ARTICLES

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Technical Look at the Eighty Per Cent Rule as Applied to Employee</td>
<td>647</td>
</tr>
<tr>
<td>Selection Procedures</td>
<td></td>
</tr>
<tr>
<td>Jacob Van Bowen, Jr.</td>
<td></td>
</tr>
<tr>
<td>C. Allen Riggins</td>
<td></td>
</tr>
<tr>
<td>Closing the Closing Gap</td>
<td>607</td>
</tr>
<tr>
<td>James G. Cosby</td>
<td></td>
</tr>
<tr>
<td>Dissenting Stockholders' Rights in Virginia: Exclusivity of the</td>
<td>505</td>
</tr>
<tr>
<td>Cash-Out Remedy and Determination of “Fair Value”</td>
<td></td>
</tr>
<tr>
<td>Howard T. Macrae, Jr.</td>
<td></td>
</tr>
<tr>
<td>Dissolution, Forfeiture, and Liquidation of Virginia Corporations</td>
<td>333</td>
</tr>
<tr>
<td>Joel D. Gusky</td>
<td></td>
</tr>
<tr>
<td>Enforcement of Occupational Safety and Health Laws in Virginia: A</td>
<td>535</td>
</tr>
<tr>
<td>New Beginning</td>
<td></td>
</tr>
<tr>
<td>Honorable Anthony F. Troy</td>
<td></td>
</tr>
<tr>
<td>Robert D. Perrow</td>
<td></td>
</tr>
<tr>
<td>Inheritance Rights of Children in Virginia</td>
<td>275</td>
</tr>
<tr>
<td>J. Rodney Johnson</td>
<td></td>
</tr>
<tr>
<td>Privacy Revisited: The Downfall of Griswald</td>
<td>627</td>
</tr>
<tr>
<td>Martin R. Levy</td>
<td></td>
</tr>
<tr>
<td>C. Thomas Hectus</td>
<td></td>
</tr>
<tr>
<td>Private Discrimination Actions Filed in Federal Court: Nonsubstantive</td>
<td>85</td>
</tr>
<tr>
<td>Matters Affecting Liability and Relief</td>
<td></td>
</tr>
<tr>
<td>Gary L. Spahn</td>
<td></td>
</tr>
<tr>
<td>David E. Boone</td>
<td></td>
</tr>
<tr>
<td>Purchase of Consumer Paper and Subjection to Collateral Defenses</td>
<td>53</td>
</tr>
<tr>
<td>Benjamin Geva</td>
<td></td>
</tr>
<tr>
<td>Sniadach Through Di-Chem and Backwards: An Analysis of Virginia's</td>
<td>157</td>
</tr>
<tr>
<td>Attachment and Detinue Statutes</td>
<td></td>
</tr>
<tr>
<td>B. J. Brabham</td>
<td></td>
</tr>
<tr>
<td>Socking it to Plaintiffs: Supreme Court Antitrust Decisions in</td>
<td>1</td>
</tr>
<tr>
<td>1976-77 Term</td>
<td></td>
</tr>
<tr>
<td>Jeff Miles</td>
<td></td>
</tr>
<tr>
<td>Support v. Alimony in Virginia: It’s Time to Use the Revised</td>
<td>139</td>
</tr>
<tr>
<td>Statutes</td>
<td></td>
</tr>
<tr>
<td>Joel H. Holt</td>
<td></td>
</tr>
<tr>
<td>The Professional Corporation: An Overview</td>
<td>323</td>
</tr>
<tr>
<td>Halford I. Hayes</td>
<td></td>
</tr>
<tr>
<td>Understanding Judicial Review of Federal Agency Action: Kafkaesque</td>
<td>469</td>
</tr>
<tr>
<td>and Langdellian</td>
<td></td>
</tr>
<tr>
<td>Gary C. Leedes</td>
<td></td>
</tr>
<tr>
<td>Virginia Wealth Transfer Tax—Proposed Alternatives</td>
<td>299</td>
</tr>
<tr>
<td>Michael D. Fleming</td>
<td></td>
</tr>
</tbody>
</table>
ARTICLES

EQUAL CREDIT OPPORTUNITY ACT AMENDMENTS OF 1976 ........................................... 203

MIRANDA V. ARIZONA: THE EMERGING PATTERN .................................................. 409

PRISON INMATE MARRIAGES: A SURVEY AND A PROPOSAL ........................................... 443

SEXUAL PRIVACY: ACCESS OF A MINOR TO CONTRACEPTIVES, ABORTION, AND STERILIZATION WITHOUT PARENTAL CONSENT ........................................... 221

THE FATE OF NON-COMPLIANT MUNICIPALITIES WITH REGARD TO THE SECONDARY TREATMENT STANDARDS PURSUANT TO THE 1972 FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS—A PROBLEM OF ENFORCEMENT ........................................... 581

VIRGINIA'S LAW OF SOVEREIGN IMMUNITY: AN OVERVIEW ........................................... 429

WARRANTLESS SEARCHES OF AUTOMOBILES IN VIRGINIA ........................................... 563

NOTES

JUDGE ROBERT R. MERHIGE, JR.—STRICT CONSTRUCTIONIST WEATHERS
THE STORM ........................................... 659

OBTAINING JURISDICTION OVER CORPORATIONS IN VIRGINIA ........................................... 369

RECENT DEVELOPMENTS

THE "TENDER YEARS" DOCTRINE IN VIRGINIA ........................................... 593

LEGISLATIVE DEVELOPMENTS

CIVIL PROCEDURE—TITLE 8.01: VIRGINIA'S NEW CIVIL PROCEDURE ACT ........................................... 245

DOES VIRGINIA DENY INDIGENTS THE RIGHT TO DIVORCE? ........................................... 735

PREPAID LEGAL SERVICES: A NEW FRONTIER ........................................... 759

STATUTORY CHANGES IN CHILD PLACEMENT ........................................... 739

SUBDIVIDED LAND SALES ACT ........................................... 755

TAKEOVER BID DISCLOSURE ACT ........................................... 749

UNIFORM CHILD CUSTODY JURISDICTION ACT ........................................... 745

BOOK REVIEW

THE VIRGINIA LAW REPORTERS BEFORE 1880
BY W. HAMILTON BRYSON ........................................... 773
### TABLE OF CASES

<table>
<thead>
<tr>
<th>Case</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott Laboratories v. Gardner</td>
<td>471, 490</td>
</tr>
<tr>
<td>Albemarle Paper Co. v. Moody</td>
<td>208, 209, 210</td>
</tr>
<tr>
<td>Aldinger v. Howard</td>
<td>132</td>
</tr>
<tr>
<td>Alexander v. Holmes County Board of Education</td>
<td>727</td>
</tr>
<tr>
<td>Altizer v. Faderick</td>
<td>683</td>
</tr>
<tr>
<td>Argersinger v. Hamlin</td>
<td>672, 673, 674, 675</td>
</tr>
<tr>
<td>Baker v. Carr</td>
<td>489</td>
</tr>
<tr>
<td>Barker v. Wingo</td>
<td>685</td>
</tr>
<tr>
<td>Barlow v. Collins</td>
<td>471, 487</td>
</tr>
<tr>
<td>Bates v. State Bar of Arizona</td>
<td>3, 45, 48, 49, 50, 704, 705, 706, 771</td>
</tr>
<tr>
<td>Baytop v. Baytop</td>
<td>146</td>
</tr>
<tr>
<td>Beckwith v. United</td>
<td></td>
</tr>
<tr>
<td>States</td>
<td>423, 425, 427, 428</td>
</tr>
<tr>
<td>Bennett v. Gravelle</td>
<td>110, 113</td>
</tr>
<tr>
<td>Berry v. City of Cincinnati</td>
<td>674, 675</td>
</tr>
<tr>
<td>Bivens v. Six Unknown Named</td>
<td></td>
</tr>
<tr>
<td>Federal Narcotics</td>
<td></td>
</tr>
<tr>
<td>Agents</td>
<td>127, 129, 130, 131, 133, 135</td>
</tr>
<tr>
<td>Blue Cross v. Commonwealth</td>
<td>771</td>
</tr>
<tr>
<td>Bodie v. Connecticut</td>
<td>735, 736, 737</td>
</tr>
<tr>
<td>Bowman v. County School Board Building of Charles City</td>
<td>732, 733</td>
</tr>
<tr>
<td>Bradley v. School Board of City of Richmond</td>
<td>723, 726, 732</td>
</tr>
<tr>
<td>Braunfeld v. Brown</td>
<td>698, 699, 700</td>
</tr>
<tr>
<td>Brooks v. Brooks</td>
<td>595</td>
</tr>
<tr>
<td>Brotherhood of Railroad Trainmen v. Virginia</td>
<td>762</td>
</tr>
<tr>
<td>Brown v. Board of Education</td>
<td>722, 724, 725, 730</td>
</tr>
<tr>
<td>Brown v. General Services</td>
<td>126</td>
</tr>
<tr>
<td>Brown v. Supreme Court of Virginia</td>
<td>715, 718, 719, 720</td>
</tr>
<tr>
<td>Brunswick Corp. v. Pueblo</td>
<td></td>
</tr>
<tr>
<td>Bowl-O-Mat, Inc.</td>
<td>2, 4, 8</td>
</tr>
<tr>
<td>Burnside v. Burnside</td>
<td>597, 599, 600</td>
</tr>
<tr>
<td>Cabbler v. Commonwealth</td>
<td>570</td>
</tr>
<tr>
<td>Cady v. Dombrowski</td>
<td>568</td>
</tr>
<tr>
<td>Califano v. Sanders</td>
<td>662, 663</td>
</tr>
<tr>
<td>California Motor Transport Co. v. Trucking Unlimited</td>
<td>40, 41, 42</td>
</tr>
<tr>
<td>Campaign Clean Water, Inc. v. Ruckelshaus</td>
<td>664, 671</td>
</tr>
<tr>
<td>Canfield v. Oklahoma</td>
<td>634</td>
</tr>
<tr>
<td>Cantor v. Detroit Edison Co.</td>
<td>45, 48, 49, 50, 706</td>
</tr>
<tr>
<td>Carafas v. La Vallee</td>
<td>674</td>
</tr>
<tr>
<td>Carey v. Population Services International</td>
<td>229, 230</td>
</tr>
<tr>
<td>Carey v. Sugar</td>
<td>177, 179, 181, 182, 183, 184, 185, 186, 192, 193, 195, 196, 197, 198</td>
</tr>
<tr>
<td>Carroll v. United</td>
<td></td>
</tr>
<tr>
<td>States</td>
<td>565, 574, 575, 576, 577</td>
</tr>
<tr>
<td>Chambers v. Maroney</td>
<td>576</td>
</tr>
<tr>
<td>ChimeI v. California</td>
<td>572, 573, 574</td>
</tr>
<tr>
<td>City of Kenosha v. Bruno</td>
<td>102</td>
</tr>
<tr>
<td>Clark v. Clark</td>
<td>598</td>
</tr>
<tr>
<td>Clark v. Oliver</td>
<td>685</td>
</tr>
<tr>
<td>Coffin Bros. v. Bennett</td>
<td>182</td>
</tr>
<tr>
<td>Cohen v. Chesterfield County School Board</td>
<td>716, 719, 720, 721, 722</td>
</tr>
<tr>
<td>Coles v. Peyton</td>
<td>677, 678, 679, 680</td>
</tr>
<tr>
<td>Commonwealth Edison Co. v. Allis-Chalmers Mfg. Co.</td>
<td>13</td>
</tr>
<tr>
<td>Consumer's Union of the U.S. vs. A.B.A.</td>
<td>702, 703, 704, 705</td>
</tr>
<tr>
<td>Continental T.V., Inc. v. GTE Sylvania, Inc.</td>
<td>3, 20, 21, 24, 26, 27, 35</td>
</tr>
<tr>
<td>Cook v. Commonwealth</td>
<td>566, 567, 568</td>
</tr>
<tr>
<td>Coolidge v. New Hampshire</td>
<td>567, 577</td>
</tr>
<tr>
<td>Cooper v. California</td>
<td>570, 571</td>
</tr>
<tr>
<td>Corbin v. Corbin</td>
<td>155</td>
</tr>
<tr>
<td>Crabbe v. County School Board</td>
<td>434</td>
</tr>
<tr>
<td>Craddock-Terry Co. v. Powell</td>
<td>356</td>
</tr>
<tr>
<td>Dabney v. Cunningham</td>
<td>688</td>
</tr>
<tr>
<td>Davis H. Elliott Co. v. Caribbean Utilities Co.</td>
<td>383</td>
</tr>
<tr>
<td>Dawson v. Mizell</td>
<td>699, 700</td>
</tr>
<tr>
<td>Doe v. Bolton 232, 233, 237, 238, 244, 629</td>
<td></td>
</tr>
<tr>
<td>Doe v. Commonwealth Attorney for City of Richmond</td>
<td>627, 629, 631, 632, 637, 638, 639, 640, 642, 643</td>
</tr>
<tr>
<td>Doe v. Temple</td>
<td>241, 242</td>
</tr>
<tr>
<td>Dyson v. Lavery</td>
<td>721</td>
</tr>
<tr>
<td>Eastern R.R. Presidents Conf. v. Noerr Motor Freight, Inc.</td>
<td>36, 38, 41, 42</td>
</tr>
</tbody>
</table>

778
TABLE OF CASES

<table>
<thead>
<tr>
<th>Case Name</th>
<th>1978, 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eaton v. Davis</td>
<td>141</td>
</tr>
<tr>
<td>Edelman v. Jordan</td>
<td>89, 90, 94, 96, 99</td>
</tr>
<tr>
<td>Eisenstadt v. Baird</td>
<td>630, 631, 632, 634, 635, 636, 637, 711</td>
</tr>
<tr>
<td>Elder v. Holland</td>
<td>434</td>
</tr>
<tr>
<td>Employees of the Dept. of Health &amp; Welfare v. Dept. of Public Health &amp; Welfare</td>
<td>93, 94</td>
</tr>
<tr>
<td>Escobedo v. Illinois</td>
<td>423, 424</td>
</tr>
<tr>
<td>Eslinger v. Thomas</td>
<td>722</td>
</tr>
<tr>
<td>Ex parte McCardle</td>
<td>481</td>
</tr>
<tr>
<td>Ex parte Young</td>
<td>89, 90, 97, 99</td>
</tr>
<tr>
<td>Fenon v. City of Norfolk</td>
<td>437</td>
</tr>
<tr>
<td>Fidelity &amp; Casualty Co. of N.Y. v. Lackland</td>
<td>343</td>
</tr>
<tr>
<td>Fitzpatrick v. Bitzer</td>
<td>95, 96, 112, 138</td>
</tr>
<tr>
<td>Fox v. Commonwealth</td>
<td>569, 571</td>
</tr>
<tr>
<td>Fry v. County of Albemarle</td>
<td>439</td>
</tr>
<tr>
<td>Gagliano v. Gagliano</td>
<td>142, 143, 155</td>
</tr>
<tr>
<td>Gay Student Org. of U. of New Hampshire v. Bonner</td>
<td>641</td>
</tr>
<tr>
<td>Gideon v. Wainwright</td>
<td>672, 673</td>
</tr>
<tr>
<td>Ginsburg v. New York</td>
<td>675</td>
</tr>
<tr>
<td>Goldfarb v. Virginia State Bar</td>
<td>43, 44, 45, 48, 49, 701, 702, 706, 770</td>
</tr>
<tr>
<td>Great Western United Corp. v. Kidwell</td>
<td>750, 751, 752</td>
</tr>
<tr>
<td>Green v. School Board of New Kent County</td>
<td>725, 727</td>
</tr>
<tr>
<td>Griggs v. Duke Power Co.</td>
<td>208, 209</td>
</tr>
<tr>
<td>Guy v. Guy</td>
<td>150, 152</td>
</tr>
<tr>
<td>Hanover Shoe, Inc. v. United Shoe Machinery Corp.</td>
<td>10, 11, 12, 13, 14, 15, 16</td>
</tr>
<tr>
<td>Hanson v. Denckla</td>
<td>396, 402</td>
</tr>
<tr>
<td>Harper v. Harper</td>
<td>598, 600</td>
</tr>
<tr>
<td>Harris v. Balk</td>
<td>397</td>
</tr>
<tr>
<td>Harris v. New York</td>
<td>411</td>
</tr>
<tr>
<td>Harris v. Richardson</td>
<td>667, 668</td>
</tr>
<tr>
<td>Harris v. United States</td>
<td>568</td>
</tr>
<tr>
<td>Hazelwood School District v. United States</td>
<td>650</td>
</tr>
<tr>
<td>Heller v. Munsingwear, Inc.</td>
<td>530</td>
</tr>
<tr>
<td>Hollis v. Commonwealth</td>
<td>574</td>
</tr>
<tr>
<td>Home Beneficial Life Insurance Co. v. Lawrence</td>
<td>511, 523</td>
</tr>
<tr>
<td>Illinois Brick Co. v. Illinois</td>
<td>2, 9, 11, 13, 17, 23</td>
</tr>
<tr>
<td>In re Plummer &amp; Company</td>
<td>511</td>
</tr>
<tr>
<td>In re Western Liquid Asphalt Cases</td>
<td>11, 13</td>
</tr>
<tr>
<td>Irvin v. Dodd</td>
<td>682, 683</td>
</tr>
<tr>
<td>International Business Machines Corp. v. United States</td>
<td>29</td>
</tr>
<tr>
<td>International Salt Co. v. United States</td>
<td>30</td>
</tr>
<tr>
<td>International Shoe v. Washington</td>
<td>396, 399, 400, 402, 403, 406</td>
</tr>
<tr>
<td>Jeffers v. Whitley</td>
<td>724</td>
</tr>
<tr>
<td>John G. Kolbe, Inc. v. Chromodern Co.</td>
<td>380</td>
</tr>
<tr>
<td>Johnson v. Railway Express Agency, Inc.</td>
<td>117</td>
</tr>
<tr>
<td>Johnson v. Robison</td>
<td>478, 479</td>
</tr>
<tr>
<td>Johnson v. Rockefeller</td>
<td>446, 447</td>
</tr>
<tr>
<td>Katz v. United States</td>
<td>643</td>
</tr>
<tr>
<td>Katzenback v. Morgan</td>
<td>134</td>
</tr>
<tr>
<td>Kellam v. School Board</td>
<td>441</td>
</tr>
<tr>
<td>Kruse v. Campbell</td>
<td>716, 717, 719, 721</td>
</tr>
<tr>
<td>LaFleur v. Cleveland Board of Education</td>
<td>716</td>
</tr>
<tr>
<td>Laird v. Tatum</td>
<td>490</td>
</tr>
<tr>
<td>Landman v. Royster</td>
<td>689, 690, 691, 693, 694, 696</td>
</tr>
<tr>
<td>Latham v. Latham</td>
<td>593</td>
</tr>
<tr>
<td>Lanhorne v. Harlan</td>
<td>432, 434</td>
</tr>
<tr>
<td>Lego v. Twomey</td>
<td>412</td>
</tr>
<tr>
<td>Leibner v. Sharbough</td>
<td>698</td>
</tr>
<tr>
<td>Lincoln v. Grant</td>
<td>68</td>
</tr>
<tr>
<td>Litcher v. North City Trust Co.</td>
<td>63</td>
</tr>
<tr>
<td>Loving v. Virginia</td>
<td>632</td>
</tr>
<tr>
<td>Lucas v. Pembroke Water Co.</td>
<td>511, 520, 528</td>
</tr>
<tr>
<td>Manard v. Miller</td>
<td>712</td>
</tr>
<tr>
<td>Mann v. County Board</td>
<td>440</td>
</tr>
</tbody>
</table>
Mangano v. American Radiator & Standard Sanitary Corp. 12,13
Mapp v. Ohio 563
Marshall v. Fredericksburg
Lumber Co. 355
Marston v. Oliver 672, 673, 675
Marzullo v. Maryland 677, 678
Maybanks v. Ingram 110, 111, 112, 113
McCree v. McCree 599, 600
McGee v. International Life
Ins. Co. 403
McGowan v. Maryland 718
McKart v. United States 491, 492
McLaughlin v. Royster 678, 680, 718
Michigan v. Mosley 415, 416, 417, 419, 427
Michigan v. Tucker 412, 413
Miranda v. Arizona 409, 412-28
Mitchell v. W. T. Grant
Mitchum v. Foster 37, 39
Monroe v. Pape 102, 687
Moor v. County of Alameda 102, 132
Moore v. Moore 596, 598
Morris v. Gressette 473, 474, 475, 477
Mount Healthy City School Dist.
Board of Education v.
Doyle 129, 130, 131, 132, 137
Mullane v. Central Hanover Bank
and Trust Co. 397, 405
Mullen v. Mullen 594, 595, 596, 597, 599, 600
Myers v. Myers 147
NAACP v. Alabama 632, 640
NAACP v. Button 762
Northern Pacific Railway v.
United States 31, 32
North Georgia Finishing, Inc. v.
Di-Chem, Inc. 157, 159, 167, 170, 171, 172, 173, 175, 176, 177, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 192, 193, 196, 197
Olmstead v. Amoco Oil Co. 8
O'Nell v. Dent 446, 447
Oregon v. Mathiason 422, 427, 428
Parden v. Terminal Railway
Co. 92, 93, 94, 96
Paris Adult Theatre, Inc.
v. Slaton 643
Parker v. Brown 43, 44, 45, 46, 706, 770
Paul v. Davis 641
Pattie v. Commonwealth 573
Payne v. Payne 735
Pennoyer v. Neff 394-97, 400, 403
Peoples National Bank v. Morris 354
Pepper v. Dixie Splint Coal Co. 361
Planned Parenthood v.
Dani forth 229, 236, 237, 238, 242
Poe v. Gerstein 234, 235, 237
Poe v. Ullman 628, 629, 630, 631, 632
Poritzky v. Watchel 349
Portewig v. Ryder 596
Powell v. Tilson 217
Procunier v. Martinez 687
Pruitt v. Texas 634
Reed v. Reed 722
Reeb v. Economic Opportunity
Atlanta, Inc. 121
Relf v. Mathews 243
Relf v. Weinberger 243
Rider v. The Nelson and
Albemarle Union Factory 360
Ring v. Ring 147, 155
Rivera v. Pocohantas Steamship
Co. 388
Rives v. Bolling 432
Rodgers v. Cohen 666
Roe v. Wade 226, 232, 233, 234, 237, 238, 244, 490, 629, 630, 632, 637, 638, 643, 645, 709
Rogers v. Miller 715, 720
Roman v. Parrish 681
Roth v. United States 640
Russi v. Weinberger 670
Sayers v. Bullar 429, 433
Serghini v. City of Richmond 669
Shaffer v. Heitner 195, 394, 397, 398, 403, 404, 406
Sherbert v. Verner 699, 700
Shirley v. Commonwealth 572
Sibron v. New York 674
<table>
<thead>
<tr>
<th>Case Name</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Singleton v. Wulff</td>
<td>486</td>
</tr>
<tr>
<td>Smith v. Smith</td>
<td>150</td>
</tr>
<tr>
<td>South Dakota v. Opperman</td>
<td>570</td>
</tr>
<tr>
<td>Stanley v. Georgia</td>
<td>631, 632, 633, 634, 639, 640, 642, 643</td>
</tr>
<tr>
<td>State v. Illinois</td>
<td>604</td>
</tr>
<tr>
<td>State Water Control Board v. Train</td>
<td>586, 587, 588</td>
</tr>
<tr>
<td>Stegal v. Union Bank &amp; Federal Trust Co.</td>
<td>63</td>
</tr>
<tr>
<td>Street v. Garrison</td>
<td>419, 420</td>
</tr>
<tr>
<td>Surety Title Ins. Co. v. Virginia</td>
<td>705, 706, 707</td>
</tr>
<tr>
<td>Swann v. Charlotte-Mecklenburg Board of Education</td>
<td>727, 728</td>
</tr>
<tr>
<td>Tazewell Electric Light and Power Co. v. Strother</td>
<td>338</td>
</tr>
<tr>
<td>Thacker v. Cox</td>
<td>682</td>
</tr>
<tr>
<td>Thims v. Commonwealth</td>
<td>567, 568</td>
</tr>
<tr>
<td>Times-Picayune Publishing Co. v. United States</td>
<td>30, 31</td>
</tr>
<tr>
<td>Tinker v. Des Moines School District</td>
<td>697</td>
</tr>
<tr>
<td>TWA v. Hardison</td>
<td>701</td>
</tr>
<tr>
<td>Trimble v. Gordan</td>
<td>282, 286</td>
</tr>
<tr>
<td>United Mine Workers v. Illinois Bar Assoc.</td>
<td>762</td>
</tr>
<tr>
<td>UMW v. Industrial Commission of Virginia</td>
<td>715, 720</td>
</tr>
<tr>
<td>UMW v. Pennington</td>
<td>36, 38, 41</td>
</tr>
<tr>
<td>United Transportation Union v. State Bar of Michigan</td>
<td>763, 764</td>
</tr>
<tr>
<td>United States v. Arnold, Schwinn &amp; Co.</td>
<td>20, 21, 22, 23, 24, 26</td>
</tr>
<tr>
<td>United States v. Clark</td>
<td>419</td>
</tr>
<tr>
<td>United States v. Grant</td>
<td>417-20</td>
</tr>
<tr>
<td>United States v. Hall</td>
<td>424, 426</td>
</tr>
<tr>
<td>United States v. O'Brien</td>
<td>640</td>
</tr>
<tr>
<td>United States v. Richardson</td>
<td>485</td>
</tr>
<tr>
<td>United States v. Slaughter</td>
<td>419</td>
</tr>
<tr>
<td>United States v. Village Corp.</td>
<td>360</td>
</tr>
<tr>
<td>United States v. White Motor Co.</td>
<td>18, 20, 21, 26</td>
</tr>
<tr>
<td>United States Steel Corp. v. Fortner Enterprises, Inc.</td>
<td>3, 35</td>
</tr>
<tr>
<td>Virginia Electric &amp; Power Co. v. Hampton Redevelopment &amp; Housing Authority</td>
<td>438</td>
</tr>
<tr>
<td>Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council</td>
<td>702, 703, 704</td>
</tr>
<tr>
<td>Vendo Co. v. Lektro-Vend</td>
<td>3, 36, 37, 40, 41, 42</td>
</tr>
<tr>
<td>Wade v. Mississippi Co-op Extension Service</td>
<td>112, 113</td>
</tr>
<tr>
<td>Wainwright v. Stone</td>
<td>629</td>
</tr>
<tr>
<td>Wansley v. Miller</td>
<td>683</td>
</tr>
<tr>
<td>Ware v. Cox</td>
<td>678</td>
</tr>
<tr>
<td>Washington v. Davis</td>
<td>125</td>
</tr>
<tr>
<td>Watts v. Watts</td>
<td>603</td>
</tr>
<tr>
<td>White v. Kincaid</td>
<td>336, 337</td>
</tr>
<tr>
<td>White and P&amp;W Oil Co. v. Perkins</td>
<td>352</td>
</tr>
<tr>
<td>White v. White</td>
<td>597</td>
</tr>
<tr>
<td>Wolff v. McDonnell</td>
<td>696</td>
</tr>
<tr>
<td>Wood v. Zahradnick</td>
<td>680</td>
</tr>
</tbody>
</table>
SUBJECT INDEX
(References are to Pages)

ADMINISTRATIVE LAW

Judge Robert R. Mehrige, Jr.—Strict Constructionist Weathers The Storm—
Note, 659-733
Exhaustion of remedies, 668-670
Jurisdiction, 661-663
Scope of review, 665-668
Standing, 663-665
Conclusion, 670-671

Judicial Review

Leedes: Understanding Judicial Review of Federal Agency Action; Kafkaesque and Langdellian, 469-504
Introduction, 469-70
Reviewability, 470-74
The factors that integrate the law of reviewability with other concepts of judicial review, 474-500
Jurisdiction, 475-83
Standing to sue, 484-87
Ripeness, 487-91
Exhaustion of remedies, 491-94
Scope of review, 494-500
Conclusion, 500-02
Postscript, 502-04

ANTITRUST LAW

Supreme Court Antitrust Decisions
Miles: Socking it to Plaintiffs: Supreme Court Decisions in 1976-77 Term, 1-51
An overview of the term, 2-4
When is there an “injury?” 4-9
No recovery even where damages are caused by the anticompetitive effects, 9-18
“We were right the first time,” 18-27
Nine strikes and you’re out, 27-35
Federal-state conflict I—enjoining state proceedings, 35-42
Federal-state conflict II—the state action exemption, 42-50
Conclusion, 50-51

BOOK REVIEWS

The Virginia Law Reporters Before 1880, edited by W. Hamilton Bryson. Review by McDonald Wellford, 773-774

CIVIL PROCEDURE

Civil Procedure Statutes
Title 8.01: Virginia’s New Civil Procedure Act—recent legislation, 245-73
Scope, 245-46

782
Highlights of changes in the law, 246-72
Chapter 1—general provisions as to civil cases, 246-47
Chapter 2—parties, 247-49
Chapter 3—actions, 249-53
   Article 1—survival and assignment of causes of action, 249
   Article 5—death by wrongful act, 250-51
   Article 8—actions for sale, lease, exchange, redemption and
   other disposition of lands of persons under a disability, 251
   Article 12—detinue, 251-52
   Article 13—unlawful entry and detainer, 252
   Article 18—recovery of claims against the Commonwealth of Virginia, 252-53
Chapter 4—limitations of actions, 253-57
Chapter 5—venue, 257-60
Chapter 7—civil actions, 260-62
Chapter 8—process, 262-63
Chapter 11—juries, 263-64
Chapter 12—interpleader; claims of third parties levied on, 264-65
Chapter 13—certain incidents of trial, 265-66
Chapter 14—evidence, 266-67
Chapter 15—payment and set-off, 267-68
Chapter 16—compromises, 268
Chapter 17—judgments and decrees generally, 268-69
Chapter 18—executions and other means of recovery, 269
Chapter 20—attachments and bail in civil cases, 270
Chapter 21—arbitration and award, 270
Chapter 22—receivers, general and special, 270-71
Chapter 23—commissioners in chancery, 271
Chapter 24—injunctions, 271
Chapter 25—extraordinary writs, 271
Chapter 26—appeals, 272
Conclusion, 272-73

CIVIL RIGHTS

Prison Inmate Marriages: A Survey and a Proposal, 443
   Inmate's "right" to marry, 443
   Jurisdictions considering the issue of inmate marriages, 450
   Inmate's right to marry in Virginia, 458
   Procedure for the inmate's marital request, 462

Private Discrimination Actions
Spahn & Boone: Private Discrimination Actions Files in Federal Court:
   Nonsubstantive Matters Affecting Liability and Relief, 85-138
   Introduction, 85-88
   Eleventh amendment, 88-100
      Unconstitutional state statute not protected, 88-89
      Limitation upon relief from unconstitutional state statute, 89-90
      When is a state a real party in interest, 90-91
The doctrine of waiver, 91-95
Express waiver, 91-92
Constructive waiver, 92-95
Abrogation of the eleventh amendment by act of Congress pursuant to that amendment, 95-97
Summary of eleventh amendment, 97-100

Section 1983, 100-08
“Person” problems, 102-04
Immunities, 104-06
Statute of limitations, 106-07
Relief available, 107-08

The other 1980’s, 109-17
Section 1981, 109-13
Section 1982, 113-14
Section 1985 & 1986, 115-16
Section 1988, 116-17

Title VII, 117-26
Filing of charges with the EEOC, 118-21
Filing suit in the Federal court, 122-23
Alternative jurisdictional considerations, 123-26

Suits directly under the fourteenth amendment, 126-37
The Biven’s Doctrine, 127-29
Section 1893 v. fourteenth amendment: case still pending, 129-34
Ramifications and practical effects of the present posture of the law, 134-37

Conclusion, 137-38

COMMERCIAL LAW

Consumer Paper
Geva: Purchase of Consumer Paper and Subjection to Collateral Defenses, 53-83

Introduction, 53-55
Consumer paper retains its identity as an instrument, 55-60
The inapplicability of U.C.C. § 9-318, 55-58
The effect of the FTC holder in due course trade regulation rule, 58-59
The result, 59-60
Arguments in support of subjecting purchasers of consumer paper to defenses arising out of another transaction, 60-81
An overview, 60-61
Interpreting the U.C.C. as subjecting purchasers of consumer paper to collateral defenses, 61-72
Availability of collateral defenses under “legal” and “equitable” title theories, 72-75
Consumer paper subject to specific credit legislation, 75-80
Agreement to assert collateral defenses, 80-81

Conclusion, 82-83
COURT SHS

1978] SUBJECT INDEX 785

COURT SHS

COURT SHS

CORPORATIONS

Acquisitions
Take-over Bid Disclosure Act, 749-753

Dissenting Stockholders' Rights
Macrae: Dissenting Stockholders' Rights in Virginia: Exclusivity of the Cash-Out Remedy and Determination of "Fair Value", 505-33
The statutes, 506-13
Exclusivity of cash-out remedy, 513-19
Elements of valuation, 519-32
Market value, 523-26
Net asset value, 526-27
Investment value, 527-29
Earnings capacity, 529-30
Weighing the elements, 530-31
Different classes of stock, 531-32
Conclusion, 532-33

Professional Corporations
Hayes: The Professional Corporation: An Overview, 323-32
Introduction, 323
Tax advantages of professional corporation status, 324-27
Increased cost of professional corporation status, 327
Non-tax considerations, 328
Possible problems confronting professional corporation, 329-32

Virginia Corporations
Gusky: Dissolution, Forfeiture, and Liquidation of Virginia Corporations, 333-66
Introduction, 333-34
Voluntary Dissolution, 334-41
Automatic and involuntary dissolution, 341-50
Judicial liquidation, 350-58
Survival of plaintiff's remedy against the corporation after its dissolution, 358-61
Prospect of legislative reform, 361-66

Obtaining Jurisdiction over Corporations in Virginia—Note, 370-407
Introduction, 370-73
Potential jurisdiction defined, 370-72
Active jurisdiction defined, 372-73
Potential jurisdiction over domestic corporations, 373-75
Courts not of record, 373-74
Courts of record, 374-75
Service of process on domestic corporations, 375-78
Due process, 375-78
How process may be served, 376-77
Personal service, 377
Substituted service, 377
Service of process on domestic corporations in certain areas, 378
Jurisdiction over foreign corporations, 378-90
Personal jurisdiction under the long-arm statute, 378-79
Transacting any business in the state, 379-82
Contracting to supply services or things in the state, 382-84
Injury from breach of warranty, 386-87
Relationship to real property, 387-88
Jurisdiction in actions in rem and quasi in rem, 389-90
Service of Process on foreign corporations, 390-93
Personal service, 390-91
Substituted service on the SCC, 391-92
Service under the long-arm statute, 392-93
Service by publication for actions in rem and quasi in rem, 393
Constitutional considerations of state court jurisdiction over foreign corporations, 393-406
Historical Developments: Territorial power to minimum contacts, 393-406
Personal jurisdiction, 394-97
In rem and quasi in rem jurisdiction, 397-400
Minimum contacts and Virginia law, 400-06
Long-arm jurisdiction, 400-03
Attachment, 403-05
Commerce clause, 405-06
Conclusion, 406-07

CONSTITUTIONAL LAW

Judge Robert R. Merhige, Jr.—Strict Constructionist Weathers the Storm—-
Note, 659-733
Introduction, 660-661
Administrative Law, 661-671
(See ADMINISTRATIVE LAW)
Sixth amendment and post-conviction relief, 671-686
The right to the assistance of counsel, 671-680
Indigent's right to counsel, 671-673
Misdemeanant's post-conviction relief from civil disability, 673-675
Effectiveness of counsel, 676-680
The right to trial by an impartial jury, 680-684
Accused's dilemma—jury sentencing, 681
Jury bias—prejudicial statements and pre-trial publicity, 681-684
The right to a speedy trial, 684-686
The rights of prisoners, 686-697
Introduction, 686-688
The "hands-off" doctrine, 688-693
Due process, 693-697
Three fundamental rights, 697-714
The first amendment, 697-708
Student free speech rights, 697-698
The free exercise clause, 698-701
Lawyer advertising, 701-707
First amendment elements, 701-705
Antitrust elements, 705-707
Conclusion, 707-708
The right to privacy, 708-712
The right to vote, 712-714

Equal Protection, 714-733
  Traditional analysis intensified, 714-720
    Purpose inquiry, 715-717
    Means inquiry, 717-720
  Lenient rational basis scrutiny, 720-721
  Spectrum-like approach prevails, 721-722
  School desegregation, 722-733
    Discriminatory placement, 723-724
    Freedom of choice, 724-726
    Unitary dilemma in Richmond, 726-730
      H.E.W. plan inadequate, 726
      Foster plan inappropriate, 727-729
      Delay helps plan III, 729-730
    Consolidation of independent school districts, 730-731
      Dilemma solved, 731-733
  Conclusion, 733

Privacy

Levy and Hectus: Privacy Revisited: The Downfall of Griswold, 627-646
  Introduction, 627
    Significance of Doe to the privacy doctrine, 627-634
    The import of Eisenstadt, 635-639
    The first amendment, 639-641
    Synthesis, 641-646
      The first amendment test, 642-643
      The fourth amendment test, 643-644
      The fifth amendment test, 644-645
    Goldberg's concurrence in Griswold and the ninth amendment, 645
    Douglas' penumbra theory in Griswold, 645-646
  Conclusion, 646

Sexual Privacy: Access of a Minor to Contraceptives, Abortion, and Sterilization Without Parental Consent—Comment, 221-44
  The availability of medical treatment to minors, 221-24
  The right to sexual privacy, 224-27
  The minor's access to contraceptive devices and information absent parental consent, 227-32
  The minor's access to abortion absent parental consent, 232-38
    The adult's right to abortion, 232-33
    The minor's right to abortion, 233-38
  The minor's access to sterilization operations absent parental consent, 238-44
    Spousal consent requirements for sterilization operations, 240-42
    Parental consent requirements for sterilization operations, 242-44
  Conclusion, 244
CONSUMER LAW

Credit Statutes

Equal Credit Opportunity Act Amendments of 1976—Comment, 203-20
History, 203-05
Expanded protection for credit applicants, 206-14
Effects test, 208-10
Statement of reasons, 211-12
Enforcement provisions, 212-214
Regulation B, 214-19
The effect of state property laws in Virginia, 215-19
Conclusion, 219-20

CREDITORS' RIGHTS

Attachment and Detinue Statutes

Introduction, 157-160
The development of Supreme Court authority, 160-82
Sniadach and Fuentes, 160-67
Mitchell and Di-Chem, 167-82
Some theories: Clarification of emerging guidelines, 182-91
Professor Rendleman and the multistep analysis theory, 182-86
Kay and Lubin and validation by means of extraordinary situations, 185-89
Summing up, 191
The constitutionality of the Virginia detinue and attachment statutes, 191-99
Detinue, 192-95
Attachment, 195-99
Conclusion, 199

CRIMINAL PROCEDURE

Miranda v. Arizona: The Emerging Pattern—Comment, 409-28

Searches & Seizures

Warrantless Searches of Automobiles in Virginia—Comment, 563-79
Introduction, 563-65
Warrantless searches of automobiles where probable cause is not present, 565-75
Plain view, 566-68
Benign purpose searches, 568-69
Inventory searches, 569-70
Searches of forfeited automobiles, 570-71
Inspection of identification numbers, 571-72
Search incident to arrest, 572-74
Consent searches, 574
Summary, 575
Warrantless searches of automobiles when probable cause is necessary, 575-78
Conclusion, 578-79
DOMESTIC RELATIONS

Child Placement and Custody
Statutory Changes in Child Placement — Legislative Developments, 739-743
Uniform Child Custody Jurisdiction Act — Legislative Developments, 745-748

Divorce
Does Virginia Deny Indigents the Right to Divorce?—Legislative Developments, 735-738

Sexual Privacy
(See CONSTITUTIONAL LAW)

Support and Alimony
Holt: Support v. Alimony in Virginia: It’s Time to Use the Revised Statutes, 139-56
The role of fault, 140-44
The amount of support to be given, 144-52
The 1975 changes, 145-58
The 1977 changes, 148-52
Child support, 152-53
Conclusion, 154-56

Tender Years Doctrine
The “Tender Years” Doctrine in Virginia—Recent Developments, 593-605
Introduction, 593
History, 593-96
Recent judicial modifications, 596-601
National trends, 601-04
Policy considerations, 602-03
Constitutional challenges, 603-04
Conclusion, 604-05

ENVIRONMENTAL LAW

Water Pollution Control Act Amendments
The Fate of Non-Compliant Municipalities with Regard to the Secondary Treatment Standards Pursuant to the 1972 Federal Water Pollution Control Act Amendments—A Problem of Enforcement—Comment, 581-91
Introduction, 581-83
The failure of the appropriate act sections, 583-90
Development of enforcement procedures and mechanisms, 588-90
Conclusion, 591

EQUAL EMPLOYMENT

Statistical Evidence
Bowen and Riggins: A Technical Look at the 80% Rule, 647-656
Introduction, 647-650
Application of the rule, 650-656
FAMILY WEALTH TRANSFERS

Inheritance Rights
Johnson: Inheritance Rights of Children in Virginia, 275-97
The descents doctrine generally, 275-78
Rights of various groups of children and in various inheritance situations, 278-92
Conclusion, 292-93
Appendix, 294-97

Transfer Tax
Fleming: Virginia Wealth Transfer Tax—Proposed Alternatives, 299-321
Introduction, 299-300
Current Virginia law, 300-04
Proposed changes, 304-13
Appendix, 314-21

HEALTH

Occupational Safety & Health Act
The impact of federal legislation on Virginia occupational safety and health laws, 535-39
Pre-OSHA Virginia job safety laws, 535-36
Virginia’s development of a state plan, 539-42
State plan approval in other jurisdictions, 539-40
Virginia’s decision to develop a state plan, 540-42
Virginia’s occupational safety & health plan, 542-59
Administration, 542-43
Scope of coverage of the Virginia developmental plan, 543-44
Employer and employee duties, 544-46
Standards and variances, 547-48
General duty clause, 549-50
Enforcement in the private sector, 550-56
Enforcement in the public sector, 556-58
Employee discrimination, 558-59
The future of occupational safety and health in Virginia, 559-60

LEGAL SERVICES

Prepaid Legal Services: A New Frontier—Legislative Developments, 759-772
Introduction, 759
Virginia statutory provisions, 760-762
The first amendment and the Code of Professional Responsibility, 762-767
Federal legislation, 767-770
Conclusion, 770-772
REAL PROPERTY

Cosby: Closing the Closing Gap, 607-625
   Call for reform, 607-608
   Scope of the problem: Cost to home purchasers, 608-611
   Governmental computerization of land records, 611
   Impediments to reform, 612
   Shifting the burden of title assurance to the seller, 613
      Where the attorney title certificate, but not title insurance, is re-
      quired, 613-615.
      Where title insurance is ordinarily required, 615
   The free-enterprise Torrens system, 616-617
   Desirability of owner's title insurance, 617-620
   The abstract of title, 620-622
   Conclusion, 622-625
Subdivided Land Sales Act—Legislative Development, 755-758

SECURITIES REGULATION

Acquisitions
   Take-Over Bid Disclosure Act—Legislative Developments, 749-753

SOVEREIGN IMMUNITY

Virginia's Law of Sovereign Immunity: An Overview—Comment, 429-442
   Officer and agents: Immunity for state personnel, 429
      Negligent acts, 429-34
      Intentional torts, 434-35
   Immunity for state political subdivisions, 435-41
      Municipal corporations, 435-39
      Counties and school boards, 439-41
   Conclusion, 441-42

TAX

(See FAMILY WEALTH TRANSFERS)