

1980

Volume 31 Issue 1 (1980)

Case Western Reserve University Law Review

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>

 Part of the [Law Commons](#)

Recommended Citation

Case Western Reserve University Law Review, *Volume 31 Issue 1 (1980)*, 31(1) Case W. Rsrv. L. Rev. Front Matter (1980)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol31/iss1/2>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.



CASE WESTERN RESERVE LAW REVIEW

Taxation of Nonqualifying Property
Distributed in Reorganizations

Allan J. Samansky

Optimality and Preservation of Consumer
Defenses—A Model for Reform

Benjamin Geva

Graymail: The Disclose or Dismiss
Dilemma in Criminal Prosecutions

Bank Financing of Hostile Acquisitions
of Corporate Loan Customers

The Determination of Medical Necessity:
Medicaid Funding for
Sex-Reassignment Surgery

CASE WESTERN RESERVE UNIVERSITY
LAW SCHOOL FACULTY

Administrative Officers

LINDSEY COWEN, B.A., J.D., LL.M., *Dean and Professor of Law*
DANIEL T. CLANCY, B.S., LL.B., *Associate Dean for Student
Affairs and Director of the Center
for Criminal Justice*
HUGH A. ROSS, B.S., LL.B., LL.M., S.J.D., *Associate Dean
for Academic Affairs and Professor of Law*

Dean Emeritus

FLETCHER R. ANDREWS, A.B., LL.B., J.S.D.

Professor Emeritus

SIDNEY B. JACOBY, J.D., LL.B.

Professors of Law

ROGER I. ABRAMS, B.A., J.D.
ARTHUR D. AUSTIN II, B.S., LL.B.
*Edgar A. Hahn Professor of
Jurisprudence*

RONALD J. COFFEY, A.B., LL.B., LL.M.
KENNETH S. COHEN, B.S., LL.B.
MELVYN DURCHSLAG, B.S., J.D.
LEON GABINET, Ph.B., J.D.
PAUL C. GIANNELLI, B.A., J.D.,
M.S., LL.M.

SIMON L. GOREN, Dip. Law, M.L.S.,
Librarian

PETER D. JUNGER, A.B., LL.B.
LEWIS R. KATZ, A.B., J.D.

John C. Hutchins Professor of Law

ROBERT P. LAWRY, B.A., J.D., Dip. Law

WILBUR C. LEATHERBERRY, A.B., J.D.

JAMES W. McELHANEY, A.B., LL.B.
*Joseph C. Hostetter Professor of
Trial Practice and Advocacy*

EDWARD A. MEARNS, JR., B.S., LL.B.

SPENCER NETH, B.A., LL.B., LL.M.

SIDNEY PICKER, JR., A.B., LL.B., LL.M.
*U.S. Director, Canada-U.S. Law
Institute*

OLIVER C. SCHROEDER, JR., A.B., J.D.

*Albert J. Weatherhead III and Richard
W. Weatherhead Professor of Law and
Criminal Justice*

MORRIS G. SHANKER, B.S.E.E., M.B.A.,
J.D.

John Homer Kapp Professor of Law

Associate Professor of Law

KAREN N. MOORE, A.B., J.D.

Assistant Professors of Law

DAVID N. HAYNES, B.A., M.A., Ph.D., J.D.

MARCIA GAUGHAN MURPHY, A.B., J.D.

Case Western Reserve Law Review

Volume 31

Fall 1980

Number 1

Editor-in-Chief

Paul Eric Gutermann

Notes Editor

Rita A. Bartnik

Articles Editor

Timothy F. Danello

Notes Editor

Thomas E. Lodge

Managing Editor

Jeffrey C. LeBarron

Topics Editor

Paul R. Lovejoy

Research Editor

Dianne Hobbs

Editors

John N. Adams
Leo Gerard Daly
Valerie A. Gentile
Jeffery L. Gibbs
Karen H. Greve

Bob C. Griffo
M. Nicole Marcey
Laura Hollis Markson
Mary Warren Rekate
Arlene B. Richman

Associate Editors

Thomas J. Horton

David P. Porter

Associates

Elizabeth Barker
Ellen Jane Clark
Elizabeth Clough
Judith L. Colenback
Gretchen M. Corp
Jonathan Deevy
Sheryl A. DeSantis
Bradley C. Elrod
Linda Beth Frisch
Sarah J. Gabinet
Myra Gendel
Debra D. Golden
Ksenia Jankovich

Jane Kestenbaum
John L. Kraus
Kathy Pittak Lazar
William F. LePage
Raymond M. Malone
Lawrence P. McCarthy III
Bruce W. McClain
Kathleen P. McDonald
Richard H. Miller
Edward Winslow Moore
Laura C. Mow
Elizabeth B. Murdock

Lynn Frances Ondrey
Jonathan N. Savage
Cynthia Anne Smith
David Somrak
Roger W. Strassburg Jr.
Sandra I. Tart
Theodore J. Tucci
Michael Willis Vary
David Wardell
Donna Mae Weaver
Andrew White III
Donald L. Willits
James Wooley

Faculty Advisor

Karen Nelson Moore
Associate Professor of Law

Case Western Reserve Law Review

Volume 31

Fall 1980

Number 1

Copyright © by Case Western Reserve Law Review

Contents

ARTICLES

- Taxation of Nonqualifying Property
Distributed in Reorganizations
Allan J. Samansky 1
- Optimality and Preservation of Consumer
Defenses—A Model for Reform
Benjamin Geva 51

NOTES

- Graymail: The Disclose or Dismiss Dilemma
in Criminal Prosecutions 84
- Bank Financing of Hostile Acquisitions of
Corporate Loan Customers 132
- The Determination of Medical Necessity:
Medicaid Funding for Sex-
Reassignment Surgery 179

The CASE WESTERN RESERVE LAW REVIEW, formerly the Western Reserve Law Review, is published quarterly by the students of the Case Western Reserve School of Law. Second class postage paid at Cleveland, Ohio and additional mailing offices.

Editorial and business offices are located at Case Western Reserve University, 11075 East Blvd., Cleveland, Ohio 44106, telephone (216) 368-3312. The submission of unsolicited manuscripts is invited.

Subscriptions are entered for the entire volume only at \$12.00 per year. Single copies of issues in the current volume are available for \$3.50. For foreign orders add \$1.00 per year for subscriptions, \$0.40 per single copy ordered. If a subscription is to be discontinued at expiration, notice to that effect should be sent to the Managing Editor; otherwise the subscription will be continued.

Back issues are available from the Case Western Reserve Law Review.

The Review is a member of the National Conference of Law Reviews. Citations conform to *A Uniform System of Citation* (12th ed. 1976), copyright by the *Columbia, Harvard, and University of Pennsylvania Law Reviews* and the *Yale Law Journal*. Style conforms generally to the *United States Government Printing Office Style Manual* (rev. ed. 1973).

Except as otherwise provided, the *Case Western Reserve Law Review* grants permission for each article in this volume to be copied for use by nonprofit educational institutions, provided that 1) copies are distributed at or below cost, 2) the author and the *Review* are identified, and 3) proper notice of copyright is affixed to each copy.

* Cover Design by Susan Abramson