

11-1-1992

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, 1992 BYU L. Rev. (1992).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol1992/iss4/15>

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 1992

NUMBER 4



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 in four issues each year. 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. Subscriptions are renewed automatically upon expiration unless the subscriber sends timely notice of termination.

SINGLE ISSUES: Single issues may be obtained for \$8 per regular issue and \$10 for special issues. Issues older than one year may be obtained from Fred B. Rothman & Co., 10368 W. Centennial Rd., Littleton, CO 80127.

Second-class postage paid at Provo, Utah, and at additional mailing office Pub. # 128170. Send address changes to *Brigham Young University Law Review*, J. Reuben Clark Law School, Room 358B, Provo, Utah 84602. ISSN No. 0360-151X

Copyright: © Brigham Young University Law Review, 1993.

BRIGHAM YOUNG UNIVERSITY
J. REUBEN CLARK LAW SCHOOL FACULTY

- 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), Associate 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.
- 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.
- HUBBARD, HEIDI K. (1992), Visiting Assistant Professor of Law. B.A., 1983, Brigham Young University; J.D., 1986, Stanford 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 (on leave). 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), Associate Professor of Law. B.A., 1975, J.D., 1979, Brigham Young University.
- 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.
- YIN, GEORGE K. (1992), Visiting Professor of Law. B.A., 1970, University of Michigan; J.D., 1977, George Washington University.

PART-TIME FACULTY

- | | | |
|-------------------------|--------------------|--------------------|
| ADAMS, J. KEITH | HAWKINS, LISA B. | MIKITA, J. STEPHEN |
| BRIAN, PAT B. | HOLTkamp, JAMES A. | MOSS, REED L. |
| CHRISTIANSEN, JON C. | JENSEN, ALLEN R. | MURRAY, KEVIN |
| CHRISTIANSEN, STEVEN J. | KAPLAN, NEIL A. | OWEN, STANFORD B. |
| ELEGANTE, JAMES M. | LOVELESS, A. SCOTT | WEISS, LARRY |
| GUNN, STEVEN H. | MABEY, RALPH R. | WOOD, MARY ANNE Q. |

Brigham Young University Law Review

VOLUME 1992

NUMBER 4

Editor in Chief
STEPHEN M. SARGENT

Managing Editors
B. TODD BAILEY
DAVID A. HARDY

Executive Editors
STEPHEN K. CHRISTIANSEN
WILLIAM G. PETERSON
ROSE MARIE REYNOLDS

Articles Editors
ALEXANDER DUSHKU
RUSSELL O. FARR
STACEY L. HAYDEN
ROBERT A. MCCONNELL
ANDREA NUFFER
DAVID L. PINKSTON

Note & Comment Editors
KEITH A. CALL
BRET F. RANDALL

Senior Editors

D. CHRISTOPHER ALBRIGHT
DAVID S. DOTY
STEVEN C. EARL
KEEN L. ELLSWORTH
ROBERT G. FISHER
DARIN J. GIBBY

CHARLENE STOKER JONES
GREGORY H. KING
DEE S. LARSEN
DANIEL A. THOMSON
JAMES K. TRACY
STEWART D. TUTTLE JR.

Members

GREGORY M. ACTON
CURTIS B. ANDERSON
W. BRENT BASDEN
BLAINE F. BATES
BECKY A. BERGESON
STEPHEN T. BLACK
TIMOTHY A. BODILY
TROY R. BRAEGGER
ALAN R. DAVIS
ROBERT L. DAVIS
RYAN J. EARL
SARA J. ELLISON
LAURIE D. GILLILAND
TODD N. HALLOCK

JAMES K. HASLAM
ERIC T. JOHNSON
LISABETH JONER
GREGORY R. KNIGHT
DEREK P. MARTIN
BRIAN P. MILLER
STAN A. MORTENSEN
E. GLEN NICKLE
JEFFREY W. PICKARD
MICHAEL D. RAWLINS
R. BRYANT SIDDOWNAY
DWAYNE A. VANCE
ERIC E. VERNON
DAVID R. WILLIAMS

Faculty Advisor
W. COLE DURHAM, JR.

Brigham Young University Law Review

VOLUME 1992

NUMBER 4

ARTICLES

- Prison Objectives and Human Dignity: Reaching a Mutual
Accommodation
Melvin Gutterman 857
- A Study in the Choice of Form: Statutes of Limitation and the
Doctrine of Laches
Gail L. Heriot 917
- The Economics and Politics of Emergency Health Care for the Poor:
The Patient Dumping Dilemma
Maria O'Brien Hylton 971

BOOK REVIEW

- Bruce Ackerman on Interpretation: A Critique
Raoul Berger 1035

COMMENTS

- The Impact of Federal Labor Policy on the Americans with
Disabilities Act of 1990: Collective Bargaining Agreements
in a New Era of Civil Rights
David S. Doty 1055
- Utah Limited Liability Companies: The "Ugly Ducklings"
Keen L. Ellsworth 1091
- Conversion from Chapter 13 to Chapter 7 of the Bankruptcy Code:
What Constitutes Property of the Post-Conversion Estate?
David A. Hardy 1105

The Selling Real Estate Broker and the Purchaser: Assessing the
Relationship

Brett L Hopper 1135

Keiretsu: Their Effect on Business and How American Government
and Business Can Confront Them

Jonathan E. Johnson III 1155

Survey of Utah Strict Products Liability Law: From *Hahn* to the
Present and Beyond

Robert A. McConnell 1173

NOTES

Inherent Sanctioning Power in the Federal Courts After
Chambers v. NASCO, Inc.

Stephen K. Christiansen 1209

Congress Stopped Short in Amending the Law of Venue in Patent
Infringement Cases: *VE Holding Corp. v. Johnson Gas
Appliance Co.*

Darin J. Gibby 1229

State v. Perank: Is the Uintah-Ouray Reservation "Nailed Down Upon
the Border"?

David R. Williams 1247