

ARIZONA LAW REVIEW

VOLUME 21

1979

NUMBER 4

CONTENTS

Articles

	<i>Page</i>
WHEN SHOULD THE LIONS BE ON THE THRONE?	
REFLECTIONS ON JUDICIAL SUPREMACY	<i>Joseph T. Sneed</i> 925
The author notes that the increasing amount and complexity of constitutional litigation has detracted from the judiciary's ability to provide constitutional coherence. In response, Judge Sneed suggests four approaches to solve this problem.	
THE <i>DRAPER-SPINELLI</i> PROBLEM	<i>Joseph M. Livermore</i> 945
The author examines the factual probabilities undermining the efficacy of the <i>Aguilar</i> test in determining whether an informant's tip supplies the police with probable cause to obtain a warrant.	
STATE MEDICAL MALPRACTICE SCREENING PANELS IN FEDERAL DIVERSITY ACTIONS.....	<i>Vincent C. Alexander</i> 959
The author argues that the <i>Erie</i> doctrine mandates that a forum state's medical malpractice screening panel procedure be invoked in federal diversity actions. In addition, the use of such panels does not violate the seventh amendment.	
AN ANALYSIS OF ECONOMIC RELATIONS BETWEEN COTENANTS	<i>Lawrence Berger</i> 1015
The author examines the policy considerations underlying the economic relations between cotenants. Two models are proposed: (1) The co-enterpriser approach; and (2) the net lease approach.	
HANDLING THE "NEWS": A PROPOSED APPROACH FOR THE FEDERAL TRADE COMMISSION	<i>Kent S. Bernard</i> 1031
The author analyzes the uses of the term "new" and the Federal Trade Commission's positions on its uses, and extrapolates a general theory to determine when its use is legally proper.	
JUSTIFYING INVIGORATED SCRUTINY AND THE LEAST RESTRICTIVE ALTERNATIVE AS A SUPERIOR FORM OF INTERMEDIATE REVIEW: CIVIL COMMITMENT AND THE RIGHT TO TREATMENT AS A CASE STUDY.....	<i>Roy G. Spece, Jr.</i> 1049
The author discusses the least restrictive alternative principle as a form of intermediate scrutiny and explains an approach for justifying its application to determine whether, when, and what treatment must be afforded to mental patients.	

1
-
a
Notes

- ARIZONA WATER LAW: THE PROBLEM OF
INSTREAM APPROPRIATION FOR ENVIRONMENTAL
USE BY PRIVATE APPROPRIATORS..... *Tom Scribner* 1095

Efforts to protect riparian environment confront the issue of whether existing law recognizes private instream appropriation. The author argues that Arizona law must be amended to specifically allow such use.

- INDIAN CHILD WELFARE:
A JURISDICTIONAL APPROACH..... *Mack T. Jones* 1123

The Indian Child Welfare Act of 1978 incorporates a jurisdictional standard based on the tribal ties of Indian children. The author compares this standard with the concepts of presence and domicile.

- COMMERCIAL BRIBERY: A NEED FOR A FEDERAL
CRIMINAL STATUTE..... *Joan P. Weber* 1147

Commercial bribery is a national problem that has remained virtually unchecked because of a lack of adequate means to control it. The writer discusses the need for a comprehensive federal statute.

- VOICEPRINTS IN THE COURTROOM—SCIENTIFIC AND
EVIDENTIARY PROBLEMS *Ann Marie Giansiracusa* 1163

The author presents a scientific overview of spectrographic voice analysis for identification of a criminal defendant, and contrasts the differing standards courts employ regarding the admission of such evidence at trial.