



1-1-2011

## 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 (2011) "Annual Index," *North Dakota Law Review*. Vol. 87: No. 4, Article 12.  
Available at: <https://commons.und.edu/ndlr/vol87/iss4/12>

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 87  
LIST OF SUBJECT HEADINGS

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

ADMINISTRATIVE LAW  
BAR ASSOCIATION  
BAR PROCEEDINGS  
COMMEMORATIVE COMMENTARY  
CONTRACTS  
CRIMINAL LAW  
DEBTORS AND CREDITORS  
EMPLOYMENT LAW  
ENERGY LAW  
ETHICS  
FAMILY LAW  
FEDERAL PREEMPTION  
GAMING LAW  
IMMIGRATION  
INDIAN LAW  
INTELLECTUAL PROPERTY  
LEGISLATION  
LOBBYING  
NORTH DAKOTA LAW  
NORTH DAKOTA SUPREME COURT REVIEW  
OIL AND GAS LAW  
PRISONS  
PRODUCTS LIABILITY  
PROFESSIONAL RESPONSIBILITY  
REAL PROPERTY  
SENTENCING AND PUNISHMENT  
TORTS  
UNITED STATES SUPREME COURT  
WILDLIFE

ADMINISTRATIVE LAW

87:625, No. 4; Federal Incentives for Clean Energy After Solyndra: A Post-Recovery Act Precipice. John A. Herrick and Cara S. Elias.

87:571, No. 4; The Scenic Protections of the Clean Air Act. John Copeland Nagle.

#### BAR ASSOCIATION

87:457, No. 3; Proceedings of the One Hundred Twelfth Annual Meeting of the North Dakota State Bar Association.

#### BAR PROCEEDINGS

87:457, No. 3; Proceedings of the One Hundred Twelfth Annual Meeting of the North Dakota State Bar Association.

#### COMMEMORATIVE COMMENTARY

87:195, No. 2; Ronald N. Davies, My Friend. Myron H. Bright.

87:203, No. 2; Remembering Judge Ronald N. Davies: A Giant Among Us. Ralph R. Erickson.

87:215, No. 2; Legal Symposium on Judge Ronald N. Davies: Role of Judiciary in Enforcing Citizens' Rights. Gerald W. VandeWalle.

87:223, No. 2; Commentary on a Courageous and Fair-Minded Jurist. Carlton J. Hunke.

#### CONTRACTS

87:703, No. 4; The Fine Print Matters: Negotiating an Oil and Gas Lease in North Dakota. Joshua A. Swanson.

87:743, No. 4; Fraud – Rights of Action and Defenses: Statute of Frauds Does Not Preclude the Assertion of a Deceit Claim. *Irish Oil & Gas, Inc. v. Riemer*, 2011 ND 22, 794 N.W.2d 715. Christel Croxen.

#### CRIMINAL LAW

87:85, No. 1; The Failing Promise of *Padilla*: How *Padilla v. Kentucky* Should Have Changed the Game in North Dakota, but Did Not. Nicholas D. Thornton.

87:375, No. 3, Sentencing and Punishment – Sentencing Guidelines: The Sentencing Reform Act Precludes Courts From Lengthening a Prison Sentence Solely to Foster Offender Rehabilitation. *Tapia v. United States*, 131 S. Ct. 2382 (2011). Shanna L. Brown.

#### DEBTORS AND CREDITORS

87:255, No. 2; The Prohibition Against Recovering Attorney Fees in Mortgage Foreclosure: It's Time for Delinquent Debtors to Pay the Piper in North Dakota. Stephen D. Larson.

87:273, No. 2; A False Light in the Darkness: Protecting Consumers and Creditors From the Debt Settlement Industry. Jonathan L. Voigt.

#### EMPLOYMENT LAW

87:166, No. 1; The Domestic Violence Leave Act: The Need for Victim Workplace Leave on a Federal Level and in North Dakota. Danielle Krause.

#### ENERGY LAW

87:475; No. 4; Introduction: Avoiding Dutch Disease and Bad Policy Choices. Owen L. Anderson.

87:485, No. 4; North Dakota Expertise: A Chance to Lead in Economically and Environmentally Sustainable Hydraulic Fracturing. Joshua P. Fershee.

87:507, No. 4; Water Resources and Oil and Gas Development: A Survey of North Dakota Law. Robert E. Beck.

87:535, No. 4; Development's Victim or Its Beneficiary?: The Impact of Oil and Gas Development on the Fort Berthold Indian Reservation. Raymond Cross.

87:571, No. 4; The Scenic Protections of the Clean Air Act. John Copeland Nagle.

87:603, No. 4; Minimizing Species Disputes in Energy Siting: Utilizing Natural Heritage Inventories. Lee Paddock and Lea Colasuonno.

87:625, No. 4; Federal Incentives for Clean Energy After Solyndra: A Post-Recovery Act Precipice. John A. Herrick and Cara S. Elias.

87:691, No. 4; Rethinking a Twenty-First Century Model for Energy Development. A.L. Parlow.

87:703, No. 4; The Fine Print Matters: Negotiating an Oil and Gas Lease in North Dakota. Joshua A. Swanson.

87:717, No. 4; Environmental Concerns While North Dakota Resists Regulation: Should Citizens be Concerned? Heather Ash.

87:743, No. 4; Fraud – Rights of Action and Defenses: Statute of Frauds Does Not Preclude the Assertion of a Deceit Claim. *Irish Oil & Gas, Inc. v. Riemer*, 2011 ND 22, 794 N.W.2d 715. Christel Croxen.

#### ETHICS

87:19, No. 1; Virtue Ethics, Earnestness, and the Deciding Lawyer: Human Flourishing in a Legal Community. Michael S. McGinniss.

## FAMILY LAW

87:166, No. 1; The Domestic Violence Leave Act: The Need for Victim Workplace Leave on a Federal Level and in North Dakota. Danielle Krause.

## FEDERAL PREEMPTION

87:355, No. 3, Products Liability – Conflict Preemption: Rewriting the Test for Impossibility: The United States Supreme Court Removes the Protection of the Law for Generic Drug Recipients. *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011). Amanda Brossart.

## GAMING LAW

87:299, No. 3; Why do All Casinos Seem to be the Same? A Glance Into Casino Games, Gambling Machines and the Doctrine of Fair Use. Eric D. Gorman.

## IMMIGRATION

87:85, No. 1; The Failing Promise of *Padilla*: How *Padilla v. Kentucky* should Have Changed the Game in North Dakota, but Did Not. Nicholas D. Thornton.

## INDIAN LAW

87:1, No. 1; “Members Only”: A Critique of *Montana v. United States*. William P. Zuger.

87:535, No. 4; Development’s Victim or Its Beneficiary?: The Impact of Oil and Gas Development on the Fort Berthold Indian Reservation. Raymond Cross.

## INTELLECTUAL PROPERTY

87:402, No. 3; Intellectual Property- Patents: The United States Supreme Court Affirms the Standard of Proof for Patent Invalidity. *Microsoft Corp. v. i4i Ltd. P’ship*, 131 S. Ct. 2238 (2011). Florent Martel.

## LEGISLATION

87:325, No. 3; The Uniform Electronic Legal Material Act: “Desirable and Practicable” for North Dakota? Rhonda R. Schwartz.

## LOBBYING

87:58, No. 1; Lawyering and Lobbying: The Discipline of Public Policy Advocacy. Levi D. Andrist and Joel Gilbertson.

## NORTH DAKOTA LAW

87:85, No. 1; The Failing Promise of *Padilla*: How *Padilla v. Kentucky* Should Have Changed the Game in North Dakota, but Did Not. Nicholas D. Thornton.

87:138, No.1; North Dakota's Seat Belt Defense: It's Time for North Dakota to Statutorily Adopt the Doctrine of Avoidable Consequences. Lindsay M. Harris.

87:166, No. 1; The Domestic Violence Leave Act: The Need for Victim Workplace Leave on a Federal Level and in North Dakota. Danielle Krause.

87:233, No. 2; Collision of Negligence Theory: Does a "Blackout" Constitute an Unavoidable, Sudden Emergency in North Dakota? Vanessa L. Anderson.

87:255, No. 2; The Prohibition Against Recovering Attorney Fees in Mortgage Foreclosure: It's Time for Delinquent Debtors to Pay the Piper in North Dakota. Stephen D. Larson.

87:325, No. 3; The Uniform Electronic Legal Material Act: "Desirable and Practicable" for North Dakota? Rhonda R. Schwartz.

87:343, No. 3; Limitations on Easements in North Dakota May Have Unintended Consequences for Qualified Conservation Easement Charitable Contributions. Jon J. Jensen.

87:485, No. 4; North Dakota Expertise: A Chance to Lead in Economically and Environmentally Sustainable Hydraulic Fracturing. Joshua P. Fershee.

87:507, No. 4; Water Resources and Oil and Gas Development: A Survey of North Dakota Law. Robert E. Beck.

87:535, No. 4; Development's Victim or Its Beneficiary?: The Impact of Oil and Gas Development on the Fort Berthold Indian Reservation. Raymond Cross.

87:571, No. 4; The Scenic Protections of the Clean Air Act. John Copeland Nagle.

87:603, No. 4; Minimizing Species Disputes in Energy Siting: Utilizing Natural Heritage Inventories. Lee Paddock and Lea Colasuonno.

87:703, No. 4; The Fine Print Matters: Negotiating an Oil and Gas Lease in North Dakota. Joshua A. Swanson.

87:717, No. 4; EPA Launches Hydraulic Fracturing Study to Investigate Health and Environmental Concerns While North Dakota Resists Regulation: Should Citizens be Concerned? Heather Ash.

87:743, No. 4; Fraud – Rights of Action and Defenses: Statute of Frauds Does Not Preclude the Assertion of a Deceit Claim. *Irish Oil & Gas, Inc. v. Riemer*, 2011 ND 22, 794 N.W.2d 715. Christel Croxen.

## NORTH DAKOTA SUPREME COURT REVIEW

87:419, No.2; North Dakota Supreme Court Review.

## OIL AND GAS LAW

87:485, No. 4; North Dakota Expertise: A Chance to Lead in Economically and Environmentally Sustainable Hydraulic Fracturing. Joshua P. Fershee.

87:507, No. 4; Water Resources and Oil and Gas Development: A Survey of North Dakota Law. Robert E. Beck.

87:535, No. 4; Development's Victim or Its Beneficiary?: The Impact of Oil and Gas Development on the Fort Berthold Indian Reservation. Raymond Cross.

87:703, No. 4; The Fine Print Matters: Negotiating an Oil and Gas Lease in North Dakota. Joshua A. Swanson.

87:717, No. 4; EPA Launches Hydraulic Fracturing Study to Investigate Health and Environmental Concerns While North Dakota Resists Regulation: Should Citizens be Concerned? Heather Ash.

87:743, No. 4; Fraud – Rights of Action and Defenses: Statute of Frauds Does Not Preclude the Assertion of a Deceit Claim. *Irish Oil & Gas, Inc. v. Riemer*, 2011 ND 22, 794 N.W.2d 715. Christel Croxen.

## PRISONS

87:375, No. 3, Sentencing and Punishment – Sentencing Guidelines: The Sentencing Reform Act Precludes Courts From Lengthening a Prison Sentence Solely to Foster Offender Rehabilitation. *Tapia v. United States*, 131 S. Ct. 2382 (2011). Shanna L. Brown.

## PRODUCTS LIABILITY

87:355, No. 3, Products Liability – Conflict Preemption: Rewriting the Test for Impossibility: The United States Supreme Court Removes the Protection of the Law for Generic Drug Recipients. *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011). Amanda Brossart.

## PROFESSIONAL RESPONSIBILITY

87:19, No. 1; Virtue Ethics, Earnestness, and the Deciding Lawyer: Human Flourishing in a Legal Community. Michael S. McGinniss.

## REAL PROPERTY

87:255, No. 2; The Prohibition Against Recovering Attorney Fees in Mortgage Foreclosure: It's Time for Delinquent Debtors to Pay the Piper in North Dakota. Stephen D. Larson.

87:343, No. 3; Limitations on Easements in North Dakota May Have Unintended Consequences for Qualified Conservation Easement Charitable Contributions. Jon J. Jensen.

#### SENTENCING AND PUNISHMENT

87:375, No. 3, Sentencing and Punishment – Sentencing Guidelines: The Sentencing Reform Act Precludes Courts From Lengthening a Prison Sentence Solely to Foster Offender Rehabilitation. *Tapia v. United States*, 131 S. Ct. 2382 (2011). Shanna L. Brown.

#### TORTS

87:138, No.1; North Dakota’s Seat Belt Defense: It’s Time for North Dakota to Statutorily Adopt the Doctrine of Avoidable Consequences. Lindsay M. Harris.

87:233, No. 2; Collision of Negligence Theory: Does a “Blackout” Constitute an Unavoidable, Sudden Emergency in North Dakota? Vanessa L. Anderson.

87:743, No. 4; Fraud – Rights of Action and Defenses: Statute of Frauds Does Not Preclude the Assertion of a Deceit Claim. *Irish Oil & Gas, Inc. v. Riemer*, 2011 ND 22, 794 N.W.2d 715. Christel Croxen.

#### UNITED STATES SUPREME COURT

87:1, No. 1; “Members Only”: A Critique of *Montana v. United States*. William P. Zuger.

87:85, No. 1; The Failing Promise of *Padilla*: How *Padilla v. Kentucky* Should Have Changed the Game in North Dakota, but Did Not. Nicholas D. Thornton.

87:355, No. 3, Products Liability – Conflict Preemption: Rewriting the Test for Impossibility: The United States Supreme Court Removes the Protection of the Law for Generic Drug Recipients. *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011). Amanda Brossart.

87:375, No. 3, Sentencing and Punishment – Sentencing Guidelines: The Sentencing Reform Act Precludes Courts From Lengthening a Prison Sentence Solely to Foster Offender Rehabilitation. *Tapia v. United States*, 131 S. Ct. 2382 (2011). Shanna L. Brown.

87:402, No. 3; Intellectual Property- Patents: The United States Supreme Court Affirms the Standard of Proof for Patent Invalidity. *Microsoft Corp. v. i4i Ltd. P’ship*, 131 S. Ct. 2238 (2011). Florent Martel.



## WILDLIFE

87:603, No. 4; Minimizing Species Disputes in Energy Siting:  
Utilizing Natural Heritage Inventories. Lee Paddock and Lea Colasuonno.