

# Tulane Law Review

A National Law Journal Distinguished for Coverage of Civil and Comparative Law

#### **ARTICLES**

TAKING PREFERENCES SERIOUSLY

Robin L. West

DARWIN, DONATIONS, AND THE ILLUSION OF DEAD HAND CONTROL

Jeffrey E. Stake

COMPENSATION AND A CONSEQUENTIAL MODEL OF LOSS

Ellen Smith Pryor

TORT LIABILITY OF GOVERNMENTAL UNITS IN LOUISIANA

David W. Robertson

SELF-EVIDENT PRACTICAL PRINCIPLES AND RATIONALLY MOTIVATED ACTION: A REPLY TO MICHAEL PERRY

Robert P. George

#### **COMMENTS**

The Wrongful Life Claim—The Legal Dilemma of Existence Versus Nonexistence:

"To Be or Not To Be"

Michael A. Berenson

Criminal Liability for Corporations

That Kill

Donald J. Miester, Jr.

#### **BOOK REVIEW**

Joseph R. Grodin's IN PURSUIT OF JUSTICE: REFLECTIONS OF A STATE SUPREME COURT JUSTICE

Judith S. Kaye

VOLUME 64 NUMBER 4

**MARCH 1990** 

# TULANE LAW REVIEW

VOLUME 64

MARCH 1990

Number 4

## **CONTENTS**

### **ARTICLES**

TAKING PREFERENCES SERIOUSLY	659
DARWIN, DONATIONS, AND THE ILLUSION OF DEAD HAND CONTROL	705
COMPENSATION AND A CONSEQUENTIAL MODEL OF LOSS Ellen Smith Pryor	783
TORT LIABILITY OF GOVERNMENTAL UNITS IN LOUISIANA	857
SELF-EVIDENT PRACTICAL PRINCIPLES AND RATIONALLY MOTIVATED ACTION: A REPLY TO MICHAEL PERRY	887
COMMENTS	
THE WRONGFUL LIFE CLAIM—THE LEGAL DILEMMA OF EXISTENCE VERSUS NONEXISTENCE: "TO BE OR NOT TO BE"	895
CRIMINAL LIABILITY FOR CORPORATIONS THAT KILL	919
RECENT DEVELOPMENTS	
FEEMSTER V. BJ-TITAN SERVICES CO./TITAN SERVICES, INC.: THE AT-WILL DOCTRINE RESURGENT IN ADMIRALTY	949
MONTGOMERY V. OPELOUSAS GENERAL HOSPITAL: RES IPSA LOQUITUR IN LOUISIANA MEDICAL MALPRACTICE ACTIONS	956
PUBLIC EMPLOYEES RETIREMENT SYSTEM V. BETTS: EMPLOYEE BENEFIT PLANS' EXEMPTION FROM THE AGE DISCRIMINATION IN	
EMPLOYMENT ACT OF 1967 J.M. Broome	962

SPARKS V. TULANE MEDICAL CENTER: AN EXPANSIVE INTERPRETATION OF LOUISIANA WORKER'S COMPENSATION LAW	970
TEDESCO V. GENTRY DEVELOPMENT, INC.: APPARENT AUTHORITY WITHOUT DETRIMENTAL RELIANCE	
EQUALS NO SALE	976
JOSEPH R. GRODIN'S IN PURSUIT OF JUSTICE: REFLECTIONS OF A STATE SUPREME COURT JUSTICE Judith S. Kaye	985



A National Law Journal Distinguished for Coverage of Civil and Comparative Law

#### **ARTICLES**

TAKING PREFERENCES SERIOUSLY

Robin L. West

DARWIN. DONATIONS, AND THE ILLUSION OF DEAD HAND CONTROL

Jeffrey E. Stake

COMPENSATION AND A CONSEQUENTIAL MODEL OF LOSS

Eller Crit Pry

TORT LIABILITY OF GOVERNMENTAL

UNITS IN LOUISIANA

W. Robertson

SELF-EVIDE TOPRICTES AND REPORT TO MICHAEL PERRY

Robert P. George

#### **COMMENTS**

The Wrongful Life Claim—The Legal Dilemma of Existence Versus Nonexistence: "To Be or Not To Be"

Michael A. Berenson

Criminal Liability for Corporations That Kill

Donald J. Miester, Jr.

#### **BOOK REVIEW**

Joseph R. Grodin's In Pursuit of Justice: Reflections of a State Supreme Court Justice

Judith S. Kaye

VOLUME 64

NUMBER 4

**MARCH 1990** 

SPARKS V. TULANE MEDICAL CENTER: AN EXPANSIVE INTERPRETATION OF LOUISIANA WORKER'S COMPENSATION LAW	970
TEDESCO V. GENTRY DEVELOPMENT, INC.: APPARENT AUTHORITY WITHOUT DETRIMENTAL RELIANCE	
EQUALS NO SALE	976
Joseph R. Grodin's In Pursuit of Justice: Reflections of a State Supreme Court Justice	985

## **TULANE LAW REVIEW**

VOLUME 64

MARCH 1990

Number 4

## **CONTENTS**

#### **ARTICLES**

TAKING PREFERENCES SERIOUSLY	659
DARWIN, DONATIONS, AND THE ILLUSION OF DEAD HAND CONTROL Jeffrey E. Stake	705
COMPENSATION AND A CONSEQUENTIAL MODEL OF LOSS Ellen Smith Pryor	783
TORT LIABILITY OF GOVERNMENTAL UNITS IN LOUISIANA David W. Robertson	857
SELF-EVIDENT PRACTICAL PRINCIPLES AND RATIONALLY MOTIVATED ACTION: A REPLY TO MICHAEL PERRY	887
COMMENTS	
THE WRONGFUL LIFE CLAIM—THE LEGAL DILEMMA OF EXISTENCE VERSUS NONEXISTENCE: "TO BE OR NOT TO BE"	895
CRIMINAL LIABILITY FOR CORPORATIONS THAT KILL	919
RECENT DEVELOPMENTS	
FEEMSTER V. BJ-TITAN SERVICES CO./TITAN SERVICES, INC.: THE AT-WILL DOCTRINE RESURGENT IN ADMIRALTY	949
MONTGOMERY V. OPELOUSAS GENERAL HOSPITAL: RES IPSA LOQUITUR IN LOUISIANA MEDICAL MALPRACTICE ACTIONS	
PUBLIC EMPLOYEES RETIREMENT SYSTEM V. BETTS: EMPLOYEE BENEFIT PLANS' EXEMPTION FROM THE AGE DISCRIMINATION IN	956
EMPLOYMENT ACT OF 1967	962