

9-1-1995

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, 1995 BYU L. Rev. (1995).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol1995/iss3/12>

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.

Brigham Young University Law Review

VOLUME 1995

NUMBER 3



BRIGHAM YOUNG UNIVERSITY LAW REVIEW (USPS 128-170) (ISSN 0360-151X) is published quarterly by the J. Reuben Clark Law School, Office of Accounting, 460 JRCB, Provo, Utah 84602-8000. Second-Class Postage Paid at Provo, Utah, and at additional mailing offices. **POSTMASTER:** Please send address changes to BYU Law Review, Office of Accounting, 460 JRCB, Provo, UT 84602-8000.

SUBSCRIPTIONS: The subscription rate for subscribers in the United States is \$20 for one year, \$36 for two years, and \$50 for three years. Foreign subscriptions are \$24 for one year, \$40 for two years, and \$54 for three years. Single issues may be obtained for \$8 for regular issues and \$10 for special issues. All claims on issues not received must be made within three months of publication if within the United States, or within six months for foreign subscriptions. Subscriptions are entered for an entire year only and are payable in advance. All subscriptions are renewed automatically unless timely notice of cancellation is given. Please send all correspondence regarding subscriptions to Office of Accounting 460 JRCB, Provo, Utah 84602-8000. Issues older than one year may be obtained for \$12.50 from Fred B. Rothman & Co., 10368 W. Centennial Rd., Littleton, Colorado 80127.

EDITORIAL OFFICES: All communications dealing with articles should be sent to: *Brigham Young University Law Review*, Room 471-F, J. Reuben Clark Law School. The Law Review is pleased to accept submissions for publication sent to the special attention of the Articles Solicitors. Views expressed herein are to be attributed to their authors and not to the *Brigham Young University Law Review* or Brigham Young University unless otherwise indicated.

Except as otherwise noted, the Law Review is pleased to grant permission for copies of articles to be made for classroom use, provided that (1) a proper notice of copyright is affixed to each copy, (2) the author and source are identified, (3) copies are distributed at or below cost, and (4) the *Brigham Young University Law Review* is notified of the use.

Copyright © Brigham Young University Law Review, 1995.

BRIGHAM YOUNG UNIVERSITY
J. REUBEN CLARK LAW SCHOOL FACULTY

- ADAMS, KIF AUGUSTINE (1995), Associate Professor of Law. B.A., 1988, Brigham Young University; J.D., 1992, Harvard Law School.
- BACKMAN, JAMES H. (1974), Professor of Law. A.B., 1969, Harvard College; J.D., 1972, University of Utah.
- BURNS, JEAN W. (1986), Professor of Law. B.A., 1970, Vanderbilt University; J.D., 1973, University of Chicago.
- DAVIS, RAY JAY (1981), Professor of Law. B.S., 1948, Idaho State University; J.D., 1953, Harvard University; LL.M., 1956, Columbia University.
- DOMINGUEZ, DAVID (1989), Professor of Law. B.A., Yale University; J.D., 1980, University of California, Berkeley.
- DURHAM, W. COLE, JR. (1976), Professor of Law. A.B., 1972, Harvard College; J.D., 1975, Harvard University.
- ECHOHAWK, LARRY (1995), Professor of Law. B.S., 1970, Brigham Young University; J.D., 1973, University of Utah.
- FARMER, LARRY C. (1977), Professor of Law. B.S., 1968, University of Washington; Ph.D., 1975, Brigham Young University.
- FLEMING, J. CLIFTON, JR. (1974), Associate Dean and Professor of Law. B.S., 1964, Brigham Young University; J.D., 1967, George Washington University.
- FLOYD, C. DOUGLAS (1980), Professor of Law. B.S., 1964, Massachusetts Institute of Technology; LL.B., 1967, Stanford University.
- GEDICKS, FREDERICK M. (1990), Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of Southern California.
- GOLDSMITH, MICHAEL (1985), Professor of Law. B.S., 1972, J.D., 1975, Cornell University.
- GORDON, JAMES D., III (1984), Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of California, Berkeley.
- HAFEN, BRUCE C. (1973), University Provost and Professor of Law. A.A., 1960, Dixie College; B.A., 1966, Brigham Young University; J.D., 1967, University of Utah.
- HANSEN, H. REESE (1974), Dean and Professor of Law. B.S., 1964, Utah State University; J.D., 1972, University of Utah.
- HAWKINS, CARL S. (1973), Emeritus Guy Anderson Professor of Law. A.B., 1948, Brigham Young University; J.D., 1951, Northwestern University.
- JACOBS, EUGENE B. (1980), Emeritus Professor of Law. B.A., 1949, J.D., 1951, University of California, Berkeley.
- KIMBALL, EDWARD L. (1973), Ernest L. Wilkinson 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), University President and George Sutherland Professor of Law. B.A., 1960, Brigham Young University; J.D., 1963, University of Chicago.
- LUNDBERG, CONSTANCE K. (1982), Associate Dean, Law Librarian, and Professor of Law. B.A., 1968, Arizona State University; J.D., 1972, University of Utah.
- NEELEMAN, STANLEY D. (1978), Professor of Law. B.A., 1967, Westminster College; M.A., 1969, George Washington University; J.D., 1972, University of Denver.
- PARKER, DOUGLAS H. (1975), Emeritus Professor of Law. B.A., 1949, J.D., 1952, University of Utah.
- PRESTON, CHERYL BAILEY (1989), Professor of Law. B.A., 1975, J.D., 1979, Brigham Young University.
- RASBAND, JAMES R. (1995), Associate Professor of Law. B.A., 1986, Brigham Young University; J.D., 1989, Harvard Law School.
- RIGGS, ROBERT E. (1975), Emeritus Guy Anderson Professor of Law. B.A., 1952, M.A. 1953, University of Arizona; Ph.D., 1955, University of Illinois; LL.B., 1963, University of Arizona.
- SABINE, JAMES E. (1976), Emeritus Professor of Law. B.A., 1930, University of Utah; J.D., 1937, University of California, Berkeley.
- THOMAS, DAVID A. (1974), Professor of Law. B.A., 1967, Brigham Young University; J.D., 1972, Duke University.
- WARDLE, LYNN D. (1978), Professor of Law. B.A., 1971, Brigham Young University; J.D., 1974, Duke University.
- WELCH, JOHN W. (1980), Professor of Law. B.A., 1970, M.A., 1970, Brigham Young University; J.D., 1975, Duke University.
- WHITMAN, DALE A. (1991), Guy Anderson Professor of Law. B.E.S., 1963, Brigham Young University; LL.B., 1966, Duke University.
- WILKINS, RICHARD G. (1984), Professor of Law. B.A., 1976, J.D., 1979, Brigham Young University.
- WILLIAMS, GERALD R. (1973), Professor of Law. B.A., 1966, Brigham Young University; J.D., 1969, University of Utah.
- WOOD, STEPHEN G. (1976), Professor of Law. B.A., 1966, J.D., 1969, University of Utah; J.S.D., 1980, Columbia University.
- WORTHEN, KEVIN J (1987), Professor of Law. B.A., 1979, J.D., 1982, Brigham Young University.

PART-TIME FACULTY

- | | | |
|-------------------------|-----------------|--------------------|
| BRIAN, PAT B. | JENSEN, LARRY | MURRAY, KEVIN R. |
| CHRISTIANSEN, STEVEN J. | KADISON, STUART | OWEN, STANFORD B. |
| DEWSNUP, RALPH L. | KEETCH, VON G. | PENA-CHACON, SILVA |
| FISHER, M. BYRON | LINDSAY, KAY | VISICK, HAL |
| GRIFFITH, SUSAN | LOVELESS, SCOTT | WEISS, LOREN E. |
| GUNN, STEVEN H. | MABEY, RALPH R. | WOOD, MARY ANNE Q. |
| HAWKINS, LISA B. | MOSS, REED L. | ZENGER, TODD E. |

Brigham Young University Law Review

VOLUME 1995

NUMBER 3

Editor in Chief
DAVID H. MOORE

Managing Editors
J. ANTHONY JARRETT
CHRISTOPHER J. WILLIAMS

Executive Editors
JON D. COREY
ERIK G. DAVIS
LAURALYN EBERTING
BRENT J. NORTH

Articles Selection Editors
TANYA CLUFF
CYNTHIA CROCKETT
BRENT C. RUMMLER

*Note & Comment
Selection Editors*
T. JAMES LEE, JR.
DOUGLAS C. WADDOUPS

Articles Editors

RANDALL C. ALLEN
STEVEN G. BLACK
MARY O. JENSEN

PAUL B. JOHNSON
SCOTT C. WALKER
TODD D. WEILER

Note & Comment Editors

WAYNE R. FARNSWORTH
CHRISTIAN N. GIANNI

JAMES N. MACKINLAY

Staff Members

HEIDI L. BETHEA
BRUCE J. BOEHM
JOHN D. BOWERS
ELIZABETH A. CLARK
D. SCOTT CROOK
AMANDA M. DALTON
JUSTIN B. DENTON
STEVEN T. DYCHES
SCOTT M. ELLSWORTH
SAMUEL P. GARDINER
KATHRYN HATCH
LOYAL C. HULME
PAUL M. JOHNSON
JAY T. JORGENSEN
BENJAMIN D. KNAUPP
DOUGLAS B. MARKS

PAUL HOLMES MASTERS
B. SCOTT MCBRIDE
DANIEL J. McDONALD
JAMES R. MOSS
JOI GARDNER PEARSON
SCOTT M. PETERSEN
ANDREW P. PICKERING
MATTHEW K. RICHARDS
CHRISTOPHER P. SIMKINS
DAVID R. TODD
RUSSELL N. WATTERSON, JR.
KEVIN J. WILKINSON
DANIEL E. WITTE
WADE L. WOODARD
RICHARD D. YEOMAN

Faculty Advisor
JOHN W. WELCH

Brigham Young University Law Review

VOLUME 1995

NUMBER 3

ARTICLES

- The Power of Congress over Courts in Nonfederal
Cases
Louise Weinberg 731
- The ALI, Supplemental Jurisdiction, and the Federal
Constitutional Case
C. Douglas Floyd 819
- Confronting the Consolidation Conundrum
Richard L. Marcus 879
- Antisuit Injunction and Notice of Intervention and
Preclusion: Complementary Devices to Prevent
Duplicative Litigation
Edward F. Sherman 925

COMMENTS

- Arthur Miller's *Death of a Doctrine* or Will the Federal
Courts Abstain from Abstaining? The Complex Liti-
gation Recommendations' Impact on the Abstention
Doctrine
William A. Calhoun II 961
- The Sky is Falling—The ALI's Efficient Response to
Courts in Crisis?
Christine Gail Clark 997
- The ALI's Complex Litigation Project and Federal-To-
State Consolidation: A Due Process Analysis of
Granting to State Courts Nationwide Personal
Jurisdiction
Deborah Dunn 1019

Antisuit Injunctions Under the Complex Litigation Proposal:
Harmonizing the Sirens' Song of Efficiency and Fairness
with the Hymn of Judicial Federalism and Comity
Paul W. Werner 1041

The Complex Litigation Project's Choice of Law Rules
for Mass Torts and How to Escape Them
Fred I. Williams 1081

NOTE

Removing Intrastate Lawsuits: The Affecting-Commerce
Argument After *United States v. Lopez*
Kelly G. Black 1103

APPENDIX

Selected Provisions of the ALI Complex Litigation Proposal:
Statutory Recommendations & Reporter's Study
1135