

# ARIZONA LAW REVIEW

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Three recent class actions involving mass accident, *Kansas City Skywalk*, product liability, *Dalkon Shield*, and consumer fraud, *Miner v. Gillette Co.*, are the media for the author's portrait of the right to opt out as the maverick of the class action family.

### *Essay*

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The author examines the role rhetoric plays in the writing of United States Supreme Court opinions and discusses how specific rhetorical strategies can shape the content of an important decision.

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The author examines a new test announced by the United States Supreme Court to determine when action is taken "under color of law" within 42 U.S.C. section 1983. The author suggests that a grant of qualified immunity would have been a better approach rather than creating a new test of "under color of law."

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