
*Keep abreast of all major changes
in the criminal law with*

The CRIMINAL LAW REPORTER

To keep up with all that's happening today in the rapidly changing field of criminal law, you need The CRIMINAL LAW REPORTER. The scope of the REPORTER is as broad as the field it covers, ranging from the day-to-day interpretation and application of the existing criminal law as reflected in the opinions and proceedings of courts at every level . . . to the formulation of new legislation . . . to unconventional (and controversial) proposals for socio-economic approaches to crime and the criminal.

Each week you get a crisply written review and analysis of the latest criminal law developments. You get Supreme Court proceedings, arguments, actions, and filings. You get decisions and proceedings of federal courts of appeals and district courts, as well as the principal courts of all the states. You get a roundup of notable actions in Congress and the state legislatures. You get digests of reports and recommendations of commissions, associations, committees, the bar, and the press. You get the full text of all opinions of the U.S. Supreme Court in criminal cases, and of significant federal legislation. You get cumulative indexes every six weeks, and a final index for the six-month period covered by each REPORTER volume.

You get all this—plus a sturdy filing and reference binder—when you get The CRIMINAL LAW REPORTER.

For additional information and particulars of subscription rates, please write:



THE BUREAU OF NATIONAL AFFAIRS, INC.
1231 25th St. N.W., Washington, D.C. 20037

ANY LAWYER

"Worth His Salt"

Our mails contain many interesting letters and now and then we come across one that makes us feel our efforts are really worthwhile. We share this excerpt with you:

"Like all lawyers, I am lost when I cannot find or am temporarily without my citators. Neither the undersigned or any lawyer worth his salt should ever go into court, write a memorandum of the law or a brief without bringing his case up to the last citator and then his state's current advance sheets. Incidentally, in twelve years of using your publications and doing a fairly heavy share of research law, I cannot recall having found an error or a mis-citation. To err is human, and I don't know how you do such a damn fine inhuman job of putting out your books."



Shepard's Citations

P. O. Box 1235, Colorado Springs, Colorado 80901

SERVING THE LEGAL PROFESSION FOR OVER A CENTURY

UNIVERSAL LAW BOOK CO., INC.

Woolworth Building,
233 Broadway,
New York, N.Y. 10007

(212) 227-0163

“A personal law book service to
law students for over forty years”

The Hofstra Law Review is proud to announce the election of the following students to the Board of Editors for Volume 5:

Editor-in-Chief	Fred D. Heather
Managing Editors	William F. McCartin Wendy G. Singley
Articles Editors	Charles M. Chernick Miriam Hyman
Notes and Comments Editors	Karen G. Crockett Jeffrey D. Fields Stacey J. Moritz Edmond P. Murphy
Recent Developments Editor	Jack M. Platt
Book Review Editor	Lawrence N. Mullman
Research Editors	Jonathan Falk Brad E. Scheler

Hofstra Law Review

Volume 4, No. 3
Spring 1976

HEMPSTEAD, NEW YORK 11550

Hofstra Law Review

UNIVERSAL LAW BOOK CO. INC.

Woolworth Building,
233 Broadway,
New York, N.Y. 10037

(212) 227-0363

"A personal law book service to
law students for over forty years"

Cite as 4 HOFSTRA L. REV.

The Hofstra Law Review is proud to present the election of the
following students to the Board of Editors for Volume 4

Editor-in-Chief	David D. Hender
Managing Editor	William F. Hender
	Wanda G. Hender
Articles Editor	Charles M. Hender
	Michael Hender
Notes and Comments Editor	Robert G. Hender
	Jeffrey D. Hender
	James J. Hender
	Edward J. Hender
Recent Developments Editor	Jack M. Hender
Book Review Editor	Lawrence M. Hender
Research Editor	Samuel J. Hender
	Paul A. Hender

Hofstra Law Review

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

Volume 4, No. 3

Spring 1976

BOARD OF EDITORS

ROBERT M. ABRAHAMS

Editor-in-Chief

ROBERT L. DOUGLAS

Managing Editor

C. PAYSON COLEMAN, JR.

Articles Editor

KENNETH G. ROTHSTEIN

Recent Developments Editor

MORTON J. MARSHACK

FAITH WENDER

Notes and Comments Editors

NICKI LYNN KOUTSIS

ALAN D. REITZFELD

Research Editors

MARK PAUL SCHNAPP

Book Review Editor

MARVIN C. GUTTER

Business Manager

ASSOCIATE EDITORS

MARK STEVEN ADLER

BRIAN M. ASSERSON

RONALD T. CARMAN

PATRICK WINSTON DUNN

JAMES R. FREESWICK

LEONARD GRUMBACH

MARK M. HOROWITZ

DAVID MICHAEL ISRAEL

ROGER B. KAPLAN

ELYSE F. KLEIN

SCOTT HARRIS KLEIN

RICHARD K. MATANLE

JOHN F. MOLINARI

STEPHANIE ORTOLEVA

MICHAEL F. SEIDENWAR

ALAN E. WOLIN

STAFF

NORMA J.G. BLUMENFELD

CHARLES M. CHERNICK

BRIAN S. CONNEELY

KAREN G. CROCKETT

JONATHAN FALK

JEFFREY D. FIELDS

MICHAEL B. FRANK

FRED D. HEATHER

MIRIAM HYMAN

MARVIN L. ITZKOWITZ

MONTE A. JACKEL

ROBERT JOHNSON

SUSAN KANE

LEWIS KURFIST

WILLIAM F. MCCARTIN

STACEY JOAN MORITZ

LAWRENCE N. MULLMAN

EDMOND P. MURPHY

JACK M. PLATT

MICHAEL ROSEN

DORIA SALETSKY

ARTHUR D. SANDERS

BRAD ERIC SCHELER

MERYL SILVERMAN

WENDY G. SINGLEY

NORTON L. TRAVIS

BARRY C. WEISS

CHARLENE ZIMMER

STUART RABINOWITZ

Faculty Advisor

HOFSTRA UNIVERSITY SCHOOL OF LAW

ADMINISTRATIVE OFFICERS

Monroe H. Freedman, A.B., LL.B., LL.M., *Dean and Professor of Law*
Aaron D. Twerski, B.S., J.D., *Associate Dean and Professor of Law*
Stuart J. Filler, B.B.A., M.B.A., J.D., *Associate Dean and Associate Professor of Law*
David E. Benjamin, B.A., J.D., *Assistant Dean*
Eugene M. Wypyski, LL.B., M.L.S., *Law Librarian and Professor of Law*
Luciana Chee, B.A., M.A., M.L.S., *Cataloger*
Lois Campbell, B.A., M.L.S., *Reference Librarian*
Mary Cooper, B.A., M.L.S., *Acquisitions Librarian*
Saul A. Miller, B.A., J.D., *Placement Officer*
Etta Fafarman, *Administrative Assistant For Admissions*
Lore Furst, *Assistant to the Dean*
Charlotte Z. Hoffer, *Assistant to the Dean*
Inge Klomm, *Assistant to the Associate Dean*

FACULTY

Burton C. Agata, B.A., J.D., LL.M., *Professor of Law*
Marina Angel, B.A., J.D., *Associate Professor of Law*
Linda K. Champlin, B.A., LL.B., *Associate Professor of Law*
David A. Diamond, A.B., LL.B., LL.M., *Associate Professor of Law*
Leon Friedman, A.B., LL.B., *Associate Professor of Law*
William R. Ginsberg, B.A., J.D., *Associate Professor of Law*
John DeWitt Gregory, B.A., J.D., *Professor of Law*
Herman D. Hillman, B.A., J.D., *Professor of Law*
Linda Hirschson, A.B., LL.B., LL.M., *Associate Professor of Law*
David K. Kadane, B.A., LL.B., *Professor of Law*
Lawrence W. Kessler, B.A., J.D., *Associate Professor of Law*
Josephine Y. King, B.A., M.A., Ph.D., J.D., *Professor of Law**
Malachy T. Mahon, B.A., J.D., *Professor of Law*
Shelia Rush Okpaku, B.A., LL.B., *Professor of Law*
Abraham P. Ordovery, B.A., J.D., *Professor of Law*
Daniel Q. Posin, Jr., B.A., M.A., J.D., LL.M., *Associate Professor of Law*
Stuart Rabinowitz, B.A., J.D., *Associate Professor of Law*
Alan N. Resnick, B.A., J.D., LL.M., *Assistant Professor of Law*
Eric J. Schmertz, B.A., J.D., *Professor of Law*
Ronald H. Silverman, B.A., J.D., *Associate Professor of Law*
Brenda S. Soloff, A.B., LL.B., *Associate Professor of Law*
Harvey W. Spizz, B.A., J.D., *Assistant Professor of Law and Executive Director of Community Legal Assistance Corporation*
David B. Durk, B.A., LL.D. (Hon.), *Distinguished Visiting Professor of Law and Social Change*
The Honorable Marvin E. Frankel, A.B., LL.B., *Distinguished Visiting Professor of Legal Ethics*
Melvin L. Wulf, B.S., LL.B., *Distinguished Visiting Professor of Constitutional Litigation*
Irving Younger, A.B., LL.B., *Distinguished Visiting Professor of Advanced Procedure*
David N. Brainin, B.A., J.D., *Special Professor of Law*
The Honorable Karen S. Burstein, A.B., J.D., *Special Professor of Law*
Michael L. Cook, A.B., J.D., *Special Professor of Law*
Nathan Z. Dershowitz, B.A., J.D., *Special Professor of Law*
The Honorable Bertram Harnett, B.A., LL.B., *Special Professor of Law*
Lawrence G. Kurland, B.E.E., J.D., *Special Professor of Law*
Dr. Harvey Levin, A.B., M.A., Ph.D., *Special Professor of Law*
Kenneth P. Norwick, B.A., J.D., *Special Professor of Law*
Eric D. Offner, B.B.A., J.D., *Special Professor of Law*
David G. Sacks, B.A., LL.B., *Special Professor of Law*
Leonard L. Stark, B.A., C.P.A., LL.B., *Special Professor of Law*
Dr. Jacob Weissman, A.B., J.D., Ph.D., *Special Professor of Law*
Stanley S. Weithorn, B.S., J.D., LL.M., *Special Professor of Law*
Jonathan E. Gradess, B.A., J.D., *Special Professor of Law and Staff Attorney, Community Legal Assistance Corporation*
Susan Kluewer, A.B., J.D., *Special Professor of Law and Staff Attorney, Community Legal Assistance Corporation*
Charles J. McEvily, A.B., J.D., *Special Professor of Law and Senior Staff Attorney, Community Legal Assistance Corporation*
Harvey Weinig, B.A., J.D., *Special Professor of Law and Staff Attorney, Community Legal Assistance Corporation*
Lance J. Lieberman, B.S., M.E., J.D., *Special Professor of Law, Director, Moot Court Program*

*On leave 1975-76

Hofstra Law Review

Volume 4, No. 3

Spring 1976

CONTENTS

ARTICLES

- THIRD-PARTY TORTFEASORS' RIGHTS WHERE COMPENSATION-COVERED EMPLOYERS ARE NEGLIGENT—WHERE DO DOLE AND SUNSPAN LEAD? Clifford Davis 571

- PARTY AUTONOMY AND CHOICE-OF-LAW: THE RESTATEMENT (SECOND). INTEREST ANALYSIS, AND THE SEARCH FOR A METHODOLOGICAL SYNTHESIS Alan D. Weinberger 605

NOTES AND COMMENTS

- ALL THE KING'S HORSES AND ALL THE KING'S MEN: THE FAILING COMPANY DOCTRINE AS A CONDITIONAL DEFENSE TO SECTION 7 OF THE CLAYTON ACT 643

- ATTORNEY-CLIENT CONFIDENTIALITY: A NEW APPROACH 685

- INFORMED CONSENT IN NEW YORK UNDER THE MEDICAL MALPRACTICE INSURANCE ACT 701

- DISCLOSURE OF CORPORATE PAYMENTS ABROAD AND THE CONCEPT OF MATERIALITY 729

- NATIONAL SECURITY INFORMATION UNDER THE AMENDED FREEDOM OF INFORMATION ACT: HISTORICAL PERSPECTIVES AND ANALYSIS 759

- LIVE BIRTH: A CONDITION PRECEDENT TO RECOGNITION OF RIGHTS 805

RECENT DEVELOPMENTS

- COMMITTEE FOR GI RIGHTS v. CALLAWAY—*Constitutional Law—Criminal Procedure—Fourth Amendment*—518 F.2d 466 (D.C. Cir. 1975) 837

- SMITH v. WESTLAND LIFE INSURANCE Co.—*Insurance—Termination of Interim Insurance Coverage*—15 Cal. 3d 111, 539 P.2d 433, 123 Cal. Rptr. 649 (1975) 855

- UROWSKY v. BOARD OF REGENTS—*Constitutional Law—First Amendment—Due Process*—38 N.Y.2d 364, 342 N.E.2d 583, 379 N.Y.S.2d 815 (1975) 867

- MANEY v. RATCLIFF—*Constitutional Law—Fourth Amendment—Computerized Law Enforcement Records*—399 F. Supp. 760 (E.D. Wis. 1975) 881

BOOK REVIEW

LAWYERS' ETHICS IN AN ADVERSARY SYSTEM. By MONROE H. FREEDMAN.

..... reviewed by *William M. Kunstler* 895

BOOKS RECEIVED 901

The HOFSTRA LAW REVIEW is published in the Fall, Winter, and Spring by students of the Hofstra University School of Law. The current subscription rate is ten dollars per volume. Individual issues are available at four dollars per copy. Subscription renewals will be automatic unless notice to the contrary is received. All communications should be addressed to: HOFSTRA LAW REVIEW, Hofstra University School of Law, Hempstead, New York 11550.