

## Editorial Section

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mlr>

---

### Recommended Citation

*Editorial Section*, 33 Md. L. Rev. 225 (1973)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol33/iss3/2>

This Editorial Section is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact [smccarty@law.umaryland.edu](mailto:smccarty@law.umaryland.edu).

# Maryland Law Review

---

---

VOLUME XXXIII

NUMBER 3

Member, National Conference of Law Reviews  
Conference of Southern Law Reviews

---

---

## EDITORIAL BOARD

*Editor-in-Chief*

THOMAS E. PLANK

*Managing Editor*

JONATHAN EISENBERG

*Articles Editors*

LYNNE B. KARPEL

PHILLIPS P. O'SHAUGHNESSY

*Notes and Comments Editors*

MONNA G. CLARK

JOAN M. GOTTFRIED

STEPHEN M. SCHENNING

NELL B. STRACHAN

*Research Editor*

JOHN J. ZARYCH

*Assistant Editor*

SARA H. RUDDY

---

### *Staff*

ROBERT P. HILLERSON

ALYCE C. KATAYAMA

PATRICK M. PILACHOWSKI

FREDERICK W. RUNGE, JR.

ALTHEA LEE WALKER

---

*Faculty Advisor*

HAL M. SMITH

*Secretary*

SHIRLEY L. MYERS

---

---

## EDITOR'S NOTE

The lure of the legal profession derives in part from the richness and variety of the legal domain. Although the vastness of the law inevitably leads to specialization to one degree or another, scholars and practitioners retain a broad curiosity for the multifarious aspects of the legal profession. To serve this interest, this issue presents a selection of diverse legal concerns.

Illustrating, in our lead article, the adaptability of old tools to new problems, James M. Kramon, a frequent combatant in the ecological-legal arena, examines the development of Section 10 of the Rivers and Harbors Act into a powerful instrument for the protection of tidal marshes. The use of Section 10 for the reconcil-

iation of the conflict between commercial development and environmental salvation of the wetlands—a problem of national dimension—should interest those, especially Marylanders, who are concerned with the utilization of and the preservation of the Atlantic Coastline and the Chesapeake Bay.

Our second presentation has a different appeal. The Court of Justice of the European Communities, in struggling with the vexacious problems presented by exclusive dealing contracts, has developed a rule of reason under the antitrust article of the Treaty of Rome. Because this rule is unsettled and because the Commission of the European Communities is challenging this business practice under Community antitrust law, the *Review* is pleased to present Professor Stuart S. Malawer's analysis of the Court's approach. The Court of Justice's rule of reason, however, operates on a different legal hypothesis than that used by the United States Supreme Court, and thus this rule may provide an informative counterpoint to federal antitrust law and to the law evolving under Maryland's new antitrust statute.

The first student offering, a comprehensive comment, examines the judicial and administrative treatment of housing discrimination in the five years following the passage of the Fair Housing Act of 1968. The author empirically analyzes some of the persistent problems in this area and considers possible legislative and judicial responses to the newer methods of discrimination. A second student disquisition examines the two divergent views taken by courts faced with a creditor who, after a sale of repossessed goods, claims a deficiency judgment under the Uniform Commercial Code despite his failure to follow the Code requirements for giving notice and for conducting a commercially reasonable sale. That this issue remains basically unsettled in Maryland and elsewhere suggests that the courts or the legislature must at some time choose between the policy considerations underlying the two approaches.

More than the classic casebook, the first edition of HART & WECHSLER'S *THE FEDERAL COURTS AND THE FEDERAL SYSTEM* (1953) shaped the form and substance of subsequent years' debates on the role of the federal courts in our system of federalism. Now, Professors Bator, Mishkin, and Shapiro have joined with Professor Wechsler to revise this bible of federalism. Their wholly successful efforts are explored by J. Frederick Motz, a practicing attorney in Baltimore City, whose experience forms the touchstone for a lively discussion of the need for diversity jurisdiction.

*Aficionados* of the *Review* will recall that the Recent Devel-

opments Section, successor to the original Recent Decisions Section, was discontinued in 1968. Notwithstanding the valid considerations which prompted that decision, the Editorial Board has joined the ranks of the renewers, redevelopers, and revivalists by resurrecting the Recent Decisions Section. We have done so as a response to suggestions from our readers (or potential readers, as the case may be), and we have designed the recent decisions to inform the reader and to provide a starting post for analysis and further research. The Board would appreciate any comments concerning the usefulness or the format of this new venture.

This year a fourth Notes and Comments Editor was added to the Editorial Board, and we have created a new position—Assistant Editor—for those students who have published one significant student work but who would prefer to assist in editing rather than to write a second note or comment. These changes and others are designed to increase the size of the *Review* without a sacrifice in quality. Other factors which promote this goal are an increasingly dedicated membership resulting from the realization of the value of the *Review* experience, greater continuity from year to year, and added support from the Law School. Members of the Bar, by offering their suggestions and criticisms, can assist the continued improvement of the *Review*.

The *Review* welcomes the appointment of Michael A. Milleman as Assistant Professor, effective January 1, 1974, and congratulates Abraham A. Dash, Everett F. Goldberg, and Lawrence L. Kiefer for their promotion to full Professor, and James P. Chandler and Richard V. Falcon for their promotion to Associate Professor.

*November, 1973*

The following students have contributed Notes or Comments to this issue:

Nell B. Strachan  
Joan M. Gottfried

