# COLUMBIA LAW REVIEW



THE JUDICIAL FUNCTION IN CHOICE OF LAW

Alfred Hill

PERPETUITIES: THE MEASURING LIVES

Jesse Dukeminier

Perpetuities: A Perspective on Wait-and-See

Lawrence W. Waggoner

A RESPONSE BY PROFESSOR DUKEMINIER

A REJOINDER BY PROFESSOR WACGONER

A FINAL COMMENT BY PROFESSOR DUKEMINIER

FIRST AMENDMENT LIMITS ON TORT LIABILITY FOR WORDS INTENDED TO INFLICT SEVERE EMOTIONAL DISTRESS

DISTINGUISHING AMONG MURDERS WHEN ASSESSING THE PROPORTIONALITY OF THE DEATH PENALTY

RESOLVING CHALLENGES TO STATUTES CONTAINING
UNCONSTITUTIONAL LEGISLATIVE VETO PROVISIONS

DEFAMATION SURVIVABILITY AND THE DEMISE OF THE ANTIQUATED "ACTIO PERSONALIS" DOCTRINE

BOOK REVIEW:

ANATOMY OF A LEGAL SUBSPECIALTY: LOOKING AT WHITE COLLAR CRIMINAL DEFENSE

Boris Kostelanetz

# COLUMBIA LAW REVIEW

VOL. 85

# **DECEMBER 1985**

NO. 8

Copyright © 1985 by Directors of The Columbia Law Review Association, Inc. All rights reserved.

### CONTENTS

## ARTICLES

THE JUDICIAL FUNCTION IN CHOICE OF LAW Alfred Hill	1585
PERPETUITIES: THE MEASURING LIVES Jesse Dukeminier	1648
PERPETUITIES: A PERSPECTIVE ON WAIT-AND-SEE Lawrence W. Waggoner	1714
A RESPONSE BY PROFESSOR DUKEMINIER	1730
A Rejoinder by Professor Waggoner	1739
A Final Comment by Professor Dukeminier	1742
NOTES	
FIRST AMENDMENT LIMITS ON TORT LIABILITY FOR WORDS INTENDED TO INFLICT SEVERE EMOTIONAL DISTRESS	1749
DISTINGUISHING AMONG MURDERS WHEN ASSESSING THE PROPORTIONALITY OF THE DEATH PENALTY	1786
RESOLVING CHALLENGES TO STATUTES CONTAINING UNCONSTITUTIONAL LEGISLATIVE VETO PROVISIONS	1808
Defamation Survivability and the Demise of the Antiquated "Actio Personalis" Doctrine	1833
BOOK REVIEW	
ANATOMY OF A LEGAL SUBSPECIALTY: LOOKING AT WHITE COLLAR CRIMINAL DEFENSE  Boris Kostelanetz	1852

Published by Columbia Law students eight times a year, October to January and March to June inclusive, at Lincoln, Nebraska. Editorial Office, 435 West 116th Street, New York, NY 10027. Subscription \$32.00 per year domestic, \$35.00 foreign, single issues \$8.00 including fourth-class postage. If a subscription is to be discontinued at expiration, notice to that effect should be sent; otherwise it will be renewed as usual. Prepayment requested on all orders. For issues prior to volume 81 inquire of Fred B. Rothman & Company, 10368 West Centennial Road, Littleton, CO 80123.

Change of Address: Send your change of address to the REVIEW at 435 West 116th Street, New York, NY 10027, at least 30 days before the date of the issue with which it is to take effect. The Post Office will not forward copies unless you provide extra postage; duplicate copies will not be sent. ISSN 0010-1958.

Second class pastage paid at New York, NY and at additional mailing offices.

POSTMASTER: Send Address Changes to Columbia Law Review, 435 West 116th Street, New York, NY 10027

Unsolveted manuscripts will be considered for publication. All manuscripts should be triple-spaced. We regret that such manuscripts cannot be returned unless they are accompanied by a stamped, self-addressed envelope.