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### TRIBUTES

- A TRIBUTE TO WILLARD I. WALKER . . . . . *Murray H. Wright* 1

### ARTICLES

#### TOWARD A MODERN DEFAMATION LAW IN VIRGINIA:

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In 1964, the United States Supreme Court decided that defamatory statements are entitled to some first amendment protection. In later cases, the Court has continued to redefine the constitutional landscape of defamation, but many questions remain unanswered. In their attempts to accommodate the Supreme Court's new doctrine, the Virginia state courts have often struggled with the task of redefining their common law rules so that they are consistent with the constitutional prescriptions. Since 1985, the Virginia Supreme Court has issued five opinions attempting to clarify various aspects of defamation law in Virginia. Part I of this article examines these opinions and discusses their effect on defamation law in the commonwealth. Part II addresses, in greater detail, specific defamation issues that remain unresolved in Virginia. Among the questions considered in Part II are whether Virginia is likely to use a reasonable journalist or ordinary man negligence standard in private figure defamation cases against a professional disseminator of news; the unpredictability of the negligence standard; and limitations placed upon this standard by the supreme court. In addition, it discusses the principles that will likely govern the opinion defense, and finally, considers what remains of the special damages requirement in Virginia defamation cases.

#### THE "FRESH START" POLICY IN CONSUMER BANKRUPTCY:

##### A HISTORICAL INVENTORY AND AN INTERPRETIVE

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In part II, the article traces the historical development of the idea of providing relief to troubled debtors in bankruptcy, an idea usually summarized as the "fresh start" policy of bankruptcy law. The article catalogs and describes the empirical assumptions and normative judgments underlying the various explanations offered for the availability of a discharge or "fresh start" in bankruptcy. In part III, the article examines the existing Bankruptcy Code in the light of these various theories. The article concludes that the Code's debtor relief provisions are best understood as a form of compulsory insurance for debtors. The nature of insurance and the grounds for compelling it are employed to provide a detailed framework both for understanding and for interpreting specific aspects of the Code's discharge provisions.

VIRGINIA SHOULD OPEN ITS COURTHOUSE DOORS TO REVIEW ADMINISTRATIVE DECISIONS INVOLVING PUBLIC ASSISTANCE . . .	<i>Christopher Allen Stump</i> 161 <i>Jill A. Hanken</i>
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Virginia's courts interpret the Virginia Administrative Process Act (VAPA) to prohibit judicial review of administrative decisions that grant or deny public assistance funds. Virginia is therefore one of only three states which fail to provide judicial review of such decisions. This article advocates judicial review of public assistance hearing decisions on the basis of principles of statutory construction and constitutional law. The article concludes that Virginia's minority status indicates a failure to meet traditional notions of fairness.

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