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Preface

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Preface

On behalf of the Board of Editors of the *Villanova Law Review*, in an effort to fulfill the charge given us last year by Chief Judge Seitz to provide an analysis of Third Circuit decisions that "will be of value both to the judiciary and to the law,"¹ we are pleased to present the second annual Third Circuit Review.

This year's review experienced the growing pains attendant upon the expanded scope of our coverage. We have, however, kept last year's format of assigning cases to categories, although there will be only three — Constitutional Law, Federal Jurisdiction and Procedure, and Federal Statutes and Government Regulation — since we are not reporting any Admiralty cases.

We have expanded both the number of cases analyzed and the scope of the analysis of these decisions. While we have been unable to analyze all of the decisions we desired, the cases discussed range from *PBW Stock Exchange, Inc. v. SEC*, in which an SEC rule promulgated pursuant to the Securities and Exchange Act was held immune from direct appellate review to *Foster v. Crawford Shipping Co.*, which dealt with the evidentiary use of a videotape.

The court faced many complex problems within this broad spectrum of subject matter. For example, in the area of Constitutional Law the court dealt, in *Meyers v. Alldredge*, with the requirements of procedural due process in federal prison disciplinary proceedings. Also, the court established in *Fisher v. Volz*, a standard for determining police liability for nonconsensual searches of a third party's home for a suspect named in a valid arrest warrant. In the field of criminal procedure the court once again grappled with the vexing problem of valid guilty pleas in *Valenciano v. United States*, and handled the issue of double jeopardy in *United States v. Wilson*.

In dealing with the category of Federal Jurisdiction and Procedure the Third Circuit interpreted the Federal Torts Claims Act in *Quinones v. United States* and *Griffin v. United States*, and applied federal venue requirements to corporate defendants in *American Cyanamid Co. v. Hammond Lead Products, Inc.*

In the area of Federal Statutes and Government Regulation the court adopted an expansive definition of federal antitrust jurisdiction in *Doctors, Inc. v. Blue Cross of Greater Philadelphia*, and in *Sherman*

1. Seitz, *Introduction to the Third Circuit Review*, 19 VILL. L. REV. 279, 280 (1973).

v. Nash, it decided that certain circumstances would allow a taxpayer to bring an action in federal court to set aside tax jeopardy assessments.

Given this broad range of cases, a successful review must be based upon the efforts of many people; therefore, in addition to the kudos of course due the authors, we would like specifically to thank the faculty members who reviewed these casenotes, and the members of the Board of Editors whose diligent efforts helped make this project possible.

Leland G. Ripley
Third Circuit Review Editor