



# Tulane Law Review

Devoted to the Civil Law,  
Comparative Law and Admiralty

24 ENE 1997

## ARTICLES

THE LEGAL SERVITUDE OF PASSAGE

*A.N. Yiannopoulos*

AUTONOMY AND DEATH

*Annette E. Clark*

STUDENT LOANS, BANKRUPTCY, AND THE FRESH  
START POLICY: MUST DEBTORS BE  
IMPOVERISHED TO DISCHARGE  
EDUCATIONAL LOANS?

*Robert F. Salvin*

## ESSAY

THE SECRET DISSSENT IN *YAMAHA MOTOR CORP.*,  
*U.S.A. v. CALHOUN*—NEVER BEFORE PUBLISHED!

*Ugo Colella*

## COMMENT

THE NEW FORCED HEIRSHIP LAW, ITS IMPLEMENTING  
LEGISLATION, AND MAJOR SUBSTANTIVE  
POLICY CHANGES OF THE LOUISIANA STATE  
LAW INSTITUTE'S PROPOSED COMPREHENSIVE  
REVISION OF THE SUCCESSIONS AND  
DONATIONS LAWS

*Kerry J. Miller*

## RECENT DEVELOPMENTS

**VOLUME 71    NUMBER 1    NOVEMBER 1996**

# TULANE LAW REVIEW

VOLUME 71

NOVEMBER 1996

NUMBER 1

## CONTENTS

### ARTICLES

- THE LEGAL SERVITUDE OF  
PASSAGE ..... *A.N. Yiannopoulos* 1
- AUTONOMY AND DEATH ..... *Annette E. Clark* 45
- STUDENT LOANS, BANKRUPTCY,  
AND THE FRESH START POLICY:  
MUST DEBTORS BE  
IMPOVERISHED TO DISCHARGE  
EDUCATIONAL LOANS? ..... *Robert F. Salvin* 139

### ESSAY

- THE SECRET DISSENT IN  
*YAMAHA MOTOR CORP., U.S.A.*  
*V. CALHOUN*—NEVER BEFORE  
PUBLISHED! ..... *Ugo Colella* 203

### COMMENT

- THE NEW FORCED HEIRSHIP LAW,  
ITS IMPLEMENTING LEGISLATION,  
AND MAJOR SUBSTANTIVE  
POLICY CHANGES OF THE  
LOUISIANA STATE LAW INSTITUTE'S  
PROPOSED COMPREHENSIVE  
REVISION OF THE SUCCESSIONS  
AND DONATIONS LAWS ..... *Kerry J. Miller* 223

## RECENT DEVELOPMENTS

<i>HOPWOOD V. TEXAS:</i> AFFIRMATIVE ACTION ENCOUNTERS A FORMIDABLE AND FATAL MATCH IN THE FIFTH CIRCUIT .....	<i>Erin Albritton</i>	303
<i>MANUEL V. LOUISIANA SHERIFF'S RISK MANAGEMENT FUND:</i> THE LOUISIANA SUPREME COURT CLARIFIES JURISPRUDENTIAL CONFUSION REGARDING THE NONRETROACTIVITY PRINCIPLE IN THE CONTEXT OF THIRD-PARTY "BAD FAITH" ACTIONS .....	<i>Pablo E. Carillo</i>	325