Cumulative Index to Volumes 68-69

Follow this and additional works at: https://scholarship.law.missouri.edu/mlr

Part of the Law Commons

Recommended Citation
Cumulative Index to Volumes 68-69, 70 Mo. L. Rev. (2005)
Available at: https://scholarship.law.missouri.edu/mlr/vol70/iss1/15

This Index and Tables is brought to you for free and open access by the Law Journals at University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Missouri Law Review by an authorized editor of University of Missouri School of Law Scholarship Repository. For more information, please contact bassetttcw@missouri.edu.
# CUMULATIVE SUBJECT INDEX FOR VOLUMES 68 - 69

## ADMINISTRATIVE LAW

No Harm, No Rule: The Muddy Waters of Agency Policy Statements and Judicial Review Under the Missouri Administrative Procedure Act 69: 731

EPA Oversight in Determining Best Available Control Technology: The Supreme Court Determines the Proper Scope of Enforcement 69: 1157

## AFFIRMATIVE DEFENSES

I Can’t Get No Satisfaction: Missouri Requires Non-settling Defendants to Plead and Prove Prior Settlements as an Affirmative Defense 69: 763

## ALIENATION OF AFFECTION

Hey, That’s My Wife!—The Tort of Alienation of Affection in Missouri 68: 241

## ALTERNATIVE DISPUTE RESOLUTION

Mediation and the Transformation of American Labor Unions 69: 365

## AMERICANS WITH DISABILITIES ACT

The ADA’s Reasonable Accommodation Requirement and “Innocent Third Parties” 68: 863

## ATTORNEYS

Prove All Things and Hold Fast That Which Is Good: The Missouri Supreme Court Redraws the Line Between “Plain Error” and “Ineffective Assistance of Counsel” 68: 449

An Affair to Remember: Further Refinement of the Prosecutor’s Duty to Disclose Exculpatory Evidence 68: 469

Class Actions and Ex Parte Communications: Can We Talk? 68: 813

Lawyers As Lawmakers: A Theory of Lawyer Licensing 69: 299

## BANKRUPTCY

The Game of Hide and Seek in Bankruptcy: The Supreme Court Levels the Playing Field 69: 513

## CHILDREN

The Community Standards of Utah and the Amish Country Rule the World Wide Web 68: 735

Untangling Eligibility Requirements Under the Individuals with Disabilities Education Act 69: 441

CIVIL LIBERTIES

Questioning Deference 69: 903

Other Disciplines, Methodologies, and Countries: Studying Courts and Crisis 69: 951

Defending Deference: A Response to Professors Epstein and Wells 69: 959

"To Support and Defend the Constitution of the United States Against All Enemies, Foreign and Domestic": Four Types of Attorneys General and Wartime Stress 69: 1095

Encouraging Courage: Law’s Response to Fear and Risk 69: 1115

Fear and Risk in “Times of Crisis”: The Media’s Challenge 69: 1123

War Fever 69: 1131

CIVIL PROCEDURES

SEC/DOJ Parallel Proceedings: Contemplating the Propriety of Recent Judicial Trends 68: 149

CLASS ACTIONS

Class Actions and Ex Parte Communications: Can We Talk? 68: 813

COMMERCE CLAUSE

Misguided Federalism 68: 389

COMMUNICATIONS LAW

From 34 Cents to 37 Cents: The Unconstitutionality of the Postal Monopoly 68: 123

COMPACT CLAUSE

Compacts, Cartels, and Congressional Consent 68: 285

CONFIDENTIAL SETTLEMENTS

Let in a Little Sunshine: Limiting Confidential Settlements in Missouri 69: 215

CONSTITUTIONAL LAW

See also FIRST AMENDMENT

See also FOURTH AMENDMENT

See also FIFTH AMENDMENT

See also SIXTH AMENDMENT

See also FOURTEENTH AMENDMENT

From 34 Cents to 37 Cents: The Unconstitutionality of the Postal Monopoly 68: 123

Compacts, Cartels, and Congressional Consent 68: 285

Misguided Federalism 68: 389

Stop in the Name of that Checkpoint: Sacrificing Our Fourth Amendment Right in Order to Prevent Criminal Activity 68: 485

Liberal Hegemony? School Vouchers and the Future of the Race 68: 559

The “We Didn’t Know Any Better” Defense: The Eighth Circuit’s View of Qualified Immunity for Jail Officers Who Detain Arrestees 68: 983

The Prosecutor Circumvents the Sixth Amendment Right to Counsel with a Simple “Wink and Nod” 69: 553

Eminent Domain Actions Targeting First Amendment Land Uses 69: 653

Missouri’s Interfacing of the First Amendment and the Right of Publicity: Is the “Predominant Purpose” Test Really That Desirable? 69: 799

Due Process Right to Privacy: The Supreme Court’s Ultimate Trump Card 69: 831


Questioning Deference 69: 903

Other Disciplines, Methodologies, and Countries: Studying Courts and Crisis 69: 951

Defending Deference: A Response to Professors Epstein and Wells 69: 959

“To Support and Defend the Constitution of the United States Against All Enemies, Foreign and Domestic”: Four Types of Attorneys General and Wartime Stress 69: 1095

Encouraging Courage: Law’s Response to Fear and Risk 69: 1115

War Fever 69: 1131

Missouri’s Requirements for Federal Habeas Corpus Review: An Analysis of Exhaustion and Tolling of Statutes of Limitations 69: 1217

CONSUMER CLASS ACTION

Are Security Deposits “Security Interests”? The Proper Scope of Article 9 and Statutory Interpretation in Consumer Class Action 68: 71

CONTRACTS

Too Sophisticated for Your Own Good: Missouri, Sophisticated Parties and . . . the Economic Loss Rule? 68: 195

Missouri Supreme Court Clarifies: Siding with Business Owners in Negligent Security Actions May Have Been Wrong All Along 68: 505

COPYRIGHT LAW

Copyright Nonconsequentialism 69: 1

CREDITOR RIGHTS

Are Security Deposits “Security Interests”? The Proper Scope of Article 9 and Statutory Interpretation in Consumer Class Action 68: 71

CRIMINAL LAW

SEC/DOJ Parallel Proceedings: Contemplating the Propriety of Recent Judicial Trends 68: 149

Prove All Things and Hold Fast That Which Is Good: The Missouri Supreme Court Redraws the Line Between “Plain Error” and “Ineffective Assistance of Counsel” 68: 449
An Affair to Remember: Further Refinement of the Prosecutor’s Duty to Disclose Exculpatory Evidence 68: 469

Stop in the Name of that Checkpoint: Sacrificing Our Fourth Amendment Right in Order to Prevent Criminal Activity 68: 485


The Community Standards of Utah and the Amish Country Rule the World Wide Web 68: 735

A Plea Best Not Taken: Why Criminal Defendants Should Avoid the Alford Plea 68: 913

The Prosecutor Circumvents the Sixth Amendment Right to Counsel with a Simple “Wink and Nod” 69: 553

Avoiding a Manifest Injustice: Missouri Decides Not to Execute the “Actually Innocent” 69: 569

Missouri Supreme Court Rules: Despite Change in Statute, Sleeping it off Behind the Wheel Is Still not an Option 69: 817

Eating the Poisonous Fruit: The Eighth Circuit Will Not Exclude Derivative Evidence from a Miranda Violation 69: 1183

Death Penalty

Avoiding a Manifest Injustice: Missouri Decides Not to Execute the “Actually Innocent” 69: 569

Defamation

Reporting Behind a Shield: The Growth of Missouri’s Fair Report Privilege to Defame 68: 215

Laying to Rest the Ecclesiastical Presumption of Falsity: Why the Missouri Approved Instructions Should Include Falsity as an Element of Defamation 69: 529

Discrimination

Wrestling With the Effects of Title IX: Is It Time To Adopt New Measures of Compliance for University Athletic Programs? 68: 719

Disrespectful, Offensive, Boorish & Decidedly Immature Behavior Is Not Sufficient to Meet the Requirements of Title VII 69: 255

Drunk Driving

Accidental Death Insurance Coverage of Drunk Drivers 69: 235

Missouri Supreme Court Rules: Despite Change in Statute, Sleeping it off Behind the Wheel Is Still not an Option 69: 817

Due Process

See also Fourteenth Amendment

Due Process Right to Privacy: The Supreme Court’s Ultimate Trump Card 69: 831
**DUTY TO DISCLOSE**

An Affair to Remember: Further Refinement of the Prosecutor’s Duty to Disclose Exculpatory Evidence 68: 469

**EDUCATION LAW**

Untangling Eligibility Requirements Under the Individuals with Disabilities Education Act 69: 441

**EMINENT DOMAIN**

Eminent Domain Actions Targeting First Amendment Land Uses 69: 653

**EMOTIONAL IMPACT OF FEAR**

What’s Fear Got to Do with It? It’s Affect We Need to Worry About 69: 971

Perceptions of Terrorism and Disease Risks: A Cross-national Comparison 69: 991

Fear: A Story in Three Parts 69: 1013

Risk Realization, Emotion, and Policy Making 69: 1039

Fear, Irrationality, and Risk Perception 69: 1047

Two Mistakes Behavioralists Make: A Response to Professors Feigenson et al. and Professor Slovic 69: 1053

Fear and Risk in “Times of Crisis”: The Media’s Challenge 69: 1123

War Fever 69: 1131

**ENVIRONMENTAL LAW**

Coping with CAFOs: How Much Notice Must a Citizen Give? 68: 959

Enforcing Environmental Regulations: Concentrated Animal Feeding Operations 69: 697

No Harm, No Rule: The Muddy Waters of Agency Policy Statements and Judicial Review Under the Missouri Administrative Procedure Act 69: 731

EPA Oversight in Determining Best Available Control Technology: The Supreme Court Determines the Proper Scope of Enforcement 69: 1157

**EQUAL PROTECTION**

Due Process Right to Privacy: The Supreme Court’s Ultimate Trump Card 69: 831

**EVIDENCE**


Eating the Poisonous Fruit: The Eighth Circuit Will Not Exclude Derivative Evidence from a Miranda Violation 69: 1183

Say Goodbye to Frye: Missouri Supreme Court Clarifies Standard for Admitting Expert Testimony in Civil and Administrative Cases 69: 1203

**EXPERT WITNESS TESTIMONY**

The Trouble with Daubert-Kumho: Reconsidering the Supreme Court’s Philosophy of Science 68: 1

Peer Dialogue: The Quagmire of Scientific Expert Testimony: Crumpling the Supreme Court’s Style 68: 53

Say Goodbye to Frye: Missouri Supreme Court Clarifies Standard for Admitting Expert Testimony in Civil and Administrative Cases 69: 1203

FAIR REPORT PRIVILEGE

Reporting Behind a Shield: The Growth of Missouri’s Fair Report Privilege to Defame 68: 215

FEAR AND RISK PERCEPTION

Symposium: Interdisciplinary Perspectives on Fear and Risk Perception in Times of Democratic Crisis: Foreword 69: 897

Questioning Deference 69: 903

Other Disciplines, Methodologies, and Countries: Studying Courts and Crisis 69: 951

Defending Deference: A Response to Professors Epstein and Wells 69: 959

What’s Fear Got to Do with It? It’s Affect We Need to Worry About 69: 971

Perceptions of Terrorism and Disease Risks: A Cross-national Comparison 69: 991

Fear: A Story in Three Parts 69: 1013

Risk Realization, Emotion, and Policy Making 69: 1039

Fear, Irrationality, and Risk Perception 69: 1047

Two Mistakes Behavioralists Make: A Response to Professors Feigenson et al. and Professor Slovic 69: 1053

Fragmented State, Pluralist Society: How Liberal Institutions Promote Fear 69: 1061

“To Support and Defend the Constitution of the United States Against All Enemies, Foreign and Domestic”: Four Types of Attorneys General and Wartime Stress 69: 1095

Encouraging Courage: Law’s Response to Fear and Risk 69: 1115

Fear and Risk in “Times of Crisis”: The Media’s Challenge 69: 1123

War Fever 69: 1131

FEDERAL COURTS

And Into the Maelstrom Steps the United States Supreme Court: Licenses Are Not “Property” for Purposes of the Mail Fraud Statute 68: 179

Two Heads Are Better Than One: Making a Case for the Either Party Viewpoint for Removal 69: 275

Missouri’s Requirements for Federal Habeas Corpus Review: An Analysis of Exhaustion and Tolling of Statutes of Limitations 69: 1217

FEDERALISM

Misguided Federalism 68: 389
<table>
<thead>
<tr>
<th>Amendment</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIFTH AMENDMENT</strong></td>
<td>Eminent Domain Actions Targeting First Amendment Land Uses 69: 653</td>
</tr>
<tr>
<td><strong>FIRST AMENDMENT</strong></td>
<td>Liberal Hegemony? School Vouchers and the Future of the Race 68: 559</td>
</tr>
<tr>
<td></td>
<td>Eminent Domain Actions Targeting First Amendment Land Uses 69: 653</td>
</tr>
<tr>
<td></td>
<td>Missouri’s Interfacing of the First Amendment and the Right of Publicity: Is the “Predominant Purpose” Test Really That Desirable? 69: 799</td>
</tr>
<tr>
<td><strong>FOURTEENTH AMENDMENT</strong></td>
<td>See also DUE PROCESS</td>
</tr>
<tr>
<td><strong>FOURTH AMENDMENT</strong></td>
<td>Stop in the Name of that Checkpoint: Sacrificing Our Fourth Amendment Right in Order to Prevent Criminal Activity 68: 485</td>
</tr>
<tr>
<td></td>
<td>The “We Didn’t Know Any Better” Defense: The Eighth Circuit’s View of Qualified Immunity for Jail Officers Who Detain Arrestees 68: 983</td>
</tr>
<tr>
<td><strong>FREE EXERCISE</strong></td>
<td>Missouri’s Religious Freedom Restoration Act: A New Approach to the Cause of Conscience 69: 853</td>
</tr>
<tr>
<td><strong>GOVERNMENT</strong></td>
<td>Compacts, Cartels, and Congressional Consent 68: 285</td>
</tr>
<tr>
<td></td>
<td>Misguided Federalism 68: 389</td>
</tr>
<tr>
<td><strong>GROUP IDENTITY</strong></td>
<td>Perceptions of Terrorism and Disease Risks: A Cross-national Comparison 69: 991</td>
</tr>
<tr>
<td><strong>HABEAS CORPUS</strong></td>
<td>Missouri’s Requirements for Federal Habeas Corpus Review: An Analysis of Exhaustion and Tolling of Statutes of Limitations 69: 1217</td>
</tr>
<tr>
<td><strong>HEALTH CARE LAW</strong></td>
<td>The Exception Becomes the Rule: The Missouri Supreme Court Expands the Continuing Care Exception 68: 257</td>
</tr>
<tr>
<td><strong>INDIVIDUALS WITH DISABILITIES EDUCATION ACT</strong></td>
<td>Untangling Eligibility Requirements Under the Individuals with Disabilities Education Act 69: 441</td>
</tr>
<tr>
<td><strong>INEFFECTIVE ASSISTANCE OF COUNSEL</strong></td>
<td>Prove All Things and Hold Fast That Which Is Good: The Missouri Supreme Court Redraws the Line Between “Plain Error” and “Ineffective Assistance of Counsel” 68: 449</td>
</tr>
<tr>
<td><strong>INSURANCE LAW</strong></td>
<td>Understanding the Difference Between the Right to Subrogation and Assignment of an Insurance Claim 68: 945</td>
</tr>
</tbody>
</table>
Having Failed to Defend, an Insurer Can Still Argue Lack of Coverage 68: 1001

Accidental Death Insurance Coverage of Drunk Drivers 69: 235

INTERNET

The Community Standards of Utah and the Amish Country Rule the World Wide Web 68: 735

JUDGES


Class Actions and Ex Parte Communications: Can We Talk? 68: 813


JUDICIAL DEFERENCE

Questioning Deference 69: 903

Other Disciplines, Methodologies, and Countries: Studying Courts and Crisis 69: 951

Defending Deference: A Response to Professors Epstein and Wells 69: 959

What’s Fear Got to Do with It? It’s Aff“Ict We Need to Worry About 69: 971

JURISDICTION


Drop the Shoe: A Law of Personal Jurisdiction 68: 753

Two Heads Are Better Than One: Making a Case for the Either Party Viewpoint for Removal 69: 275

JURY INSTRUCTIONS

Your Lips Are Moving . . . But the Words Aren’t Clear: Dissecting the Presumption that Jurors Understand Instructions 69: 163

Laying to Rest the Ecclesiastical Presumption of Falsity: Why the Missouri Approved Instructions Should Include Falsity as an Element of Defamation 69: 529

JURY TRIALS


LABOR LAW

Mediation and the Transformation of American Labor Unions 69: 365


LAND USE

Eminent Domain Actions Targeting First Amendment Land Uses 69: 653
<table>
<thead>
<tr>
<th>CUMULATIVE INDEX OF VOLUMES 68-69</th>
</tr>
</thead>
</table>

**MAIL FRAUD**
And Into the Maelstrom Steps the United States Supreme Court: Licenses Are Not "Property" for Purposes of the Mail Fraud Statute 68: 179

**MEDIA**
Fear and Risk in "Times of Crisis": The Media's Challenge 69: 1123

**MEDIATION**
Mediation and the Transformation of American Labor Unions 69: 365

**MEDICAL MALPRACTICE**
The Exception Becomes the Rule: The Missouri Supreme Court Expands the Continuing Care Exception 68: 257

I Can't Get No Satisfaction: Missouri Requires Non-settling Defendants to Plead and Prove Prior Settlements as an Affirmative Defense 69: 763

**MONOPOLY**
From 34 Cents to 37 Cents: The Unconstitutionality of the Postal Monopoly 68: 123

**NEGLIGENCE**
Too Sophisticated for Your Own Good: Missouri, Sophisticated Parties and...the Economic Loss Rule? 68: 195

Missouri Supreme Court Clarifies: Siding with Business Owners in Negligent Security Actions May Have Been Wrong All Along 68: 505

Untangling Eligibility Requirements Under the Individuals with Disabilities Education Act 69: 441

**OBSCENE MATERIAL**
The Community Standards of Utah and the Amish Country Rule the World Wide Web 68: 735

**PARALLEL PROCEEDINGS**
SEC/DOJ Parallel Proceedings: Contemplating the Propriety of Recent Judicial Trends 68: 149

**PARENTAL RIGHTS**

**POISONOUS FRUIT DOCTRINE**
Eating the Poisonous Fruit: The Eighth Circuit Will Not Exclude Derivative Evidence from a *Miranda* Violation 69: 1183

**POSTAL CLAUSE**
From 34 Cents to 37 Cents: The Unconstitutionality of the Postal Monopoly 68: 123

**PROPERTY LAW**
And Into the Maelstrom Steps the United States Supreme Court: Licenses Are Not "Property" for Purposes of the Mail Fraud Statute 68: 179

**PUNITIVE DAMAGES**
I'll Take That: Legal and Public Policy Problems Raised By Statutes That Require Punitive Damages Awards To Be Shared With the State 68: 525
Qualified Immunity

The “We Didn’t Know Any Better” Defense: The Eighth Circuit’s View of Qualified Immunity for Jail Officers Who Detain Arrestees 68: 983

Right to Privacy

Due Process Right to Privacy: The Supreme Court’s Ultimate Trump Card 69: 831

School Vouchers

Liberal Hegemony? School Vouchers and the Future of the Race 68: 559

Securities Law

SEC/DOJ Parallel Proceedings: Contemplating the Propriety of Recent Judicial Trends 68: 149

The Continuation of the Tracing Doctrine: Giving Aftermath Purchasers Standing Under Section 11 of the Securities Act of 1933 68: 705

Sexual Harassment

Disrespectful, Offensive, Boorish & Decidedly Immature Behavior Is Not Sufficient to Meet the Requirements of Title VII 69: 255

Sixth Amendment

The Prosecutor Circumvents the Sixth Amendment Right to Counsel with a Simple “Wink and Nod” 69: 553

Sports Law

Wrestling With the Effects of Title IX: Is It Time To Adopt New Measures of Compliance for University Athletic Programs? 68: 719

Statute of Limitations

The Exception Becomes the Rule: The Missouri Supreme Court Expands the Continuing Care Exception 68: 257

Statutory Interpretation

Are Security Deposits “Security Interests”? The Proper Scope of Article 9 and Statutory Interpretation in Consumer Class Action 68: 71

Wrestling With the Effects of Title IX: Is It Time To Adopt New Measures of Compliance for University Athletic Programs? 68: 719

The ADA’s Reasonable Accommodation Requirement and “Innocent Third Parties” 68: 863

Disrespectful, Offensive, Boorish & Decidedly Immature Behavior Is Not Sufficient to Meet the Requirements of Title VII 69: 255

Missouri Supreme Court Rules: Despite Change in Statute, Sleeping it off Behind the Wheel Is Still not an Option 69: 817

Due Process Right to Privacy: The Supreme Court’s Ultimate Trump Card 69: 831

Missouri’s Requirements for Federal Habeas Corpus Review: An Analysis of Exhaustion and Tolling of Statutes of Limitations 69: 1217
TITLE VII

Disrespectful, Offensive, Boorish & Decidedly Immature Behavior Is Not Sufficient to Meet the Requirements of Title VII 69: 255

TITLE IX

Wrestling With the Effects of Title IX: Is It Time To Adopt New Measures of Compliance for University Athletic Programs? 68: 719

TORTS

Hey, That's My Wife!—The Tort of Alienation of Affection in Missouri 68: 241

TRACING DOCTRINE

The Continuation of the Tracing Doctrine: Giving Aftermath Purchasers Standing Under Section 11 of the Securities Act of 1933 68: 705

UNITED STATES ATTORNEY GENERAL

"To Support and Defend the Constitution of the United States Against All Enemies, Foreign and Domestic": Four Types of Attorneys General and Wartime Stress 69: 1095