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Forward

Various Editors

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THIRD CIRCUIT REVIEW

Forward

The Board of Editors of the *Villanova Law Review* is pleased to present the inaugural survey in what is to become an annual review of selected opinions of the Third Circuit. Noting that the Third Circuit was one of the few circuits which did not have the dubious honor of having its opinions systematically subjected to the well-meant, and, hopefully, studied analysis and criticism of fledgling members of the legal community, we have undertaken the task in the hope that it will be of benefit to practicing members of the bar, to the bench, and to the academic community.

Selected Third Circuit opinions which have been filed during the preceding fiscal year will be approached through four broad categories: Admiralty and Maritime Law; Constitutional Law; Federal Jurisdiction and Procedure; and Federal Statutes and Government Regulation. Several of the cases selected for review this year should have been treated in more than one category. For example, *Levy v. Parker*, a case in which the court considered its scope of review when presented with a military prisoner's habeas corpus petition, and in which it also held articles 133 and 134 of the Uniform Code of Military Justice unconstitutionally vague and overbroad, could have been considered in the category of Federal Jurisdiction and Procedure, yet it was decided to treat the case within the category of Constitutional Law. Treatment of each opinion within the categories is in traditional, albeit condensed, "casenote" form. It is hoped that such an approach will lend a degree of cohesiveness to the whole while allowing each part to stand on its own. An attempt has been made to select cases which not only reflect the breadth of the work done by the Third Circuit, but which also indicate the court's approach to issues of first impression or which are of practical importance because of their refinement or elaboration of already established doctrines. Such cases are, of course, likely to be the subjects of subsequent action by the Supreme Court. Yet, since the focus of this survey is the opinions of the Third Circuit during the preceding fiscal year, certain

cases that have been or will be considered by the Supreme Court have been included. For example, the Third Circuit's decision in *Gateway Coal Co. v. United Mineworkers* has been noted despite the fact that it was not only considered, but reversed, by the Court.

This inaugural survey is more limited in scope than that envisioned for future years. However, it is presented to our readers in the hope that it will be of value to them and that it fairly meets the charge given us by Chief Judge Seitz.