

Volume Twenty-Nine

Alphabetical Index Of Authors

- Aarons, Dwight, *Can Inordinate Delay Between a Death Sentence and Execution Constitute Cruel and Unusual Punishment?*, 29 SETON HALL L. REV. 147-212 (1998).
- Anderton, Sal M. See Gordon, Michael.
- Bassler, The Hon. William G. & Michael Potenza, *Certification Granted: The Practical and Jurisprudential Reasons Why New Jersey Should Adopt a Certification Procedure*, 29 SETON HALL L. REV. 491-557 (1998).
- Blair, Douglas A., *Employees Suffering from Bipolar Disorder or Clinical Depression: Fighting an Uphill Battle for Protection Under Title I of the Americans with Disabilities Act*, 29 SETON HALL L. REV. 1347-1404 (1999).
- Caraballo, Wilfredo, *From the Faculty: Good Guys Can Lead*, 29 SETON HALL L. REV. 881-84 (1999).
- Clarke, C. Antoinette, *FINS, PINS, CHIPS, & CHINS: A Reasoned Approach to the Problem of Drug Use During Pregnancy*, 29 SETON HALL L. REV. 634-91 (1998).
- Colella, Ugo. See Parker, Richard.
- Denbeaux, Mark P. See Risinger, D. Michael.
- Diegnan Jr., Richard P., Note, *Quasi-Governmental Immunity: Should Organizations Receive Immunity for Charitable Works? — Snyder v. American Association of Blood Banks*, 29 SETON HALL L. REV. 256-85 (1998).
- Dinkins, Carol E. & Kristie M. Tice, *New Solutions for Old Problems in Newark Bay*, 29 SETON HALL L. REV. 61-75 (1998).
- Dorgan III, Walter J., Note, *The Cyberworld Cannot be Confined to Speech That Would Be Suitable for a Sandbox*, 29 SETON HALL L. REV. 286-311 (1998).
- Dougherty, Jennifer D., Note, *Agostini v. Felton: Sanctioning a Trend in the Accommodation of Educational Services for Underprivileged and Disabled Children*, 29 SETON HALL L. REV. 1008-36 (1999).

ALPHABETICAL INDEX OF AUTHORS

1707

- Drucker, Peter A., *Class Certification and Mass Torts: Are "Immature" Tort Claims Appropriate for Class Action Treatment?*, 29 SETON HALL L. REV. 213-34 (1998).
- Fleischer, Steven, Note, *Termination of Parental Rights: An Additional Sentence for Incarcerated Parents*, 29 SETON HALL L. REV. 312-41 (1998).
- Franzese, Paula A., *Housing and Hope: The Crisis in Homelessness, Discrimination in Housing, and An Agenda for Landlord/Tenant Reform*, 29 SETON HALL L. REV. 1461-66 (1999).
- Franzese, Paula A. See Rodino, Congressman Peter W.
- Galves, Fred, *The Discriminatory Impact of Traditional Lending Criteria: An Economic and Moral Critique*, 29 SETON HALL L. REV. 1467-87 (1999).
- Goldstein, Stuart J., Note, *Vicarious Employer Liability for Supervisory Sexual Harassment: "See No Evil, Hear No Evil" is No Excuse*, 29 SETON HALL L. REV. 1037-68 (1999).
- Gordon, Michael & Sal M. Anderton, *Protecting the Passaic: A Call to Citizen Action*, 29 SETON HALL L. REV. 76-88 (1998).
- Gross, Leonard E., *The Public Hates Lawyers: Why Should We Care?*, 29 SETON HALL L. REV. 1405-60 (1999).
- Hall, Timothy S., *Third-Party Payor Conflicts of Interest in Managed Care: A Proposal for Regulation Based on the Model Rules of Professional Conduct*, 29 SETON HALL L. REV. 95-146 (1998).
- Holly, Wayne D., *Ambiguous Invocations of the Right to Remain Silent: A Post-Davis Analysis and Proposal*, 29 SETON HALL L. REV. 558-98 (1998).
- Horton, Linda, *Mutual Recognition Agreements and Harmonization*, 29 SETON HALL L. REV. 692-735 (1998).
- Jones, N. Scott, *The Selected Remedy is the Most Environmentally Protective Solution for the Diamond Alkali Superfund Site*, 29 SETON HALL L. REV. 27-38 (1998).
- Lawrence, Tricia M., Note, *The Domestic Violence Pendulum: Has It Swung Too Far? Are Harassment Charges Now Being Used as a Sword Rather than a Shield?*, 29 SETON HALL L. REV. 342-66 (1998).
- Levine, Samuel J., *An Introduction to Legislation in Jewish Law, with References to the American Legal System*, 29 SETON HALL L. REV. 916-36 (1999).
- Mardikian, Monica, Note, *The Forbes Decision: Has the Court Closed the Public Forum on Candidate Speech?*, 29 SETON HALL L. REV. 1069-93 (1999).

- McCormack, Patrick, Note, *Campbell v. Louisiana — Has the Supreme Court Expanded the Doctrine of Third-Party Standing Too Far?*, 29 SETON HALL L. REV. 756-86 (1998).
- McNutt, Richard P. See Wolfskill, L. Anthony.
- Mellina, Linda A., Note, *Decency v. The Arts: And The Winner Is . . . The National Endowment for the Arts?*, 29 SETON HALL L. REV. 1513-42 (1999).
- Melville, David W., *Liability Rules, Property Rules, and Incentives Not to Bargain: The Effect of Competitive Rivalry on the Protection of Legal Entitlements*, 29 SETON HALL L. REV. 1277-99 (1999).
- Merrill, Richard A., *The Importance and Challenges of Mutual Recognition*, 29 SETON HALL L. REV. 736-55 (1998).
- Miller III, John Davidson, Note, *Same-Sex Sexual Harassment Is Actionable Under Title VII of the Civil Rights Act of 1964: Is This the End of Horseplay As We Know It?*, 29 SETON HALL L. REV. 787-815 (1998).
- Nagle, John Copeland, *Endangered Species Wannabees*, 29 SETON HALL L. REV. 235-55 (1998).
- Najarian, Grace, Note, *Balancing Act: New Jersey Walks a Line Between the Pros and Cons of Attorney Solicitation of Clients*, 29 SETON HALL L. REV. 1543-80 (1999).
- Napolitano, Andrew P., *Whatever Happened to Freedom of Speech? A Defense of "State Interest of the Highest Order" As a Unifying Standard for Erratic First Amendment Jurisprudence*, 29 SETON HALL L. REV. 1197-1276 (1999).
- O'Hern, The Hon. Daniel J., *From the Bench: The Riccio Years*, 29 SETON HALL L. REV. 875-77 (1999).
- Parker, Richard & Ugo Colella, *Revisiting Equitable Tolling and the Federal Tort Claims Act: The Impact of Brockamp and Beggerly*, 29 SETON HALL L. REV. 885-915 (1999).
- Plass, Stephen, *Truth: The Lost Virtue in Title VII Litigation*, 29 SETON HALL L. REV. 599-633 (1998).
- Poirier, Marc R., *Facing the Passaic*, 29 SETON HALL L. REV. 1-17 (1998).
- Polloway, Merric J., Note, *A Duty to Rescue Within the Sexual Abuse Context: Foreseeability and Public Policy Drive the Duty Analysis of the Supreme Court of New Jersey*, 29 SETON HALL L. REV. 1581-1617 (1999).
- Potenza, Michael. See Bassler, The Hon. William G.
- Riccio, Ronald J. See Rodino, Congressman Peter W.
- Risinger, D. Michael, Mark P. Denbeaux, & Michael J. Saks, *Brave New "Post-Daubert World" — A Reply to Professor Moens-*

ALPHABETICAL INDEX OF AUTHORS

1709

- sens*, 29 SETON HALL L. REV. 405-90 (1998).
- Robinson, Donald A., *From the Bar: A Legal Career Distinguished by Compassion*, 29 SETON HALL L. REV. 878-80 (1999).
- Rodino, Congressman Peter W., Paula A. Franzese, & Ronald J. Riccio, *The Presidency in Crisis: A Conversation with Congressman Peter Rodino*, 29 SETON HALL L. REV. 978-1004 (1999).
- Runke, Justin P., Note, *Fourth Amendment Balancing Act: Special Needs of Rape Victims Justify Court-Ordered HIV Testing of the Accused*, 29 SETON HALL L. REV. 1094-1121 (1999).
- Saks, Michael J. See Risinger, D. Michael.
- Sharkey, Brian Patrick, Note, *Crawford-El v. Britton: The Supreme Court Reexamines the Qualified Immunity Defense Within the Confines of the Federal Rules of Civil Procedure*, 29 SETON HALL L. REV. 1122-61 (1999).
- Smith, Kevin H., *A Model Independent Counsel Reimbursement Act*, 29 SETON HALL L. REV. 1300-46 (1999).
- Smith, Laurence M., *MetLife Capital — The Uncertain Fate of Default Rate and Late Fee Provisions*, 29 SETON HALL L. REV. 970-77 (1999).
- Tice, Kristie M. See Dinkins, Carol E.
- Torres, César E., *The Housing Crisis Facing Low Income Families*, 29 SETON HALL L. REV. 1498-1512 (1999).
- Torricelli, Senator Robert, *Remarks*, 29 SETON HALL L. REV. 18-26 (1998).
- Wahrman, Tirza S., *Agent Orange in Newark: Time for a New Beginning*, 29 SETON HALL L. REV. 89-94 (1998).
- Walter, Paula, *His, Hers, or Theirs — Custody, Control, and Contracts: Allocating Decisional Authority Over Frozen Embryos*, 29 SETON HALL L. REV. 937-69 (1999).
- Weisert, Thomas C., Note, *Timing Isn't Everything: The Supreme Court Decides That a Presidential Cancellation Does Indeed "Walk, Swim, and Quack" Like a Line-Item Veto*, 29 SETON HALL L. REV. 1618-67 (1999).
- Whitman, Governor Christine Todd, *Sixth Annual Sandra Day O'Connor Medal of Honor: Remarks*, 29 SETON HALL L. REV. 1005-07 (1999).
- Wolfskill, L. Anthony & Richard P. McNutt, *An Environmental Study of the Passaic River and its Estuary*, 29 SETON HALL L. REV. 37-59 (1998).
- Wood, Richard G., Note, *When a Majority Loses on the Merits: Miller v. Albright and the Problem of Splintered Judgments*, 29 SETON HALL L. REV. 816-42.

1710

SETON HALL LAW REVIEW

Yelnosky, Michael J., *What Does "Testing" Tell Us About the Incidence of Discrimination in Housing Markets?*, 29 SETON HALL L. REV. 1488-97 (1999).

Volume Twenty-Nine

Topical Index

CERTIFICATION OF QUESTIONS OF LAW

Bassler, The Hon. William G. & Michael Potenza, *Certification Granted: The Practical and Jurisprudential Reasons Why New Jersey Should Adopt a Certification Procedure*, 29 SETON HALL L. REV. 491-557 (1998).

CONSTITUTIONAL LAW

Holly, Wayne D., *Ambiguous Invocations of the Right to Remain Silent: A Post-Davis Analysis and Proposal*, 29 SETON HALL L. REV. 558-98 (1998).

McCormack, Patrick, Note, *Campbell v. Louisiana — Has the Supreme Court Expanded the Doctrine of Third-Party Standing Too Far?*, 29 SETON HALL L. REV. 756-86 (1998).

Runke, Justin P., Note, *Fourth Amendment Balancing Act: Special Needs of Rape Victims Justify Court-Ordered HIV Testing of the Accused*, 29 SETON HALL L. REV. 1094-1121 (1999).

CONTRACTS

Smith, Laurence M., *MetLife Capital — The Uncertain Fate of Default Rate and Late Fee Provisions*, 29 SETON HALL L. REV. 970-77 (1999).

Walter, Paula, *His, Hers, or Theirs — Custody, Control, and Contracts: Allocating Decisional Authority Over Frozen Embryos*, 29 SETON HALL L. REV. 937-69 (1999).

DEATH PENALTY

Aarons, Dwight, *Can Inordinate Delay Between a Death Sentence and Execution Constitute Cruel and Unusual Punishment?*, 29 SETON HALL L. REV. 147-212 (1998).

DUTY TO RESCUE

Polloway, Merric J., Note, *A Duty to Rescue Within the Sexual Abuse Context: Foreseeability and Public Policy Drive the Duty Analysis of the Supreme Court of New Jersey*, 29 SETON HALL L. REV. 1581-1617 (1999).

EMPLOYMENT DISCRIMINATION

Blair, Douglas A., *Employees Suffering from Bipolar Disorder or Clinical Depression: Fighting an Uphill Battle for Protection Under Title I of the Americans with Disabilities Act*, 29 SETON HALL L. REV. 1347-1404 (1999).

Plass, Stephen, *Truth: The Lost Virtue in Title VII Litigation*, 29 SETON HALL L. REV. 599-633 (1998).

ENVIRONMENTAL LAW

Dinkins, Carol E. & Kristie M. Tice, *New Solutions for Old Problems in Newark Bay*, 29 SETON HALL L. REV. 61-75 (1998).

Gordon, Michael & Sal M. Anderton, *Protecting the Passaic: A Call to Citizen Action*, 29 SETON HALL L. REV. 76-88 (1998).

Jones, N. Scott, *The Selected Remedy is the Most Environmentally Protective Solution for the Diamond Alkali Superfund Site*, 29 SETON HALL L. REV. 27-38 (1998).

Nagle, John Copeland, *Endangered Species Wannabees*, 29 SETON HALL L. REV. 235-55 (1998).

Poirier, Marc R., *Facing the Passaic*, 29 SETON HALL L. REV. 1-17 (1998).

Torricelli, Senator Robert, *Remarks*, 29 SETON HALL L. REV. 18-26 (1998).

Wahrman, Tirza S., *Agent Orange in Newark: Time for a New Beginning*, 29 SETON HALL L. REV. 89-94 (1998).

Wolfskill, L. Anthony & Richard P. McNutt, *An Environmental Study of the Passaic River and its Estuary*, 29 SETON HALL L. REV. 37-59 (1998).

EVIDENCE

Risinger, D. Michael, Mark P. Denbeaux, & Michael J. Saks, *Brave New "Post-Daubert World" — A Reply to Professor Moenssens*, 29 SETON HALL L. REV. 405-90 (1998).

FAMILY LAW

Clarke, C. Antoinette, *FINS, PINS, CHIPS, & CHINS: A Reasoned*

TOPICAL INDEX

1713

Approach to the Problem of Drug Use During Pregnancy, 29 SETON HALL L. REV. 634-91 (1998).

Lawrence, Tricia M., Note, *The Domestic Violence Pendulum: Has It Swung Too Far? Are Harassment Charges Now Being Used as a Sword Rather than a Shield?*, 29 SETON HALL L. REV. 342-66 (1998).

FIRST AMENDMENT PROTECTIONS

Dorgan III, Walter J., Note, *The Cyberworld Cannot be Confined to Speech That Would Be Suitable for a Sandbox*, 29 SETON HALL L. REV. 286-311 (1998).

Dougherty, Jennifer D., Note, *Agostini v. Felton: Sanctioning a Trend in the Accommodation of Educational Services for Underprivileged and Disabled Children*, 29 SETON HALL L. REV. 1008-36 (1999).

Mardikian, Monica, Note, *The Forbes Decision: Has the Court Closed the Public Forum on Candidate Speech?*, 29 SETON HALL L. REV. 1069-93 (1999).

Mellina, Linda A., Note, *Decency v. The Arts: And The Winner Is . . . The National Endowment for the Arts?*, 29 SETON HALL L. REV. 1513-42 (1999).

Napolitano, Andrew P., *Whatever Happened to Freedom of Speech? A Defense of "State Interest of the Highest Order" As a Unifying Standard for Erratic First Amendment Jurisprudence*, 29 SETON HALL L. REV. 1197-1276 (1999).

GOVERNMENTAL IMMUNITY AND LIABILITY

Diegnan Jr., Richard P., Note, *Quasi-Governmental Immunity: Should Organizations Receive Immunity for Charitable Works? — Snyder v. American Association of Blood Banks*, 29 SETON HALL L. REV. 256-85 (1998).

Sharkey, Brian Patrick, Note, *Crawford-El v. Britton: The Supreme Court Reexamines the Qualified Immunity Defense Within the Confines of the Federal Rules of Civil Procedure*, 29 SETON HALL L. REV. 1122-61 (1999).

GOVERNORS

Whitman, Governor Christine Todd, *Sixth Annual Sandra Day O'Connor Medal of Honor: Remarks*, 29 SETON HALL L. REV. 1005-07 (1999).

1714

SETON HALL LAW REVIEW

HEALTH LAW AND POLICY

- Hall, Timothy S., *Third-Party Payor Conflicts of Interest in Managed Care: A Proposal for Regulation Based on the Model Rules of Professional Conduct*, 29 SETON HALL L. REV. 95-146 (1998).
- Horton, Linda, *Mutual Recognition Agreements and Harmonization*, 29 SETON HALL L. REV. 692-735 (1998).
- Merrill, Richard A., *The Importance and Challenges of Mutual Recognition*, 29 SETON HALL L. REV. 736-55 (1998).

HOUSING

- Franzese, Paula A., *Housing and Hope: The Crisis in Homelessness, Discrimination in Housing, and An Agenda for Landlord/Tenant Reform*, 29 SETON HALL L. REV. 1461-66 (1999).
- Galves, Fred, *The Discriminatory Impact of Traditional Lending Criteria: An Economic and Moral Critique*, 29 SETON HALL L. REV. 1467-87 (1999).
- Torres, César E., *The Housing Crisis Facing Low Income Families*, 29 SETON HALL L. REV. 1498-1512 (1999).
- Yelnosky, Michael J., *What Does "Testing" Tell Us About the Incidence of Discrimination in Housing Markets?*, 29 SETON HALL L. REV. 1488-97 (1999).

IMMIGRATION

- Wood, Richard G., Note, *When a Majority Loses on the Merits: Miller v. Albright and the Problem of Splintered Judgments*, 29 SETON HALL L. REV. 816-42.

INDEPENDENT COUNSEL

- Smith, Kevin H., *A Model Independent Counsel Reimbursement Act*, 29 SETON HALL L. REV. 1300-46 (1999).

JEWISH LAW

- Levine, Samuel J., *An Introduction to Legislation in Jewish Law, with References to the American Legal System*, 29 SETON HALL L. REV. 916-36 (1999).

LAW AND ECONOMICS

- Melville, David W., *Liability Rules, Property Rules, and Incentives Not to Bargain: The Effect of Competitive Rivalry on the Protection of Legal Entitlements*, 29 SETON HALL L. REV. 1277-99 (1999).

TOPICAL INDEX

1715

LAW SCHOOLS

- Caraballo, Wilfredo, *From the Faculty: Good Guys Can Lead*, 29 SETON HALL L. REV. 881-84 (1999).
- O'Hern, The Hon. Daniel J., *From the Bench: The Riccio Years*, 29 SETON HALL L. REV. 875-77 (1999).
- Robinson, Donald A., *From the Bar: A Legal Career Distinguished by Compassion*, 29 SETON HALL L. REV. 878-80 (1999).

LEGAL PROFESSION

- Gross, Leonard E., *The Public Hates Lawyers: Why Should We Care?*, 29 SETON HALL L. REV. 1405-60 (1999).
- Najarian, Grace, Note, *Balancing Act: New Jersey Walks a Line Between the Pros and Cons of Attorney Solicitation of Clients*, 29 SETON HALL L. REV. 1543-80 (1999).

PARENT AND CHILD

- Fleischer, Steven, Note, *Termination of Parental Rights: An Additional Sentence for Incarcerated Parents*, 29 SETON HALL L. REV. 312-41 (1998).

POLITICS

- Rodino, Congressman Peter W., Paula A. Franzese, & Ronald J. Riccio, *The Presidency in Crisis: A Conversation with Congressman Peter Rodino*, 29 SETON HALL L. REV. 978-1004 (1999).

SEPARATION OF POWERS

- Weisert, Thomas C., Note, *Timing Isn't Everything: The Supreme Court Decides That a Presidential Cancellation Does Indeed "Walk, Swim, and Quack" Like a Line-Item Veto*, 29 SETON HALL L. REV. 1618-67 (1999).

SEXUAL HARASSMENT

- Goldstein, Stuart J., Note, *Vicarious Employer Liability for Supervisory Sexual Harassment: "See No Evil, Hear No Evil" is No Excuse*, 29 SETON HALL L. REV. 1037-68 (1999).
- Miller III, John Davidson, Note, *Same-Sex Sexual Harassment Is Actionable Under Title VII of the Civil Rights Act of 1964: Is This the End of Horseplay As We Know It?*, 29 SETON HALL L. REV. 787-815 (1998).

1716

SETON HALL LAW REVIEW

TORTS

Drucker, Peter A., *Class Certification and Mass Torts: Are "Immature" Tort Claims Appropriate for Class Action Treatment?*, 29 SETON HALL L. REV. 213-34 (1998).

Parker, Richard & Ugo Colella, *Revisiting Equitable Tolling and the Federal Tort Claims Act: The Impact of Brockamp and Beggerly*, 29 SETON HALL L. REV. 885-915 (1999).