# UND

# North Dakota Law Review

Volume 74 | Number 4

Article 9

1998

**Annual Subject Index** 

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**

(1998) "Annual Subject Index," *North Dakota Law Review*. Vol. 74: No. 4, Article 9. Available at: https://commons.und.edu/ndlr/vol74/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.commons@library.und.edu.

#### ANNUAL SUBJECT INDEX

### AGRICULTURE

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

#### BANKRUPTCY

74:119, No. 1; 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.

#### COMMENCEMENT SPEECH—JUSTICE CLARENCE THOMAS

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

#### COMMERCE

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

#### COMPETENCY

74:295, No. 2; 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

74:543, No. 3; 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; "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; 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.

# CRIMINAL LAW AND PROCEDURE

74:157, No. 1; 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.

## CYBERSPACE

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

#### DOMESTIC RELATIONS

74:411, No. 2; 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.

#### DRUNK DRIVING

74:787, No. 4; 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; Planning for Nursing Home Care in North Dakota. Gregory C. Larson and Melissa Hauer.

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

74:295, No. 2; 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; Elder Abuse Originating in the Institutional Setting. George S. Ingalls, Linda T. Layton, and Nomiki B. Weitzel.

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

# **EVIDENCE**

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

# FEDERAL COURTS

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

74:141, No. 1; 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.

# FEDERAL TRADE COMMISSION

74:441, No. 3; 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.

# INDIAN LAW

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

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

# **INSURANCE**

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

# LEGISLATION

74:89, No. 1; 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.

### **MEDIATION**

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

# MEDICINE

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

#### 1998]

# NATURAL RESOURCES

74:799, No. 4; 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 SUPREME COURT REVIEW

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

#### PROBATE

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

#### STATE BAR ASSOCIATION

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