

American
Bar
Foundation

research journal

Volume 1982
Spring
Number 2

**Special Masters in the Pretrial Development of Big Cases:
Potential and Problems**

Wayne D. Brazil

**Judicial Management of the Pretrial Process in Massive Litigation:
Special Masters as Case Managers**

Geoffrey C. Hazard, Jr., and Paul R. Rice

Toward a New Standard of Attorney Disqualification

James Lindgren

**Lawyers and Localities: The Interaction of Community Context
and Professionalism**

Donald D. Landon

**The Limits of the Preponderance of the Evidence Standard:
Justifiably Naked Statistical Evidence and Multiple Causation**

David Kaye

Review Article

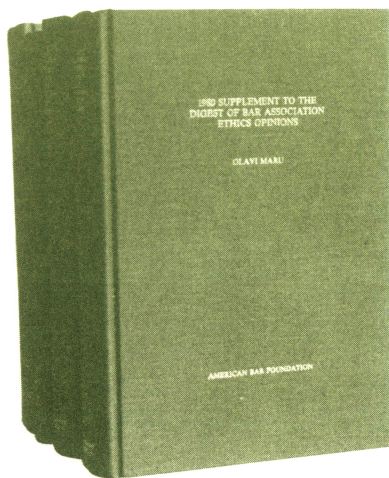
**Professional Responsibility in Nonadversarial Lawyering:
A Review of the Model Rules**

Louis M. Brown and Edward A. Dauer

Book Review by A. W. Brian Simpson



Announcing . . .



1980 Supplement to the Digest of Bar Association Ethics Opinions

Edited by **Olavi Maru**

An updating through 1980 of the *Digest of Bar Association Ethics Opinions* and its 1970 and 1975 Supplements. Includes opinions from bar associations that did not appear in the original *Digest* or *Supplements*.

ix + 835 pp./1982
Cloth: \$50.00 + \$2.50 for shipping and
handling

The 1980 SUPPLEMENT not only makes this series as up-to-date as possible, but its 209-page index provides a comprehensive listing to the approximately 13,200 opinions of the 63 bar associations reported in the *Digest* and all its supplements. This index is prepared in accordance with generally recognized methods of indexing, assuring that it can be used without special instructions. Some parts of this index differ radically from the indexes in previous volumes to reflect changes in the law. This is true principally of the headings "Advertising" and "Solicitation of Business" and some related headings. The revision of these headings was necessitated in the main by changes brought about by U.S. Supreme Court decisions in *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977); *Ohralik v. Ohio State Bar Association*, 436 U.S. 447 (1978); *In re Primus*, 436 U.S. 412 (1978); and to a lesser degree earlier Supreme Court decisions that have affected the providing of group legal services.

Order from: American Bar Foundation
Dissemination Department
1155 East 60th Street
Chicago, Illinois 60637

American
Bar
Foundation

research journal

Volume 1982
Spring
Number 2

**Special Masters in the Pretrial Development of Big Cases:
Potential and Problems 287**

Wayne D. Brazil

**Judicial Management of the Pretrial Process in Massive Litigation:
Special Masters as Case Managers 375**

Geoffrey C. Hazard, Jr., and Paul R. Rice

Toward a New Standard of Attorney Disqualification 419

James Lindgren

**Lawyers and Localities: The Interaction of Community Context
and Professionalism 459**

Donald D. Landon

**The Limits of the Preponderance of the Evidence Standard:
Justifiably Naked Statistical Evidence and
Multiple Causation 487**

David Kaye

Review Article and Book Review 517

Review Article 519

**Professional Responsibility in Nonadversarial Lawyering: A Review
of the Model Rules 519**

Louis M. Brown and Edward A. Dauer

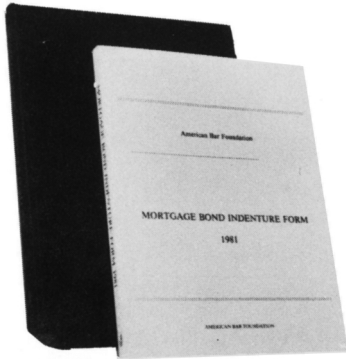
Book Review 537

Atiyah, Promises, Morals, and Law 537

Reviewed by A. W. Brian Simpson

NOW AVAILABLE . . .

*The fourth and final publication in the
American Bar Foundation Corporate Debt Financing Project*



MORTGAGE BOND INDENTURE FORM 1981

Summary of Contents:

Introduction	IX	Authentication and Delivery of Additional Bonds	49
Letter from the Securities and Exchange Commission	XII	Releases	82
American Bar Foundation Mortgage Bond Indenture Form 1981	A	Application of Trust Moneys	98
Typographical and Organization Explanations	B	Defeasance	108
Table of Contents of Indenture Form	i	Remedies	110
Table Showing Reflection in Indenture Form of Certain Provisions of Trust Indenture Act of 1939	x	The Trustee	125
Granting Clauses, etc.	1	Bondholders' Lists and Reports by Trustee and Company	146
Definitions and Other Provisions of General Application	8	Consolidation, Merger, Conveyance Transfer or Lease	152
Bond Forms	26	Supplemental Indentures	156
The Bonds	36	Covenants	160
Terms and Issue of Series A Bonds	46	Redemption of Bonds	172
		Control of Pledged Securities	178
		Testimonium	188
		Signatures and Seals	188
		Acknowledgments	188

The Form is a single, integrated, full-text document with different type styles to identify model (less frequently variable) provisions, negotiable (more frequently variable) provisions and instructions.

Over 260 reference and commentary footnotes appear at the bottom of the applicable pages.

A Mortgage Committee of distinguished experts served as advisors and consultants during the many years in the Form's development.

The Form has been reviewed and approved by the S.E.C. Division of Corporation Finance for compliance with the Trust Indenture Act of 1939.

Reference Edition \$50.00 xxx + 188 pp.
Paper Edition \$5.00 February 1981

Order from: American Bar Foundation
Dissemination Department
1155 East 60th Street
Chicago, IL 60637

Include \$1.50 for shipping and handling

American
Bar
Foundation

research journal

(ISSN 0361-9486)

Spencer L. Kimball, *Editor*
James Lindgren, *Book Review Editor*
Bette H. Sikes, *Managing Editor*

EDITORIAL ADVISORY BOARD

CARL A. AUERBACH
Professor
University of Minnesota Law School

WALTER J. BLUM
Wilson-Dickinson Professor
University of Chicago Law School

DAVID F. CAVERS
Fessenden Professor Emeritus
Harvard Law School

BARLOW F. CHRISTENSEN
Research Attorney
American Bar Foundation

ALFRED F. CONARD
Henry M. Butzel Professor
University of Michigan Law School

BARBARA A. CURRAN
Associate Executive Director and
Research Attorney
American Bar Foundation

WILLARD HURST
Vilas Professor
University of Wisconsin Law School

CHARLES J. MEYERS
Gibson, Dunn, Crutcher
Denver, Colorado

Publication of articles by the American Bar Foundation signifies that the works are regarded as valuable and responsible. The analyses, conclusions, and opinions expressed are those of the authors and not those of the American Bar Foundation, its officers and directors, or other persons or institutions associated with its work.

Second-class postage paid at Chicago, Illinois.

The *American Bar Foundation Research Journal* (ISSN: 0361-9486) is published quarterly—in winter, spring, summer, and fall. The annual subscription rate is \$20.00; two years, \$38.00; three years, \$53.00. Overseas subscribers add \$6.00 per year. Single copies, \$5.50. Reprints of single articles are available (with quantity discounts available for orders of 10 or more): \$2.00 for an article up to 49 pages; \$2.50 for an article from 50 to 99 pages; \$3.25 for an article over 100 pages.

All notifications of change of address should include old and new address and be directed to: Foundation Publications, American Bar Foundation, 1155 East 60th Street, Chicago, Illinois 60637.

Editorial communications should be addressed to: The Editor, *American Bar Foundation Research Journal*, 1155 East 60th Street, Chicago, Illinois 60637.

Cite as 1982 A.B.F. Res. J. 000

American Bar Foundation

BOARD OF DIRECTORS 1982-83

John J. Creedon, *President*, of the New York Bar

Seth M. Hufstедler, *Vice-President*, of the California Bar

Francis A. Allen, *Secretary*, University of Michigan Law School

Arthur W. Leibold, Jr., *Treasurer*, of the District of Columbia Bar

H. William Allen, of the Arkansas Bar

Gerhard Casper, University of Chicago Law School

Hon. Ruth Bader Ginsburg, United States Court of Appeals, District of Columbia

F. Wm. McCalpin, of the Missouri Bar

Hon. Vincent L. McKusick, Supreme Judicial Court, Portland, Maine

Robert W. Meserve, of the Massachusetts Bar

Randolph W. Thrower, of the Georgia Bar

Mark H. Tuohey III, of the District of Columbia Bar

ex officio:

David R. Brink, President, American Bar Association

Morris Harrell, President-Elect, American Bar Association

Eugene C. Thomas, Chairman, House of Delegates, American Bar Association

Arthur W. Leibold, Jr., Treasurer, American Bar Association

Joseph H. Gordon, President, American Bar Endowment

Sharp Whitmore, Chairman, The Fellows of the American Bar Foundation

William Poole, Vice-Chairman, The Fellows of the American Bar Foundation

ADMINISTRATION

Spencer L. Kimball, *Executive Director*

Barbara A. Curran, *Associate Executive Director*

Donald M. McIntyre, *Associate Executive Director*

Joanne Martin, *Assistant Executive Director*

Benjamin S. Jones, *Accounting Officer and Office Manager*

Bette H. Sikes, *Director of Publications*

Olavi Maru, *Librarian*