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## ARTICLES

- THE RIGHT OF ABORTION IN SURROGATE MOTHERHOOD  
ARRANGEMENTS . . . . . 1  
Carmina Y. D'Aversa

*This article examines whether the right of abortion in the surrogate motherhood context is subject to veto or waiver by contract. After reviewing legislative alternatives to vetoing the surrogate's right to abort, the article concludes that artificial womb technology is the ultimate solution to the couple's dilemma in securing a healthy baby.*

- JOINT TENANCY: NOTICE OF SEVERANCE; MORTGAGES AND  
SURVIVORSHIP . . . . . 41  
Taylor Mattis

*This article calls for legislation to address two joint tenancy problems. First, either joint tenant may sever inter vivos and destroy the right of survivorship, without the knowledge of the other. Notice should be required to effectuate a voluntary, unilateral severance, so that survivors will not be surprised. Second, the interest of one joint tenant is not mortgageable as a practical matter, because the lien does not survive the mortgaging joint tenant. To prevent otherwise unnecessary severance to achieve mortgageability, legislation should provide for the survival of the lien if notice is given to the non-mortgaging joint tenant.*

## COMMENT

- MEDICAL MALPRACTICE: CONSTITUTIONAL IMPLICATIONS OF A CAP  
ON DAMAGES . . . . . 61

*In an effort to remedy the medical malpractice insurance crisis, a number of states have enacted caps on damages. These caps limit the amount a medical malpractice plaintiff can collect. When challenged on constitutional grounds, some caps have survived attack while others have been struck down. This comment examines and categorizes the analyses used by state courts which have ruled on the constitutionality of caps on damages. Additionally, This comment suggests criteria which should be reviewed by state legislatures planning to adopt a cap, in an effort to insure that the cap will survive constitutional challenge.*

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*Analysis of the Supreme Court opinion which recognized an eighth amendment right not to be executed while insane and a discussion of the possible effect this newly found right will have on due process requirements in state capital punishment procedures.*

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W. WILLIAM HODES ..... 133  
reviewed by Maynard E. Pirsig

*A discussion of the recent treatise on the ABA Model Rules of Professional Conduct. Professor Pirsig, in his review, focuses on the authors' treatment of Rule 1.6 on confidential communications and Rule 1.13 on organization attorneys, comparing the authors' interpretations of those rules to various alternative interpretations.*

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