

ARIZONA LAW REVIEW

VOLUME 26

1984

NUMBER 1

CONTENTS

	<i>Page</i>
ROGER C. HENDERSON—A TRIBUTE..... <i>Joseph M. Livermore & William E. Kimble</i>	1

Essays

JUDICIAL REVIEW AND FUNDAMENTAL RIGHTS: A RESPONSE TO PROFESSOR LEE	<i>Burt Neuborne & Charles S. Sims</i> 5
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In this essay the authors respond to Professor Rex Lee's essay, *Preserving Separation of Powers: A Rejection of Judicial Legislation Through the Fundamental Rights Doctrine*, previously published in the *Arizona Law Review*, and conclude that the fundamental rights doctrine is essential to preserving individual rights.

AN OFFENSE-VICTIM APPROACH TO INSANITY DEFENSE REFORM	<i>David B. Wexler</i> 17
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This essay addresses the question of insanity defense reform. The author discusses the various proposed reforms and then offers a new approach that limits the defense to intra-familial homicides.

ABSENT EVIDENCE	<i>Joseph M. Livermore</i> 27
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This essay questions the propriety of the adverse evidentiary inference that is allowed when litigants fail to call a material witness. The author concludes that such an inference should only be allowed when it is in fact desirable that such evidence be offered.

Articles

INTEGRATION OF SECURITIES OFFERINGS— THE ABA'S "INDISCREET" PROPOSAL	<i>Daniel J. Morrissey</i> 41
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The author analyzes and compares the current judicial standards for integration of securities offerings with the ABA's new proposals for reform in this area. The author concludes that the recent judicial decisions protect the rights of investors and are in harmony with the goals of securities registration, while the ABA's new proposal undermines the registration process. In order to continue effective investor protection, the author urges rejection of the ABA proposal.

A CHOICE FOR THE PEOPLE TO MAKE: THE NECESSITY OF LEGISLATIVE REFORM OF ARIZONA'S BILINGUAL EDUCATION POLICY	<i>Donal M. Sacken</i>	79
--	------------------------	----

This Article considers bilingual education in Arizona. The author reviews litigation prospects as well as Arizona statutes and concludes that reform must come through the legislature's enactment of new statutes.

Notes

REEVALUATING THE APPLICABILITY OF THE RESERVATION DOCTRINE TO PUBLIC WATER RESERVE NO. 107	<i>Angela A. Liston</i>	127
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Administrative and judicial opinions applying the reservation doctrine to PWR 107 have reached various and conflicting results. The author analyzes these opinions, explores the history of PWR 107, and suggests an alternative application of the reservation doctrine to the land withdrawal.

UNWED FATHERS: IS ARIZONA DENYING THEIR RIGHT TO RECOGNITION AS PARENTS? . . .	<i>Noreen Robinson Matts</i>	143
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Unwed fathers have recently begun to assert their constitutional right to an opportunity to develop a legal relationship with their children. The writer emphasizes the Arizona paternity statutes and related case law, pointing out the constitutional weaknesses of the statute. The writer suggests means that the judiciary or legislature might adopt to avoid constitutional confrontation between the paternity statute and natural fathers' rights.

THE GARN ACT: THE DEATH KNELL FOR DUE-ON- SALE CONTROVERSIES IN ARIZONA	<i>Brenda M. Moody</i>	167
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The Garn-St. Germain Depository Institutions Act preempted state law regarding the enforcement of due on sale clauses in deeds of trust and mortgages. This Note reviews the development of Arizona law regarding due-on-sale clauses prior to the Act, reviews the federal preemption of due-on-sale clauses, discusses the provisions, legislative history and implications of the Act and examines the effects of the Act on Arizona law.

MEDICAL MALPRACTICE PANEL DECISIONS: ARE THEY ADMISSIBLE AS EVIDENCE IN FEDERAL DIVERSITY PROCEEDINGS	<i>Yvette D. Robichaud</i>	191
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This Note discusses the holding by an Arizona federal district court that medical liability review panel decisions are not admissible as evidence in federal diversity actions. The author explores three approaches used by other federal courts to conclude that the panel's decision is admissible and suggests that federal courts in Arizona adopt one of these.

THE SUSPECT CONTEXT: A NEW SUSPECT CLASSIFICATION DOCTRINE FOR THE MENTALLY HANDICAPPED	<i>Catherine M. Ryers</i>	205
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This Note discusses the classification of the mentally handicapped as a suspect class for purposes of equal protection analysis. The author argues that the context of state action directed at the mentally disabled should be the factor that determines whether the court will invoke a rational basis or a higher standard of scrutiny.

Recent Decisions

ANTITRUST

A LIMITED EXEMPTION FROM ANTITRUST REGULATION FOR THE “BUSINESS OF INSURANCE”

United States v. Title Insurance Rating

Bureau of Arizona *Sara E. Morrissey* 223

