study 75-166 (1972)
*Preliminary Injunctions in West Virginia — Discretionary Notice and Due Process 78-113 (1975)

*Prisoner's Rights — The Need for an Inmate Grievance Commission in West Virginia 78-411 (1976)
*The Privacy Interest of the Fourth Amendment — Does Mapp v. Ohio Protect It or Pillage It? 74-154 (1971)
**Procedural Due Process in the Juvenile Courts of West Virginia 76-16 (1973)
Products Liability — Application of UCC Sales Article Policy to Leased Chattel 74-214 (1971)
*Products Liability — West Virginia Consumer Credit and Protection Act — Definitional Inadequacies 77-328 (1975)
**Prohibition of Surface Mining in West Virginia 78-445 (1976)
**A Proposed New Judicial Article for West Virginia 76-481 (1974)
**Prospective Remedies in Constitutional Adjudication 78-155 (1976)
**The Purpose of Law — A Trial Judge's View 75-138 (1972)

R
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)
*Remedies — Private Nuisance — Comparative Injury Doctrine in West Virginia 77-780 (1975)
*Rights of Mentally Ill — Involuntary Sterilization — Analysis of Recent Statutes 78-131 (1975)
**Routes to Reform of the Automobile Reparations System 74-2 (1971)

S
Schools and School Officials — Liability

Published by The Research Repository @ WVU, 1976
<table>
<thead>
<tr>
<th>Title Index</th>
<th>Vol. 78, Iss. 4 [1976], Art. 10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>School Books, Lesson Plans, and the Constitution</strong></td>
<td>78-259 (1976)</td>
</tr>
<tr>
<td><strong>State Disaster Legislation</strong></td>
<td>75-32 (1972)</td>
</tr>
<tr>
<td><strong>State and Local Taxation of the Bituminous Coal Industry</strong></td>
<td>76-297 (1974)</td>
</tr>
<tr>
<td><strong>Strip Mining and the 1971 West Virginia Surface Mining and Reclamation Act</strong></td>
<td>75-319 (1973)</td>
</tr>
<tr>
<td><strong>The Supreme Court, Compulsory Education, and the First Amendment's Religion Clauses</strong></td>
<td>75-213 (1973)</td>
</tr>
<tr>
<td><strong>Symposium on No-Fault Insurance — Introduction</strong></td>
<td>74-1 (1971)</td>
</tr>
<tr>
<td><strong>Taxation — Apportionment of Inheritance Tax Where Contingent or Limited Interests are Present</strong></td>
<td>76-96 (1973)</td>
</tr>
<tr>
<td>Taxation — Fourth Circuit Disallows Leaseback Deductions</td>
<td>78-442 (1976)</td>
</tr>
<tr>
<td>Taxation — Loss Carry-back Privileges of F Reorganizations</td>
<td>74-219 (1971)</td>
</tr>
<tr>
<td>Taxation — The Office-in-Home Deduction</td>
<td>74-423 (1972)</td>
</tr>
<tr>
<td>Taxation — Requirement for Business Bad Debt Deductions</td>
<td>75-195 (1972)</td>
</tr>
<tr>
<td>Taxation — “Section 306 Stock”</td>
<td>75-304 (1973)</td>
</tr>
<tr>
<td>Taxation — Subchapter S — Relaxation of the One Class of Stock Requirement</td>
<td>75-422 (1973)</td>
</tr>
<tr>
<td>*Torts — Expanding the Concept of Recovery for Mental and Emotional Injury</td>
<td>76-176 (1974)</td>
</tr>
<tr>
<td>Torts — Governmental Immunity — Municipal Immunity Abolished</td>
<td>78-278 (1976)</td>
</tr>
<tr>
<td>*Torts — Governmental Immunity in West Virginia — Long Live the King?</td>
<td>76-549 (1974)</td>
</tr>
<tr>
<td>ing Classification of Entrants</td>
<td></td>
</tr>
<tr>
<td>Torts — Wrongful Death — Dependent Distributee Need Not Be Totally Depen-</td>
<td>75-88 (1972)</td>
</tr>
<tr>
<td>dent Upon Deceased</td>
<td></td>
</tr>
<tr>
<td><strong>U</strong></td>
<td></td>
</tr>
<tr>
<td>U.C.C. — Statute of Limitations — Conflicts Between Personal Injury and Sales Contract Statutes of Limitations</td>
<td>75-201 (1972)</td>
</tr>
<tr>
<td>V</td>
<td></td>
</tr>
<tr>
<td><strong>VEPCO — The Need for a Revised Tax Appeals Procedure in West Virginia</strong></td>
<td>76-1 (1973)</td>
</tr>
<tr>
<td>W</td>
<td></td>
</tr>
<tr>
<td><strong>War Powers Legislation</strong></td>
<td>74-53 (1971)</td>
</tr>
<tr>
<td><strong>War Powers Legislation — An Addendum</strong></td>
<td>74-367 (1972)</td>
</tr>
<tr>
<td><strong>The West Virginia Consumer Credit and Protection Act</strong></td>
<td>77-401 (1975)</td>
</tr>
<tr>
<td><strong>West Virginia and the Uniform Probate Code: An Overview</strong></td>
<td>76-111 (1974)</td>
</tr>
<tr>
<td><strong>West Virginia and the Uniform Probate Code: An Overview — Part II</strong></td>
<td>77-203 (1975)</td>
</tr>
<tr>
<td><strong>West Virginia Tax Law — Hearing and Appeal Procedures</strong></td>
<td>74-135 (1971)</td>
</tr>
<tr>
<td>Wills — Future Interests — Determining the Class of Heirs Following a Life Estate</td>
<td>75-94 (1972)</td>
</tr>
<tr>
<td>*Wills — Implied Gifts of Remainders</td>
<td>76-217 (1974)</td>
</tr>
<tr>
<td>Z</td>
<td></td>
</tr>
<tr>
<td>Zoning — Modification of Zoning Ordinance Use Restrictions</td>
<td>78- (1976)</td>
</tr>
</tbody>
</table>

https://researchrepository.wvu.edu/wvlr/vol78/iss4/10
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)

ADMINISTRATIVE LAW AND PROCEDURE
*Civil Rights — Administrative Enforcement — Damages as an Appropriate Remedy 75-253 (1973)
**Ecological Goals and the Ways and Means of Achieving Them 75-1 (1972)
**Pandemonium in the Administrative Resolution of Government Contract Disputes 75-121 (1972)
**The Fairness Doctrine: Its Limits and Occasions in West Virginia Advertising 74-120 (1971)
**VEPCO — The Need for a Revised Tax Appeals Procedure in West Virginia 76-1 (1973)
**West Virginia Tax Law — Hearing and Appeal Procedures 74-135 (1971)

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)

ARBITRATION AND AWARD

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)

XIII
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
**Reflections on the Bankruptcy Laws of the United States: The Debtor’s Fresh Start
76-427 (1974)

BONDS
*Peace Bond — A Questionable Procedure for a Legitimate State Interest
74-326 (1972)
*Municipal Bonds — The Need for Disclosure
78-391 (1976)
**The Uniform Securities Act — A Step Forward in State Regulation
77-15 (1974)

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)
Federal Rules of Civil Procedure — Use of Rule 23 Restricted
76-564 (1974)

CIVIL RIGHTS
*Civil Rights — Administrative Enforcement — Damages as an Appropriate Remedy
76-253 (1973)
Schools and School Officials — Liability to Students for Civil Rights Violations
78-259 (1976)

CLASS ACTIONS
Federal Rules of Civil Procedure — Use of Rule 23 Restricted
76-564 (1974)

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)
**A New Technique for Evaluating Coal Property for Ad Valorem Tax Assessment
76-337 (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
76-286 (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
76-255 (1974)

COAL MINE HEALTH AND SAFETY
See Safety Laws

COMMERCE CLAUSE
*Constitutional Law — State Taxation of Interstate Commerce — Commerce Clause Analysis
76-380 (1974)

XIV
COMMERCIAL LAW
U.C.C. — Statute of Limitations — Conflicts Between Personal Injury and Sales Contract Statutes of Limitations
75-201 (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 — Libel and Slander — Defamation of Political Candidates
78-247 (1976)
*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 — Motor Vehicle Safety Responsibility Statutes — Necessity for a Hearing on Liability
74-181 (1971)
*Constitutional Law — Obtaining Due Process in Public Utility Pre-Termination Procedures
76-492 (1974)
Constitutional Law — Right to Privacy — Electronic Surveillance
76-228 (1974)
*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 — West Virginia’s Distress for Rent Law — A Landlord’s Remedy vs. A Tenant’s Protections
74-170 (1971)
Constitutional Law — Women’s Rights — Mandatory Pregnancy Leave Unconstitutional
77-795 (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 (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)
*Medical Malpractice — Constitutionality of Limits on Liability
78-381 (1976)
78- (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)
<table>
<thead>
<tr>
<th>Subject Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedural Due Process in the Juvenile Courts of West Virginia</td>
</tr>
<tr>
<td><strong>Prospective Remedies in Constitutional Adjudication</strong></td>
</tr>
<tr>
<td>CONSTITUTIONAL LAW</td>
</tr>
<tr>
<td><strong>School Books, Lesson Plans, and the Constitution</strong></td>
</tr>
<tr>
<td>Schools and School Officials — Liability to Students for Civil Rights Violations</td>
</tr>
<tr>
<td><strong>The Supreme Court, Compulsory Education, and the First Amendment’s Religion Clauses</strong></td>
</tr>
<tr>
<td><em>Torts — Governmental Immunity in West Virginia — Long Live the King?</em></td>
</tr>
<tr>
<td>CONSUMER PROTECTION</td>
</tr>
<tr>
<td><em>Products Liability — West Virginia Consumer Credit and Protection Act — Definitional Inadequacies</em></td>
</tr>
<tr>
<td><strong>The West Virginia Consumer Credit and Protection Act</strong></td>
</tr>
<tr>
<td>CONTRACTS</td>
</tr>
<tr>
<td><em>Contracts — Parol Evidence Rule — Admissibility of Agency Not Appearing in Written Contract</em></td>
</tr>
<tr>
<td>CONTINGENT REMAINDERS</td>
</tr>
<tr>
<td>See Future Interests</td>
</tr>
<tr>
<td>CORPORATE LIQUIDATION</td>
</tr>
<tr>
<td><em>Corporations — A Survey of the Pending West Virginia Corporation Act</em></td>
</tr>
<tr>
<td>CORPORATIONS</td>
</tr>
<tr>
<td><em>Corporations — 1975 Amendments to the West Virginia Corporations Act</em></td>
</tr>
<tr>
<td><em>Corporations — A Survey of the Pending West Virginia Corporation Act</em></td>
</tr>
<tr>
<td><strong>Income Tax. — Tax Free Transfers to Controlled Corporations</strong></td>
</tr>
<tr>
<td>Taxations — Loss Carry-Back Privileges of F Reorganizations</td>
</tr>
<tr>
<td>Taxation — Subchapter S — Relaxation of the One Class of Stock Requirement</td>
</tr>
<tr>
<td>COURTS</td>
</tr>
<tr>
<td><strong>An Extraordinary Rule: Rule XVIII — Rules of Practice in the Supreme Court of Appeals of West Virginia</strong></td>
</tr>
<tr>
<td><strong>A Proposed New Judicial Article for West Virginia</strong></td>
</tr>
<tr>
<td>Courts — Declaratory Judgment — Abstention Doctrine in Federal Equitable Relief</td>
</tr>
<tr>
<td><strong>National Institute of Justice — A Proposal</strong></td>
</tr>
<tr>
<td>CRIMINAL LAW</td>
</tr>
<tr>
<td>Criminal Law — Accessory Before the Fact to Misdemeanor — A Legal Impossibility?</td>
</tr>
<tr>
<td><em>Criminal Law — Criminal Responsibility — A Pragmatic Approach to the Fourth Circuit</em></td>
</tr>
<tr>
<td>Criminal Law — Malicious Mischief — Felony or Misdemeanor?</td>
</tr>
<tr>
<td>Criminal Law — Vicarious Liability — Robber Convicted of Murder when Robbery Victim killed Accomplice</td>
</tr>
<tr>
<td><em>The Privacy Interest of the Fourth Amendment — Does Mapp v. Ohio Protect It or Pillage It?</em></td>
</tr>
<tr>
<td>CRIMINAL PROCEDURE</td>
</tr>
<tr>
<td>*Criminal Procedure — Discovery —</td>
</tr>
</tbody>
</table>
Movement Toward Full Disclosure
77-561 (1975)

*Criminal Procedure — Due Process — Right to Counsel at Pretrial Identifications
78-84 (1975)

Criminal Procedure — Habeas Corpus — Federal Jurisdiction Expended
76-236 (1974)

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
77-355 (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 Enforcements — 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'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 Enforcements — 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)

Constitutional Law — Motor Vehicle Safety Responsibility Statutes — Necessity for a Hearing on Liability
74-181 (1971)

*Constitutional Law — Obtaining Due Process in Public Utility Pretermination Procedures
76-492 (1974)

*Criminal Procedure — Due Process —
### Subject Index

**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** 78-287 (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* 74-407 (1972)  
**Environmental Law — Acid Mine Drainage** 76-508 (1974)  
**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)  
**Private Actions for Public Nuisance: The Standing Problem** 76-453 (1974)  
**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* 76-326 (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

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

---

XVIII
EVIDENCE
Evidence — Breathalyser Test — Proper Foundation for Admissability 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 Parternity 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)
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 76-382 (1973)

INCOME TAX
Income Tax — Corporate Liquidations — Deductibility of Legal Expenses 77-365 (1975)
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 74-436 (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)


**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 Jeopardy Clause of Fifth Amendment* 78-428 (1976)

**LABOR LAW**

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

**LABOR UNIONS**

See Unions

**LANDLORD AND TENANT**


**LARCENY**

*Criminal Law — Accessory Before the Fact to Misdemeanor — A Legal Impossibility?* 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,*
### Subject Index

<table>
<thead>
<tr>
<th>Topic</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Legislation</td>
<td>74-378 (1972)</td>
</tr>
<tr>
<td>*Fetal Research — The Legislative Answer</td>
<td>73-230 (1976)</td>
</tr>
<tr>
<td>*Prisoner's Rights — The Need for an Inmate Grievance Commission in West Virginia</td>
<td>78-441 (1976)</td>
</tr>
<tr>
<td>**State Disaster Legislation</td>
<td>75-32 (1972)</td>
</tr>
<tr>
<td>**War Powers Legislation</td>
<td>74-53 (1971)</td>
</tr>
<tr>
<td>**War Powers Legislation An Addendum</td>
<td>74-367 (1972)</td>
</tr>
<tr>
<td>**LIABILITY INSURANCE</td>
<td></td>
</tr>
<tr>
<td>**An Argument to the People on No-Fault Insurance</td>
<td>74-44 (1971)</td>
</tr>
<tr>
<td>**No-Fault Automobile Insurance — An Attempt at a Realistic Evaluation</td>
<td>74-26 (1971)</td>
</tr>
<tr>
<td>**No-Fault vs. The Present Reparations System — A West Virginia Insurance Executive’s View</td>
<td>74-35 (1971)</td>
</tr>
<tr>
<td>**Routes to Reform of the Automobile Reparations System Symposium on No-Fault Insurance</td>
<td>74-1 (1971)</td>
</tr>
<tr>
<td>**The Legal Profession’s View of No-Fault</td>
<td>74-14 (1971)</td>
</tr>
<tr>
<td>**LIE DETECTORS</td>
<td></td>
</tr>
<tr>
<td>*Evidence — The Admissibility of Polygraph Test Results in Paternity Cases</td>
<td>76-45 (1973)</td>
</tr>
<tr>
<td>**LIFE ESTATES</td>
<td></td>
</tr>
<tr>
<td>Wills — Future Interests — Determining the Class of Heirs Following a Life Estate</td>
<td>75-94 (1972)</td>
</tr>
<tr>
<td>**LIMITATIONS OF ACTIONS</td>
<td></td>
</tr>
<tr>
<td>U.C.C. — Statute of Limitations — Conflicts Between Personal Injury and Sales Contract Statutes of Limitations</td>
<td>75-201 (1972)</td>
</tr>
<tr>
<td>**MALPRACTICE</td>
<td></td>
</tr>
<tr>
<td>Attorneys — Malpractice — Statute of Limitations Extended</td>
<td>77-595 (1975)</td>
</tr>
<tr>
<td>**Dental Litigation</td>
<td>76-153 (1974)</td>
</tr>
<tr>
<td>*Medical Malpractice — Constitutionality of Limits on Liability</td>
<td>78-381 (1976)</td>
</tr>
<tr>
<td>**MANDAMUS</td>
<td></td>
</tr>
<tr>
<td>**An Extraordinary Rule: Rule XVIII, Rules of Practice in the Supreme Court of Appeals of West Virginia</td>
<td>77-1 (1974)</td>
</tr>
<tr>
<td>**MARITAL LAW</td>
<td></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>**MASTER AND SERVANT</td>
<td></td>
</tr>
<tr>
<td>Employer and Employee — Employer’s Action for Loss of Services of Employee</td>
<td>74-431 (1972)</td>
</tr>
<tr>
<td>**MEDICAL JURISPURDENCE</td>
<td></td>
</tr>
<tr>
<td>**Dental Litigation</td>
<td>76-153 (1974)</td>
</tr>
<tr>
<td>*Physicians and Surgeons — The Expanding Role of the Physician’s Assistant</td>
<td>76-162 (1974)</td>
</tr>
<tr>
<td>**MINES AND MINERALS</td>
<td></td>
</tr>
<tr>
<td>**Ad Valorem Taxation of Coal Property — Symposium</td>
<td>76-295 (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>*Eminent Domain: Approaches to Valuation of Real Estate With Emphasis on Mineral Properties</td>
<td>74-307 (1972)</td>
</tr>
<tr>
<td>**Strip Mining and the 1971 West Virginia Surface Mining and Reclamation Act</td>
<td>75-319 (1973)</td>
</tr>
<tr>
<td>**MISDEMEANORS</td>
<td></td>
</tr>
<tr>
<td>See Criminal Law</td>
<td></td>
</tr>
<tr>
<td>**MOTOR VEHICLES</td>
<td></td>
</tr>
<tr>
<td>**An Argument to the People on No-Fault Automobile Insurance</td>
<td>74-44 (1971)</td>
</tr>
<tr>
<td>**No-Fault Automobile Insurance — An Attempt at a Realistic Evaluation</td>
<td>74-26 (1971)</td>
</tr>
</tbody>
</table>

---

XXII
**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** 74-2 (1971)

Symposium on No-Fault Insurance 74-1 (1971)

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

**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**


**POLICE**

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

**POLUTION**

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

XXIII
Subject Index

*Environmental Law — Air Pollution Abatement — A Supplemental Damage Remedy Under the Clean Air Act 75-266 (1973)

POOR LAW
See Poverty Law

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

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

PRESUMPTIONS
See Evidence

PRISONERS
*Prisoner's Rights — The Need for an Inmate Grievance Commission in West Virginia 78-441 (1976)

PROPERTY
See Right to Privacy

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

PROCEDURE
*Preliminary Injunction in West Virginia — Discretionary Notice and Due Process 78-113 (1975)
See also Administrative Procedure

PRODUCTS LIABILITY
**Law of Products Liability in West Virginia 74-283 (1972)
Products Liability — Application of UCC Sales Article Policy to Leased Chattel 74-214 (1971)
*Products Liability — West Virginia Consumer Credit and Protection Act — Definitional Inadequacies 77-328 (1975)

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

PROPERTY
*Adverse Possession — Personal Property — Acquiring Title to Personal Property by Adverse Possession in West Virginia 76-248 (1973)
*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)

PROPERTY TAXES
Ad Valorem Taxation of Coal Property — Symposium 76-295 (1974)
**Coal Reserves Should Be the Subject of Equitable Ad Valorem Taxation 76-325 (1974)
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)
**State and Local Taxation of the Bituminous Coal Industry 76-297 (1974)
**VEPCO — The Need for a Revised Tax Appeals Procedure in West Virginia 76-1 (1973)
**West Virginia Tax Law — Hearing and Appeal Procedures 74-135 (1971)

PUBLIC UTILITIES
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)

REMAINERS
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
  77-613 (1975)
**Enforcement and Administration of the Federal Coal Mine Health and Safety Act of 1969: Do the Ends Justify the Means?
  77-623 (1975)
**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)
**The West Virginia Consumer Credit Protection Act
  77-401 (1975)
U.C.C. — Statute of Limitations — Conflicts Between Personal Injury and Sales Contracts Statutes of Limitations
  75-201 (1972)

SCHOOLS
Constitutional Law — Minimum Protection in Public School Financing
  76-72 (1973)
*Constitutional Law — Taxation — Equal Education: A Public School Financing Proposal For West Virginia
  76-50 (1972)
**School Books, Lesson Plans, and the Constitution
  78-287 (1976)
Schools and School Officials — Liability to Students for Civil Rights Violations
  78-259 (1976)

SECURITIES
**The Uniform Securities Act — A Step Forward in State Regulation
  77-15 (1974)
Subject Index

**SOCIAL WELFARE**

**STANDING**
**Private Actions for Public Nuisance:** The Standing Problem 76-453 (1974)

**STARE DECISIS**
See Precedents

**STATUTE OF LIMITATIONS**
See Limitations of Actions

**STATUTES**
**State Disaster Legislation** 75-32 (1972)

**STOCKS**

**TAXATION**
**Ad Valorem Taxation of Coal Bearing Lands in West Virginia — A Viewpoint of the Coal Industry** 76-343 (1974)

**Ad Valorem Taxation of Coal Property — Symposium** 76-295 (1974)


**Coal Reserves Should Be the Subject of Equitable Ad Valorem Taxation** 76-325 (1974)

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

**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)

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


**State and Local Taxation of the Bituminous Coal Industry** 76-297 (1974)

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 — 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 76-422 (1973)

Taxation — The Office-in-Home Deduction 74-423 (1972)

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

**West Virginia Tax Law — Hearing and Appeal Procedures** 74-135 (1971)

**TITLE 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

**ING CLASSIFICATION OF ENTRANTS**
- 76-202 (1974)

**TORTS**
- Liability Imposed on General Contractor For Independent Contractor's Negligence 74-434 (1972)
- Wrongful Death — Dependent Distributee Need Not Be Totally Dependent Upon Deceased 75-88 (1972)

Wrongful Death Action — Death of Viable Unborn Child From Prenatal Injury 74-435 (1972)

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

**UNIONS**
- Labor Law — Employer Free Speech — Use of the Gissel Guidelines in Determining Predictions or Threats 74-382 (1972)
- Labor Law — Unions — Union Must Petition for an Election 77-607 (1975)

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

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

**WAR**
- War Powers Legislation An Addendum 74-367 (1972)

**WARRANTY**
- Housing — Mobile Homes — Some Legal Questions 75-382 (1973)
- Law of Products Liability in West Virginia 74-283 (1972)
- Real Property — Covenant of General Warranty — Novel Definition of Constructive Eviction in West Virginia 74-415 (1972)

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

**WILLS**
- Legal Ethics — Drafter of a Will Who Serves as Executor 75-190 (1972)
- Living Wills — Need for Legal Recognition 78-370 (1976)
- Real Property — Wills — Judicial Construction of “to A and His Children” 75-296 (1973)
- Wills — Future Interests — Determining the Class of Heirs Following a Life Estate 75-94 (1972)
- Wills — Implied Gifts of Remainders 76-217 (1974)

**WORKMEN'S COMPENSATION**

**WRONGFUL DEATH**
- Tort — Wrongful Death — Dependent Distributee Need Not Be Totally Dependent Upon Deceased 75-88 (1972)
- Wrongful Death Action — Death of Viable Unborn Child From Prenatal Injury 74-435 (1972)

**ZONING**
- Housing — Mobile Homes — Some Legal Questions 75-382 (1973)
- Modifications of Zoning Ordinance Use Restrictions 78-522 (1976)

XXVII