



1999

Cumulative Subject Index: Volumes 72-75

[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

(1999) "Cumulative Subject Index: Volumes 72-75," *North Dakota Law Review*. Vol. 75: No. 4, Article 9.
Available at: <https://commons.und.edu/ndlr/vol75/iss4/9>

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.

CUMULATIVE SUBJECT INDEX: VOLUMES 72-75

AGRICULTURE

72:125, No. 1; 1996. Congressional Attempts to Amend the Clean Water Act: American Wetlands Under Attack. Steven W. Watkins.

72:505, No. 3; 1996. A Regulatory 'Waste Land': Defining a Justified Federal Role In Crop Insurance. Steffen N. Johnson.

72:721, No. 3; 1996. Insurance—Commencement of Risk: Determining the Appropriate Trigger of Coverage Under a First-Party Property Insurance Policy For Loss Due to Progressive Damage in North Dakota, *Kief Farmers Coop. Elevator Co. v. Farmland Mut. Ins. Co.*, 534 N.W.2d 28 (N.D. 1995). Aaron J. Dorrheim.

73:345, No. 2; 1997. Water and Water Courses—Game: What Does the Future Hold for Eleven Thousand Federal Wetland Easements in North Dakota?, *United States v. Johansen*, 93 F.3d 459 (8th Cir. 1996). Paul D. Odegaard.

74:509, No. 3; 1998. Defeating the Agricultural Exemption: The Norris LaGuardia Act as a Means for Collective Action for Agricultural Labor. Kayce R. Compton.

75:449, No. 3; 1999. Toward an Agrarian Antitrust: A New Direction for Agricultural Law. Jon Lauck.

ALTERNATIVE DISPUTE RESOLUTION

72:299, No. 2; 1996. Employing Alternative Dispute Resolution: Working at Finding Better Ways to Resolve Employer-Employee Strife. George H. Singer.

ARBITRATION

73:459, No. 3; 1997. Don't Rush to Justice: An Argument Against Binding North Dakota Courts to Arbitration. James E. Smith.

BANKRUPTCY

72:83, No. 1; 1996. Comfortable Beds, A Church Pew, A Cemetery Lot, One Hog, One Pig, Six Sheep, One Cow, A Yoke of Oxen or a Horse, and Your Notary Seal: Some Thoughts About Exemptions. Lowell P. Bottrell.

72:651, No. 3; 1996. Exemptions, and Some Necessary Pigeon Holes. Kip M. Kaler.

74:119, No. 1; 1998. Bankruptcy—The Estate: The District Court for North Dakota Determines the Requisite Elements in Order for an Employee Benefits Plan to be ERISA-Qualified and Excluded from the Bankruptcy Estate, *In re Craig*, 204 B.R. 756 (D. N.D. 1997). Amy Elizabeth Dahl.

BOOK REVIEW

73:389, No. 2; 1997. Reel Justice—The Courtroom Goes to the Movies; By Paul Bergman and Michael Asimov. Andrew and McMeel, 1996. Bruce D. Quick.

75:649, No. 3; 1999. Supreme Court Justices Who Voted With the Government: Nine Who Favored the State Over Individual Rights, By James E. Leahy, McFarland & Co., 1999. Edward B. Reinhardt, Jr.

BURDEN OF PROOF

72:99, No. 1; 1996. An Analysis of the Gradual Erosion of the Fourth Amendment Regarding Voluntary Third Party Consent Searches: The Defendant's Perspective. Nancy J. Kloster.

72:411, No. 2; 1996. Civil Rights—Employment Discrimination: The Standard of Review in State-Based Employment Discrimination Claims: The North Dakota Supreme Court Redefines the Standard of Review in Employment Discrimination Claims, *Schuhmacher v. North Dakota Hospital Association* 528 N.W.2d 374 (N.D. 1995). Jennifer L. Thompson.

72:481, No. 3; 1996. Artful Pleading and Circumstantial Evidence in Food Manufacturing Defect Cases: Is It Too Easy to Get to a Jury? Carl Crosby Lehmann.

75:815, No. 4; 1999. An Overview of the Inconsistency Among the Circuits Concerning the Conflict of Interest Analysis Applied in an ERISA Action With an Emphasis on the Eighth Circuit's Adoption of the Sliding Scale Analysis in *Woo v. Deluxe Corporation*. Nola A. Kohler.

CHILD CUSTODY

73:263, No. 2; 1997. Solomon's Wisdom or Solomon's Wisdom Lost: Child Custody in North Dakota—A Presumption that Joint Custody is in the Best Interests of the Child in Custody Disputes. Brian J. Melton.

75:179, No. 2; 1999. Mommy's Gone, Daddy's in Prison, Now What About Me?: Family Reunification for Children of Single Custodial Fathers in Prison—Will the Sins of Incarcerated Fathers be Inherited by Their Children? William Wesley Patton.

75:301, No. 2; 1999. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)—A Metamorphosis of the Uniform Child Custody Jurisdiction Act (UCCJA). Kelly Gaines Stoner.

75:323, No. 2; 1999. Parental Alienation: Not in the Best Interest of the Children. Douglas Darnall.

75:391, No. 2; 1999. Parent and Child—Grounds for Award of Custody: The North Dakota Supreme Court Recognizes That “Stay-at-Home Dad” Was Not Discriminated Against Due to His Non-Traditional Role, *Hogue v. Hogue*, 1998 N.D. 26, 574 N.W.2d 579. Jennifer M. Waterworth.

CIVIL JUSTICE REFORM ACT

72:821, No. 3; 1996. Second Annual Assessment of the Civil Justice Reform Act Advisory Group.

72:855, No. 3; 1996. Second Amendment of the District’s Civil Justice Expense and Delay Reduction Plan.

73:805, No. 4; 1997. Third Annual Assessment of the Civil Justice Reform Act Advisory Group.

73:829, No. 4; 1997. Third Amendment of the District’s Civil Justice Expense and Delay Reduction Plan.

CIVIL RIGHTS

72:387, No. 2; 1996. Sexual Harassment Awareness Training: It’s not the Boogie Monster. Dorraine A. Larison & Mary E. Olk.

72:397, No. 2; 1996. Civil Rights—Work Environment; Sexual Harassment: “Sexual Harassment by a Supervisor of the Same Sex, is it Actionable?” *Equal Employment Opportunity Comm’n v. Walden Book Co.*, 885 F. Supp. 1100 (M.D. Tenn. 1995). Lisa Fair McEvers.

72:411, No. 2; 1996. Civil Rights—Employment Discrimination: The Standard of Review in State-Based Employment Discrimination Claims: The North Dakota Supreme Court Redefines the Standard of Review in Employment Discrimination Claims, *Schuhmacher v. North Dakota Hospital Association* 528 N.W.2d 374 (N.D. 1995). Jennifer L. Thompson.

75:87, No. 1; 1999. Civil Rights—Federal Remedies: The United States Supreme Court, as Federal Flagship for Employment Equality, Balances Responsibility Between Employer and Victim by Imposing Vicarious Liability Subject to an Affirmative Defense for Supervisor Sexual Harassment Creating a Hostile Work Environment, *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998). Noel Evans.

75:117, No. 1; 1999. Civil Rights—Federal Remedies: United States Supreme Court Adopts “Actual Notice” and “Deliberate Indifference” as the Standard for Title IX Damages for Teacher-Student Sexual Harassment, *Gebser v. Lago Vista Independent School District*, 118 S. Ct. 1989 (1998). Debra L. Hoffarth.

75:609, No. 3; 1999. Civil Rights: An Examination of Non-Symptomatic HIV Infection Under the Americans With Disabilities Act of 1990, *Bragdon v. Abbott*, 118 S. Ct. 2196 (1998). James C. Parks, Jr.

75:893, No. 4; 1999. Constitutional Law—First Amendment—Freedom of Speech: The National Endowment for the Arts Can Require Consideration of “Decency and Respect” in Funding Decisions Without Abridging Freedom of Speech, *National Endowment for the Arts v. Finley*, 118 S. Ct. 2168 (1998). Constance Hofland.

COMMENCEMENT SPEECH—JUSTICE CLARENCE THOMAS

74:435, No. 3; 1998. Commencement Speech—University of North Dakota School of Law. The Honorable Clarence Thomas, Associate Justice, United States Supreme Court.

COMMERCE

74:737, No. 4; 1998. Comity in the Free Trade Zone. Delvin J. Losing.

COMPETENCY

74:295, No. 2; 1998. Clear Today, Uncertain Tomorrow: Competency and Legal Guardianship, and the Role of the Lawyer in Serving the Needs of Cognitively Impaired Clients. Dr. Mark Novak and Sean M. Novak.

CONSTITUTIONAL LAW

72:99, No. 1; 1996. An Analysis of the Gradual Erosion of the Fourth Amendment Regarding Voluntary Third Party Consent Searches: The Defendant’s Perspective. Nancy J. Kloster.

72:167, No. 1; 1996. Criminal Procedure—Evidence: Defining the Exclusionary Rule in the Information Age, *Arizona v. Evans*, 115 S. Ct. 1185 (1995). Robert G. Manly.

72:433, No. 3; 1996. Once More Into the Maze: *United States v. Lopez*, Tribal Self-Determination, and Federal Conspiracy Jurisdiction in Indian Country. Richard W. Garnett.

72:1081, No. 4; 1996. Constitutional Law—Federal Commerce Power: Striking Down the Gun Free School Zones Act as Beyond Congressional Power, *United States v. Lopez*, 115 S. Ct. 1624 (1995). Margaret Lupkes.

73:299, No. 2; 1997. Constitutional Law—Punitive Damages: The U. S. Supreme Court Uses the Due Process Clause of the Fourteenth Amendment to Strike Down a Two Million Dollar Punitive Damage Award, *BMW of North America, Inc. v. Gore*, 116 S. Ct. 1589 (1996). Michael Thomas Andrews.

73:323, No. 2; 1997. Constitutional Law—Equal Protection—Gender Discrimination: The Virginia Military Institute is Given the Opportunity to Create “Citizen-Soldiers” Out of Qualified Women, *United States v. Virginia*, 116 S. Ct. 2264 (1996). Shanon M. Gregor.

73:641, No. 4; 1997. The Supreme Court’s Assisted Suicide Opinions in International Perspective: Avoiding a Bureaucracy of Death. James L. Underwood.

74:543, No. 3; 1998. Constitutional Law—Tenth Amendment: The Supreme Court Strikes Down the Brady Act as an Unconstitutional Infringement of Tenth Amendment State Sovereignty, *Printz v. United States*, 117 S. Ct. 2365 (1997). Christopher D. Owens.

74:679, No. 4; 1998. “Children Should Be Seen and Not Heard”: Do Children Shed Their Right to Free Speech at the Schoolhouse Gate? North Dakota Supreme Court Justice Mary Muehlen Maring.

74:775, No. 4; 1998. Constitutional Law—Separation of Powers: The North Dakota Supreme Court Invalidates a Discovery Statute That Conflicted with a Rule of Procedure, *State v. Hanson*, 558 N.W.2d 611 (1996). Brett L. Bornsen.

75:747, No. 4; 1999. When Should Ignorance Trump the Constitution? Another Dissent From *Herrick II*. Herbert L. Meschke.

75:893, No. 4; 1999. Constitutional Law—First Amendment—Freedom of Speech: The National Endowment for the Arts Can Require Consideration of “Decency and Respect” in Funding Decisions Without Abridging Freedom of Speech, *National Endowment for the Arts v. Finley*, 118 S. Ct. 2168 (1998). Constance Hofland.

CONTRACTS

72:663, No. 3; 1996. Contracts v. Torts: North Dakota’s Aftermarket Risk Contract & Aftermarket Risk Insurance, Products Liability, and the General Aviation Industry. Andrew C. Mitton.

CORPORATIONS

72:55, No. 1; 1996. North Dakota Securities Law. Cal Hoovestol.

72:555, No. 3; 1996. Registration and Operation of North Dakota and Minnesota Limited Liability Partnerships. Mary B. Bader and David J. Hauff.

75:535, No. 3; 1999. Corporate Executive Deferred Compensation: Should the Exercise of Stock Appreciation Rights (SARs) Trigger Securities Law Liability? Jack E. Karns and Jerry G. Hunt.

75:871, No. 4; 1999. Business-Divorce Distribution: The North Dakota Supreme Court Affirms Disentanglement of a Jointly Owned Close Corporation Involved in a Divorce Action, *Fisher v. Fisher*, 1997 N.D. 176, 568 N.W.2d 728. Tracy A. Fischer.

CRIMINAL LAW AND PROCEDURE

72:99, No. 1; 1996. An Analysis of the Gradual Erosion of the Fourth Amendment Regarding Voluntary Third Party Consent Searches: The Defendant's Perspective. Nancy J. Kloster.

72:167, No. 1; 1996. Criminal Procedure—Evidence: Defining the Exclusionary Rule in the Information Age, *Arizona v. Evans*, 115 S. Ct. 1185 (1995). Robert G. Manly.

72:583, No. 3; 1996. Statutory Bars to Dual Sovereign Prosecutions: The Minnesota and North Dakota Approaches Compared. Michael J. Hagburg.

73:373, No. 2; 1997. Criminal Procedure—Searches and Seizures: As Long as There is Probable Cause to Make a Traffic Stop, Pretextual Arrests are Constitutional, *Whren v. United States*, 116 S. Ct. 1769 (1996). Anthony J. Weiler.

73:771, No. 4; 1997. Criminal Law—When Bad is Bad: Prosecutorial Misconduct in Closing Arguments, *United States v. Cannon*, 88 F.3d 1495 (8th Cir. 1996). Jennifer Lessinger.

74:157, No. 1; 1998. Criminal Procedure—Plea Withdrawal: Grounds for Allowance—North Dakota Adopts the Minority Rule Regarding Court Notification of a Sex Offender's Duty to Register, *State v. Breiner*, 562 N.W.2d 565 (N.D. 1997). Larry J. Richards.

75:587, No. 3; 1999. Criminal Law—Review: Exercising Jurisdiction to Prosecute a Priest for Theft is Constitutional, *State v. Burckhard*, 1998 N.D. 121, 579 N.W.2d 194. MaryBeth Hegstad.

75:747, No. 4; 1999. When Should Ignorance Trump the Constitution? Another Dissent From *Herrick II*. Herbert L. Meschke.

75:761, No. 4; 1999. Prosecution of Non-Indians for Non-Serious Offenses Committed Against Indians in Indian Country. Victor H. Holcomb.

75:921, No. 4; 1999. Criminal Procedure—Counsel For Accused: Waiver of the Sixth Amendment Right to Counsel—The North Dakota Supreme Court Rules That a Knowing and Intelligent Waiver Requires Awareness of Dangers and Disadvantages of Self-Representation, *State v. Wicks*, 1998 N.D. 76, 576 N.W.2d 518. Brad R. Kolling.

CYBERSPACE

74:479, No. 3; 1998. Virtual Reality: Quill's "Physical Presence" Requirement Obsolete When Cogitating Use Tax Collection in Cyberspace. Julie M. Buechler.

DEBTORS AND CREDITORS

72:83, No. 1; 1996. Comfortable Beds, A Church Pew, A Cemetery Lot, One Hog, One Pig, Six Sheep, One Cow, A Yoke of Oxen or a Horse, and Your Notary Seal: Some Thoughts About Exemptions. Lowell P. Bottrell.

72:651, No. 3; 1996. Exemptions, and Some Necessary Pigeon Holes. Kip M. Kaler.

75:33, No. 1; 1999. Prejudgment Interest in Personal Injury Cases: Excluded Damages or Interest Income. James C. Hasenfus.

DIVORCE

72:1099, No. 4; 1996. Divorce—Alimony, Allowances, and Disposition of Property—Abuse of Discretion—The Unconscionable Stipulated Divorce Agreement and Rule 60(b)(vi): What About the Children? *Crawford v. Crawford*, 524 N.W.2d 833 (N.D. 1994). Lou McPhail.

73:787, No. 4; 1997. Divorce—Parent and Child: Imputing Income to an Obligor Based on Earning Capacity—The Recent Guideline Approach, *Nelson v. Nelson*, 547 N.W.2d 741 (N.D. 1996). Gretchen Dee Thilmony.

75:323, No. 2; 1999. Parental Alienation: Not in the Best Interest of the Children. Douglas Darnall.

75:871, No. 4; 1999. Business-Divorce Distribution: The North Dakota Supreme Court Affirms Disentanglement of a Jointly Owned Close Corporation Involved in a Divorce Action, *Fisher v. Fisher*, 1997 N.D. 176, 568 N.W.2d 728. Tracy A. Fischer.

DOMESTIC RELATIONS

72:73, No. 1; 1996. Child Support Enforcement: A Case for Balance—the Rational Limitations of Child Support Enforcement Guidelines. The Honorable Kirk Smith.

72:155, No. 1; 1996. Infants—Parent and Child: Applying the Rebuttable Presumption Against Awarding Custody to Perpetrators of Domestic Violence, *Heck v. Reed*, 529 N.W.2d 155 (N.D. 1995). Kathleen B. Garner.

72:1099, No. 4; 1996. Divorce—Alimony, Allowances, and Disposition of Property—Abuse of Discretion—The Unconscionable Stipulated Divorce Agreement and Rule 60(b)(vi): What About the Children? *Crawford v. Crawford*, 524 N.W.2d 833 (N.D. 1994). Lou McPhail.

74:411, No. 2; 1998. Premarital Settlements: Till Death Do Us Part—Defining the Enforceability of the Uniform Premarital Agreement Act in North Dakota, *In re Estate of Lutz*, 563 N.W.2d 90 (1997). Jana Aune Deach.

75:179, No. 2; 1999. Mommy's Gone, Daddy's in Prison, Now What About Me?: Family Reunification for Children of Single Custodial Fathers in Prison—Will the Sins of Incarcerated Fathers be Inherited by Their Children? William Wesley Patton.

75:275, No. 2; 1999. Calculation of Child Support Amounts in North Dakota When Obligor is Business Owner. Mary B. Bader and Leonard J. Sliwoski.

75:301, No. 2; 1999. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)—A Metamorphosis of the Uniform Child Custody Jurisdiction Act (UCCJA). Kelly Gaines Stoner.

75:323, No. 2; 1999. Parental Alienation: Not in the Best Interest of the Children. Douglas Darnall.

75:365, No. 2; 1999. The Lautenberg Amendment: An Essential Tool for Combatting Domestic Violence. Jodi L. Nelson.

75:391, No. 2; 1999. Parent and Child—Grounds for Award of Custody: The North Dakota Supreme Court Recognizes That “Stay-at-Home Dad” Was Not Discriminated Against Due to His Non-Traditional Role, *Hogue v. Hogue*, 1998 N.D. 26, 574 N.W.2d 579. Jennifer M. Waterworth.

75:871, No. 4; 1999. Business-Divorce Distribution: The North Dakota Supreme Court Affirms Disentanglement of a Jointly Owned Close Corporation Involved in a Divorce Action, *Fisher v. Fisher*, 1997 N.D. 176, 568 N.W.2d 728. Tracy A. Fischer.

DOUBLE JEOPARDY

73:755, No. 4; 1997. Former Jeopardy—Multiple Punishments—Prohibition of Multiple Proceedings or Punishments: A Drunk Driver's Trivial Constitutional Defense, *State v. Jacobson*, 545 N.W.2d 152 (N.D. 1996). Kari Stonelake Hopkins.

DRUNK DRIVING

73:755, No. 4; 1997. Former Jeopardy—Multiple Punishments—Prohibition of Multiple Proceedings or Punishments: A Drunk Driver's Trivial Constitutional Defense, *State v. Jacobson*, 545 N.W.2d 152 (N.D. 1996). Kari Stonelake Hopkins.

74:787, No. 4; 1998. Indictment and Information Included Offenses: The North Dakota Supreme Court Holds That Actual Physical Control of a Motor Vehicle While Under the Influence of Alcohol is a Lesser Included Offense of Driving a Motor Vehicle While Under the Influence of Alcohol, *State v. Huber*, 555 N.W.2d 791 (N.D. 1996). Reid Alan Brady.

ELDERLY

74:191, No. 2; 1998. Planning for Nursing Home Care in North Dakota. Gregory C. Larson and Melissa Hauer.

74:233, No. 2; 1998. A Survey of Living Will and Advanced Health Care Directives. Bretton J. Horttor.

74:295, No. 2; 1998. Clear Today, Uncertain Tomorrow: Competency and Legal Guardianship, and the Role of the Lawyer in Serving the Needs of Cognitively Impaired Clients. Dr. Mark Novak and Sean M. Novak.

74:313, No. 2; 1998. Elder Abuse Originating in the Institutional Setting. George S. Ingalls, Linda T. Layton, and Nomiki B. Weitzel.

74:383, No. 2; 1998. Long-Term Care Financing Crisis—Recent Federal and State Efforts to Deter Asset Transfers as a Means to Gain Medicaid Eligibility. Kristin A. Reich.

EMINENT DOMAIN

75:783, No. 4; 1999. The Use of Eminent Domain for Economic Development. Jennifer Maude Klemetsrud.

EMPLOYER-EMPLOYEE

72:181, No. 1; 1996. Master and Servant—Liability for Injuries to Third Parties: Employers' Vicarious Liability to Employees of an Independent Contractor, *Fleck v. ANG Coal Gasification Co.*, 522 N.W.2d 445 (N.D. 1994). Timothy G. Richard.

72:197, No. 2; 1996. Policy is the Lodestar When Two Wrongs Collide: After-Acquired Evidence Under the Age Discrimination in Employment Act. Robert Brookins.

72:247, No. 2; 1996. Avoiding Claims of Defamation in the Workplace. Thomas A. Jacobson.

72:267, No. 2; 1996. Employment in Indian Country: Considerations Respecting Tribal Regulation of the Employer-Employee Relationship. G. William Rice.

72:299, No. 2; 1996. Employing Alternative Dispute Resolution: Working at Finding Better Ways to Resolve Employer-Employee Strife. George H. Singer.

72:325, No. 2; 1996. Federal Pre-Emption and State Exclusive Remedy Issues in Employment Litigation. Paul J. Zech.

72:387, No. 2; 1996. Sexual Harassment Awareness Training: It's not the Boogie Monster. Dorraine A. Larison & Mary E. Olk.

72:397, No. 2; 1996. Civil Rights—Work Environment; Sexual Harassment: "Sexual Harassment by a Supervisor of the Same Sex, is it Actionable?" *Equal Employment Opportunity Comm'n v. Walden Book Co.*, 885 F. Supp. 1100 (M.D. Tenn. 1995). Lisa Fair McEvers.

72:411, No. 2; 1996. Civil Rights—Employment Discrimination: The Standard of Review in State-Based Employment Discrimination Claims: The North Dakota Supreme Court Redefines the Standard of Review in Employment Discrimination Claims, *Schuhmacher v. North Dakota Hospital Association* 528 N.W.2d 374 (N.D. 1995). Jennifer L. Thompson.

74:141, No. 1; 1998. Civil Rights—Federal Remedies: The Eighth Circuit Recognizes Same-Sex Harassment Under Title IX and Adopts the "Knew or Should Have Known Standard" for School District Liability, *Kinman v. Omaha Public School District*, 94 F.3d 463 (8th Cir. 1996). Gregory G. Pinski.

75:87, No. 1; 1999. Civil Rights—Federal Remedies: The United States Supreme Court, as Federal Flagship for Employment Equality, Balances Responsibility Between Employer and Victim by Imposing Vicarious Liability Subject to an Affirmative Defense for Supervisor Sexual Harassment Creating a Hostile Work Environment, *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998). Noel Evans.

75:117, No. 1; 1999. Civil Rights—Federal Remedies: United States Supreme Court Adopts "Actual Notice" and "Deliberate Indifference" as the Standard for Title IX Damages for Teacher-Student Sexual Harassment, *Gebser v. Lago Vista Independent School District*, 118 S. Ct. 1989 (1998). Debra L. Hoffarth.

75:137, No. 1; 1999. Master and Servant—Incompetency of Servant: North Dakota Adopts the Restatement's "Scope of Employment" Test and Explores the Phenomenon of "Transference," *Nelson v. Gillette*, 1997 N.D. 205, 571 N.W.2d 332. Crystal M. Ovsak.

ENVIRONMENT

72:125, No. 1; 1996. Congressional Attempts to Amend the Clean Water Act: American Wetlands Under Attack. Steven W. Watkins.

73:345, No. 2; 1997. Water and Water Courses—Game: What Does the Future Hold for Eleven Thousand Federal Wetland Easements in North Dakota?, *United States v. Johansen*, 93 F.3d 459 (8th Cir. 1996). Paul D. Odegaard.

ERISA

74:119, No. 1; 1998. Bankruptcy—The Estate: The District Court for North Dakota Determines the Requisite Elements in Order for an Employee Benefits Plan to be ERISA-Qualified and Excluded from the Bankruptcy Estate, *In re Craig*, 204 B.R. 756 (D. N.D. 1997). Amy Elizabeth Dahl.

75:815, No. 4; 1999. An Overview of the Inconsistency Among the Circuits Concerning the Conflict of Interest Analysis Applied in an ERISA Action With an Emphasis on the Eighth Circuit's Adoption of the Sliding Scale Analysis in *Woo v. Deluxe Corporation*. Nola A. Kohler.

EVIDENCE

72:167, No. 1; 1996. Criminal Procedure—Evidence: Defining the Exclusionary Rule in the Information Age, *Arizona v. Evans*, 115 S. Ct. 1185 (1995). Robert G. Manly.

72:197, No. 2; 1996. Policy is the Lodestar When Two Wrongs Collide: After-Acquired Evidence Under the Age Discrimination in Employment Act. Robert Brookins.

72:481, No. 3; 1996. Artful Pleading and Circumstantial Evidence in Food Manufacturing Defect Cases: Is It Too Easy To Get To a Jury? Carl Crosby Lehmann.

72:607, No. 3; 1996. How Should North Dakota Approach the Admissibility of DNA: A Comprehensive Analysis of How Other Courts Approach the Admissibility of DNA. Michael A. Riley.

74:1, No. 1; 1998. Do We Really Need the Federal Rules of Evidence? Kenneth Williams.

FAMILY LAW

72:73, No. 1; 1996. Child Support Enforcement: A Case for Balance—the Rational Limitations of Child Support Enforcement Guidelines. The Honorable Kirk Smith.

72:155, No. 1; 1996. Infants—Parent and Child: Applying the Rebuttable Presumption Against Awarding Custody to Perpetrators of Domestic Violence, *Heck v. Reed*, 529 N.W.2d 155 (N.D. 1995). Kathleen B. Garner.

72:1099, No. 4; 1996. Divorce—Alimony, Allowances, and Disposition of Property—Abuse of Discretion—The Unconscionable Stipulated Divorce Agreement and Rule 60(b)(vi): What About the Children? *Crawford v. Crawford*, 524 N.W.2d 833 (N.D. 1994). Lou McPhail.

75:179, No. 2; 1999. Mommy's Gone, Daddy's in Prison, Now What About Me?: Family Reunification for Children of Single Custodial Fathers in Prison—Will the Sins of Incarcerated Fathers be Inherited by Their Children? William Wesley Patton.

75:275, No. 2; 1999. Calculation of Child Support Amounts in North Dakota When Obligor is Business Owner. Mary B. Bader and Leonard J. Sliwoski.

75:323, No. 2; 1999. Parental Alienation: Not in the Best Interest of the Children. Douglas Darnall.

75:365, No. 2; 1999. The Lautenberg Amendment: An Essential Tool for Combatting Domestic Violence. Jodi L. Nelson.

75:391, No. 2; 1999. Parent and Child—Grounds for Award of Custody: The North Dakota Supreme Court Recognizes That "Stay-at-Home Dad" Was Not Discriminated Against Due to His Non-Traditional Role, *Hogue v. Hogue*, 1998 N.D. 26, 574 N.W.2d 579. Jennifer M. Waterworth.

75:871, No. 4; 1999. Business-Divorce Distribution: The North Dakota Supreme Court Affirms Disentanglement of a Jointly Owned Close Corporation Involved in a Divorce Action, *Fisher v. Fisher*, 1997 N.D. 176, 568 N.W.2d 728. Tracy A. Fischer.

FEDERAL COURTS

72:433, No. 3; 1996. Once More Into the Maze: *United States v. Lopez*, Tribal Self-Determination, and Federal Conspiracy Jurisdiction in Indian Country. Richard W. Garnett.

72:505, No. 3; 1996. A Regulatory 'Waste Land': Defining a Justified Federal Role In Crop Insurance. Steffen N. Johnson.

72:607, No. 3; 1996. How Should North Dakota Approach the Admissibility of DNA: A Comprehensive Analysis of How Other Courts Approach the Admissibility of DNA. Michael A. Riley.

73:517, No. 3; 1997. Federal Courts—Indians: The Eleventh Amendment and *Seminole Tribe*: Reinvigorating the Doctrine of State Sovereign Immunity, *Seminole Tribe v. Florida*, 116 S. Ct. 1114 (1996). Wambdi Awanwicake Wastewin.

74:61, No. 1; 1998. Conflict at the Confluence: The Struggle Over Federal Flood Plain Management. Steven E. Ehlmann.

74:141, No. 1; 1998. Civil Rights—Federal Remedies: The Eighth Circuit Recognizes Same-Sex Harassment Under Title IX and Adopts the “Knew or Should Have Known Standard” for School District Liability, *Kinman v. Omaha Public School District*, 94 F.3d 463 (8th Cir. 1996). Gregory G. Pinski.

75:761, No. 4; 1999. Prosecution of Non-Indians for Non-Serious Offenses Committed Against Indians in Indian Country. Victor H. Holcomb.

FEDERAL TRADE COMMISSION

74:441, No. 3; 1998. The Federal Trade Commission’s Deception Policy in the Next Millennium: Evaluating the Subjective Impact of Cliffdale Associates. Jack E. Karns and Alan C. Roline.

FIRST AMENDMENT

75:205, No. 2; 1999. When Equal Opportunity Meets Freedom of Expression: Student-on-Student Sexual Harassment and the First Amendment in School. Kay P. Kindred.

75:587, No. 3; 1999. Criminal Law—Review: Exercising Jurisdiction to Prosecute a Priest for Theft is Constitutional, *State v. Burckhard*, 1998 N.D. 121, 579 N.W.2d 194. MaryBeth Hegstad.

75:893, No. 4; 1999. Constitutional Law—First Amendment—Freedom of Speech: The National Endowment for the Arts Can Require Consideration of “Decency and Respect” in Funding Decisions Without Abridging Freedom of Speech, *National Endowment for the Arts v. Finley*, 118 S. Ct. 2168 (1998). Constance Hofland.

FISH AND GAME

72:125, No. 1; 1996. Congressional Attempts to Amend the Clean Water Act: American Wetlands Under Attack. Steven W. Watkins.

73:345, No. 2; 1997. Water and Water Courses—Game: What Does the Future Hold for Eleven Thousand Federal Wetland Easements in North Dakota?, *United States v. Johansen*, 93 F.3d 459 (8th Cir. 1996). Paul D. Odegaard.

GOVERNMENT

72:125, No. 1; 1996. Congressional Attempts to Amend the Clean Water Act: American Wetlands Under Attack. Steven W. Watkins.

75:509, No. 3; 1999. Indian Tribes and the Base Realignment and Closure Act: Recommendations for Future Trust Land Acquisitions. Geoffrey D. Strommer and Craig A. Jacobson.

75:783, No. 4; 1999. The Use of Eminent Domain for Economic Development. Jennifer Maude Klemetsrud.

HARASSMENT

72:387, No. 2; 1996. Sexual Harassment Awareness Training: It's not the Boogie Monster. Dorraine A. Larison & Mary E. Olk.

72:397, No. 2; 1996. Civil Rights—Work Environment; Sexual Harassment: "Sexual Harassment by a Supervisor of the Same Sex, is it Actionable?" *Equal Employment Opportunity Comm'n v. Walden Book Co.*, 885 F. Supp. 1100 (M.D. Tenn. 1995). Lisa Fair McEvers.

75:87, No. 1; 1999. Civil Rights—Federal Remedies: The United States Supreme Court, as Federal Flagship for Employment Equality, Balances Responsibility Between Employer and Victim by Imposing Vicarious Liability Subject to an Affirmative Defense for Supervisor Sexual Harassment Creating a Hostile Work Environment, *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998). Noel Evans.

75:117, No. 1; 1999. Civil Rights—Federal Remedies: United States Supreme Court Adopts "Actual Notice" and "Deliberate Indifference" as the Standard for Title IX Damages for Teacher-Student Sexual Harassment, *Gebser v. Lago Vista Independent School District*, 118 S. Ct. 1989 (1998). Debra L. Hoffarth.

75:205, No. 2; 1999. When Equal Opportunity Meets Freedom of Expression: Student-on-Student Sexual Harassment and the First Amendment in School. Kay P. Kindred.

INDIAN LAW

72:267, No. 2; 1996. Employment in Indian Country: Considerations Respecting Tribal Regulation of the Employer-Employee Relationship. G. William Rice.

72:433, No. 3; 1996. Once More Into the Maze: *United States v. Lopez*, Tribal Self-Determination, and Federal Conspiracy Jurisdiction in Indian Country. Richard W. Garnett.

73:231, No. 2; 1997. Allotment At Pine Ridge Reservation: Its Consequences And Alternative Remedies. Carl G. Hakansson.

73:395, No. 3; 1997. The Indian Child Welfare Act: In Search of a Federal Forum to Vindicate the Rights of Indian Tribes and Children Against the Vagaries of State Courts. B. J. Jones.

73:517, No. 3; 1997. Federal Courts—Indians: The Eleventh Amendment and *Seminole Tribe*: Reinvigorating the Doctrine of State Sovereign Immunity, *Seminole Tribe v. Florida*, 116 S. Ct. 1114 (1996). Wambdi Awanwicake Wastewin.

73:721, No. 4; 1997. Indian Land-Use Zoning Jurisdiction: An Argument in Favor of Tribal Jurisdiction Over Non-Member Fee Lands Within Reservation Boundaries. Carl G. Hakansson.

74:691, No. 4; 1998. American Indian Law Meets the Internal Revenue Code: *Warbus v. Commissioner*. Erik M. Jensen.

74:711, No. 4; 1998. *Strate v. A-1 Contractors*: Intrusion into the Sovereign Domain of Native Nations. Wambdi Awanwicake Wastewin.

75:1, No. 1; 1999. *Strate v. A-1 Contractors*: A Perspective. Lawrence E. King

75:241, No. 2; 1999. In Their Native Lands: The Legal Status of American Indian Children in North Dakota. B.J. Jones.

75:423, No. 3; 1999. Native Americans and Civic Identity in Alta California. Susan Scafidi.

75:509, No. 3; 1999. Indian Tribes and the Base Realignment and Closure Act: Recommendations for Future Trust Land Acquisitions. Geoffrey D. Strommer and Craig A. Jacobson.

75:761, No. 4; 1999. Prosecution of Non-Indians for Non-Serious Offenses Committed Against Indians in Indian Country. Victor H. Holcomb.

INSURANCE

72:505, No. 3; 1996. A Regulatory 'Waste Land': Defining a Justified Federal Role In Crop Insurance. Steffen N. Johnson.

72:663, No. 3; 1996. Contracts v. Torts: North Dakota's Aftermarket Risk Contract & Aftermarket Risk Insurance, Products Liability, and the General Aviation Industry. Andrew C. Mitton.

72:721, No. 3; 1996. Insurance—Commencement of Risk: Determining the Appropriate Trigger of Coverage Under a First-Party Property Insurance Policy For Loss Due to Progressive Damage in North Dakota, *Kief Farmers Coop. Elevator Co. v. Farmland Mut. Ins. Co.*, 534 N.W.2d 28 (N.D. 1995). Aaron J. Dorrheim.

74:35, No. 1; 1998. Flood Insurance is Not All Created Equal. Craig M. Collins.

INTERNATIONAL LAW

75:59, No. 1; 1999. An Introduction to the European Community and to European Community Law. Tore Tøtdal.

INTOXICATING LIQUORS

73:505, No. 3; 1997. Intoxicating Liquor—Persons Liable: The North Dakota Dram Shop Statute Does Not Supersede the Common Law Duty of a Tavernkeeper to Intervene in a Bar Fight, *Zueger v. Carlson*, 542 N.W.2d 92 (N.D. 1996). Rocky West Brancato.

JURIES

72:631, No. 3; 1996. Voir Dire: What Can I Ask and What Can I Say? Michael J. Ahlen.

LEGISLATION

72:73, No. 1; 1996. Child Support Enforcement: A Case for Balance—the Rational Limitations of Child Support Enforcement Guidelines. The Honorable Kirk Smith.

72:125, No. 1; 1996. Congressional Attempts to Amend the Clean Water Act: American Wetlands Under Attack. Steven W. Watkins.

72:349, No. 2; 1996. Are Employees Obtaining “Sure and Certain Relief” Under the 1995 Legislative Enactments of the North Dakota Workers’ Compensation Act? Susan J. Anderson & Gerald DeLoss.

74:89, No. 1; 1998. North Dakota Jumps on the Agricultural Disparagement Law Bandwagon by Enacting Legislation to Meet a Concern Already Actionable Under State Defamation Law and Failing to Heed Constitutionality Concerns. Jennifer J. Mattson.

75:301, No. 2; 1999. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)—A Metamorphosis of the Uniform Child Custody Jurisdiction Act (UCCJA). Kelly Gaines Stoner.

MARIJUANA

75:555, No. 3; 1999. Up in Smoke: The Medicinal Marijuana Debate. Deborah Garner.

MEDIATION

74:45, No. 1; 1998. Confidentiality Protection in Mediation: Methods and Potential Problems in North Dakota. Daniel R. Conrad.

MEDICINE

73:19, No. 1; 1997. Introduction. The Honorable Kent Conrad.

73:35, No. 1; 1997. A Western States’ Effort to Address Telemedicine Policy Barriers. Paul M. Orbuch.

73:65, No. 1; 1997. Medical Malpractice Issues Related to the Use of Telemedicine—An Analysis of the Ways in which Telecommunications Affect the Principles of Medical Malpractice. Phyllis Forrester Granade.

73:93, No. 1; 1997. Privacy of Medical Records? The Health Insurance Portability and Accountability Act of 1996 Creates a Framework for the Establishment of Security Standards and the Protection of Individually Identifiable Health Information. Françoise Gilbert.

73:109, No. 1; 1997. Telemedicine and Interstate Licensure: Findings and Recommendations of the CTL Licensure Task Force. The Center for Telemedicine Law.

73:131, No. 1; 1997. Telemedicine Report to Congress Executive Summary.

73:145, No. 1; 1997. Rural Applications of Telemedicine Final Report Executive Summary.

73:151, No. 1; 1997. The Development of a Successful Telemedicine Network Within a Managed Care Organization. Dr. William Goodall.

73:171, No. 1; 1997. Telemedicine: The Intersection of Law, Medicine, and Technology Discussion Panel. Moderator and Transcript Editor: Dr. David Nickelson, Esq.

73:199, No. 1; 1997. Closing Key Note Address—Telemedicine: An Emerging Technology with Exciting Opportunities for North Dakota. Governor Edward T. Schafer

73:477, No. 3; 1997. The Evolution of Medical Peer Review in North Dakota. Murray G. Sagsveen and Jennifer L. Thompson.

74:341, No. 2; 1998. Physician-Assisted Suicide: A Survey of the Issues Surrounding Legalization. Kelly Lyn Mitchell.

75:555, No. 3; 1999. Up in Smoke: The Medicinal Marijuana Debate. Deborah Garner.

NATURAL RESOURCES

72:125, No. 1; 1996. Congressional Attempts to Amend the Clean Water Act: American Wetlands Under Attack. Steven W. Watkins.

72:505, No. 3; 1996. A Regulatory 'Waste Land': Defining a Justified Federal Role In Crop Insurance. Steffen N. Johnson.

73:345, No. 2; 1997. Water and Water Courses—Game: What Does the Future Hold for Eleven Thousand Federal Wetland Easements in North Dakota?, *United States v. Johansen*, 93 F.3d 459 (8th Cir. 1996). Paul D. Odegaard.

74:799, No. 4; 1998. Oil and Gas—Leases: The Supreme Court of North Dakota Holds That a Lessee's Failure to Respond Within Twenty Days to a Notice of Termination of a Lease Does Not Result in Automatic Termination of Interest in the Lease, *Ridl v. EP Operating Ltd. Partnership*, 553 N.W.2d 784 (N.D. 1996). Leah Kelley Kopseng.

NORTH DAKOTA LAW

72:1, No. 1; 1996. North Dakota Probate Code: Prior and Revised Article II. Alexander J. Bott.

72:55, No. 1; 1996. North Dakota Securities Law. Cal Hoovestol.

72:73, No. 1; 1996. Child Support Enforcement: A Case for Balance—the Rational Limitations of Child Support Enforcement Guidelines. The Honorable Kirk Smith.

72:83, No. 1; 1996. Comfortable Beds, A Church Pew, A Cemetery Lot, One Hog, One Pig, Six Sheep, One Cow, A Yoke of Oxen or a Horse, and Your Notary Seal: Some Thoughts About Exemptions. Lowell P. Bottrell.

72:349, No. 2; 1996. Are Employees Obtaining "Sure and Certain Relief" Under the 1995 Legislative Enactments of the North Dakota Workers' Compensation Act? Susan J. Anderson & Gerald DeLoss.

72:555, No. 3; 1996. Registration and Operation of North Dakota and Minnesota Limited Liability Partnerships. Mary B. Bader and David J. Hauff.

72:583, No. 3; 1996. Statutory Bars to Dual Sovereign Prosecutions: The Minnesota and North Dakota Approaches Compared. Michael J. Hagburg.

72:607, No. 3; 1996. How Should North Dakota Approach the Admissibility of DNA: A Comprehensive Analysis of How Other Courts Approach the Admissibility of DNA. Michael A. Riley.

72:663, No. 3; 1996. Contracts v. Torts: North Dakota's Aftermarket Risk Contract & Aftermarket Risk Insurance, Products Liability, and the General Aviation Industry. Andrew C. Mitton.

75:275, No. 2; 1999. Calculation of Child Support Amounts in North Dakota When Obligor is Business Owner. Mary B. Bader and Leonard J. Sliwoski.

75:301, No. 2; 1999. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)—A Metamorphosis of the Uniform Child Custody Jurisdiction Act (UCCJA). Kelly Gaines Stoner.

75:747, No. 4; 1999. When Should Ignorance Trump the Constitution? Another Dissent From *Herrick II*. Herbert L. Meschke.

NORTH DAKOTA RULES OF CIVIL PROCEDURE

72:731, No. 3; 1996. Appeal and Error—North Dakota Rule of Civil Procedure 54(b): Looking for the Storied “Infrequent Harsh Case,” *Gessner v. City of Minot*, 529 N.W.2d 868 (N.D. 1995). Joel M. Fremstad.

NORTH DAKOTA SUPREME COURT REVIEW

72:763, No. 3; 1996 North Dakota Supreme Court Review.

73:545, No. 3; 1997 North Dakota Supreme Court Review.

74:567, No. 3; 1998 North Dakota Supreme Court Review.

75:655, No. 3; 1999 North Dakota Supreme Court Review.

OIL AND GAS

74:799, No. 4; 1998. Oil and Gas—Leases: The Supreme Court of North Dakota Holds That a Lessee’s Failure to Respond Within Twenty Days to a Notice of Termination of a Lease Does Not Result in Automatic Termination of Interest in the Lease, *Ridl v. EP Operating Ltd. Partnership*, 553 N.W.2d 784 (N.D. 1996). Leah Kelley Kopseng.

PARENT AND CHILD

72:73, No. 1; 1996. Child Support Enforcement: A Case for Balance—the Rational Limitations of Child Support Enforcement Guidelines. The Honorable Kirk Smith.

72:155, No. 1; 1996. Infants—Parent and Child: Applying the Rebuttable Presumption Against Awarding Custody to Perpetrators of Domestic Violence, *Heck v. Reed*, 529 N.W.2d 155 (N.D. 1995). Kathleen B. Garner.

75:179, No. 2; 1999. Mommy’s Gone, Daddy’s in Prison, Now What About Me?: Family Reunification for Children of Single Custodial Fathers in Prison—Will the Sins of Incarcerated Fathers be Inherited by Their Children? William Wesley Patton.

75:275, No. 2; 1999. Calculation of Child Support Amounts in North Dakota When Obligor is Business Owner. Mary B. Bader and Leonard J. Sliwoski.

75:301, No. 2; 1999. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)—A Metamorphosis of the Uniform Child Custody Jurisdiction Act (UCCJA). Kelly Gaines Stoner.

75:323, No. 2; 1999. Parental Alienation: Not in the Best Interest of the Children. Douglas Darnall.

75:391, No. 2; 1999. Parent and Child—Grounds for Award of Custody: The North Dakota Supreme Court Recognizes That “Stay-at-Home Dad” Was Not Discriminated Against Due to His Non-Traditional

Role, *Hogue v. Hogue*, 1998 N.D. 26, 574 N.W.2d 579. Jennifer M. Waterworth.

PRESUMPTIONS

72:99, No. 1; 1996. An Analysis of the Gradual Erosion of the Fourth Amendment Regarding Voluntary Third Party Consent Searches: The Defendant's Perspective. Nancy J. Kloster.

72:155, No. 1; 1996. Infants—Parent and Child: Applying the Rebuttable Presumption Against Awarding Custody to Perpetrators of Domestic Violence, *Heck v. Reed*, 529 N.W.2d 155 (N.D. 1995). Kathleen B. Garner.

PROBATE

72:1, No. 1; 1996. North Dakota Probate Code: Prior and Revised Article II. Alexander J. Bott.

74:177, No. 2; 1998. Introduction to Probate and Estate Planning. Garry A. Pearson and Chad E. Pearson.

RICO

73:741, No. 4; 1997. Racketeer Influence and Corrupt Organizations Act—Civil Rico: Stating a Claim in North Dakota, *Rolin Mfg. Inc. v. Mosbrucker*, 544 N.W.2d 132 (N.D. 1996). Alana T. Dekrey.

RIGHT TO PRIVACY

72:99, No. 1; 1996. An Analysis of the Gradual Erosion of the Fourth Amendment Regarding Voluntary Third Party Consent Searches: The Defendant's Perspective. Nancy J. Kloster.

75:155, No. 1; 1999. Torts—Invasion of Privacy: North Dakota Declines to Recognize a Cause of Action for Invasion of Privacy, *Hougum v. Valley Memorial Homes*, 1998 N.D. 24; 574 N.W.2d 812. Michael S. Raum.

STATE BAR ASSOCIATION

72:861, No. 3; 1996. Proceedings of the Ninety-Sixth Annual Meeting of the North Dakota State Bar Association.

73:605, No. 3; 1997. Proceedings of the Ninety-Seventh Annual Meeting of the North Dakota State Bar Association.

74:637, No. 3; 1998. Proceedings of the Ninety-Eighth Annual Meeting of the North Dakota State Bar Association.

75:701, No. 3; 1999. Proceedings of the Ninety-Ninth Annual Meeting of the North Dakota State Bar Association.

STATE COURTS

72:607, No. 3; 1996. How Should North Dakota Approach the Admissibility of DNA: A Comprehensive Analysis of How Other Courts Approach the Admissibility of DNA. Michael A. Riley.

72:731, No. 3; 1996. Appeal and Error—North Dakota Rule of Civil Procedure 54(b): Looking for the Storied “Infrequent Harsh Case,” *Gessner v. City of Minot*, 529 N.W.2d 868 (N.D. 1995). Joel M. Fremstad.

73:459, No. 3; 1997. Don’t Rush to Justice: An Argument Against Binding North Dakota Courts to Arbitration. James E. Smith.

TAXATION

72:691, No. 3; 1996. An Examination of Tax Law and Supply-Side Economics: Creed of Greed or Opportunity For All? G. Marc Worthy.

73:685, No. 4; 1997. *Quill* Has Been Plucked! MTC States are Slowly Eroding the Substantial Nexus Standard. John C. Blase and John W. Westmoreland.

TELEMEDICINE

73:19, No. 1; 1997. Introduction. The Honorable Kent Conrad.

73:35, No. 1; 1997. A Western States’ Effort to Address Telemedicine Policy Barriers. Paul M. Orbuch.

73:65, No. 1; 1997. Medical Malpractice Issues Related to the Use of Telemedicine—An Analysis of the Ways in which Telecommunications Affect the Principles of Medical Malpractice. Phyllis Forrester Granade.

73:93, No. 1; 1997. Privacy of Medical Records? The Health Insurance Portability and Accountability Act of 1996 Creates a Framework for the Establishment of Security Standards and the Protection of Individually Identifiable Health Information. Françoise Gilbert.

73:109, No. 1; 1997. Telemedicine and Interstate Licensure: Findings and Recommendations of the CTL Licensure Task Force. The Center for Telemedicine Law.

73:131, No. 1; 1997. Telemedicine Report to Congress Executive Summary.

73:145, No. 1; 1997. Rural Applications of Telemedicine Final Report Executive Summary.

73:151, No. 1; 1997. The Development of a Successful Telemedicine Network Within a Managed Care Organization. Dr. William Goodall.

73:171, No. 1; 1997. Telemedicine: The Intersection of Law, Medicine, and Technology Discussion Panel. Moderator and Transcript Editor: Dr. David Nickelson, Esq.

73:199, No. 1; 1997. Closing Key Note Address—Telemedicine: An Emerging Technology with Exciting Opportunities for North Dakota. Governor Edward T. Schafer.

TORTS

72:181, No. 1; 1996. Master and Servant—Liability for Injuries to Third Parties: Employers' Vicarious Liability to Employees of an Independent Contractor, *Fleck v. ANG Coal Gasification Co.*, 522 N.W.2d 445 (N.D. 1994). Timothy G. Richard.

72:247, No. 2; 1996. Avoiding Claims of Defamation in the Workplace. Thomas A. Jacobson.

72:663, No. 3; 1996. Contracts v. Torts: North Dakota's Aftermarket Risk Contract & Aftermarket Risk Insurance, Products Liability, and the General Aviation Industry. Andrew C. Mitton.

75:33, No. 1; Prejudgment Interest in Personal Injury Cases: Excluded Damages or Interest Income. James C. Hasenfus.

75:87, No. 1; Civil Rights—Federal Remedies: The United States Supreme Court, as Federal Flagship for Employment Equality, Balances Responsibility Between Employer and Victim by Imposing Vicarious Liability Subject to an Affirmative Defense for Supervisor Sexual Harassment Creating a Hostile Work Environment, *Burlington Industries, Inc. v. Ellerth*, 118 S. Ct. 2257 (1998). Noel Evans.

75:117, No. 1; Civil Rights—Federal Remedies: United States Supreme Court Adopts "Actual Notice" and "Deliberate Indifference" as the Standard for Title IX Damages for Teacher-Student Sexual Harassment, *Gebser v. Lago Vista Independent School District*, 118 S. Ct. 1989 (1998). Debra L. Hoffarth.

75:137, No. 1; Master and Servant—Incompetency of Servant: North Dakota Adopts the Restatement's "Scope of Employment" Test and Explores the Phenomenon of "Transference," *Nelson v. Gillette*, 1997 N.D. 205, 571 N.W.2d 332. Crystal M. Ovsak.

75:155, No. 1; Torts—Invasion of Privacy: North Dakota Declines to Recognize a Cause of Action for Invasion of Privacy, *Hougum v. Valley Memorial Homes*, 1998 N.D. 24; 574 N.W.2d 812. Michael S. Raum.

75:205, No. 2; When Equal Opportunity Meets Freedom of Expression: Student-on-Student Sexual Harassment and the First Amendment in School. Kay P. Kindred.

75:609, No. 3; Civil Rights: An Examination of Non-Symptomatic HIV Infection Under the Americans With Disabilities Act of 1990, *Bragdon v. Abbott*, 118 S. Ct. 2196 (1998). James C. Parks, Jr.

TRIAL ADVOCACY

72:481, No. 3; 1996. Artful Pleading and Circumstantial Evidence in Food Manufacturing Defect Cases: Is It Too Easy To Get To a Jury? Carl Crosby Lehmann.

72:631, No. 3; 1996. Voir Dire: What Can I Ask and What Can I Say? Michael J. Ahlen.

TRIBUTE: JUSTICE LEVINE

72:909, No. 4; 1996. Dedication. Dean W. Jeremy Davis.

72:911, No. 4; 1996. Beryl Levine: The Person and the Justice. Honorable Gerald W. VandeWalle.

72:915, No. 4; 1996. In Justice Beryl Levine's View: Her Most Significant Opinions. Ralph J. Erickstad and Michael J. Hagburg.

72:953, No. 4; 1996. A Woman's Touch. Honorable William A. Neumann and Tracy Vigness Kolb.

72:967, No. 4; 1996. Justice Beryl Levine: Taking Her Title Seriously in North Dakota Criminal Cases. Thomas M. Lockney.

72:1011, No. 4; 1996. Domestic Violence and the North Dakota Best Interests Statute. Ruth Jenny and Kelly Gaines Stoner.

72:1031, No. 4; 1996. Making a Real Difference: The Dominance Approach in the Opinions of Justice Beryl J. Levine. Kathryn R. L. Rand.

72:1049, No. 4; 1996. Justice Beryl Joyce Levine—Behind the Scenes. David K. Levine.

TRIBUTE: JUSTICE MESCHKE

75:75, No. 1; 1999. Justice Meschke Foreword. Julie Ann Evans.

75:79, No. 1; 1999. Justice Meschke Tribute. Former Governor George Sinner.

TRUSTS

72:1069, No. 4; 1996. Trusts—Payment or Distribution of Proceeds of Trust Property: Categorizing a Trust for the Purpose of Determining Eligibility for Medical Assistance, *Hecker v. Stark County Social Service Board*, 527 N.W.2d 226 (N.D. 1994). Brenda R. Foyt.

WATER AND WATER COURSES

73:345, No. 2; 1997. Water and Water Courses—Game: What Does the Future Hold for Eleven Thousand Federal Wetland Easements in North Dakota?, *United States v. Johansen*, 93 F.3d 459 (8th Cir. 1996). Paul D. Odegaard.

WILDLIFE

72:125, No. 1; 1996. Congressional Attempts to Amend the Clean Water Act: American Wetlands Under Attack. Steven W. Watkins.

73:345, No. 2; 1997. Water and Water Courses—Game: What Does the Future Hold for Eleven Thousand Federal Wetland Easements in North Dakota?, *United States v. Johansen*, 93 F.3d 459 (8th Cir. 1996). Paul D. Odegaard.

WOMEN'S RIGHTS

73:207, No. 2; 1997. Women's Rights Under Siege. Nadine Strossen.

WORKERS' COMPENSATION

72:349, No. 2; 1996. Are Employees Obtaining "Sure and Certain Relief" Under the 1995 Legislative Enactments of the North Dakota Workers' Compensation Act? Susan J. Anderson & Gerald DeLoss.

