



1-1-2012

## Annual Index

North Dakota Law Review

[How does access to this work benefit you? Let us know!](#)

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

---

### Recommended Citation

North Dakota Law Review (2012) "Annual Index," *North Dakota Law Review*. Vol. 88: No. 4, Article 7.  
Available at: <https://commons.und.edu/ndlr/vol88/iss4/7>

This Index is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact [und.common@library.und.edu](mailto:und.common@library.und.edu).

ANNUAL SUBJECT INDEX VOLUME 88  
LIST OF SUBJECT HEADINGS

The following is a list of all subject headings in this index, arranged alphabetically.

ADMINISTRATIVE LAW  
AGRICULTURE  
BAR ASSOCIATION  
BAR PROCEEDINGS  
CIVIL RIGHTS  
CHILD CUSTODY  
CLASS ACTION  
CONSTITUTIONAL LAW  
CONTRACTS  
COPYRIGHT  
CRIMINAL LAW  
CRIMINAL PROCEDURE  
DOMESTIC VIOLENCE  
DRUNK DRIVING  
EDUCATION  
EMPLOYMENT DISCRIMINATION  
ENERGY LAW  
ENVIRONMENTAL LAW  
ETHICS  
EVIDENCE  
FAMILY LAW  
FIRST AMENDMENT  
HAZARDOUS WASTES  
INDIAN LAW  
INHERITANCE  
INTELLECTUAL PROPERTY  
JURIES  
JURISDICTION  
JUVENILES  
LABOR LAW  
LEGAL EDUCATION  
LEGAL ETHICS  
LIABILITY

MILITARY  
MINERAL LAW  
NORTH DAKOTA SUPREME COURT REVIEW  
OIL AND GAS LAW  
PRODUCTS LIABILITY  
PROFESSIONAL RESPONSIBILITY  
REAL PROPERTY  
SEARCH AND SEIZURE  
SENTENCING AND PUNISHMENT  
SYMPOSIUM  
TORTS  
UNITED STATES SUPREME COURT  
WATER LAW  
WILDLIFE  
WORKERS' COMPENSATION

#### ADMINISTRATIVE LAW

88:1, No. 1; An Argument Against Administrative Acquiescence. Drew A. Swank.

#### AGRICULTURE

88:347, No. 2; Rural Inheritance: Gender Disparities in Farm Transmission. Hannah Alsgaard.

#### BAR ASSOCIATION

88:541, No. 2; Proceedings of the One Hundred Thirteenth Annual Meeting of the North Dakota State Bar Association.

#### BAR PROCEEDINGS

88:541, No. 2; Proceedings of the One Hundred Thirteenth Annual Meeting of the North Dakota State Bar Association.

#### CIVIL RIGHTS

88:51, No. 1; The Constitution in Time of National Crisis: Contextualizing Post-September 11 Constitutional Ramifications. Julia L. Ernst.

#### CHILD CUSTODY

88:235, No. 1; Who are My Real Mommy and Daddy? Third Party Child Custody Determinations and the Need for Legislative Guidance in North Dakota with this Policy-Laden Area of Law. John Schroeder.

### CLASS ACTION

88:699, No. 3; Grouping the Marcellus Payout: Use of Class Actions in Royalty Litigation Concerning Post-Production Cost Deductions. Karen E. Kahle and Denielle M. Stritch.

### CONSTITUTIONAL LAW

88:51, No. 1; The Constitution in Time of National Crisis: Contextualizing Post-September 11 Constitutional Ramifications. Julia L. Ernst.

### CONTRACTS

88:161, No. 1; Creating the National Wealth: Authorship, Copyright, and Literary Contracts. Michael Brandon Lopez.

88:613, No. 3; Smokin'! Modification in Boomtown: When Business is Booming, Look to the United States District Court for the Potential Effect of an Instant Message, and Analysis of the Recent CX Digital Media, Inc. v. Smoking Everywhere, Inc. Christyne J. Vachon

### COPYRIGHT

88:161, No. 1; Creating the National Wealth: Authorship, Copyright, and Literary Contracts. Michael Brandon Lopez.

### CRIMINAL LAW

88:321, No. 2; It's a Long Way for the Shortcut: The Evolution of North Dakota Rule of Evidence 707 and Its Impact on DUI Prosecutions. Cherie L. Clark and Reid A. Brady.

### CRIMINAL PROCEDURE

88:495, No. 2; Bail—Searches and Seizures: Pre-Trial Release Conditions Imposed Under North Dakota Rule of Criminal Procedure 46(a)(2)(M) Require Explicit Findings.

### DOMESTIC VIOLENCE

88:863, No. 4; Introduction: Domestic Violence: The Evolution from a Family Problem to Legal Discipline. Peter Welte.

88:872, No. 4; An American Concept with Distinctly Chinese Characteristics: The Introduction of the Civil Protection Order in China. Robin Runge.

88:907, No. 4; The Affects and Implications of Intimate Partner Violence on Ethical Mediation Practice. Kristine Parаница.

88:921, No. 4; Expert Testimony in Cases Involving Battered Women Who Kill: Going Beyond the Battered Woman Syndrome. Cheryl A. Terrance, Karyn M. Plumm, and Katlin J. Rhyner.

88:956, No. 4; The North Dakota United States Attorney's Office's Anti-Violence Strategy for Tribal Communities: Working to Make Reservations Safer Through Enforcement, Crime Prevention and Offender Reentry Programs. Timothy Q. Purdon.

88:989, No. 4; Employment Discrimination Against Domestic Violence Survivors: Strengthening the Disparate Impact Theory. Denise R. J. Finlay.

#### DRUNK DRIVING

88:321, No. 2; It's a Long Way for the Shortcut: The Evolution of North Dakota Rule of Evidence 707 and Its Impact on DUI Prosecutions. Cherie L. Clark and Reid A. Brady.

#### EDUCATION

88:21, No. 1; Law as Science: Revisiting Langdell's Paradigm in the 21st Century. Nancy Cook.

#### EMPLOYMENT DISCRIMINATION

88:989, No. 4; Employment Discrimination Against Domestic Violence Survivors: Strengthening the Disparate Impact Theory. Denise R. J. Finlay.

#### ENERGY LAW

88:559, No. 3; Bioenergy, Resource Scarcity, and the Rising Importance of Land Use Definitions. Jody M. Endres.

88:595, No. 3; Surface Use in the Age of Horizontal Drilling: Will Horizontal Wells Be Considered a "Reasonably Necessary" Use of the Surface? Lori A. Dawkins, Allison J. Farrell, and Lauren K. Turner.

88:613, No. 3; Smokin'! Modification in Boomtown: When Business is Booming, Look to the United States District Court for the Potential Effect of an Instant Message, and Analysis of the Recent *CX Digital Media, Inc. v. Smoking Everywhere, Inc.* Christyne J. Vachon.

88:649, No. 3; Canons of Construction for the Interpretation of Mineral Conveyances, Severances, Exceptions, and Reservations in Producing States. Daniel B. Kostrub and Roger S. Christenson II.

88:727, No. 3; The Quick and the Dead: Cessation of Production and Shut-Ins During the Secondary Term of an Oil and Gas Lease. R. Neil Pierce, Katerina E. Milenkovski, and Ryan S. Bundy.

## ENVIRONMENTAL LAW

88:209, No. 1; The Saga Continues—Trying to Find a Balance in CERCLA’s PRP Liability Suits. Scott P. Brand.

88:559, No. 3; Bioenergy, Resource Scarcity, and the Rising Importance of Land Use Definitions. Jody M. Endres.

88:843, No. 3; Environmental Law—Endangered Species: Interpreting the Migratory Bird Treaty Act and its Prohibition Against the “Taking” of Protected Birds. Andrew L. Askew.

## ETHICS

88:453, No. 2; iEthics: How Cloud Computing has Impacted the Rules of Professional Conduct. Andrew L. Askew.

## EVIDENCE

88:321, No. 2; It’s a Long Way for the Shortcut: The Evolution of North Dakota Rule of Evidence 707 and Its Impact on DUI Prosecutions. Cherie L. Clark and Reid A. Brady.

## FAMILY LAW

88:235, No. 1; Who are My Real Mommy and Daddy? Third Party Child Custody Determinations and the Need for Legislative Guidance in North Dakota with this Policy-Laden Area of Law. John Schroeder.

## FIRST AMENDMENT

88:283, No. 2; The Value of Valor: Money, Medals, and Military Labor. Mateo Taussig-Rubbo.

## HAZARDOUS WASTES

88:209, No. 1; The Saga Continues—Trying to Find a Balance in CERCLA’s PRP Liability Suits. Scott P. Brand.

## INDIAN LAW

88:97, No. 1; Interstate Water Compact Version 3.0: Missouri River Basin Compact Drafters Should Consider an Inter-Sovereign Approach to Accommodate Federal and Tribal Interests in Water Resources. Jeffrey T. Matson.

## INHERITANCE

88:347, No. 2; Rural Inheritance: Gender Disparities in Farm Transmission. Hannah Alsgaard.

## INTELLECTUAL PROPERTY

88:161, No. 1; Creating the National Wealth: Authorship, Copyright, and Literary Contracts. Michael Brandon Lopez.

## JURIES

88:409, No. 2; The Contradictory Stance on Jury Nullification. Kenneth Duvall.

## JURISDICTION

88:139, No. 1; Striking a Fair Balance: Extended Juvenile Jurisdiction in North Dakota. Jennifer Albaugh & Haley Wamstad.

## JUVENILES

88:139, No. 1; Striking a Fair Balance: Extended Juvenile Jurisdiction in North Dakota. Jennifer Albaugh & Haley Wamstad.

## LABOR LAW

88:265, No. 1; Workers' Compensation—Injuries Arising Out of and In the Course of Employment: The North Dakota Supreme Court Rejects the Positional Risk Doctrine in Cases of Unexplained Falls at Work. Elizabeth Alvine.

## LEGAL EDUCATION

88:21, No. 1; Law as Science: Revisiting Langdell's Paradigm in the 21st Century. Nancy Cook.

## LEGAL ETHICS

88:453, No. 2; iEthics: How Cloud Computing has Impacted the Rules of Professional Conduct. Andrew L. Askew.

## LIABILITY

88:209, No. 1; The Saga Continues—Trying to Find a Balance in CERCLA's PRP Liability Suits. Scott P. Brand.

## MILITARY

88:283, No. 2; The Value of Valor: Money, Medals, and Military Labor. Mateo Taussig-Rubbo.

## MINERAL LAW

88:595, No. 3; Surface Use in the Age of Horizontal Drilling: Will Horizontal Wells Be Considered a “Reasonably Necessary” Use of the Surface? Lori A. Dawkins, Allison J. Farrell, and Lauren K. Turner.

88:649, No. 3; Canons of Construction for the Interpretation of Mineral Conveyances, Severances, Exceptions, and Reservations in Producing States. Daniel B. Kostrub and Roger S. Christenson II.

88:699, No. 3; Grouping the Marcellus Payout: Use of Class Actions in Royalty Litigation Concerning Post-Production Cost Deductions. Karen E. Kahle and Denielle M. Stritch.

## NORTH DAKOTA SUPREME COURT REVIEW

88:515, No. 2; North Dakota Supreme Court Review.

## OIL AND GAS LAW

88:595, No. 3; Surface Use in the Age of Horizontal Drilling: Will Horizontal Wells Be Considered a “Reasonably Necessary” Use of the Surface? Lori A. Dawkins, Allison J. Farrell, and Lauren K. Turner.

88:649, No. 3; Canons of Construction for the Interpretation of Mineral Conveyances, Severances, Exceptions, and Reservations in Producing States. Daniel B. Kostrub and Roger S. Christenson II.

88:699, No. 3; Grouping the Marcellus Payout: Use of Class Actions in Royalty Litigation Concerning Post-Production Cost Deductions. Karen E. Kahle and Denielle M. Stritch.

88:727, No. 3; The Quick and the Dead: Cessation of Production and Shut-Ins During the Secondary Term of an Oil and Gas Lease. R. Neil Pierce, Katerina E. Milenkovski, and Ryan S. Bundy.

## PRODUCTS LIABILITY

88:477, No. 2; Torts—Product Liability: North Dakota Rejects the Apparent Manufacturer Doctrine. Justin J. Hagel.

## PROFESSIONAL RESPONSIBILITY

88:453, No. 2; iEthics: How Cloud Computing has Impacted the Rules of Professional Conduct. Andrew L. Askew.

## REAL PROPERTY

88:347, No. 2; Rural Inheritance: Gender Disparities in Farm Transmission. Hannah Alsgaard.



88:649, No. 3; Canons of Construction for the Interpretation of Mineral Conveyances, Severances, Exceptions, and Reservations in Producing States. Daniel B. Kostrub and Roger S. Christenson II.

#### SEARCH AND SEIZURE

88:495, No. 2; Bail—Searches and Seizures: Pre-Trial Release Conditions Imposed Under North Dakota Rule of Criminal Procedure 46(a)(2)(M) Require Explicit Findings.

#### SENTENCING AND PUNISHMENT

88:495, No. 2; Bail—Searches and Seizures: Pre-Trial Release Conditions Imposed Under North Dakota Rule of Criminal Procedure 46(a)(2)(M) Require Explicit Findings.

#### SYMPOSIUM

88:863, No. 4; Introduction: Domestic Violence: The Evolution from a Family Problem to Legal Discipline. Peter Welte.

88:872, No. 4; An American Concept with Distinctly Chinese Characteristics: The Introduction of the Civil Protection Order in China. Robin Runge.

88:907, No. 4; The Affects and Implications of Intimate Partner Violence on Ethical Mediation Practice. Kristine Paranca.

88:921, No. 4; Expert Testimony in Cases Involving Battered Women Who Kill: Going Beyond the Battered Woman Syndrome. Cheryl A. Terrance, Karyn M. Plumm, and Katlin J. Rhyner.

88:956, No. 4; The North Dakota United States Attorney's Office's Anti-Violence Strategy for Tribal Communities: Working to Make Reservations Safer Through Enforcement, Crime Prevention and Offender Reentry Programs. Timothy Q. Purdon.

88:989, No. 4; Employment Discrimination Against Domestic Violence Survivors: Strengthening the Disparate Impact Theory. Denise R. J. Finlay.

#### TORTS

88:477, No. 2; Torts—Product Liability: North Dakota Rejects the Apparent Manufacturer Doctrine. Justin J. Hagel.

#### UNITED STATES SUPREME COURT

88:283, No. 2; The Value of Valor: Money, Medals, and Military Labor. Mateo Taussig-Rubbo.

**WATER LAW**

88:97, No. 1; Interstate Water Compact Version 3.0: Missouri River Basin Compact Drafters Should Consider an Inter-Sovereign Approach to Accommodate Federal and Tribal Interests in Water Resources. Jeffrey T. Matson.

**WILDLIFE**

88:843, No. 3; Environmental Law—Endangered Species: Interpreting the Migratory Bird Treaty Act and its Prohibition Against the “Taking” of Protected Birds. Andrew L. Askew.

**WORKERS’ COMPENSATION**

88:265, No. 1; Workers’ Compensation—Injuries Arising Out of and In the Course of Employment: The North Dakota Supreme Court Rejects the Positional Risk Doctrine in Cases of Unexplained Falls at Work. Elizabeth Alvine.