

# Tulsa Law Review

---

Volume 11 | Number 4

---

1976

## Subject Index

Follow this and additional works at: <https://digitalcommons.law.utulsa.edu/tlr>



Part of the [Law Commons](#)

---

### Recommended Citation

*Subject Index*, 11 Tulsa L. J. 639 (1976).

Available at: <https://digitalcommons.law.utulsa.edu/tlr/vol11/iss4/13>

This is brought to you for free and open access by TU Law Digital Commons. It has been accepted for inclusion in Tulsa Law Review by an authorized editor of TU Law Digital Commons. For more information, please contact [megan-donald@utulsa.edu](mailto:megan-donald@utulsa.edu).

## SUBJECT INDEX

### Subjects Covered in this Index

Accounts and Accounting	Interest
Actions and Defenses	Interstate Commerce
Administration of Justice	Judges
Administrative Agencies	Judgments
Administrative Law	Juries and Jurors
Antitrust	Jurisprudence
Appeal and Error	Labor Law
Arbitration and Award	Landlord and Tenant
Atomic Energy	Legislation
Attorneys	Licenses
Automobiles	Limitations of Actions
Banks and Banking	Mental Health
Bills and Notes	Mines and Mineral Resources
Children	Mortgages
Commercial Transactions	Motor Vehicles
Community Property	Negligence
Concurrent Estates	Notice
Constitutional Law	Oil and Gas
Consumer Protection	Parent and Child
Contracts	Parties to Actions
Corporations	Personal Property
Courts	Pipelines
Criminal Law	Pleading
Damages	Practice and Procedure
Debtor and Creditor	Prisons and Prisoners
Declaratory Judgments	Probate Practice and Procedure
Descent and Distribution	Products Liability
Eminent Domain	Professions and Occupations
Environmental Law	Public Utilities
Equity	Race Relations
Estate Planning	Real Property
Estates in Land	Recent Developments
Estoppel	Remedies
Evidence	Statutory Construction
Executors and Administrators	Tax Titles
Exemption	Taxation
Federal Jurisdiction and Practice	Torts
Fraud	Trial Practice
Gaming	Uniform State Laws
Government	Verdicts
Guardian and Ward	Waiver
Habeas Corpus	Witnesses
Highways and Streets	Workmen's Compensation
Husband and Wife	Zoning Law
Indians	

## SUBJECT INDEX

<b>Accounts and Accounting</b>	
Hybrid methods of accounting for the cash basis taxpayer (c)	442
<b>Actions and Defenses</b>	
Action at law, enforcement of contract obligations against the state (r)	459
Class actions in Oklahoma state courts (c)	429
Negligent infliction of mental distress; actions for (c)	587
Review of proposed changes in Restatement of Judgments concerning preclusion provisions (a)	305
Wrongful death of children action, statutory expansion of recoverable damages (c)	98
<b>Administration of Justice</b>	
Power of Oklahoma courts to suspend execution of criminal sentences (a)	26
<b>Administrative Agencies</b>	
National Labor Relations Board, suggested change in evidence required for proof of invidious discrimination before (c)	513
National Labor Relations Board, treatment of invidious discrimination by (c)	513
<b>Administrative Law</b>	
National Labor Relations Board, suggested change in evidence required for proof of invidious discrimination (c)	513
National labor relations acts, treatment of charges of invidious discrimination under (c)	513
<b>Antitrust</b>	
Standing to sue under section 4 of the Clayton Act, 15 U.S.C. § 15 (1970) (c)	542
The application of <i>Data Processing</i> to private treble damage actions (c)	542
<b>Appeal and Error</b>	
Rape, exceptional judicial scrutiny in Oklahoma (c)	279
<b>Arbitration and Award</b>	
Invidious discrimination, treatment of under national labor relations acts (c)	513
National Labor Relations Board, suggested change in evidence required to prove invidious discrimination (c)	513
<b>Assault &amp; Battery</b>	
<i>See Criminal Law; Damages; Torts</i>	
<b>Atomic Energy</b>	
Preemption under the Atomic Energy Act of 1954: Permissible state regulation of nuclear facilities' location, transportation of radioactive materials and radioactive waste disposal (c)	397
<b>Attorneys</b>	
Fees, recovery of in public interest litigation (c)	420
<b>Automobiles</b>	
<i>See Damages; Insurance; Motor Vehicles; Negligence; Torts</i>	
<b>Banks and Banking</b>	
Branch banks, customer-bank communication terminals are branch banks to the extent they receive deposits (c)	86
Branch banks, interpretation of whether a customer-bank communication terminal is a branch bank (c)	85
Checks, conflict concerning whether the use of a customer-bank communication terminal is payment of a check (c)	86, 88
Lending institutions required to pay interest upon home mortgage "escrow accounts," constitutionality of (r)	126
Loans, conflict over whether receipt of cash from a customer-bank communication terminal is a loan (c)	87, 88
<b>Bills and Notes</b>	
<i>Checks, conflict concerning whether the use of a customer-bank communication terminal is</i>	

(a) refers to articles; (f) refers to forums; (c) refers to notes and comments; (r) refers to recent developments.

- payment of a check (c) 86, 88
- Indexing and the gold clause
  - resolution (c) 451
- Loans, conflict over whether receipt of cash from a customer-bank communication terminal is a loan (c) 87, 88
- Variable interest rates (c) 456
- Children**
  - Student's right to due process (a) 45
  - Wrongful death of children, statutory expansion of recoverable damages (c) 98
- Commercial Transactions**
  - Checks, conflict concerning whether the use of a customer-bank communication terminal is payment of a check (c) 86, 88
  - Loans, conflict over whether receipt of cash from a customer-bank communication terminal is a loan (c) 87, 88
  - Usury law circumvention (c) 453
  - Usury rate differing from the market rate (c) 452
- Community Property**
  - Equated with coverture property in Oklahoma's intestate succession statutes (a) 1
- Concurrent Estates**
  - Community property equated with coverture property in Oklahoma's intestate succession statutes (a) 1
- Constitutional Law**
  - Clean Air Act compelling state administration of federal transportation control plans (r) 294
  - Contract clause not violated by state law requiring lending institutions to pay interest upon home mortgage "escrow accounts" (r) 126
  - Cost of repair in housing code compliance as a factor in the determination of whether the code is constitutional as applied (r) 131
  - Due process, involuntary confinement of civilly committed non-dangerous persons (c) 604
  - Due process not violated by state statute requiring lending institutions to pay interest upon home mortgage "escrow accounts" (r) 126
  - Due process, severed mineral interests under Oklahoma tax sale statutes (c) 615
  - Due process, statute regulating optometrist practice adjacent to retail outlet unconstitutionally vague (r) 111
  - Equal protection not denied by state statute requiring lending institutions to pay interest upon home mortgage "escrow accounts" (r) 127
  - First Amendment
    - no journalist privilege to withhold confidential communications (c) 258
  - First amendment
    - state statutory reactions to the *Branzburg* doctrine 258
  - Fourteenth amendment, certification of union by National Labor Relations Board as governmental action violating equal protection clause (c) 513
  - Fourteenth amendment, equal protection clause as restriction on power of National Labor Relations Board in case of invidious discrimination (c) 513
  - History, influence of Magna Carta on the United States Constitution (f) 504
  - Optometrists, statute proscribing practice adjacent to retail outlet unconstitutional for vagueness (r) 111
  - Preemption under the Atomic Energy Act of 1954: Permissible state regulation of nuclear facilities' location, transportation of radioactive materials and radioactive waste disposal (c) 397
  - Procedural Due Process, denial of right to self-representation in criminal trials violative of (c) 377

(a) refers to articles; (f) refers to forums; (c) refers to notes and comments; (r) refers to recent developments.

Protection of civil rights under 18 U.S.C. § 242 (1970) (f)	347	<b>Criminal Law</b>	
Right of privacy (c)	563	Arguments for and against providing compensation for victims of violent crimes (a)	477
Self-Representation in criminal trials, constitutional right to (c)	372	Marijuana prohibition, constitutionality (c)	563
Self-Representation in criminal trials, notice of the right (c)	387	Power of Oklahoma courts to suspend execution of criminal sentences (a)	26
Self-Representation in criminal trials, standby counsel, appointment of to assist <i>pro se</i> defendants (c)	390	Protection of civil rights under 18 U.S.C. § 242 (1970) (f)	347
Self-Representation in criminal trials, waiver of counsel (c)	388	Rape convictions, empirical data (c)	279
Sex, discrimination based upon is unconstitutional (r)	116	Review of proposed criminal code for Oklahoma (a)	157
Standards of judicial review, effect on constitutional challenges of marijuana prohibition (c)	563	Self-Representation in criminal trials, constitutional right to (c)	372
State action, applicability to private universities (f)	58	Self-Representation in criminal trials, notice of the right (c)	387
State action, what constitutes (r)	116	Self-Representation in criminal trials, standby counsel, appointment of to assist <i>pro se</i> defendants (c)	390
Student's right to due process (a)	45	Self-Representation in criminal trials, waiver of counsel (c)	388
Union duty of fair representation as a constitutional requirement (c)	513		
<b>Consumer Protection</b>		<b>Damages</b>	
Privacy legislation, requirements of proposed federal legislation (c)	76	Limitations on recovery for negligent infliction of mental distress (c)	587
Privacy legislation, requirements of state statutes (c)	81	Wrongful death of children, statutory expansion of recoverable damages (c)	98
Privacy legislation, requirements of the federal act (c)	72		
<b>Contracts</b>		<b>Debtor and Creditor</b>	
State contractual obligations, enforcement in an ordinary action at law (r)	459	Legislative alternatives to a low usury ceiling (c)	454
<b>Corporations</b>		<b>Declaratory Judgments</b>	
Usury rate; the corporate exception (c)	454	Optometrist action for injury to profession (r)	111
<b>Courts</b>		<b>Descent and Distribution</b>	
Costs, recovery of attorneys' fees in public interest litigation (c)	420	Community property concept in Oklahoma intestate succession statutes (a)	1
Power of Oklahoma courts to suspend execution of criminal sentences (a)	26	<b>Eminent Domain</b>	
		Interference with access caused by street improvements is noncom-	

(a) refers to articles; (f) refers to forums; (c) refers to notes and comments; (r) refers to recent developments.

- pensable exercise of police power (r) 120
- Environmental Law**  
Clean Air Act transportation control plans (r) 291
- Equity**  
Equitable power of courts to award attorneys' fees (c) 420  
Standard governing discretionary back pay remedy under Title VII of the Civil Rights Act of 1964 (c) 627
- Estate Planning**  
Community property concept as affecting descent and distribution in Oklahoma (a) 1  
Individual retirement accounts (a) 215
- Estate Tax**  
See *Taxation*
- Estates in Land**  
Severed mineral interests, effect of Oklahoma tax sale statutes upon (c) 615
- Estoppel**  
Class action judgment, effect on named, unidentified members in Oklahoma state class actions (c) 429  
Review of proposed changes in Restatement of Judgments concerning preclusion provisions (a) 305
- Evidence**  
National Labor Relations Board effect of requirements for proof of invidious discrimination (c) 513  
National Labor Relations Board, suggested change in requirements for proof of invidious discrimination (c) 513  
Privileged communications testimonial privilege for newsmen (c) 258  
Rape trials, infant witnesses (c) 279  
Rape trials, victim credibility (c) 279
- Executors and Administrators**  
Descent and distribution in Oklahoma as affected by community property concept (a) 1
- Exemption**  
Special rules concerning federal tax enforcement as applying to American Indians (a) 330
- False Imprisonment**  
See *Criminal Law; Damages; Torts*
- Federal Jurisdiction and Practice**  
Private Attorney General theory as the basis of attorneys' fees in federal practice (c) 420
- Fraud**  
Review of proposed criminal code for Oklahoma (a) 157
- Gaming**  
The premium savings bond (f) 241  
Various forms of legalized gambling (f) 242
- Gift Tax**  
See *Taxation*
- Government**  
Arguments for and against the state providing compensation for victims of violent crimes (a) 477  
National labor relations acts, treatment of invidious discrimination under (c) 513  
State action, when do government benefits constitute (r) 116  
State contractual obligations, enforcement in an ordinary action at law (r) 459
- Guardian and Ward**  
Special rules concerning federal tax enforcement as applying to American Indians (a) 330
- Habeas Corpus**  
Review of proposed criminal code for Oklahoma (a) 157
- Highways and Streets**  
Interference with access to land caused by street improvements is noncompensable (r) 120
- Husband and Wife**  
Community property concept in Oklahoma's intestate succession statutes as affecting distribution of property acquired during coverture (a) 1

(a) refers to articles; (f) refers to forums; (c) refers to notes and comments; (r) refers to recent developments.

<b>Income Tax</b>		<b>Invidious discrimination, treatment of under national labor relations acts (c)</b>	513
See <i>Taxation</i>			
<b>Indians</b>		<b>National Labor Relations Board, suggested change in evidence required to prove invidious discrimination (c)</b>	513
Special rules concerning federal tax enforcement as applying to American Indians (a)	330		
<b>Interest</b>		<b>Landlord and Tenant</b>	
Interest payment upon home mortgage "escrow accounts" required of lending institutions by state statutes (r)	126	Housing code, effect on urban environment (r)	129
Prepaid interest, permissibility of deductions for the cash basis taxpayer (c)	442	Leasehold will not be required to comply with housing code if the cost of compliance is so great as to constitute a taking (r)	131
Usury in Tennessee, fluctuating loan principal (c)	450	<b>Legislation</b>	
<b>Interstate Commerce</b>		Clean Air Act, 42 U.S.C. §§ 1857 <i>et seq.</i> (1970) (r)	291
Preemption under the Atomic Energy Act of 1954: Permissible state regulation of nuclear facilities' location, transportation of radioactive materials and radioactive waste disposal (c)	397	Clean Air Act § 110(a)(2)(B), 42 U.S.C. § 1857c-5(a)(2)(B) (1970) (r)	291
<b>Judges</b>		Fed. R. Civ. P. 23 (c)	429
Inherent authority of Oklahoma district court judges to suspend execution of criminal sentences (a)	26	Gold clause resolution H.R.J. Res. 192, ch. 48, 48 Stat. 112 (1933). See 31 U.S.C. § 463 (1970) (c)	451
<b>Judgments</b>		Md. Ann. Code art. 88D, § 24 (Supp. 1975) (f)	241
Power of Oklahoma courts to suspend execution of criminal sentences (a)	26	National Labor Relations Act, 29 U.S.C. §§ 141 <i>et seq.</i> (1970) (c)	513
Review of proposed changes in Restatement of Judgments concerning preclusion provisions (a)	305	N.Y. Bank. Law § 14-b (McKinney Supp. 1974) (r)	125
<b>Juries and Jurors</b>		N.Y. Gen. Oblig. Law § 5-601 (McKinney Supp. 1974) (r)	125
Authority of Oklahoma courts to suspend execution of criminal sentences (a)	26	Okla. Stat. tit. 12, § 233 (1971) (c)	429
Rape defendants, jury bias (c)	279	Okla. Stat. tit. 12, § 385.1 (Supp. 1975) (c)	272
<b>Jurisprudence</b>		Okla. Stat. tit. 12, § 1053 (1971) (c)	99
Private Attorney General theory as a basis of attorneys' fees (c)	420	Okla. Stat. tit. 12, § 1055 (Supp. 1975) (c)	99
<b>Labor Law</b>		Okla. Stat. tit. 16, § 76 (Supp. 1975) (Oklahoma Marketable Record Title Act) (c)	615
Back pay liability of employer who violates Title VII of the Civil Rights Act of 1964 (c)	627	Okla. Stat. tit. 21, §§ 1 <i>et seq.</i> (1971) (a)	157
		Okla. Stat. tit. 59, §§ 593-97 (1971) (r)	111
		Okla. Stat. tit. 68, § 2404 (1971) (c)	615

(a) refers to articles; (f) refers to forums; (c) refers to notes and comments; (r) refers to recent developments.

- Okla. Stat. tit. 68, § 2472 (Supp. 1975) (c) 615
- Okla. Stat. tit. 68, § 24201 (1971) (c) 615
- Okla. Stat. tit. 68, § 24311 (1971) (c) 615
- Okla. Stat. tit. 68, §§ 24313-28 (1971) (c) 615
- Okla. Stat. tit. 68, § 24312 (Supp. 1975) (c) 615
- Okla. Stat. tit. 68, §§ 24329-30 (1971) (c) 615
- Okla. Stat. tit. 68, § 24331 (Supp. 1975) (c) 615
- Okla. Stat. tit. 68, §§ 24332-37 (1971) (c) 615
- Okla. Stat. tit. 68, §§ 24338-40 (1971) (c) 615
- Okla. Stat. tit. 85, §§ 1 *et seq.* (1971) (r) 301
- St. Louis, Mo., Housing Code, Ordinance 51637, § 390.080 (1969) (r) 131
- Privacy Act of 1974, 5 U.S.C.A. § 552a (Supp. I, Feb. 1975) (c) 68
- 12 U.S.C. § 36(c) (1970) (c) 89
- 12 U.S.C. § 36(f) (1970) (c) 91
- 15 U.S.C. § 15 (1970) (c) 542
- 18 U.S.C. § 242 (1970) (f) 347
- 42 U.S.C. § 1983 (1970) (r) 116
- 42 U.S.C. § 2000e-5(g) (Supp. IV, 1974) (c) 627
- U.S. Const. amend. XIV, § 1(c) 513
- Licenses**
- Preemption under the Atomic Energy Act of 1954: Permissible state regulation of nuclear facilities' location, transportation of radioactive materials and radioactive waste disposal (c) 397
- Limitations of Actions**
- Negligent infliction of mental distress, no recovery for injuries suffered by individual geographically distant from scene of accident (c) 587
- Mental Health**
- Elimination of "dangerousness" as a requirement for involuntary civil commitment (c) 604
- Involuntary confinement of civilly committed nondangerous persons (c) 604
- Parens patriae* commitments of mentally ill persons (c) 604
- Mines and Mineral Resources**
- Severed mineral interests, effect of Oklahoma tax sale statutes upon (c) 615
- Minors**
- See *Children*
- Mortgages**
- Home mortgage "escrow accounts," state statute requiring interest be paid upon, declared constitutional (r) 126
- Motor Vehicles**
- Negligently inflicted mental distress resulting from automobile accidents (c) 587
- Negligence**
- Mental distress; limitations on recovery for (c) 587
- Notice**
- Self-Representation in criminal trials, notice of the right (c) 387
- Student's right to due process (a) 45
- Oil and Gas**
- Severed mineral interests, tax sales and due process in Oklahoma (c) 615
- Parent and Child**
- Wrongful death of children, statutory expansion of recoverable damages (c) 98
- Parties to Actions**
- Class actions, requirements of individual notice in Oklahoma state court proceedings (c) 429
- State as defendant in an action at law to enforce contractual obligations (r) 459
- Personal Property**
- Community property concept in Oklahoma's intestate succession statutes as affecting distribution of personal property acquired during coverture (a) 1
- Pipelines**
- Trans-Alaska pipeline litigation and attorneys' fees (c) 420

(a) refers to articles; (f) refers to forums; (c) refers to notes and comments; (r) refers to recent developments.

<b>Pleading</b>		<b>Public Utilities</b>	
Review of proposed changes in Restatement of Judgments con- cerning preclusion provi- sions (a)	305	Preemption under the Atomic Energy Act of 1954: Permis- sible state regulation of nuclear facilities' location, transporta- tion of radioactive materials and radioactive waste dis- posal (c)	397
<b>Practice and Procedure</b>		<b>Race Relations</b>	
Class actions, necessity of actual notice in Oklahoma state court proceedings (c)	429	Discrimination and requirement of state action (r)	116
Private Attorney General theory as a basis of attorneys' fees (c)	420	Labor law, treatment of charges of invidious discrimination under (c)	513
Rape trials, protection of de- fendant (c)	279	National Labor Relations Board, function as enforcer of national policy against invidious discrim- ination (c)	513
Review of proposed changes in Restatement of Judgments con- cerning preclusion pro- visions (a)	305	<b>Real Property</b>	
Self-Representation in criminal trials, constitutional right to (c)	372	Community property concept in Oklahoma's intestate succession statutes as affecting distribution of real property acquired during coverture (a)	1
Self-Representation in criminal trials, notice of the right (c)	387	Interference with access to land caused by street improvements is noncompensable exercise of police power (r)	120
Self-Representation in criminal trials, standby counsel, appointment of to assist <i>pro se</i> defendants (c)	390	Severed mineral interests, tax sales and due process in Oklahoma (c)	615
Self-Representation in criminal trials, waiver of counsel (c)	388	<b>Recent Developments</b>	
<b>Prisons and Prisoners</b>		Constitutional law, a sufficient nexus test for a finding of state action in civil rights litigation (r)	116
Protection of civil rights under 18 U.S.C. § 242 (1970) (f)	347	Interference with access to land caused by street improvements is noncompensable (r)	120
<b>Probate Practice and Procedure</b>		State as defendant in an action at law to enforce contractual obli- gations (r)	459
Community property concept in Oklahoma's intestate succession statutes (a)	1	<b>Remedies</b>	
<b>Products Liability</b>		Back pay, discretionary remedy under Title VII of the Civil Rights Act of 1964 (c)	627
Doctrine of unavoidably unsafe products applied to manu- facturer of polio vaccine (r)	296	Statutory expansion of damages, wrongful death of children (c)	98
Use of circumstantial evi- dence (r)	135	<b>Statutory Construction</b>	
<b>Professions and Occupations</b>		Back pay remedy under Title VII	
Privileged communications, testi- monial privilege for news- men (c)	258		
Optometry, statute regulating practice adjacent to retail outlet unconstitutional (r)	111		

(a) refers to articles; (f) refers to forums; (c) refers to notes and comments; (r) refers to recent developments.

- of the Civil Rights Act of 1964 (c) 627
- Emotionally caused peptic ulcer as an accidental injury under Workmen's Compensation Act (r) 301
- Fed. R. Civ. P. 23 (c) 429
- McFadden Act, conflict concerning the effect of the Act upon customer-bank communication terminals (c) 85
- New York statutes requiring lending institutions to pay interest upon home mortgage "escrow accounts," constitutionality of (r) 126
- Oklahoma statute expands recoverable damages for wrongful death of children (c) 98
- Okla. Stat. tit. 12, § 233 (1971) (c) 429
- Privacy legislation, requirements of the federal act (c) 68
- Shield statutes for newsmen (c) 267
- Tax sale statutes in Oklahoma, effect upon severed mineral interests (c) 615
- Tax sale statutes, structure and notice requirements (c) 615
- The causal connection interpretation under section 4 of the Clayton Act, 15 U.S.C. § 15 (1970) (c) 542
- The Maryland State Premium Savings Bond Program, construed as a lottery (f) 249
- 18 U.S.C. § 242 (1970) (f) 347
- Tax Titles**
- Individual retirement accounts (a) 215
- Tax sales, due process and severed mineral interests in Oklahoma (c) 615
- Taxation**
- Hybrid methods of accounting for the cash basis taxpayer (c) 442
- Individual retirement accounts (a) 215
- Prepaid interest, effect of Revenue Ruling 68-643 on prepayments (c) 442
- Prepaid interest, factors to consider for allowance of deductibility (c) 442
- Special rules concerning federal tax enforcement as applying to American Indians (a) 330
- Torts**
- Doctrine of unavoidably unsafe products applied to manufacturer of polio vaccine (r) 296
- Redefining the limits to recovery for negligent infliction of mental distress (c) 587
- Use of circumstantial evidence in products liability action (r) 135
- Trial Practice**
- Rape, cautionary jury instructions in California (c) 279
- Review of proposed changes in Restatement of Judgments concerning preclusion provisions (a) 305
- Uniform State Laws**
- Preemption under the Atomic Energy Act of 1954: Permissible state regulation of nuclear facilities' location, transportation of radioactive materials and radioactive waste disposal (c) 397
- Verdicts**
- Authority of Oklahoma courts to suspend execution of criminal sentences (a) 26
- Waiver**
- Right to counsel, waiver of by *pro se* defendants in criminal trials (c) 388
- Witnesses**
- Privilege against testifying, state statutory grants to newsmen (c) 267
- Workmen's Compensation**
- Accidental injury, emotionally caused peptic ulcer included (r) 301
- Emotionally caused peptic ulcer as accidental injury (r) 301
- Zoning Law**
- Preemption under the Atomic Energy Act of 1954: Permissible state regulation of nuclear facilities' location, transportation of radioactive materials and radioactive waste disposal (c) 397

(a) refers to articles; (f) refers to forums; (c) refers to notes and comments; (r) refers to recent developments.

