# LAW AND CONTEMPORARY PROBLEMS

CIVIL APPELLATE
JURISDICTION: PART 1

Paul D. Carrington

Special Editor

SCHOOL OF LAW . DUKE UNIVERSITY

VOL. 47

SPRING 1984

No. 2

# LAW AND CONTEMPORARY PROBLEMS

**DUKE STATION** 

DURHAM, NORTH CAROLINA

# A QUARTERLY PUBLISHED BY THE DUKE UNIVERSITY SCHOOL OF LAW DURHAM, NORTH CAROLINA

### FACULTY BOARD OF EDITORS

PAUL D. CARRINGTON PETER G. FISH JOEL L. FLEISHMAN MARTIN P. GOLDING DANIEL A. GRAHAM CLARK C. HAVIGHURST DAVID L. LANGE JONATHAN K. OCKO MELVIN G. SHIMM

### **FACULTY EDITORS**

RICHARD A. DANNER CLAIRE GERMAIN JOYCE S. RUTLEDGE, General Editor

### SENIOR EDITORS

THOMAS J. BLACKWELL MARGARET C. CALLAHAN DOUGLAS B. CANNON KRIS E. CURRAN GARDNER F. DAVIS MICHAEL T. HARVEY JOANNE F. KAY SCOTT D. LIVINGSTON
EVELYN M. PURSLEY, Executive Editor
R. JAMES ROBBINS, JR.
PATRICK M. ROSENOW
HOWARD E. SCHREIBER
LORI S. SMITH
DAVID THUMA

### **EDITORS**

ARTHUR H. ADLER LINDA A. ARNSBARGER AARON J. BESEN REBECCA L. BLOCH DENNIS L. CASEY CAROLINE E. EMERSON ELIZABETH H. HOFFMAN MARSHALL D. ORSON HENRY E. VALENZUELA MONTY L. WALTON

### ADMINISTRATIVE STAFF

Janse Conover Penny Lozon Crook MARY JANE FLOWERS EVELYN HOLT-FULLER

VOLUME 47

**SPRING 1984** 

Number 2

## **CIVIL APPELLATE JURISDICTION: PART 1**

PAUL D. CARRINGTON
Special Editor for this Symposium

Foreword	page
The Appellate Review Function:	1,
	1
FEDERAL CIVIL APPELLATE JURISDICTION: AN INTERLOCUTORY RESTATEMENT	13

Law AND CONTEMPORARY PROBLEMS is a quarterly publication. Normal publication dates are in January, April, July, and September. Because each issue is a symposium, it is not possible to delay publication of an article without postponing publication of the issue. Therefore, if a very promising contribution is not yet complete at the anticipated time of publication, some delay may result. Readers are asked to forbear the occasional irregularity which results.

Views expressed in articles published in this periodical are to be attributed to their authors and not the periodical, its editors, or Duke University.