

ARIZONA LAW REVIEW

VOLUME 29

1987

NUMBER 4

CONTENTS

Page

Essay

- CHURCH, STATE AND THE SUPREME COURT:
CURRENT CONTROVERSY *Jesse Choper* 551

Dean Choper analyzes recent United States Supreme Court decisions concerning religious liberty, and argues that the Court has been inconsistent in its determinations of when government action violates the Establishment Clause. Choper suggests an alternative test for such determinations, and argues that such a test can work only if it balances the competing interests protected by the Establishment and Free Exercise clauses of the Constitution.

Articles

- LAWYER LIABILITY AND INCORPORATION OF THE
LAW FIRM: A COMPROMISE MODEL PROVIDING
LAWYER-OWNERS WITH LIMITED LIABILITY AND
IMPOSING BROAD VICARIOUS LIABILITY ON
SOME LAWYER-EMPLOYEES *Stephen E. Kalish* 563

Professor Kalish pictures the law firm as a collection of sole practitioners in which each lawyer-member is both an owner of a business organization and a professional rendering services to the public. He proposes a conceptual framework with which to discuss and analyze this duality of roles with respect to lawyer professional liability. Professor Kalish focuses separately on the liability of the lawyer as owner and the liability of the lawyer as employee. Finally, he offers a model for understanding and resolving a variety of issues related to the question of whether lawyers as owners may limit, by incorporation, liability for their own and their colleagues' professional negligence.

- PUNITIVE DAMAGES IN ARIZONA: THE
REPORTS OF THEIR DEATH ARE
GREATLY EXAGGERATED *Ted A. Schmidt* 599

Mr. Schmidt examines the impact of two recent supreme court decisions on punitive damages in Arizona, and concludes that Arizona's tougher standards for punitive damage awards may preserve the viability of such awards against federal constitutional attack.

Notes

EXCLUDING SUBSEQUENT DESIGN MODIFICATIONS IN PRODUCT LIABILITY LITIGATION: THE PROPRIETY OF A POST-SALE VERSUS A POST-ACCIDENT EXCLUSION	<i>Roger W. Frazier</i>	621
TRADEMARK LITIGATION: A NEW LOOK AT THE USE OF SOCIAL SCIENCE EVIDENCE	<i>Jack P. Lipton</i>	639
ARIZONA'S COUNTY GRAND JURY: THE EMPTY PROMISE OF INDEPENDENCE	<i>Sigmund G. Popko</i>	667

Comments

I. EVIDENCE <i>STATE V. ROBINSON</i> : THE ADMISSIBILITY OF HEARSAY IDENTIFICATIONS IN CHILD ABUSE CASES	<i>Kathy M. Fry</i>	689
II. JURY SELECTION <i>BATSON V. KENTUCKY</i> : A SIGNIFICANT STEP TOWARD ELIMINATING DISCRIMINATION IN THE JURY SELECTION PROCESS	<i>Sean Chapman</i>	697
III. TORTS FRAUD IN THE ADOPTION SETTING	<i>Michele Schiffer</i>	707