

1968

Volume 19 Issue 2 (1968)

Case Western Reserve Law Review

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

 Part of the [Law Commons](#)

Recommended Citation

Case Western Reserve Law Review, *Volume 19 Issue 2 (1968)*, 19(2) Case W. Rsrv. L. Rev. Front Matter (1968)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol19/iss2/2>

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

Editor-in-Chief

DAVID L. ROSENZWEIG

Executive Editor

JEFFREY P. WHITE

Editors

ROBERT J. CRUMP
WILLIAM J. DAVIS

ANDREW HUTYERA
IRA H. MEYER

MICHAEL S. YAUCH

Business Manager

FRED A. WATKINS

Editorial Board Members

MARIO C. CIANO
ALAN B. GEORGE

WILBUR C. LEATHERBERRY
W. JAMES OLLINGER

FRED A. WATKINS

Board Members

LAWRENCE S. ALLEN
FRED C. BOWER
LARRY B. FAIGIN
JOHN M. FLYNN

HARLAN M. GORDON
JOHN A. RITTER
GERALD H. RUBIN
FELIX J. ZIOBERT

Associates

Boyd G. Adelman
William W. Allport
Thomas H. Baughman
Stephen L. Buescher
Terence J. Clark
Lawrence S. Dolin
David S. Dubin
Peter Grishman
Frank I. Harding III
George Harwin
James L. Hildebrand
Jan Horbaly

Bernard C. Johnson
Thomas H. Kemp
James M. Klein
Jeffrey L. Klein
Joel A. Makee
Gilbert M. Manchester
James D. Manown, Jr.
Wallace J. Mayer, Jr.
Thomas Mester
David J. Newburger
Stephen M. O'Bryan
William S. Paddock

Brian H. Richman
William E. Riedel
Charles R. Schaefer
Mark Schlachet
Richard H. Schwachter
Robert M. Sheahan
John Z. Szabo
Frederick P. Vergon, Jr.
David S. Weil, Jr.
Harold R. Weinberg
James D. Welch
John F. Wetli

Member, National Conference of Law Reviews. Citations conform to *A Uniform System of Citation* (11th ed. 1967); style conforms generally to the *United States Government Printing Office Style Manual* (rev. ed. 1967).

The Case Western Reserve Law Review, formerly the Western Reserve Law Review, is published bimonthly five times a year by students of Case Western Reserve Law School. Copyright © 1968, by Case Western Reserve University, Cleveland, Ohio 44106. Second class postage paid at Oberlin, Ohio 44074.

Subscriptions: \$7.50 per year in the United States, \$8.50 per year elsewhere. If subscription is to be discontinued at expiration, notice should be sent to the Business Manager, otherwise it will be renewed as usual.

Single Issues: Single issues of the current volume are available for \$2.50 from the Law Review. Back issues are available from Dennis & Co., Inc., 251 Main Street, Buffalo, New York 14203.

Address all correspondence to:

Case Western Reserve Law Review
Case Western Reserve University
Cleveland, Ohio 44106
Telephone 216 — 231-7700 [Ext. 632]

CONTENTS

Volume 19

January 1968

Number 2

ARTICLES

- THE MERITS OF ANTIMERGER POLICY — A REPLY TO
PROFESSOR GALBRAITH
DONALD F. TURNER 201
- PROXY FIGHT EXPENDITURES OF INSURGENT
SHAREHOLDERS
LEONARD S. MACHTINGER 212
- COLLATERAL ESTOPPEL AS THE ANSWER TO MULTIPLE
LITIGATION PROBLEMS IN FEDERAL TAX LAW:
ANOTHER VIEW OF SUNNEN AND THE EVERGREENS
CHARLES A. HECKMAN 230
- MATHEMATICAL AND STATISTICAL PROBABILITY AS A
TEST OF CIRCUMSTANTIAL EVIDENCE
THOMAS H. LIDDLE III 254

COMMENT

- THE NEW CRIMINAL DEPOSITION STATUTE IN OHIO — HELP
OR HINDRANCE TO JUSTICE? 279

NOTES

- NEW DRAFT LAW: ITS FAILURES AND FUTURE 292
- UNIT DETERMINATION AND THE PROBLEM OF CRAFT SEVERANCE 327
- INTERPRETIVE PROBLEMS OF OHIO'S LONG-ARM STATUTE 347

RECENT DECISIONS

- CRIMINAL LAW — STATE NOT CONSTITUTIONALLY OBLIGATED
TO PROVIDE COUNSEL FOR INDIGENT MISDEMEANANT [*City of
Toledo v. Frazier*, 10 Ohio App. 2d 51, 226 N.E.2d 777 (1967)] 367
- DAMAGES — BREACH OF CONTRACT — ACCOUNTING ANALYSIS
[*Vitex Manufacturing Co. v. Carbitex Corp.*, 377 F.2d 795 (3d
Cir. 1967)] 375

CRIMINAL LAW — SELF-INCRIMINATION — COMPULSORY MENTAL EXAMINATION [<i>State v. Raskin</i> , 150 N.W.2d 318 (Wis. 1967)]	382
LICENSES — ACCOUNTANTS' LIABILITY — DUTY TO DISCLOSE [<i>Fisher v. Kletz</i> , 266 F. Supp. 180 (S.D.N.Y. 1967)]	387
CONSTITUTIONAL LAW — DUE PROCESS — JUVENILE COURT HEARINGS [<i>In re Gault</i> , 387 U.S. 1 (1967)]	394
CONSTITUTIONAL LAW — STATE TAXATION OF INTERSTATE COMMERCE — OUT-OF-STATE RETAILER AS COLLECTOR OF USE TAX [<i>National Bellas Hess, Inc. v. Department of Revenue</i> , 386 U.S. 753 (1967)]	403
CRIMINAL LAW — RIGHT TO COUNSEL AT PRETRIAL IDENTIFICATION — PROSPECTIVE APPLICATION [<i>Stovall v. Denno</i> , 388 U.S. 293 (1967)]	410
MORTGAGES — LIEN AND PRIORITY — MORTGAGES AND MECHANICS' LIENS [<i>Wayne Building & Loan Co. v. Yarrowrough</i> , 11 Ohio St. 2d 195, 228 N.E.2d 841 (1967)]	423
CASES NOTED	436
BOOK REVIEWS	
MODERN SECURITIES TRANSFERS, by Carlos L. Israels and Egon Guttman Ronald J. Coffey	450
WATER RIGHTS, by J. H. Beuscher Arnold W. Reitze, Jr.	454
BOOKS NOTED	457