INDEX

Follow this and additional works at: http://digitalcommons.law.wne.edu/lawreview

Recommended Citation

This Index is brought to you for free and open access by the Law Review & Student Publications at Digital Commons @ Western New England University School of Law. It has been accepted for inclusion in Western New England Law Review by an authorized administrator of Digital Commons @ Western New England University School of Law. For more information, please contact pnewcombe@law.wne.edu.
CUMULATIVE CONTENTS

ARTICLES

Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts
Jeremiah F. Healy III 1

Did the First Justice Harlan Have a Black Brother?
James W. Gordon 159

Are Letters Patent Grants of Monopoly?
Giles S. Rich 239

Expansion of Bankruptcy Court Jurisdiction as a Means to Provide More Adequate Remedies to Victims of Mass Torts
Carl L. Bucki 257

NOTES


Bankruptcy Law—Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action 109

Constitutional Law—First Amendment—No Constitutional Right to Vote for Donald Duck: The Supreme Court Upholds the Constitutionality of Write-in Voting Bans in Burdick v. Takushi 129

Criminal Law—United States v. Canino and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement 271
CONSTITUTIONAL LAW—HERNANDEZ v. NEW YORK: Did the Supreme Court Intend To Overrule BATSON'S Standard of "Racially Neutral"? .................. 315

CONSTITUTIONAL LAW—FIRST AMENDMENT—A Post-Sa-ble Look at Indecent Speech on the Airwaves and over the Telephone Lines ......................... 347

CRIMINAL LAW—Sifting Through the "Mixture" Problem To Determine a Drug Offender's Sentence .................................................. 395
### CONTENTS

**AUTHOR INDEX** ........................................................ . i
**TITLE INDEX** ........................................................ . ii
**SUBJECT INDEX** ........................................................ . ii

### AUTHOR INDEX

(Key: LA—Lead Article; LAC—Lead Article Commentary; SA—Student Article)

- **Bongiovi, Lisa A.**
  - Criminal Law—Sifting Through the “Mixture” Problem To Determine a Drug Offender’s Sentence (SA) ........................................................ 395

- **Bucki, Carl L.**
  - Expansion of Bankruptcy Court Jurisdiction as a Means To Provide More Adequate Remedies to Victims of Mass Torts (LA) .......................... 257

- **Dulchinós, Dean A.**
  - Bankruptcy Law—Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action (SA) ........................................................ 109

- **Gordon, James W.**
  - Did the First Justice Harlan Have a Black Brother? (LA) ........................................................ 159

- **Harvey, Katherine L.**
  - Criminal Law—United States v. Canino and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement? (SA) ........................................................ 271

- **Healy, Jeremiah F.**
  - Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts (LA) ........................................................ 1

- **Kaiser, Jeanne M.**
  - Constitutional Law—First Amendment—No Constitutional Right To Vote for Donald Duck: The Supreme Court Upholds the Constitutionality of Write-in Voting Bans in Burdick v. Takushi (SA) ........................................................ 129

- **O'Brien, Cheryl A.**
  - Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson’s Standard of “Racially Neutral”? (SA) ........................................................ 315

- **Reed, Claudia J.**
  - Housing Law—United States v. Columbus Country Club: How “Religious” Does an Organization Have To Be To Qualify for the Fair Housing Act’s Religious Organization Exemption? (SA) ........................................................ 61

- **Rich, Giles W.**
  - Are Letters Patent Grants of Monopoly? (LA) ........................................................ 239

- **Sheehan, Theresa M.**
  - Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines (SA) ........................................................ 347
TITLE INDEX

ARE LETTERS PATENT GRANTS OF MONOPOLY? Rich, Giles S. 239

BANKRUPTCY LAW—DETERMINING PROPERTY INTERESTS IN FUNDS RECOVERED PURSUANT TO THE SETTLEMENT OF A SECTION 547 PREFERENCE ACTION. Dulchinos, Dean A. 109

CONSTITUTIONAL LAW—FIRST AMENDMENT—A POST-SABLE LOOK AT INDECENT SPEECH ON THE AIRWAVES AND OVER THE TELEPHONE LINES. Sheehan, Theresa A. 347

CONSTITUTIONAL LAW—FIRST AMENDMENT—NO CONSTITUTIONAL RIGHT TO VOTE FOR DONALD DUCK: THE SUPREME COURT UPHOLDS THE CONSTITUTIONALITY OF WRITE-IN VOTING BANS IN BURDICK V. TAKUSHI. Kaiser, Jeanne M. 129

CONSTITUTIONAL LAW—HERNANDEZ V. NEW YORK: DID THE SUPREME COURT INTEND TO OVERRULE BATSON'S STANDARD OF "RACIALLY NEUTRAL"? O'Brien, Cheryl A. 315

CRIMINAL LAW—SIFTING THROUGH THE "MIXTURE" PROBLEM TO DETERMINE A DRUG OFFENDER'S SENTENCE. Bongiovi, Lisa A. 395

CRIMINAL LAW—UNITED STATES V. CANINO AND THE CONTINUING CRIMINAL ENTERPRISE: DO DRUG KINGPINS HAVE A RIGHT TO SPECIFIC JUROR AGREEMENT? Harvey, Katherine L. 271

DID THE FIRST JUSTICE HARLAN HAVE A BLACK BROTHER? Gordon, James W. 159

EXPANSION OF BANKRUPTCY COURT JURISDICTION AS A MEANS TO PROVIDE MORE ADEQUATE REMEDIES TO VICTIMS OF MASS TORTS. Bucki, Carl L. 257

HOUSING LAW—UNITED STATES V. COLUMBUS COUNTRY CLUB: HOW "RELIGIOUS" DOES AN ORGANIZATION HAVE TO BE TO QUALIFY FOR THE FAIR HOUSING ACT'S RELIGIOUS ORGANIZATION EXEMPTION? Reed, Claudia J. 61

TEN YEARS AFTER: A RECONSIDERATION OF THE CODIFICATION OF EVIDENCE LAW IN MASSACHUSETTS. Healy, Jeremiah F. 1

SUBJECT INDEX

ADMISSIBILITY OF EVIDENCE

Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts 1

AFRICAN-AMERICAN

Constitutional Law—HERNANDEZ v. NEW YORK: Did the Supreme Court Intend To OVERRULE BATSON'S STANDARD OF "RACIALLY NEUTRAL"? 315

ASSOCIATIONS

Housing Law—UNITED STATES v. COLUMBUS COUNTRY CLU: How "Religious" Does an Organization Have To Be To Qualify for the Fair Housing Act's Religious Organization Exemption? 61
BANKRUPTCY
Bankruptcy Law—Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action .......... 109
Expansion of Bankruptcy Court Jurisdiction as a Means To Provide More Adequate Remedies to Victims of Mass Torts ................. 257

BENEFICIAL ASSOCIATIONS

BROADCASTING
Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines .......... 347

BURDEN OF PROOF
Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts .................................................. 1

CANON LAW

CENSORSHIP
Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines .......... 347

CHARITIES

CHILDREN
Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines .......... 347

CHURCH AND STATE

CIVIL RIGHTS
Did the First Justice Harlan Have a Black Brother? ....................... 159

COMMUNICATIONS
Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines .......... 347

CONSTITUTIONAL AMENDMENTS
Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson’s Standard of “Racially Neutral”? .......... 315

CONSTITUTIONAL HISTORY
Did the First Justice Harlan Have a Black Brother? ....................... 159
CONSTITUTIONAL LAW
Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines ...................... 347
Constitutional Law—First Amendment—No Constitutional Right To Vote for Donald Duck: The Supreme Court Upholds the Constitutionality of Write-in Voting Bans in Burdick v. Takushi ......................... 129
Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson's Standard of "Racially Neutral"? ....... 315
Criminal Law—United States v. Canino and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement? ................................................. 271
Did the First Justice Harlan Have a Black Brother? .......................... 159
Housing Law—United States v. Columbus Country Club: How "Religious" Does an Organization Have To Be To Qualify for the Fair Housing Act's Religious Organization Exemption? ......................... 61

CONSTRUCTIVE TRUSTS
Bankruptcy Law—Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action .......... 109

CREDITOR AND DEBTOR
Bankruptcy Law—Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action .......... 109

CRIMINAL LAW
Criminal Law—Sifting Through the "Mixture" Problem To Determine a Drug Offender's Sentence .................................................. 395
Criminal Law—United States v. Canino and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement? ................................................. 271

CRIMINAL PROCEDURE
Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson's Standard of "Racially Neutral"? ....... 315
Criminal Law—Sifting Through the "Mixture" Problem To Determine a Drug Offender's Sentence .................................................. 395
Criminal Law—United States v. Canino and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement? ................................................. 271

CROSS-EXAMINATION
Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts ....................................................... 1

DAMAGES
Expansion of Bankruptcy Court Jurisdiction as a Means To Provide More Adequate Remedies to Victims of Mass Torts ...................... 257

DEBTOR AND CREDITOR
Bankruptcy Law—Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action .......... 109

DISCRIMINATION
Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson's Standard of "Racially Neutral"? ....... 315
CUMULATIVE INDEX

DRUG LAW
Criminal Law—Sifting Through the “Mixture” Problem To Determine a
Drug Offender’s Sentence ................................................. 357
Criminal Law—United States v. Canino and the Continuing Criminal Enter-
prise: Do Drug Kingpins Have a Right to Specific Juror
Agreement? ................................................................. 271

DUE PROCESS
Criminal Law—United States v. Canino and the Continuing Criminal Enter-
prise: Do Drug Kingpins Have a Right to Specific Juror
Agreement? ................................................................. 271

E

ECCLESIASTICAL LAW
Housing Law—United States v. Columbus Country Club: How “Religious”
Does an Organization Have To Be To Qualify for the Fair Housing
Act’s Religious Organization Exemption? .............................. 61

ELECTION LAW
Constitutional Law—First Amendment—No Constitutional Right To Vote
for Donald Duck: The Supreme Court Upholds the Constitutionality of
Write-in Voting Bans in Burdick v. Takushi .......................... 129

EQUAL PROTECTION
Constitutional Law—Hernandez v. New York: Did the Supreme Court In-
tend To Overrule Batson’s Standard of “Racially Neutral”? .......... 315

ESCROW
Bankruptcy Law—Determining Property Interests in Funds Recovered Pur-
suant to the Settlement of a Section 547 Preference Action ........ 109

ESTABLISHMENT CLAUSE
Housing Law—United States v. Columbus Country Club: How “Religious”
Does an Organization Have To Be To Qualify for the Fair Housing
Act’s Religious Organization Exemption? .............................. 61

EVIDENCE
Ten Years After: A Reconsideration of the Codification of Evidence Law in
Massachusetts ............................................................. 1

EXPERT WITNESSES
Ten Years After: A Reconsideration of the Codification of Evidence Law in
Massachusetts ............................................................. 1

F

FAIR HOUSING
Housing Law—United States v. Columbus Country Club: How “Religious”
Does an Organization Have To Be To Qualify for the Fair Housing
Act’s Religious Organization Exemption? .............................. 61

FEDERAL RULES OF EVIDENCE
Ten Years After: A Reconsideration of the Codification of Evidence Law in
Massachusetts ............................................................. 1

FIRST AMENDMENT RIGHTS
Constitutional Law—First Amendment—No Constitutional Right To Vote
for Donald Duck: The Supreme Court Upholds the Constitutionality of
Write-in Voting Bans in Burdick v. Takushi .......................... 129
<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines</td>
<td>347</td>
<td></td>
</tr>
<tr>
<td>Housing Law—United States v. Columbus Country Club: How “Religious” Does an Organization Have To Be To Qualify for the Fair Housing Act’s Religious Organization Exemption?</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>Freedom of Association</td>
<td>Constitutional Law—First Amendment—No Constitutional Right To Vote for Donald Duck: The Supreme Court Upholds the Constitutionality of Write-in Voting Bans in Burdick v. Takushi</td>
<td>129</td>
</tr>
<tr>
<td>Freedom of Speech</td>
<td>Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines</td>
<td>347</td>
</tr>
<tr>
<td></td>
<td>Constitutional Law—First Amendment—No Constitutional Right To Vote for Donald Duck: The Supreme Court Upholds the Constitutionality of Write-in Voting Bans in Burdick v. Takushi</td>
<td>129</td>
</tr>
<tr>
<td>Hearsay</td>
<td>Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts</td>
<td>1</td>
</tr>
<tr>
<td>Hispanic-Americans</td>
<td>Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson’s Standard of “Racially Neutral”?</td>
<td>315</td>
</tr>
<tr>
<td>History</td>
<td>Did the First Justice Harlan Have a Black Brother?</td>
<td>159</td>
</tr>
<tr>
<td>Housing</td>
<td>Housing Law—United States v. Columbus Country Club: How “Religious” Does an Organization Have To Be To Qualify for the Fair Housing Act’s Religious Organization Exemption?</td>
<td>61</td>
</tr>
<tr>
<td>Housing Discrimination</td>
<td>Housing Law—United States v. Columbus Country Club: How “Religious” Does an Organization Have to Be to Qualify for the Fair Housing Act’s Religious Organization Exemption?</td>
<td>61</td>
</tr>
<tr>
<td>Identification</td>
<td>Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts</td>
<td>1</td>
</tr>
<tr>
<td>Impeachment of Witnesses</td>
<td>Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts</td>
<td>1</td>
</tr>
</tbody>
</table>
J

JURIES
Constitutional Law—*Hernandez v. New York*: Did the Supreme Court Intend To Overrule *Batson's* Standard of “Racially Neutral”? 315
Criminal Law—*United States v. Canino* and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement? 271

L

LAW REFORM
Expansion of Bankruptcy Court Jurisdiction as a Means To Provide More Adequate Remedies to Victims of Mass Torts 257

LEGAL HISTORY
Did the First Justice Harlan Have a Black Brother? 159

LIABILITY
Expansion of Bankruptcy Court Jurisdiction as a Means To Provide More Adequate Remedies to Victims of Mass Torts 257

M

MINORITIES
Constitutional Law—*Hernandez v. New York*: Did the Supreme Court Intend to Overrule *Batson's* Standard of “Racially Neutral”? 315

MONOPOLIES
Are Letters Patent Grants of Monopoly? 239

N

NARCOTICS
Criminal Law—Sifting Through the “Mixture” Problem To Determine a Drug Offender’s Sentence 395

NARCOTICS LAW
Criminal Law—*United States v. Canino* and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement? 271

NEGligence
Expansion of Bankruptcy Court Jurisdiction as a Means To Provide More Adequate Remedies to Victims of Mass Torts 257

O

OBSCENITY
Constitutional Law—First Amendment—A Post-*Sable* Look at Indecent Speech on the Airwaves and over the Telephone Lines 347

P

PATENTS
Are Letters Patent Grants of Monopoly? 239

PENOLOGY
Criminal Law—Sifting Through the “Mixture” Problem To Determine a Drug Offender's Sentence 395
<table>
<thead>
<tr>
<th>Category</th>
<th>Topic</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSONAL INJURIES</td>
<td>Expansion of Bankruptcy Court Jurisdiction as a Means to Provide More Adequate Remedies to Victims of Mass Torts</td>
<td></td>
<td>257</td>
</tr>
<tr>
<td>PRIVILEGES</td>
<td>Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>PROCEDURE</td>
<td>Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson’s Standard of “Racially Neutral”?</td>
<td></td>
<td>315</td>
</tr>
<tr>
<td>PROPERTY</td>
<td>Bankruptcy Law—Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action</td>
<td></td>
<td>109</td>
</tr>
<tr>
<td></td>
<td>Housing Law—United States v. Columbus Country Club: How “Religious” Does an Organization Have To Be To Qualify for the Fair Housing Act’s Religious Organization Exemption?</td>
<td></td>
<td>61</td>
</tr>
<tr>
<td>PROSECUTING ATTORNEYS</td>
<td>Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson’s Standard of “Racially Neutral”?</td>
<td></td>
<td>315</td>
</tr>
<tr>
<td>PUNISHMENT</td>
<td>Criminal Law—Sifting Through the “Mixture” Problem To Determine a Drug Offender’s Sentence</td>
<td></td>
<td>395</td>
</tr>
<tr>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RADIO</td>
<td>Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines</td>
<td></td>
<td>347</td>
</tr>
<tr>
<td>RACES</td>
<td>Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson’s Standard of “Racially Neutral”?</td>
<td></td>
<td>315</td>
</tr>
<tr>
<td></td>
<td>Did the First Justice Harlan Have a Black Brother?</td>
<td></td>
<td>159</td>
</tr>
<tr>
<td>RACIAL DISCRIMINATION</td>
<td>Constitutional Law—Hernandez v. New York: Did the Supreme Court Intend To Overrule Batson’s Standard of “Racially Neutral”?</td>
<td></td>
<td>315</td>
</tr>
<tr>
<td></td>
<td>Did the First Justice Harlan Have a Black Brother?</td>
<td></td>
<td>159</td>
</tr>
<tr>
<td>REAL PROPERTY</td>
<td>Housing Law—United States v. Columbus Country Club: How “Religious” Does an Organization Have To Be To Qualify for the Fair Housing Act’s Religious Organization Exemption?</td>
<td></td>
<td>61</td>
</tr>
<tr>
<td>RELIGIOUS FREEDOM</td>
<td>Housing Law—United States v. Columbus Country Club: How “Religious” Does an Organization Have To Be To Qualify for the Fair Housing Act’s Religious Organization Exemption?</td>
<td></td>
<td>61</td>
</tr>
<tr>
<td>RIGHT TO TRIAL BY JURY</td>
<td>Criminal Law—United States v. Canino and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement?</td>
<td></td>
<td>271</td>
</tr>
</tbody>
</table>
CUMULATIVE INDEX

S

SENTENCING
Criminal Law—Sifting Through the "Mixture" Problem To Determine a Drug Offender's Sentence ........................................... 395

SETTLEMENTS
Bankruptcy Law— Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action ........ 109

T

TELEPHONE
Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines ............... 347

TELEVISION
Constitutional Law—First Amendment—A Post-Sable Look at Indecent Speech on the Airwaves and over the Telephone Lines ............... 347

TORTS
Expansion of Bankruptcy Court Jurisdiction as a Means To Provide More Adequate Remedies to Victims of Mass Torts ....................... 257

TRIAL BY JURY
Criminal Law—United States v. Canino and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement? ......................................................... 271

TRIAL PRACTICE
Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts ............................................................. 1

TRUSTS
Bankruptcy Law—Determining Property Interests in Funds Recovered Pursuant to the Settlement of a Section 547 Preference Action ........ 109

V

VERDICTS
Criminal Law—United States v. Canino and the Continuing Criminal Enterprise: Do Drug Kingpins Have a Right to Specific Juror Agreement? ......................................................... 271

W

WITNESSES
Ten Years After: A Reconsideration of the Codification of Evidence Law in Massachusetts ............................................................. 1