



1975

## Table of Contents

Cleveland State Law Review

Follow this and additional works at: <http://engagedscholarship.csuohio.edu/clevstrev>  
**How does access to this work benefit you? Let us know!**

---

### Recommended Citation

Cleveland State Law Review, *Table of Contents*, 24 Clev. St. L. Rev. ix (1975)  
available at <http://engagedscholarship.csuohio.edu/clevstrev/vol24/iss4/1>

This Article is brought to you for free and open access by the Law Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Cleveland State Law Review by an authorized administrator of EngagedScholarship@CSU. For more information, please contact [library.es@csuohio.edu](mailto:library.es@csuohio.edu).

# CONTENTS

## ARTICLE

- REAL PROPERTY: FOR CONNOISSEURS OF THE  
PREPOSTEROUS — WHEN IS IT A CAPITAL  
ASSET? ..... *Michael S. Weiner* 573

## NOTE

- JUVENILE DELINQUENT AND UNRULY PROCEEDINGS  
IN OHIO: UNCONSTITUTIONAL ADJUDICATIONS ..... 602

## CASE NOTE

- FOREST CITY ENTERPRISES, INC. v. CITY OF EASTLAKE:  
ZONING REFERENDA AND EXCLUSIONARY ZONING ..... 635

## COMMENT

- THE AUTHORITY OF THE PUBLIC EMPLOYER TO ENGAGE  
IN COLLECTIVE BARGAINING IN THE ABSENCE OF  
A STATE STATUTE: OHIO, A CASE IN POINT ..... 672

## CASE COMMENT

- THE EFFECTS OF TUCKER ON THE "FRUITS" OF  
ILLEGALLY OBTAINED STATEMENTS ..... 689

---

CITE AS 24 CLEVE. ST. L. REV.—(1975)

---

The views expressed in this *Law Review* are those of the authors of the articles and do not necessarily reflect the opinions of the trustees, faculty, alumni or students of the Cleveland State University or the College of Law. Contributing authors are expected to reveal personal, economic or professional interests that may have influenced the views taken or advocated in their articles. Each author impliedly represents that such disclosure has been made.

## ERRATA

At the time the article on rape reform legislation (Note, *Rape Reform Legislation: Is it the Solution?*, 24 CLEVE. ST. L. REV. 463 (1975)) went to press, the official codification of Ohio's new rape law was not yet available. Thus, it was necessary to rely on the copy of Amended Substitute Senate Bill No. 144 forwarded from Columbus as the "enacted" Bill. It was in fact only a penultimate. Consequently, there are some errors in the discussion of Ohio's rape reform legislation. The significance of the final amendments to the Ohio law necessitates the following clarification:

### *Prior Sexual Conduct of the Victim*

The stipulation that the evidentiary restriction does not limit the right of the state or the defense to impeach credibility was deleted. This deletion makes the Ohio evidentiary standard as stringent as that adopted by Michigan. In addition, however, and as noted in the article, the same restrictions with regard to evidence of prior sexual conduct must also be applied to the defendant. Thus Ohio's evidentiary provision is even more comprehensive than that of Michigan in providing adequate safeguards for the victim while granting equal protection to the accused.

The section of the new Ohio rape law allowing counsel representing the victim to be present at any evidentiary hearing has been qualified by the addition of a proviso requiring court approval of such representation. Furthermore, the appointment of counsel to represent an indigent victim or one otherwise unable to obtain counsel is no longer mandatory but within the sound discretion of the court. The ramifications of these changes cannot be estimated at the present time. It is hoped, however, that the legislative reliance on judicial discretion has not been misplaced.

### *Medical Care*

The unique provision of the Ohio rape law allowing for medical treatment for minor rape victims without parental consent has been qualified to require the attending hospital to give written notice to the parent, parents, or guardian of such a minor. This qualification may provide such a strong disincentive to minor rape victims that these victims will not take advantage of the available medical treatment; serious questions have already been raised with regard to a possible breach of the confidential relationship between doctor and patient. These objections cast doubt on the wisdom of this legislative change and mandate its reconsideration by the Ohio legislature.

Ed.