

Oklahoma Law Review

Volume 40 | Number 4

1-1-1987

Index

Follow this and additional works at: <https://digitalcommons.law.ou.edu/olr>



Part of the [Law Commons](#)

Recommended Citation

Index, 40 OKLA. L. REV. 701 (1987),
<https://digitalcommons.law.ou.edu/olr/vol40/iss4/18>

This Index is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in Oklahoma Law Review by an authorized editor of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

OKLAHOMA LAW REVIEW

EDITED BY THE COLLEGE OF LAW
THE UNIVERSITY OF OKLAHOMA

VOLUME 40
1987

VOLUME 40

Index to Articles703
Index to Authors of Articles.....703
Table of Cases704
Subject Index708

*Copyright 1987 by the Oklahoma Law Review
Manufactured in the United States of America*

ARTICLE INDEX

| | | | |
|---|-----|---|-----|
| An Essay on Tort Litigation and the Media (Commentary). <i>Richard W. Power</i> | 35 | Has Administrative Law Finally Arrived in Oklahoma? (Commentary). <i>Michael P. Cox</i> | 63 |
| <i>Cornelius v. Nutt</i> and the Current State of Arbitral Remedial Authority in the Federal Sector. <i>Dean Clement Berry</i> | 559 | In Memoriam: Professor Harold W. Young. <i>David Swank</i> | ix |
| Duty of Fair Representation Under the Civil Service Reform Act, The: Judicial Power to Protect Employee Rights. <i>Todd Brower</i> | 361 | Problem of Hidden Easements and the Subsequent Purchaser Without Notice, The. <i>Joel Eichengrun</i> | 1 |
| End of School Busing, The? School Desegregation and the Finding of Unitary Status. <i>Thomas E. Chandler</i> | 519 | Quantitative Research: A Dispute Resolution Process for FTC Advertising Regulation. <i>Jef I. Richards</i> and <i>Ivan L. Preston</i> | 593 |
| FDIC and Other Financial Institution Insurance Agencies as "Super" Holders in Due Course, The: A Lesson in Self-pollinated Jurisprudence. <i>Fred H. Miller</i> and <i>Scott A. Meacham</i> | 621 | Regulatory Model for Genetic Testing in Employment. <i>Jack F. Williams</i> | 181 |
| Federalism and Conspiracy: Is Governmentally Compelled Conduct Per Se Lawful Under § 1 of the Sherman Act? <i>Mark D. Anderson</i> | 209 | Section 1983 and an Administrative Exhaustion Requirement. <i>Robert E. Bacharach</i> | 407 |
| | | Women and Oklahoma Law: How It Has Changed, Who Changed It, and What is Left (Commentary). <i>Janice P. Dreiling</i> | 417 |

AUTHOR INDEX

| | | | |
|---|-----|---|-----|
| Anderson, Mark D. <i>Federalism and Conspiracy: Is Governmentally Compelled Conduct Per Se Lawful Under § 1 of the Sherman Act?</i> | 209 | Purchaser Without Notice | 1 |
| Bacharach, Robert E. <i>Section 1983 and an Administrative Exhaustion Requirement</i> | 407 | Meacham, Scott A. (with Miller). <i>The FDIC and Other Financial Institution Insurance Agencies as "Super" Holders in Due Course: A Lesson in Self-pollinated Jurisprudence</i> | 621 |
| Berry, Dean Clement. <i>Cornelius v. Nutt and the Current State of Arbitral Remedial Authority in the Federal Sector</i> | 559 | Miller, Fred H. (with Meacham). <i>The FDIC and Other Financial Institution Insurance Agencies as "Super" Holders in Due Course: A Lesson in Self-pollinated Jurisprudence</i> | 621 |
| Brower, Todd. <i>The Duty of Fair Representation Under the Civil Service Reform Act: Judicial Power to Protect Employee Rights</i> | 361 | Power, Richard W. <i>An Essay on Tort Litigation and the Media</i> (Commentary) | 35 |
| Chandler, Thomas E. <i>The End of School Busing? School Desegregation and the Finding of Unitary Status</i> | 519 | Preston, Ivan L. (with Richards). <i>Quantitative Research: A Dispute Resolution Process for FTC Advertising Regulation</i> | 593 |
| Cox, Michael P. <i>Has Administrative Law Finally Arrived in Oklahoma?</i> (Commentary) | 63 | Richards, Jef I. (with Preston). <i>Quantitative Research: A Dispute Resolution Process for FTC Advertising Regulation</i> | 593 |
| Dreiling, Janice P. <i>Women and Oklahoma Law: How It Has Changed, Who Changed It, and What is Left</i> (Commentary) | 417 | Swank, David. <i>In Memoriam: Professor Harold W. Young</i> | ix |
| Eichengrun, Joel. <i>The Problem of Hidden Easements and the Subsequent</i> | | Williams, Jack F. <i>Regulatory Model for Genetic Testing in Employment</i> | 181 |

TABLE OF CASES

| | | | |
|--|----------|--|-------------|
| Adamski v. Tacoma Gen. Hosp. | 349, | Columbia Power Trades Council v. | |
| | 357 | United States Dep't of Energy | 39C |
| Alberty v. State | 466 | Commonwealth v. Willis | 94, 97 |
| Allen v. Postal Serv. | 578 | Computerized Radiological Servs. v. | |
| American Nat'l Ins. Co. v. | | Syntex Corp. | 497 |
| Donaghue | 462 | Consolidated Data Terminals v. | |
| Amoco Pipeline Co. v. | | Applied Digital Data Sys. | 496 |
| Montgomery | 465 | Copperweld Corp. v. Independence | |
| Anderson v. United Fin. Co. | 663 | Tube Corp. | 220 |
| Anderson-Pritchard Oil Corp. v. | | Cornelius v. Nutt | 559, 572 |
| Corporation Comm'n | 170 | Cox v. Theus | 464 |
| Applications, Inc v. Hewlett-Packard | | Cowart v. Piper Aircraft Corp. | 165 |
| Co. | 490 | Crump v. Guyer | 163 |
| Arritt v. Grissell | 197 | | |
| Arthur v. St. Peter's Hosp. | 350 | Darling v. Charleston Mem. Hosp. | 343 |
| | | Davis v. Lhim | 59 |
| Baeth v. Hoisveen | 168 | Del Costello v. Teamsters | 391 |
| Bakal v. Burroughs Corp. | 189 | Delta Diversified, Inc. v. Citizens & S. | |
| Baldwin v. G.A.F. Seelig, Inc. | 117 | Nat'l Bank | 439 |
| Bandini Pet. Co. v. Superior Court | 138 | Devine v. Brisco | 570 |
| Barnes v. Costle | 315 | —— v. National Treas. Employees | |
| Bauman v. Smrha | 167 | Union | 570 |
| Beach v. City of Fairbury | 21 | —— v. Nutt | 570 |
| Bing v. Thunig | 357 | —— v. Sutermeister | 569 |
| Boyd v. United States | 250-51 | —— v. White | 565, 568-69 |
| Bradley v. Weinberger | 412 | D'Oench, Duhme & Co. v. | |
| Bradwell, <i>In re</i> | 420 | FDIC | 624-25 |
| Brown v. Board of Educ. | 519 | Donovan v. Dewey | 265-66 |
| —— v. City of Guthrie | 309 | Dougherty v. Hoolihan, Neils & | |
| —— v. United States | 61 | Boland, Ltd. | 649 |
| Brown-Forman Distillers Corp. v. New | | Douglas v. Veterans' Admin. | 570, 578 |
| York State Liquor Auth. | 114 | Dow Chem. Co. v. United States | 248 |
| Bruffey Contr. Co. v. Burroughs | | Dziurak v. Chase Manhattan Bank | 697 |
| Corp. | 483, 492 | | |
| Bundy v. Jackson | 310 | Elias v. City of Tulsa | 173 |
| Bush v. Lucas | 400 | Ellner v. Delaware Mini-Computer | |
| | | Sys. | 491 |
| California Fed. Sav. & Loan Ass'n v. | | Ensly v. State | 469 |
| Guerra | 429 | Estate of Buckner v. Buckner, <i>In re</i> | 151 |
| California Retail Liquor Dealers Ass'n | | | |
| v. Midcal Aluminum, Inc. | 218 | Faretta v. California | 96 |
| Carl Beasley Ford, Inc. v. Burroughs | | FDIC v. Blue Rock Shopping Center, | |
| Corp. | 484 | Inc. | 626 |
| Casey v. Bingham | 459 | —— v. Langley | 631 |
| C.C. Julian Oil & Royalties Co. v. | | —— v. Leach | 630 |
| Capshaw | 169 | —— v. Rockelman | 626 |
| Ciraolo v. California | 260 | —— v. Wood | 630 |
| Cities Serv. Gas Co. v. Peerless Oil & | | Fisher v. City of Berkeley | 217 |
| Gas Co. | 140 | Ford Motor Co. v. Huffman | 378 |
| Clark Resources, Inc., <i>In re</i> | 103-05, | Freeman v. B&B Assoc. | 658 |
| | 109-10 | —— v. Chicago Musical Instr. | |
| Colonnade Catering Corp. v. United | | Co. | 237 |
| States | 264 | FTC v. Carter Prod., Inc. | 609 |

| | | | |
|--|----------------|--|----------|
| —— v. Yamaha Int'l, Inc. | 616 | Kerr v. National Endowment of the Arts | 577 |
| Fulton Nat'l Bank v. Delco Corp. | 699 | Kessehaut v. United States | 241 |
| Gardner v. Broderick | 678 | Keyes v. School Dist. No. 1 | 528 |
| Garrity v. New Jersey | 675 | King v. California | 659 |
| Gasoil, Inc., <i>In re</i> | 109 | —— v. Finnell | 150 |
| Geary v. United States Steel | 294 | Kirma v. Norton | 17 |
| Gilbreath v. Gilbreath | 151 | Knight v. Grimes | 169 |
| Gulden v. McCorkle | 681 | | |
| Good v. Keel | 458 | Lacy v. General Fin. Corp. | 658 |
| Gore v. State | 328 | Lake Meredith Dev. Co. v. City of French | 24 |
| Green v. County School Bd. | 525 | Lane v. Wilson | 407 |
| Grewe v. Mt. Clemens Gen. Hosp. | 350 | Laubach v. Fidelity Consumer Discount Co. | 651 |
| Griffin v. County School Bd. | 525 | Lilly v. St. L. & S.F. Ry. | 464 |
| Grison Oil Corp. v. Corporation Comm'n | 175 | Lisiecki v. Merit Sys. Protection Bd. | 578 |
| Griswold v. Connecticut | 258 | Local 2578, Am. Fed'n of Gov't Employees v. General Serv. Admin. | 567 |
| Gunter v. Hutcheson | 626 | Looney v. Leeper | 424 |
| | | | |
| Hale v. Henkel | 251, 257 | McCray v. Burrell | 411 |
| Hall v. Farmers Ins. Exch. | 285 | McNeese v. Board of Educ. | 408 |
| Hammons v. Muskogee Med. Center Auth. | 467 | Main v. Levine | 463 |
| Harmon v. State | 426 | Mapp v. Board of Educ. | 546 |
| Henson v. City of Dundee | 311, 316 | Marbury v. Madison | 524 |
| Herrera v. First Nat'l Sav. & Loan Ass'n | 652 | Markham v. Colonial Mort. Serv. Co. | 662 |
| Hess v. State | 328 | Marshall v. Barlow's, Inc. | 265-66 |
| Heston Oil Co., <i>In re</i> | 103-04, 109-10 | Martel v. Carrell | 372 |
| Hester v. United States | 257 | Meier v. Department of Interior | 576 |
| Hoover v. Ronwin | 211 | Melton v. Sneed | 163 |
| Hubbard v. Hubbard | 149 | Meritor Sav. Bank v. Vinson | 306, 310 |
| | | Miller v. American Express Co. | 662 |
| | | —— v. Bank of Am. | 315 |
| | | Mindes v. Seaman | 684 |
| Independent Cotton Oil Co. v. Beachum | 460 | Miranda v. Arizona | 675 |
| Investors Premium Corp. v. Burroughs Corp. | 481, 488 | Miranda Fuel | 381 |
| | | Mitchell v. Houstel | 19 |
| James v. Home Constr. Co. of Mobile | 658 | Monroe v. Pape | 408 |
| J.H. Land & Cattle Co., <i>In re</i> | 108-09 | Monsanto Co. v. Spray-Rite Serv. Corp. | 223 |
| Jaskey Fin. & Leas. v. Display Data Corp. | 491 | Morse v. Mutual Fed. Sav. & Loan Ass'n | 437 |
| Jennings v. United States Fid. & Guar. Co. | 694 | Moyer v. Cordell | 463 |
| Johnson v. Transportation Agency, Santa Clara County | 429 | Murphy v. American Home Prod. Corp. | 292 |
| Jones v. Harmon | 22 | | |
| Joseph E. Seagram & Sons, Inc. v. Hostetter | 117 | National Fed'n of Fed. Employees, Local 1263 v. Commandant Nat'l Defense Inst. | 390 |
| —— v. Oklahoma Alcoholic Beverage Control Bd. | 123 | National Treas. Employees Union v. FLRA | 382 |
| Kadlec Motors v. Knudson | 654 | | |
| Katz v. United States | 254-56, 260-62 | | |

| | | | |
|--|----------|--|----------|
| Naylor v. American Fed'n of Gov't Employees, Local 446 | 402 | Riddock v. City of Helena | 22 |
| Nebbia v. New York | 172 | Robinson v. Department of the Army | 577 |
| Nemours Found. v. Gilbane, Aetna, Fed. Ins. Co. | 244 | Rogers v. E.E.O.C. | 309 |
| New Covenant Community Church v. Federal Nat'l Bank & Tr. Co. | 689 | Ross v. Houston Indep. School Dist. | 537, 546 |
| Norosel v. Nationwide Ins. Co. | 293, 301 | Russello v. United States | 270 |
| O'Donnell v. Department of Interior | 583 | S.M. Wilson & Co. v. Smith Int'l, Inc. | 489 |
| Oil, Chem. & Atomic Workers Int'l Union v. American Cyanamid Co. | 191 | St. Germain Irrig. Co. v. Hawthorne Ditch Co. | 169 |
| Oklahoma Nat. Gas Co. v. Choctaw Gas Co. | 171 | San Diego Bldg. Trades v. Garmon | 380 |
| Oklahoma Press Pub. Co. v. Walling | 251-52 | Sanditen v. Sanditen | 426 |
| Oklahoma Water Res. Bd. v. Central Okla. Master Conserv. Dist. | 163 | Santos v. First Nat'l State Bank | 696 |
| — v. Texas County Irrig. & Water Res. Ass'n (Mobil Oil Corp.) | 174 | School Bd. of Nassau County v. Arline | 199 |
| — v. Texas County Irrig. & Water Res. Ass'n (Texas County) | 63 | Schwegmann Bros. v. Calvert Distillers Corp. | 218 |
| Oliver v. Kalamazoo Bd. of Educ. | 546 | Scott v. Sears, Roebuck & Co. | 319 |
| One Chicago Coin's Playboy Marble Bd. v. State | 466 | Seal v. Corporation Comm'n | 129 |
| Owens & Maddock v. Macgee Fin. Serv. | 662 | See v. City of Seattle | 252-53 |
| Palmateer v. International Harvester | 292, 297 | Semar v. Platte Valley Fed. Sav. & Loan Ass'n | 656 |
| Parker v. Brown | 210 | Shargel, <i>In re</i> | 280 |
| Pasadena City Bd. of Educ. v. Spangler | 529 | Shelby-Downward Asphalt Co. v. Enyart | 461 |
| Patterson v. Stanolind Oil & Gas Co. | 170 | Shields v. Moffitt | 107 |
| Patsy v. Board of Regents | 409 | Smith v. St. Francis Hosp. | 352 |
| Payden v. United States | 280 | — v. Whatcott | 242 |
| Pennzoil v. Texaco | 42 | Southern Motor Carrier Rate Conf., Inc. v. United States | 214 |
| Petermann v. International Bhd. of Teamsters | 290 | Southwest Eng'g Co. v. Ernst | 167, 169 |
| Pham v. AFGE, Local 316 | 364 | Spevack v. Klein | 677 |
| Phillip Phillips v. Benjamin Graves & Wife | 419 | State v. McCafferty | 468 |
| Phillips Pet. Co. v. Wisconsin | 143 | State Bank of Wiley v. State | 656 |
| Pierce v. Ortho Pharm. Corp. | 294 | Steele v. Ford Motor Credit | 651 |
| Powell v. Alabama | 271 | — v. Louisville & Nashville R.R. | 378 |
| Puffer's Hardware, Inc. v. Donovan | 190 | Steger v. Defense Investigative Serv. | 583 |
| Pyer v. Carter | 14 | Strickland v. Washington | 274 |
| Rabidue v. Osceola Ref. Co. | 319 | Swann v. Charlotte-Mecklenburg Bd. of Educ. | 519, 526 |
| Rawson v. Sears, Roebuck & Co. | 56-57 | Taylor v. Louisiana | 425 |
| Redmac, Inc. v. Computerland | 484 | T.C. Theater Corp. v. Warner Bros. Pictures, Inc. | 233-34 |
| Ricks Explor. Co. v. Oklahoma Water Res. Bd. | 155 | Tenneco Oil Co. v. El Paso Nat. Gas Co. | 134 |
| | | Texas County Irrig. & Water Res. Ass'n, Inc. v. Cities Serv. Oil Co. | 174 |
| | | Thiry v. Armstrong | 455 |
| | | Thompson v. Consolidated Gas Util. Corp. | 139, 175 |
| | | Thompson Medical Co. | 595 |
| | | 324 Liquor Corp. v. Duffy | 215 |

| | | | |
|--|---------------------|--|---------------|
| Tirado v. Commissioner | 334 | —— v. Scotland Neck City Bd. of Educ. | 528 |
| Tompkins v. Public Serv. Elec. & Gas Co. | 315 | —— v. Texas Educ. Agency | 536 |
| Tower v. Moss | 649 | | |
| Town of Hallie v. City of Eau Claire | 213 | Vaca v. Sipes | 363, 373, 378 |
| Transcontinental Gas Pipeline Corp. v. State Oil & Gas Bd. | 143 | Vaca & Del Casal v. Eastern Airlines | 382 |
| Trans-Western, <i>In re</i> | 101, 103-05, 108-10 | Van Sandt v. Royster | 15 |
| | | Village of Euclid v. Ambler Realty | 167 |
| Tucker v. Defense Mapping Agency Hydrographic/topographic Center | 388 | | |
| Turner v. City of Lawton | 320 | Warren v. Local 1759, AFGE | 364, 387 |
| | | Washington v. Davis | 544 |
| Uniformed Sanitation Men Ass'n v. Commissioner of Sanitation | 678 | Weeks v. United States | 326 |
| Union Tr. Co. v. Berry | 692 | Weldon v. Seminole Mun. Hosp. | 338, 352 |
| United Pet. Expl., Inc. v. Premier Res., Ltd. | 134 | Wells v. Shriver | 149 |
| United States v. Badalamenti | 277 | Westbrook v. Wright | 18 |
| —— v. Biswell | 264-65 | Westfield Chem. Corp. v. Burroughs Corp. | 480, 489 |
| —— v. Board of Educ. | 537 | Westinghouse Elec. Corp. v. Gulf Oil Corp. | 233 |
| —— v. Calandra | 326 | Whitley v. Southern Discount Co. | 654 |
| —— v. Colgate & Co. | 225 | Williams v. City of Wichita | 166 |
| —— v. Kimbell Foods | 625 | —— v. Saxbe | 308 |
| —— v. James | 272 | Witt v. Witt | 425 |
| —— v. Janis | 327 | Wolf v. Title Guar. & Tr. Co. | 691 |
| —— v. Leon | 327 | Wolfenbarger v. Hennessee | 161 |
| —— v. Meadors | 440 | Writs of Assistance Case | 250 |
| —— v. PATCO | 404 | | |
| —— v. Phillips | 272 | Youngblood v. Board of Pub. Instr. | 541 |
| —— v. Rogers | 270 | | |

SUBJECT INDEX

(a) refers to articles (c) refers to comments (n) refers to notes

| | | |
|---|--------|---|
| ACTIONS AND DEFENSES | | Ostensible or apparent agency doctrine; |
| <i>See also</i> Pleadings; Trial Practice | | hospitals; physicians and surgeons |
| Accrued rights, accrual of cause of | | (n) 338 |
| action, definition (n) | 467 | Relief, immediate (a) 412 |
| ADMINISTRATION OF JUSTICE | | AIR LAW |
| <i>See also</i> Trial Practice | | Aerial searches, curtilage unprotective |
| Media, effect of (c) | 35 | of (n) 260-61 |
| ADMINISTRATIVE AGENCIES | | APPEAL AND ERROR |
| Administrative search analysis (n) | 262-66 | Attorney fees, final judgment (n) 145 |
| Exhaustion of remedies requirement (a) | 407 | Final judgment, assessment of attorney |
| Federal Trade Commission (a) | 593 | fees (n) 145 |
| Financial institution insurance agencies | | Judicial review of agency decisions (a) 407 |
| as "super" holders in due course | | |
| (a) | 621 | ARBITRATION AND AWARD |
| Jurisdiction, Civil Service Reform Act | | <i>See also</i> Labor Law |
| (a) | 361 | Arbitral remedial authority in the |
| Merit Systems Protection Board (a) | 559 | federal sector (a) 559 |
| National Labor Relations Act (a) | 384 | Conformity with arbitration provisions |
| Search and seizure, must have | | (a) 392 |
| authority (n) | 252 | ATTORNEYS |
| Trade secrets, protection of during en- | | <i>See also</i> Professions and Occupations |
| forcement actions (n) | 259-60 | Disqualification of, vicarious disqual- |
| | | ification (n) 231 |
| ADMINISTRATIVE LAW | | Fees (n) 145 |
| Dispute resolution process for FTC | | Fees, forfeiture of (n) 274 |
| (a) | 593 | Vicarious disqualification |
| Evidence, use of improperly obtained | | and screening of government at- |
| criminal evidence in an administra- | | torneys, ABA Formal Opinion |
| tive proceeding (n) | 331 | 342 (n) 240 |
| Financial institution insurance agencies | | and Model Code of Professional |
| as "super" holders in due course | | Responsibility DR 5-105 (1980) |
| (a) | 621 | (n) 234-37 |
| Procedural rules, defined (c) | 65 | imputed disqualification under |
| Sexual harassment as a violation of | | Model Rule 1.10 (n) 237-39 |
| Title VII (n) | 305 | Model Rules of Professional |
| Substantive rules | | Conduct Rule 1.9 (1983) (n) 234 |
| defined (c) | 65 | |
| promulgation thereof prior to agency | | |
| action (c) | 66 | |
| ADVERSE USER | | BANKRUPTCY |
| <i>See also</i> Easements | | <i>See also</i> Debtor and Creditor |
| Hidden easements, subsequent | | Relations |
| purchaser (a) | 1 | Oil and gas lease, applicability of § |
| | | 365 of Bankruptcy Code (n) 99 |
| AGENCY | | BANKS AND BANKING |
| Liability of corporation for sexual har- | | Financial institution insurance agencies |
| assment by supervisory personnel | | as "super" holders in due course |
| (n) | 305 | (a) 621 |

(a) refers to articles (c) refers to comments (n) refers to notes

| | | | |
|--|--------|---|--------|
| Stopping collection of an item deposited with an insolvent depository bank (n) | 689 | CONSTITUTIONAL LAW | |
| CHILDREN | | Aerial search, whether violative of fourth amendment (n) | 248 |
| Closed-circuit testimony of (c) | 69 | Business premises | |
| COMMERCIAL TRANSACTIONS | | protected by fourth amendment (n) | 249-53 |
| See also Conflicts of Law; Debtor and Creditor Relations; Secured Transactions; Vendor and Purchaser | | whether protected from warrantless aerial searches (n) | 248 |
| Consumer lending under Truth in Lending, Equal Credit Opportunity Act, Fair Credit Reporting Act, Fair Credit Billing Act, Real Estate Settlement Procedures Act, Uniform Consumer Credit Code (c) | 645 | Can the President force his military advisers to testify when they wish to claim fifth amendment privilege against self-incrimination (n) | 673 |
| Express warranty, computer contracts | | Closed-circuit testimony of children, effect on right of confrontation, compulsory process, and pro se representation (c) | 69 |
| application of parol evidence restriction (n) | 493 | Commerce clause | |
| creation by general and specific statements (n) | 483 | state liquor regulations as per se invalid (n) | 117 |
| creation by reliance (n) | 479 | two-tiered commerce clause analysis of state liquor regulations (n) | 113 |
| creation under UCC (n) | 478-86 | Counsel, right to effective assistance of (n) | 271 |
| disclaimers under U.C.C. § 2-316(1) (n) | 486 | Fifth amendment privilege against self-incrimination (n) | 673 |
| disclaiming in computer contracts (n) | 471 | Genetic testing, equal employment (a) | 181 |
| proving breach (n) | 483 | Interstate commerce, state liquor laws (n) | 111 |
| requirements of privity (n) | 485 | Legislation, gender-based discrimination in Oklahoma (c) | 417 |
| Financial institution insurance agencies as "super" holders in due course (a) | 621 | Liquor, the constitutionality of price affirmation statutes (n) | 113 |
| Leases, computer vendors, exclusion under U.C.C. art. 2 (n) | 477 | Okla. Const. art. II, § 7, vested right to water use by mineral owner under, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 164 |
| U.C.C. art. 2 | | —— art. II, §§ 23, 24, vested rights under, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 161 |
| application to computer contracts (n) | 472-74 | —— art. V, § 52, vested rights under, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 160 |
| computer components, software classification as a "good" or "service" (n) | 474-76 | —— art. V, § 54, vested rights under, change in 82 Okla. Stat. § 1020.11(D) affecting water rights (n) | 160 |
| §§ 2-316(1) and 2-719, limitations on express warranties in computer contracts (n) | 498 | —— art. V, § 54, retrospective effects of legislation (n) | 466 |
| CONCURRENT ESTATES | | Plain view, as applied to aerial searches by administrative agencies (n) | 264 |
| See also Real Property | | | |
| Mineral owner, right to use of groundwater in enjoyment of estate, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 162 | | |
| CONFLICT OF LAWS | | | |
| See also Jurisdiction | | | |
| Concurrent jurisdiction (a) | 379 | | |

(a) refers to articles (c) refers to comments (n) refers to notes

CONSTITUTIONAL LAW (*continued*)

| | |
|---|----------|
| Police powers | |
| petroleum recovery, use of in Oklahoma to regulate (n) | 169 |
| use of in connection with groundwater use and distribution (n) | 165 |
| Privacy | |
| reasonable expectation of differentiated from reasonable search (n) | 256 |
| reasonable expectation of subject to extraneous manipulation (n) | 256, 262 |
| School desegregation and the finding of unitary status (a) | 519 |
| decision to end busing after a finding of unitary status (a) | 519 |
| remedies, effect of (a) | 519 |
| Search and seizure | |
| development of English prohibitions of unreasonable (n) | 249-50 |
| improperly obtained evidence admissible in a civil proceeding (n) | 326 |
| the exclusionary rule as a constitutional right under the Oklahoma constitution (n) | 331 |
| warrant not required for alcohol and firearm industries (n) | 264-65 |
| whether aerial search constitutes (n) | 258 |
| Twenty-first amendment | |
| liquor regulations as a violation of the commerce clause (n) | 113 |
| state's authority to regulate thereunder (n) | 112 |
| Vested rights, water use as, use of police power via statutory change affecting status of (n) | 171 |
| Womens' rights, Oklahoma history (c) | 417 |
| CONSUMER CREDIT CODE | |
| <i>See also</i> Commercial Transactions; Consumer Protection; Contracts | |
| Consumer lending under UCCC (c) | 645 |
| Equal Credit Opportunity Act (n) | 431 |
| CONSUMER PROTECTION | |
| <i>See also</i> Commercial Transactions; Consumer Credit Code; Contracts | |
| Consumer lending under Truth in Lending Act, Equal Credit Oppor- | |

| | |
|---|-----|
| tunity Act, Fair Credit Reporting Act, Fair Credit Billing Act, Real Estate Settlement Procedures Act, Uniform Consumer Credit Code (c) | 645 |
| Equal Credit Opportunity Act (n) | 431 |
| Financial institution insurance agencies as "super" holders in due course (a) | 621 |
| Manufacturer's products liability, punitive damages (n) | 455 |

CONTRACTS

| | |
|---|-----|
| <i>See also</i> Damages; Insurance; Remedies; Restitution | |
| Civil Service Reform Act (a) | 361 |
| Duty of fair representation (a) | 387 |

CONVEYANCES AND CONVEYANCING

| | |
|--|-----|
| <i>See also</i> Deeds | |
| Hidden easements, subsequent purchaser (a) | 1 |
| Water, right to use by mineral owner/lessee, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 162 |

CORPORATIONS

| | |
|---|--------|
| Search and seizure, protected from unreasonable (n) | 251-53 |
|---|--------|

COSTS

| | |
|-------------------|-----|
| <i>See</i> Courts | |
| Attorney fees (n) | 145 |

COURTS

| | |
|---|-----|
| <i>See also</i> Federal Jurisdiction and Practice | |
| Correlative rights, protection of (n) | 128 |
| Media, effect of on tort litigation (a) | 35 |
| Requirement of federal court jurisdiction in suit by employee against union (a) | 394 |
| Subject matter jurisdiction, Civil Service Reform Act (a) | 361 |

COVENANTS

| | |
|--|---|
| <i>See also</i> Deeds; Oil and Gas; Warranty | |
| Hidden easements, subsequent purchaser (a) | 1 |

(a) refers to articles (c) refers to comments (n) refers to notes

CREDITORS' RIGHTS

See also Debtor and Creditor Relations
 Equal Credit Opportunity Act (n) 431

CRIMINAL LAW

See also Federal Jurisdiction and Practice; Pleading; Trial Practice
 Closed-circuit testimony of children (c) 69
 Criminal forfeiture of attorney's fees (n) 274
 Evidence, use of illegally obtained criminal evidence in a civil proceeding (n) 321
 Presidential military advisers' right to fifth amendment privilege against self-incrimination (n) 673
 Prosecutorial misconduct (n) 276

DAMAGES

See also Contracts; Torts
 Media, effect of on awards (c) 35
 Punitive damages
 in manufacturer's products liability (n) 455
 in Oklahoma, awarded for sake of example and for punishment (n) 463
 Wrongful termination, punitive damages (n) 304

DEBTOR AND CREDITOR RELATIONS

See also Bankruptcy; Commercial Transactions; Secured Transactions
 Equal Credit Opportunity Act (n) 431
 Oil and gas lease, applicability of § 365 of the Bankruptcy Code (n) 99

DEEDS

See also Conveyances and Conveyancing
 Hidden easements, subsequent purchaser (a) 1
 Water, right to use by mineral owner, change in 82 Okla. Stat. § 1020.11(D) as affecting (n) 162

EASEMENTS

Hidden easements, subsequent purchaser (a) 1

EMPLOYERS AND EMPLOYEES

At-will doctrine, public policy exception (n) 285
 Sexual harassment in the workplace (n) 305
 Wrongful termination, remedies (n) 302

ESTATES IN LAND

See also Concurrent Estates
 Oil and gas lease, nature of interest created (n) 99

ETHICS, LEGAL AND PROFESSIONAL

Contingent fees, effect of on large awards (c) 48-49
 Vicarious disqualification (n) 231

EVIDENCE

See also Administrative Law; Constitutional Law; Criminal Law
 Burden of proof, wrongful termination (n) 301
 Closed-circuit testimony of children, hearsay exception (c) 69
 Exclusionary rule
 application of to civil proceedings (n) 321
 as a constitutional right under the Oklahoma constitution (n) 331
 development of in Oklahoma (n) 328
 evolution of in the U.S. Supreme Court (n) 326
 policy and purposes of (n) 332
 the balancing of interests approach (n) 334

FEDERAL JURISDICTION AND PRACTICE

Federal review over state action (a) 413
 Subject matter jurisdiction, Civil Service Reform Act (a) 361

FORFEITURE

Attorney's fees (n) 274

GOVERNMENT

See also Administrative Law
 Dispute resolution process for FTC advertising regulation (a) 593
 Labor-management relations (a) 361
 Presidential military advisers' right to

(a) refers to articles (c) refers to comments (n) refers to notes

| | | | |
|---|--------|--|-----|
| GOVERNMENT (<i>continued</i>) | | LABOR LAW | |
| fifth amendment privilege against self-incrimination (n) | 673 | <i>See also</i> Arbitration and Award | |
| Privacy, capability to manipulate reasonable expectations of (n) | 256 | Arbitral remedial authority in the federal sector (a) | 559 |
| HUSBAND AND WIFE | | American Federation of Government Employees (a) | 388 |
| <i>See also</i> Marriage | | At-will doctrine, public policy exception (n) | 285 |
| Legislation, right of husband to select residence (c) | 417 | Collective bargaining, union majority rule (a) | 405 |
| INSURANCE | | Conformity with arbitration provisions (a) | 392 |
| Awards, effect of on compensation systems (c) | 50-54 | Genetic testing in employment (a) | 181 |
| Media, effect of coverage of liability insurance on rising costs (c) | 55-57 | Jurisdiction, Civil Services Reform Act, duty of fair representation; Labor-Management Relations Act, government employees (a) | 361 |
| INTEREST | | Merit Systems Protection Board (a) | 385 |
| Consumer lending under state usury laws (c) | 645 | Wrongful termination, remedies (n) | 302 |
| JUDGES | | LEGISLATION | |
| Awards, effect of on public perceptions (c) | 54-55 | <i>See also</i> Statutory Construction | |
| JUDGMENTS | | Civil Service Reform Act, Pub. L. No. 95-454, 92 Stat. 111 (1978) (5 U.S.C. (1982)) (a) | 361 |
| <i>See also</i> Debtor and Creditor Relations; Trial Practice | | 12 C.F.R. § 202 (1986) (n) | 433 |
| Attorney fees and final judgment (n) | 145 | Consumer Credit Protection Act (c) | 645 |
| Final, assessment of attorney fees (n) | 145 | CSRA, 5 U.S.C. § 7116(d) (1982) (a) | 384 |
| JURIES AND JURORS | | —— § 7114(a)(1), 5 U.S.C. § 7114(a)(1) (1982) (a) | 388 |
| <i>See also</i> Trial Practice | | Debt Collection Practices Act (c) | 645 |
| Closed-circuit testimony of children, credibility of (c) | 69 | Equal Credit Opportunity Act (c) | 645 |
| Media, effect of on tort litigation (c) | 35 | Fair Credit Billing Act (c) | 645 |
| JURISDICTION | | Fair Credit Reporting Act (c) | 645 |
| Federal courts under § 1983 without exhaustion of state judicial remedies (a) | 407 | Federal Deposit Insurance Corporation Act of 1950 (a) | 621 |
| Labor relations, subject matter (a) | 361 | LMRA § 301, 29 U.S.C. § 185(a) (1982) (a) | 388 |
| Requirement of federal court jurisdiction in suit by employee against union (a) | 394 | Okla. Const. art. II, § 30 (n) | 325 |
| JURISPRUDENCE | | —— art. III, § 1 (1907) (c) | 422 |
| At-will employment doctrine, judicial creation of exception (n) | 297-99 | —— art. III, §§ 5, 6, (1907) (c) | 422 |
| Media, effect of on liability theory (c) | 57-60 | —— art. V, § 5 (1907) (c) | 422 |
| | | —— art. VI, § 3 (1907) (c) | 424 |
| | | —— art. VI, § 27 (1907) (c) | 422 |
| | | —— art. VII, § 3 (1907) (c) | 422 |
| | | —— art. VII, § 9 (1907) (c) | 422 |
| | | —— art. VII, § 11 (1907) (c) | 422 |
| | | —— art. XXV, § 3 (c) | 424 |
| | | —— art. XVII, § 2; schedule 6 (1907) (c) | 422 |
| | | 1986 Okla. Sess. Laws ch. 315, §§ 1-16 (n) | 456 |

(a) refers to articles (c) refers to comments (n) refers to notes

| | | | |
|--|----------------|---|-----|
| 12 Okla. Stat. ch. 15, app. 2, rule 1.11(c)-(d) (Supp. 1986) (n) | 147 | 12 U.S.C. § 1823(e) (a) | 621 |
| —— ch. 15, app. 2, rule 1.11(c)-(d) (Supp. 1984) (n) | 146 | 15 U.S.C. § 1 (1982) (a) | 209 |
| 14A Okla. Stat. § 1-109 (1981) (n) | 449 | —— §§ 717-717w (1976) (n) | 128 |
| —— §§ 6-104 to -113 (1981) (n) | 451 | —— §§ 1691-91e (1974) (n) | 431 |
| 21 Okla. Stat. § 906 (1910) (c) | 428 | —— §§ 3301-3432 (Supp. IV 1980) (n) | 128 |
| —— § 1114 (Supp. 1986) (c) | 427 | 18 U.S.C. §§ 1961-68 (1982) (n) | 268 |
| 22 Okla. Stat. §§ 60-60.7 (Supp. 1982) (c) | 428 | —— § 1983 (1985) (n) | 269 |
| —— § 311 (Supp. 1969) (c) | 425 | 28 U.S.C. § 1337(a) (1982) (a) | 391 |
| —— § 753 (Supp. 1986) (c) | 69, 71 | 29 U.S.C. §§ 151-168 (a) | 361 |
| 23 Okla. Stat. § 9 (1951) (n) | 456 | —— § 185(a) (1982) (a) | 361 |
| —— § 9 (Supp. 1986) (n) | 456 | —— §§ 651-678 (1982) (Occupational Safety and Health Act) (a) | 189 |
| 32 Okla. Stat. §§ 1-7 (1910) (c) | 425 | —— §§ 701-796 (1982 & Supp. II 1984) (Rehabilitation Act of 1973) (a) | 198 |
| —— § 2 (1910) (c) | 417, 425-29 | 42 U.S.C. § 1983 (1982) (a) | 407 |
| —— § 4 (1910) (c) | 427 | —— § 2000e (1982) (Title VII, Civil Rights Act) (a) | 195 |
| —— §§ 10-14 (1910) (c) | 425 | U.S. Const. amend. IV (n) | 325 |
| 37 Okla. Stat. § 503(A) (1981 & Supp. 1986) (n) | 113 | —— amend. XIV (c) | 426 |
| —— § 506.1 (1981) (n) | 113 | —— amend. XIX (c) | 424 |
| —— § 514 (1981) (n) | 113 | | |
| —— § 518 (1981) (n) | 113 | MARRIAGE | |
| —— § 536.1 (1981) (n) | 113 | <i>See also</i> Husband and Wife | |
| 40 Okla. Stat. §§ 198.1, 198.2 (Supp. 1965) (c) | 428 | Legislation, right of husband to select residence (c) | 417 |
| 51 Okla. Stat. § 152 (Supp. 1978) (n) | 467 | | |
| 52 Okla. Stat. §§ 541-547 (Supp. 1986) (n) | 128 | MASTER AND SERVANT | |
| 70 Okla. Stat. § 626.5 (1971) (c) | 428 | Ostensible or apparent agency doctrine (n) | 338 |
| 75 Okla. Stat. § 301 (1981 & Supp. 1986) (c) | 63 | | |
| —— § 301(2) (Supp. 1986) (c) | 66 | MILITARY LAW | |
| 76 Okla. Stat. § 8 (Supp. 1976) (c) | 426 | Presidential military advisers' right to fifth amendment privilege against self-incrimination (n) | 673 |
| 82 Okla. Stat. §§ 1020.1-20.22 (1981) (n) | 157 | | |
| —— § 1020.11 (Supp. 1985) (n) | 158 | MINES AND MINERAL RESOURCES | |
| Organic Act of 1890, ch. 182, 26 Stat. 81 (1890) (c) | 420 | <i>See also</i> Oil and Gas | |
| Regulation Z, Truth in Lending Act (c) | 645 | H.B. 1221, protection of correlative rights in absence of waste (n) | 128 |
| State Question No. 97, S.C.R. No. 5, 1917 Okla. Sess. Laws 498 (c) | 423 | Inspections, FMSHA system not violative of fourth amendment (n) | 265 |
| —— No. 302, S.J.R. No. 18, 1941 Okla. Sess. Laws 542 (c) | 424 | Water, right to use by mineral owner/lessee, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 161 |
| 22 Stat. 403 (1882) (a) | 361 | | |
| Truth in Lending Act (c) | 645 | NATURAL RESOURCES | |
| U.C.C. § 3-603 (n) | 689 | Administrative law, requirements prior to agency action (c) | 63 |
| —— § 4-303 (n) | 689 | Oil and gas lease, nature of interest created (n) | 99 |
| Uniform Consumer Credit Code (c) | 645 | | |
| 5 U.S.C. §§ 7101-7135 (a) | 361 | NEGLIGENCE | |
| —— § 7513 (1982) (a) | 361 | <i>See also</i> Torts | |
| 11 U.S.C. § 365 (1982 & Supp. III 1985) (n) | 100-02, 105-09 | Media, effect of on negligence awards (c) | 35 |

(a) refers to articles (c) refers to comments (n) refers to notes

OIL AND GAS

See also Covenants; Mines and Minerals

| | |
|---|-----|
| Correlative rights, protection in absence of waste (n) | 128 |
| Lease, applicability of § 365 of Bankruptcy Code to (n) | 99 |
| nature of interest created (n) | 99 |
| Mineral owners, constitutional prohibitions against interference with interests of (n) | 163 |
| Water, right to use by mineral owner or lessee, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 162 |

PHYSICIANS AND SURGEONS

See Evidence; Professions and Occupations

| | |
|---|-----|
| Hospital liability for emergency room treatment (n) | 338 |
|---|-----|

PLEADINGS

See also Federal Jurisdiction and Practice; Practice and Procedure; Trial Practice

| | |
|--|-----|
| Accrual of cause of action, accrued rights, definition (n) | 467 |
|--|-----|

PRACTICE AND PROCEDURE

| | |
|---|-----|
| Attorney fees, final judgment (n) | 145 |
| Closed-circuit testimony of children (c) | 69 |
| Final judgment, assessment of attorney fees (n) | 145 |

PRESCRIPTION

See Easements

| | |
|--|---|
| Hidden easements, subsequent purchaser (a) | 1 |
|--|---|

PRIVILEGED COMMUNICATIONS

See Evidence; Professions and Occupations

| | |
|---|-----|
| Attorney-client confidences (n) | 279 |
| Attorneys, vicarious disqualification (n) | 231 |

PROCEDURE

See Criminal Law; Federal Jurisdiction and Practice; Practice and Procedure; Trial Practice

| | |
|--------------------|-----|
| Attorney fees (n) | 145 |
| Final judgment (n) | 145 |

PRODUCTS LIABILITY

| | |
|--|-----|
| Punitive damages allowed in Oklahoma (n) | 455 |
|--|-----|

PROFESSIONS AND OCCUPATIONS

| | |
|---|-----|
| <i>See also</i> Attorneys; Evidence | |
| Hospital liability for emergency room treatment (n) | 338 |

QUIETING TITLE

| | |
|--|---|
| <i>See also</i> Real Property | |
| Hidden easements, subsequent purchaser (a) | 1 |

REAL PROPERTY

| | |
|--|--------|
| <i>See also</i> Adverse User; Concurrent Estates; Conveyances and Conveyancing; Deeds; Easements; Quieting Title; Vendor and Purchaser | |
| Curtilage | |
| aerial views of (n) | 260 |
| application of in corporate settings (n) | 256-59 |
| application of to industrial settings (n) | 257-59 |
| Hidden easements, subsequent purchaser (a) | 1 |
| Oil and gas lease, nature of interest created (n) | 99 |
| Water, use of in enjoyment of estate, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 163 |

RECENT DEVELOPMENTS 177, 501

REMEDIES

| | |
|---|-----|
| <i>See also</i> Restitution | |
| Arbitral authority in the federal sector (a) | 559 |
| Exhaustion requirement in administrative agencies (a) | 407 |
| Wrongful termination, reinstatement (n) | 302 |

RESTITUTION

| | |
|-------------------------------------|----|
| <i>See also</i> Remedies; Torts | |
| Media, effect of on tort awards (c) | 35 |

SECURED TRANSACTIONS

| | |
|---|-----|
| Financial institution insurance agencies as "super" holders in due course (a) | 621 |
|---|-----|

(a) refers to articles (c) refers to comments (n) refers to notes

STATUTORY CONSTRUCTION

| | |
|--|-----|
| <i>See also</i> Legislation | |
| Interpretation of RICO (n) | 282 |
| Proceedings begun with repealed statutes (n) | 468 |
| Prospective effects of new statutes, common law principles (n) | 458 |
| Retrospective effects of legislation, statutes affecting remedies or procedure (n) | 460 |
| Sherman Act | |
| and acts of individuals under governmental authority (a) | 209 |
| and acts of subordinate political entities (a) | 209 |
| and government conduct, 15 U.S.C. §§ 1, 2 (a) | 209 |
| immunity of state action (a) | 209 |

SURETY AND GUARANTY

| | |
|----------------------------------|-----|
| Equal Credit Opportunity Act (n) | 431 |
|----------------------------------|-----|

TORTS

| | |
|--|-----|
| <i>See also</i> Damages; Negligence; Restitution | |
| Hospital liability for emergency room treatment (n) | 338 |
| Media, effect of on litigation (c) | 35 |
| Punitive damages, Tort Reform Act (n) | 456 |
| Retrospective effects of legislation on statutes affecting remedies or procedure modes (n) | 460 |
| Sovereign immunity, Political Subdivision Tort Claims Act (n) | 467 |
| Wrongful termination remedies (n) | 302 |
| violation of public policy (n) | 288 |

TRADE REGULATIONS

| | |
|--|-----|
| State immunity | |
| government authorized individuals, under Sherman Act (a) | 209 |
| subordinate political entities under Sherman Act (a) | 209 |
| under Sherman Act (a) | 209 |

TRIAL PRACTICE

| | |
|--|----|
| <i>See also</i> Courts; Evidence; Federal Jurisdiction and Practice; Practice and Procedure; Witnesses | |
| Closed-circuit testimony of children (c) | 69 |

UNFAIR COMPETITION

| | |
|---|--------|
| <i>See</i> Torts | |
| Trade secrets, protection of during EPA enforcement actions (n) | 259-60 |

UNIFORM STATE LAWS

| | |
|---|-----|
| Consumer lending under Uniform Consumer Credit Code (c) | 645 |
| Financial institution insurance agencies as "super" holders in due course under federal law and not under UCC (a) | 621 |
| U.C.C. §§ 4-303, 3-603 (n) | 689 |
| UCC, stopping collection of an item deposited with an insolvent depository bank (n) | 689 |

VENDORS AND PURCHASERS

| | |
|--|---|
| <i>See also</i> Contracts; Deeds; Real Property; Restitution | |
| Hidden easements, subsequent purchaser (a) | 1 |

WARRANTY

| | |
|--|---|
| <i>See also</i> Covenants; Torts | |
| Hidden easements, subsequent purchaser (a) | 1 |

WATER

| | |
|---|-----|
| Administrative law, requirements placed on Oklahoma Water Resource Board prior to taking action (c) | 63 |
| Groundwater, right to use of by mineral owner/lessee, change in 82 Okla. Stat. § 1020.11(D) affecting (n) | 155 |

WITNESSES

| | |
|--|----|
| Closed-circuit testimony of children (c) | 69 |
|--|----|

