

1991

The Pennsylvania Issue: A Reflection

Christopher T. Lee

Follow this and additional works at: <https://dsc.duq.edu/dlr>



Part of the [Law Commons](#)

Recommended Citation

Christopher T. Lee, *The Pennsylvania Issue: A Reflection*, 29 Duq. L. Rev. 443 (1991).
Available at: <https://dsc.duq.edu/dlr/vol29/iss3/3>

This Front Matter is brought to you for free and open access by Duquesne Scholarship Collection. It has been accepted for inclusion in Duquesne Law Review by an authorized editor of Duquesne Scholarship Collection.

Duquesne Law Review

Volume 29, Spring 1991, Number 3

The Pennsylvania Issue

The Pennsylvania Issue: A Reflection

This issue of the Law Review is the first in, what we hope will become, a series of issues devoted to discussing Pennsylvania law. Soon after the Editorial Board of Volume 29 assumed office, we asked ourselves in what direction we wanted the Law Review to go. In answering that question, we examined our role in the legal community. The creation of The Pennsylvania Issue reflects our answer to those questions.

The Pennsylvania Issue provides law professors, judges, attorneys and students a forum in which to discuss issues facing the Pennsylvania judiciary and bar. However, in providing this forum, we have placed no restrictions upon the content and scope of the articles, save one: the article must discuss Pennsylvania law. Law professors, judges, attorneys, and students are invited to decide what topics are appropriate and timely enough to warrant a comprehensive discussion. In reserving an issue for Pennsylvania topics, we hope The Pennsylvania Issue becomes an influential forum in which authors can share ideas with the Pennsylvania judiciary and bar.

This first issue offers a selection of articles that range from the comprehensive to the provocative. In the lead article, David B. Torrey, Editor-in-Chief of Volume 23 of the *Duquesne Law Review*, provides a technical and exhaustive discussion of the rules of evidence under the Pennsylvania Workmen's Compensation Act.

Mr. Torrey's article provides the workmen's compensation practitioner a definitive source of the "blackletter" rules of evidence for workmen's compensation hearings. In addition, his article addresses the theoretical principles and policies underlying the rules of evidence.

Mary K. Kennedy, on the other hand, examines the quality of life of an unborn infant and what rights he has against his mother for prenatal injuries resulting from substance abuse during pregnancy.

This issue also presents five student pieces. The Pennsylvania Legislature recently passed another measure to attack hostile takeovers of Pennsylvania corporations. Michael Marshall provides an excellent analysis of the probable effect of the Act on all the parties associated with a hostile takeover attempt. Mr. Marshall concludes that the Act may have gone too far in protecting the officers and directors of poorly-managed corporations.

The second article discusses how Pennsylvania permits a suit to be commenced by a writ of summons. Unfortunately, the standard Pennsylvania writ fails to provide a defense practitioner with sufficient information to ascertain removability of the action to federal court. Jon Perry and Daniel Taylor address this problematic situation and provide practitioners with guidance when faced with this dilemma. Additionally they ask for a judicial or legislative response to help eliminate problems in this area.

In addition to the new anti-takeover legislation, Pennsylvania was at the forefront in passing a new auto insurance law when it enacted Pennsylvania House Bill 121. Christopher Hasson and Michael Nerone address two issues presented in the Act: first party "bad faith" and the "limited tort option." Mr. Hasson discusses what is perhaps the most controversial aspect of the new law: first party bad faith. Mr. Nerone provides a comprehensive discussion of the limited tort option, a potentially drastic change in tort law. Both students endeavor to provide clarification of these topics for practitioners and to provide guidance to courts interpreting the Act in the certain court challenges to come.

Jeffrey Murray discusses the numerous of theories available to a subcontractor when the general contractor fails, for one reason or another, to pay the subcontractor for completed work. Mr. Murray points out the liability the owner or lender may owe because of the general contractor's breach of contract.

Finally, Michael Revness examines the law regarding the right of a landlord to use self-help to evict a tenant. Mr. Revness concludes

that the present law fails to provide the landlord a clear and timely remedy to recover his property. Additionally, Mr. Revness appeals to the legislature to amend the present Landlord-Tenant Act to provide for a speedier remedy. To that end, he provides suggestions the legislature may consider in examining this cloudy area of the law.

Whether The Pennsylvania Issue is a valuable forum, and consequently should be continued, remains to be determined. Such is the mystery of an endeavor like this. Nevertheless, we hope we have provided a strong foundation for something that will become a long tradition for the *Duquesne Law Review*.

Christopher T. Lee
Editor-in-Chief

