The Law Review is pleased to consider unsolicited manuscripts for publication. All manuscripts should conform to *A Uniform System of Citation*, Fifteenth Edition. Manuscripts should be addressed to: Articles Editor, Hofstra Law Review, Hofstra University School of Law, 121 Hofstra University, Hempstead, New York 11550-1090. Unsolicited manuscripts will not be returned except upon specific request at time of submission.
HOFSTRA LAW REVIEW

Volume 23, No. 2
Winter 1994

Editor-in-Chief
JOAN T. PINAIRE

Managing Editors
WILLIAM M. HEBERER III  ERIC S. SCHAEF

Articles Editors
WAYNE M. AARON
LYSE M. GARANT
SANDRA LE PRIOL-VREJAN

Notes & Comments Editors
MICHAEL J. DRESCOLL
TANYA M. MURRAY
MINDY SCHULMAN ROMAN
ADAM S. ROSENBERG

Research Editors
DANIEL G. BISHOP
JUDITH N. EIDENBERG
HUGH A. FORDE

Business Administrator
JAMES E. DEVINE

Associate Editors
CATHY A. DIFIGLIA
JULIE A. FRIEDELANDER
JAY GEIGER
SHERI L. GILBERT

WILLIAM BOULIER
DOUGLAS C. BUFFONE
TIMOTHY J. CAMPANELLA
LAURA A. CRAVEN
BRIAN C. DILLON

Carly H. Hauge
Marikay A. Hines
Anthony Pasca
James N. Salvage, Jr.

David M. Appel
David Austin
Azam H. Aziz
Robert J. Barbarelli
Suzanne M. Behan
Eric E. Bensen
Bernard Brody
Gregory Brucia
Sandra D. Capobianco
Michael Carcello III
Melinda P. Carnes
Ann M. Carrozza
Robin A. Chadwick
Diane Chan
Brian J. Cohen
Linda B. Contino

Research Editors
DAYNA K. OLSON
REBECCA Y. SASSOUNI
DAVID H. SCHULTZ
DAVID M. SUSSWEIN

Senior Staff
HENRY C. TANCK
SATSIE VEITH
STEVEN A. WEISS
ALLYSON D. WENIG
MARC D. ZISSELMAN

Staff
KEVIN D'EBLASI
JEFFREY DEGEORGES
STEPHEN E. EHRlich
IAN FELDMAN
MICHHELL FERRARO
RICHARD FREIRE
CARYN S. GLASSER
IRA R. HALPERIN
JESSICA H. HOGAN
MICHAEL HOOPS
PETER C. KAITERIS
AIILEEN KENT
BRIAN C. KERR
KENNETH L. LaVan
EMILY N. LEVY
THOMAS MCKEVITT
VIVEK MELWANI

Faculty Advisory Board
RICHARD K. NEUMANN
RONALD H. SILVERMAN

Alumni Advisory Board Chairperson
RICHARD B. SYpher
Editor-in-Chief, Volume 10

Hofstra Law Review, Vol. 23, Iss. 2 [1994], Art. 8
http://scholarlycommons.law.hofstra.edu/hlr/vol23/iss2/8
HOFSTRA UNIVERSITY SCHOOL OF LAW
ADMINISTRATIVE OFFICERS

Stuart Rabinowitz, B.A., J.D., Dean and Alexander M. Bickel Distinguished Professor of Communications Law
M. Patricia Adamski, B.A., J.D., Vice Dean and Adolph J. and Dorothy R. Eckhardt Distinguished Professor of Corporate Law
Laurie Chlebek, B.S., Administrative Assistant for Law School Special Events
Gail E. Cutter, B.A., J.D., Senior Assistant Dean for Career Services
Camille deJorna, B.A., J.D., Senior Assistant Dean
Ivy Leibowitz, B.A., M.A., P.D., J.D., Senior Assistant Dean for Law Alumni Affairs and External Relations and Special Professor of Law
Barbara T. Pace, B.A., J.D., Senior Assistant Dean for Student Affairs
Amy L. Engle, B.A., M.B.A., Assistant Dean for Admissions
Nancy E. Modell, B.S., M.S., Assistant Dean for Financial Aid
Michale Wacks, B.A., Law School Registrar
Eugene M. Wypyski, LL.B., M.L.S., Director of the Law Library and Andrew M. Boas and Mark L. Cluster Distinguished Professor of Law Library Administration
Yvonne Atkinson, Neighborhood Law Office Manager
C. Peter Chao, B.A., M.A., M.L.S., Catalog Librarian
Patricia Ann Kasting, A.B., M.L.S., J.D., Reference Librarian
Rou-Chia Lin, B.A., M.L.S., Acquisitions/Serials Librarian
Daniel L. May, B.A., J.D., M.L.S., Assistant Director for Reader Services
Gary Moore, B.S., Director of Law School Information Systems and Physical Plant
Connie Lenz, B.F.A., M.L.I.S., J.D., Reference Librarian
Linda Helenek, B.A., M.L.S., Head of Technical Services
Mena B. Sieber, B.S., M.A., M.L.S., Documents/Microform Librarian
Diane Schwartzberg, Director, Office of Career Services
Marie Leuci, Administrative Assistant to the Dean

FACULTY

Burton C. Agata, A.B., J.D., LL.M., Max Schmertz Distinguished Professor of Law
R. Glenn Bauer, B.S., B.S.E., J.D., Special Professor of Law
Robert A. Baruch Bush, B.A., J.D., Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Resolution
Marsha S. Brooks, B.A., J.D., Special Professor of Law
Joel L. Carr, B.A., J.D., Special Professor of Law
Linda K. Champlin, B.A., LL.B., Maurice A. Deane Distinguished Professor of Constitutional Law
Robin Charlow, A.B., J.D., Assistant Professor of Law
Mitchell J. Cooper, B.S., J.D., LL.M., Special Professor of Law
Doreen L. Costa, B.A., J.D., Special Professor of Law
David A. Diamond, A.B., LL.B., LL.M., Professor of Law
Janet L. Dolgin, B.A., M.A., Ph.D., J.D., Professor of Law
John Francis, B.A., J.D., Staff Attorney, Law Clinic
Eric M. Freedman, B.A., J.D., M.A., Assistant Professor of Law
Monroe H. Freedman, A.B., LL.B., LL.M., Howard Lichtenstein Distinguished Professor of Legal Ethics
Leon Friedman, A.B., LL.B., Joseph Kushner Distinguished Professor of Civil Liberties Law
Victor Futter, B.A., J.D., Special Professor of Law
Linda Galler, B.A., J.D., LL.M., Associate Professor of Law
Mitchell Gans, B.B.A., J.D., Professor of Law
Cecilia Gardner, A.B., J.D., Special Professor of Law
William R. Ginsberg, B.A., J.D., Rivkin, Radler, Bayh, Hart & Kremer Distinguished Professor of Environmental Law

Published by Scholarly Commons at Hofstra Law, 1994
John DeWitt Gregory, B.A., J.D., Sidney and Walter Siben Distinguished Professor of Family Law
Edna Wells Handy, B.A., J.D., Director of Criminal Justice Clinic and Visiting Associate Professor of Law
Grant Hanessian, B.A., J.D., LL.M., Special Professor of Law
Richard Herzbach, B.A., J.D., Special Professor of Law
James E. Hickey, Jr., B.S., J.D., Ph.D., Professor of Law
Bernard E. Jacob, B.A., J.D., M.A., Ph.D., Professor of Law
Samuel M. Kaynard, B.A., J.D., LL.M., Professor of Law Emeritus
Lawrence W. Kessler, B.A., J.D., Richard J. Cardali Distinguished Professor of Trial Advocacy
Stefan Krieger, B.A., J.D., Associate Professor of Law
Lawrence Kurland, B.E.E., J.D., Special Professor of Law
Alan Lambert, M.D., J.D., Special Professor of Law
Eric Lane, B.A., M.A., LL.M., Eric J. Schmertz Distinguished Professor of Public Law and Public Service
Richard Leland, B.S., J.D., Special Professor of Law
Malachy T. Mahon, B.A., J.D., Siggi B. Wilzig Distinguished Professor of Banking Law
Lewis R. Mandel, A.B., J.D., LL.M., Special Professor of Law
Linda C. McClain, A.B., A.M., J.D., LL.M., Associate Professor of Law
Patrick L. McConkey, B.A., J.D., Special Professor of Law
Katherine McManus, B.A., J.D., Special Professor of Law
Richard S. Missan, B.A., LL.B., Special Professor of Law
Mark L. Movsesian, A.B., J.D., Associate Professor of Law
Richard K. Neumann, Jr., B.A., Dipl., J.D., LL.M., Professor of Law and Coordinator of Legal Writing
Beatty B. Page, B.A., J.D., Special Professor of Law
Neal R. Platt, B.S., J.D., LL.M., Special Professor of Law
Stephen Rachlin, B.A., M.D., Special Professor of Law
Honorable C. Raymond Radigan, B.A., J.D., Special Professor of Law
Samuel Ramos, B.S., M.S., J.D., Special Assistant Professor of Law
John J. Regan, B.A., M.A., J.D., LL.M., J.S.D., Jack and Freda Dicker Distinguished Professor of Health Care Law
Alan N. Resnick, B.S., J.D., LL.M., Benjamin Weintraub Distinguished Professor of Bankruptcy Law
Wendy M. Rogovin, B.A., J.D., Assistant Professor of Law
Ben B. Rubinowitz, B.A., J.D., Special Professor of Law
Andrew Schepard, B.A., M.A., J.D., Professor of Law
Stephen W. Schlissel, B.A., LL.B., Special Professor of Law
Eric J. Schmertz, B.A., J.D., LL.D., Edward F. Carlough Distinguished Professor of Labor Law
Howard Siegel, B.A., J.D., Special Professor of Law
Norman I. Silber, B.A., M.A., Ph.D., J.D., Associate Professor of Law
Ronald H. Silverman, B.A., J.D., Peter S. Kalikow Distinguished Professor of Real Estate Law
Jo Anne Simon, B.A., M.A., J.D., Disability Clinic Staff Attorney
Roy D. Simon, Jr., B.A., J.D., Professor of Law
Peter J. Spiro, B.A., J.D., Associate Professor of Law
Terence E. Smolov, B.B.A., J.D., LL.M., Special Assistant Professor of Law
Susan W. Tiefenbrun, B.A., M.S., Ph.D., J.D., Special Professor of Law
Marshall E. Tracht, B.A., M.B.A., J.D., Associate Professor of Law
Cheryl L. Wade, B.A., M.A., J.D., Assistant Professor of Law
Vern R. Walker, B.A., M.A., Ph.D., J.D., Associate Professor of Law
Bennett J. Wasserman, B.A., M.A., J.D., Special Professor of Law
David N. Yellen, B.A., J.D., Assistant Professor of Law
Peter Zablotsky, B.A., J.D., Special Professor of Law
HOFSTRA LAW REVIEW

Volume 23, No. 2

Winter 1994

CONTENTS

ARTICLES

DIRECT INFERENCE IN THE LOST CHANCE CASES:
FACTFINDING CONSTRAINTS UNDER MINIMAL
FAIRNESS TO PARTIES ....................... Vern R. Walker 247

DEFINING RELIGION: AN IMMODEST
PROPOSAL .............................. Dmitry N. Feofanov 309

GEOFFREY SIDESTEPS QUIL: CONSTITUTIONAL
NEXUS, INTANGIBLE PROPERTY AND THE
STATE TAXATION OF INCOME ............ Michael T. Fatale 407

NOTES

THE JUDICIAL BYPASS PROCEDURE AND ADOLESCENTS'
ABORTION RIGHTS: THE FALLACY OF THE
"Maturity" STANDARD ....................... Satsie Veith 453

THE NAFTA ENVIRONMENTAL SIDE AGREEMENT AND THE
POWER TO INVESTIGATE VIOLATIONS OF
ENVIRONMENTAL LAWS ............... Sandra Le Priol-Vrejan 483

FIRST AMENDMENT DEFENSE TO HOSTILE ENVIRONMENT
SEXUAL HARASSMENT: DOES DISCRIMINATORY CONDUCT
DESERVE CONSTITUTIONAL PROTECTION? ....... Aileen V. Kent 513