

3-1-1982

## Table of Contents

Follow this and additional works at: <https://digitalcommons.law.byu.edu/lawreview>



Part of the [Law Commons](#)

---

### Recommended Citation

*Table of Contents*, 1982 BYU L. Rev. (1982).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol1982/iss1/8>

This Frontmatter is brought to you for free and open access by the Brigham Young University Law Review at BYU Law Digital Commons. It has been accepted for inclusion in BYU Law Review by an authorized editor of BYU Law Digital Commons. For more information, please contact [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu).

# Brigham Young University Law Review

VOLUME 1982

NUMBER 1

---



**EDITORIAL OFFICES:** The *Brigham Young University Law Review* is published at the J. REUBEN CLARK LAW SCHOOL, Provo, Utah 84602 by the Brigham Young University Law Review. All communications should be sent to the editorial offices.

Views expressed herein are to be attributed to their authors and not to the Law Review or Brigham Young University unless otherwise indicated.

**SUBSCRIPTIONS:** The *Brigham Young University Law Review* is published quarterly. The subscription rate is \$15 for one year. Single issues may be obtained for \$5 per issue and reprints of most Articles and Comments for \$2 per copy. If the subscriber wishes his subscription discontinued at its expiration, notice should be sent; otherwise, it is assumed that continuation is desired.

Second-class postage paid at Provo, Utah, and at additional mailing office. U. S. Postal Service publication # SECD-128170. Send address changes to *Brigham Young University Law Review*, J. Reuben Clark Law School, Room 453, Provo, Utah 84602.

Copyright: © Brigham Young University Law Review, 1982.

- BACKMAN, JAMES H. (1974), Professor of Law. A.B., 1969, Harvard College; J.D., 1972, University of Utah.
- BARBER, DAVID H. (1976), Professor of Law. B.S., 1964, Brigham Young University; J.D., 1968, Stanford Law School.
- CRAPO, TERRY L. (1974), Visiting Professor of Law. B.A., 1960, M.A., 1960, Brigham Young University; LL.B., 1963, Harvard University.
- DAVIS, RAY JAY (1981), Professor of Law. B.A., 1948, Idaho State University; J.D., 1953, Harvard University; LL.M., 1956, Columbia University.
- DEEM, WOODRUFF J. (1973), Professor of Law. B.S., 1936, Occidental College; LL.B., 1940, Georgetown University.
- DURHAM, W. COLE, JR. (1976), Associate Professor of Law. A.B., 1972, Harvard College; J.D., 1975, Harvard University.
- FARMER, LARRY C. (1977), Associate Professor of Law. B.S., 1968, University of Washington; Ph.D., 1975, Brigham Young University.
- FLEMING, J. CLIFTON, JR. (1974), Professor of Law. B.S., 1964, Brigham Young University; J.D., 1967, George Washington University.
- FLOYD, C. DOUGLAS (1980), Associate Professor of Law. B.S., 1964, Massachusetts Institute of Technology; LL.B., 1967, Stanford University.
- HANSEN H. REESE (1974), Associate Dean of the Law School and Professor of Law. B.S., 1964, Utah State University; J.D., 1972, University of Utah.
- HAWKINS, CARL S. (1973), Dean and Guy Anderson Professor of Law. B.A., 1948, Brigham Young University; J.D., 1951, Northwestern University.
- HAWKINS, LISA B. (1982), Visiting Professor of Law. B.A., 1976, Brigham Young University; J.D., 1980, Brigham Young University.
- JACOBS, EUGENE B. (1980), Professor of Law. B.A., 1949, J.D., 1951, University of California, Berkeley.
- KEARL, JAMES R., Associate Professor of Economics. B.A. 1971, Utah State University; Ph.D., 1975, Massachusetts Institute of Technology.
- KIMBALL, EDWARD L. (1973), Professor of Law. B.S., 1953, LL.B., 1955, University of Utah; LL.M., 1959, S.J.D., 1962, University of Pennsylvania.
- LEE, REX E. (1973), Professor of Law (on leave). B.A., 1960, Brigham Young University; J.D., 1963, University of Chicago.
- NEELEMAN, STANLEY D. (1978), Professor of Law. B.A., 1967, Westminster College; M.A., 1969, George Washington University; J.D., 1972, Denver University.
- OJWANG, J.B. (1982), Visiting Professor of Law. LL.B., 1974, LL.M., 1976, University of Nairobi; Ph.D., 1981, Cambridge University.
- PARKER, DOUGLAS H. (1975), Professor of Law. B.A., 1950, J.D., 1952, University of Utah.
- RIGGS, ROBERT E. (1975), Professor of Law. B.A., M.A., 1952, University of Arizona; Ph.D., 1955, University of Illinois; LL.B., 1963, University of Arizona.
- SABINE, JAMES E. (1976), Visiting Professor of Law. B.A., 1930, University of Utah; J.D., 1937, University of California, Berkeley.
- SMITH, FRANK W. (1978), Professor of Law. B.A., 1955, University of Virginia; J.D., 1962, University of Richmond; LL.M., 1968, Harvard University.
- SNEAD, HARRY L., JR., Visiting Professor of Law. (1981). B.A., 1947, LL.B., 1950, University of Richmond; LL.M., 1958, Harvard University.
- THOMAS, DAVID A. (1974), Professor of Law and Law Librarian. B.A., 1967, Brigham Young University; J.D., 1972, Duke University.
- WARDLE, LYNN D. (1978), Associate Professor of Law. B.A., 1971, Brigham Young University; J.D., 1974, Duke University.
- WELCH, JOHN W. (1980), Associate Professor of Law. B.A., 1970, M.A., 1970, Brigham Young University; J.D., 1975, Duke University.
- WILLIAMS, GERALD R. (1973), Associate Dean of the Law School and Professor of Law. B.A., 1966, Brigham Young University; J.D., 1969, University of Utah.
- WOOD, MARY ANN Q. (1976), Associate Professor of Law (on leave). B.A., 1966, Brigham Young University; J.D., 1976, George Washington University.
- WOOD, STEPHEN G. (1976), Professor of Law (on leave). B.A., 1966, J.D., 1969, University of Utah; J.S.D., 1980, Columbia University.

#### PART-TIME FACULTY

- |                            |                               |
|----------------------------|-------------------------------|
| DETTON, DAVID K., J.D.     | JARDINE, JAMES S., J.D.       |
| DIXON, MARDEN, J.D.        | McKAY, JUDGE MONROE, J.D.     |
| FLETCHER, STEPHEN H., J.D. | OAKS, JUSTICE DALLIN H., J.D. |
| FOSTER, LYNN G., J.D.      | OWEN, STANFORD, J.D.          |
| HOLTKAMP, JAMES A., J.D.   | THORN, JERRY G., J.D.         |

# Brigham Young University Law Review

VOLUME 1982

NUMBER 1

---

MARK W. HANSEN  
*Editor-in-Chief*

JAMES M. DESTER  
MCKAY MARSDEN  
*Executive Editors*

RICHARD H. PAGE  
*Managing Editor*

KEVIN J. WORTHEN  
*Lead Article Editor*

PAUL D. ELLSWORTH  
*Lead Note & Comment Editor*

GUY P. KROESCHE  
JAMES R. LAYTON  
*Article Editors*

JORDAN W. CLEMENTS  
CAROL A. CLUFF  
FRED D. ESSIG  
MERRILL F. NELSON  
*Note & Comment Editors*

KENNETH M. ANDERSON  
ALAN B. ASAY  
D. GARY BECK  
STEVEN S. CHRISTIANSEN

S. DAVID COLTON  
ROBERT D. CROCKETT  
J. DAVID GOWDY

DAVID G. HARLOW  
BRENT J. JENSEN  
DANIEL M. LIVINGSTON  
GREGORY CLARK NEWTON

## *Editorial Associates*

KEVIN BATES  
S. ROBERT BRADLEY  
CHRIS BRAMHALL  
E. DOUGLAS CLARK  
STANTON CURRY  
MARK DAVID DAVIS  
CHARLES L. DEEM  
DAVID GARFIELD

ENID GREENE  
DAVID H. LITTLE  
DAVID G. MANGUM  
JEFF L. MANGUM  
ROBERT CHARLES MARTIN  
SAMUEL McVEY

MICHELE MITCHELL  
RICHARD MUSICK  
R. CLYDE PARKER, JR.  
JEFFREY A. ROBINSON  
JAMIE D. SCOTT  
JULIE STEVENSON  
RICHARD TAGGART  
J. BRAD WIGGINS

## *Members*

ROBERT E. RIGGS  
*Advisor*

MARGO CATTS  
*Secretary*



# Brigham Young University Law Review

VOLUME 1982

NUMBER 1

---

## TABLE OF CONTENTS

### ARTICLES

- Public Land Law Reform—  
Reflections from Western Water Law  
*James H. Backman* 1
- The Duty of Federal Courts to Apply  
International Law: A Polemical Analysis  
of the Act of State Doctrine  
*James H. Lengel* 61

### COMMENTS

- The Use of a Rule 37(b)(2)(A) Sanction to  
Establish In Personam Jurisdiction 103
- The Corporate Acquisitions Proposal of the  
ALI Subchapter C Project: Correcting  
Economic Inefficiencies by Election 134

### CASE NOTES

- Presidential Power and the Iranian Hostage  
Agreement: *Dames & Moore v. Regan* 161
- The Scope of the Judicially Implied Private  
Right of Action under Rule 10b-5:  
*Shores v. Sklar* 180
- Double Jeopardy and Resentencing in  
Bifurcated Criminal Proceedings:  
*Bullington v. Missouri* 192