



Spring 3-1-1985

Fourth Circuit Review

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlulr>

Recommended Citation

Fourth Circuit Review, 42 Wash. & Lee L. Rev. 447 (1985).

Available at: <https://scholarlycommons.law.wlu.edu/wlulr/vol42/iss2/5>

This Article is brought to you for free and open access by the Washington and Lee Law Review at Washington and Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Law Review by an authorized editor of Washington and Lee University School of Law Scholarly Commons. For more information, please contact christensena@wlu.edu.

FOURTH CIRCUIT REVIEW

CONTENTS

FOREWORD

Certification: Assuring the Primacy of State Law in the Fourth Circuit	<i>John D. Butzner, Jr.</i>	
.....	<i>Mary Nash Kelly</i>	449

I. BANKRUPTCY

<i>The Homestead Exemption: Virginia's New Exemption for Personal Injury Claims</i>		457
---	--	-----

II. CIVIL PROCEDURE

A. <i>Filing Period Extensions for Pro Se Litigants in Civil Appeals</i>		470
B. <i>In Personam Jurisdiction over Nonresident Insurers</i> .		485
C. <i>Qualified Immunity Defense that Fails to Meet the Colateral Order Requirements Is Not Subject to Interlocutory Appeal</i>		502
D. <i>Res Judicata: Alternative Claims in a Single Lawsuit—A Simple Principle Well Stated</i>		517
E. <i>Rule 45(d): Territorial Limits of Effective Service of Deposition Subpoenae</i>		532
F. <i>The Writ of Mandamus: An Unlikely Means of Appellate Relief for an Erroneous Change of Venue Order</i>		544

III. CRIMINAL LAW AND PROCEDURE

A. <i>Abatement of Restitution Orders Under the Victim and Witness Protection Act</i>		557
B. <i>Beyond Reasonable Doubt: Appellate Review of Jury Instructions Containing Erroneous Reasonable Doubt Definitions</i>		572
C. <i>"Bright Lines" Enter the Gray Zone: Application of Automobile Search Incident to Arrest Standards to Non-Automobile Cases</i>		587
D. <i>Federal Misapplication Statute: The Worthless Funds Doctrine and Determining What Constitutes Bank Funds under 18 U.S.C. Section 656</i>		606
E. <i>Untimely Government Motion to Rehear Criminal Appeal: Is the Delay Allowable Under the Speedy Trial Act?</i>		622

IV. EMPLOYMENT AND LABOR LAW

A. <i>Associated Dry Goods Corp v. EEOC: EEOC Special Disclosure Rules—Support or Undermine the Provisions of Title VII?</i>		636
B. <i>Federal Pension Offset Provisions: Minimum Standard or Federal Mandate?</i>		647

V.	ENVIRONMENTAL LAW <i>Requiring Past Disposers of Hazardous Wastes to Abate Resultant Imminent Hazards Under Section 7003 of the Resource Conservation and Recovery Act</i>	656
VI.	PRISONERS' RIGHTS <i>Appointment of Counsel: A Fair Trial for Prisoner Civil Suits</i>	669
VII.	TAX <i>Identification of Property Underlying Lapsed Options: A Taxpayer Intent Analysis?</i>	679
VIII.	TORTS A. <i>Defining Punitive Damages Under the Federal Tort Claims Act.....</i> B. <i>The FELA and an Employer's Right to Sue: Property Damages Resulting from Employee Negligence</i>	693 708
IX.	TRUSTS AND ESTATES <i>Citizenship of an Administrator Determinative for Diversity Jurisdiction in Personal Injury Action Against the Estate.</i>	725
TABLE OF CASES		742