# TABLE OF CONTENTS

**SYMPOSIUM ON FEDERAL PRACTICE AND AVIATION**

**FEDERAL PROCEDURE AND AVIATION LITIGATION**

**CHOICE OF LAW—MASS DISASTER CASES**

- Involving Diversity of Citizenship  
  *F. Lee Bailey and Aaron Broder* 285

**DISCOVERY PROBLEMS IN AVIATION LITIGATION**

- *James B. Sales* 297

**COUNTERCLAIMS, CROSS-CLAIMS AND IMPLEADER IN FEDERAL AVIATION LITIGATION**

- *John E. Kennedy* 325

**CLASS ACTIONS**

**FEDERAL RULE 23—AN EXERCISE IN UTILITY**

- *John P. Fullam* 369

**CLASS ACTIONS—A REAPPRAISAL IN LIGHT OF HAWAII V. STANDARD OIL**

- *Michael D. Blechman* 389

**CLASS ACTIONS FROM THE PLAINTIFF’S VIEWPOINT**

- *Lee A. Freeman* 401

**NOTES**

**THE FEDERAL TORT CLAIMS ACT: DISCRETION AND THE AIR TRAFFIC CONTROLLER**  

- *Rosen* 413

---

*This issue contains the remainder of the articles presented at the Sixth Annual “Symposium on Federal Practice and Aviation” sponsored by this JOURNAL in March 1972. The initial articles of the Symposium appeared in issue 2 of this volume beginning on page 101.*
BOSTON COLLEGE
INDUSTRIAL & COMMERCIAL
LAW REVIEW

The Nation's Only Law Review Devoted
to Industrial and Commercial Law
Announces Publication of Volume XIV
Commencing in November 1972

Recent Special Issues:
Symposium: The Mutual Funds Industry (XIII, 5)
Recent Developments in Environmental Law, (XII, 4) (XIII, 4)
Symposium: The Federal Regulatory Agencies (XI, 4)
Annual Survey of Labor Law (XII, 6) (XIII, 6)
Symposium: Tax Reform Act of 1969 (XII, 3)
Symposium: Federal Rule 23—The Class Action (X, 3)

Special Issues to be Published in Volume XIV:
Symposium: Revenue Act of 1971
Annual Survey of Labor Law
Recent Developments in Environmental Law

PUBLISHED SIX TIMES ANNUALLY

Special Issue: 5.00
Year's Subscription: 10.50

Address:
Managing Editor
Boston College Industrial & Commercial Law Review
Boston College Law School
Brighton, Massachusetts 02135
THE EFFECT OF THE FEDERAL PRE-EMPTION OF NOISE
CONTROL AND AIR POLLUTION ON LOCAL INITIATIVE:
CAN PROMETHEUS BE UNBOUND? . . . . . . Stein 427

CURRENT LITERATURE

BOOK REVIEWS

AVIATION LAW, CASES
AND MATERIALS . . . . . . Andreas F. Lowenfeld 437
ADVISORS

Richard J. Barber
National Academy of Sciences

The Honorable James R. Browning
Circuit Judge
United States Court of Appeals for the Ninth Circuit
San Francisco, California

Harold Caplan
International Insurance Services
London, England

The Honorable J. Braxton Craven, Jr.
Circuit Judge
United States Court of Appeals for the Fourth Circuit
Asheville, North Carolina

Carl J. Fulda
School of Law
University of Texas
Austin, Texas

The Honorable Floyd R. Gibson
Circuit Judge
United States Court of Appeals for the Eighth Circuit
Kansas City, Missouri

The Honorable Irving L. Goldberg
Circuit Judge
United States Court of Appeals for the Fifth Circuit
Dallas, Texas

Lucile S. Keyes
Economist
Washington, D.C.

Paul B. Larsen
Department of Transportation
Washington, D.C.

The Honorable Otto Kerner
Circuit Judge
United States Court of Appeals for the Seventh Circuit
Chicago, Illinois

R. H. Mankiewicz
Faculte de Droit
University of Paris
Paris, France

The Honorable Charles M. Merrill
Circuit Judge
United States Court of Appeals for the Ninth Circuit
San Francisco, California

The Honorable Alfred P. Murrah
Chief Judge
United States Court of Appeals for the Tenth Circuit
Oklahoma City, Oklahoma
Chairman
Committee of the Judicial Conference of the United States
Washington, D.C.

The Honorable John W. Peck
Circuit Judge
United States Court of Appeals for the Sixth Circuit
Cincinnati, Ohio

John E. Stephen
General Counsel
Air Transport Association of America
Washington, D.C.

The Honorable Sterry R. Waterman
Circuit Judge
United States Court of Appeals for the Second Circuit
St. Johnsbury, Vermont