PREFACE

This tenth annual edition of the Ninth Circuit Survey is devoted to summary and analysis of decisions by the Ninth Circuit Court of Appeals between September 26, 1983 and February 15, 1985.

The issue analyzes cases in a variety of areas of the law including: admiralty & maritime; anti-trust; constitutional law; criminal law & procedure; Indian law; sex discrimination; tax; and trademark & copyright law. The notes contain detailed background and analysis, while the summaries briefly sketch the holding and significance of each case.

This issue of the Ninth Circuit Survey is particularly significant due to the unprecedented reversal rate of Ninth Circuit cases. Of the twenty-eight cases reviewed by the Supreme Court during its last term, twenty-seven were reversed. Various explanations have been advanced for such results ranging from the disparate political and ideological outlook between this Circuit and that of the Supreme Court to the Ninth Circuit's voluminous case load.

Although not dealing directly with this phenomena, some of the commentary contained in this issue does point out that some of the decisions rendered in this circuit do differ substantially with law developed in other circuits. To aid readers in their analysis of the opinions contained in the Survey, a section on court personnel has been provided. Reference may also be made to the footnotes accompanying each note, where the composition of the various panels which decided each case are listed.

The goal of this issue is to present a representative survey of significant Ninth Circuit developments with detailed analysis of the reasoning process utilized in each decision. It is hoped that the breadth of this issue and the depth of its analysis is useful to researchers and Ninth Circuit practitioners.

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