

Fall 2006

Index

Follow this and additional works at: <http://scholarship.law.missouri.edu/mlr>



Part of the [Law Commons](#)

Recommended Citation

Index, 71 MO. L. REV. (2006)

Available at: <http://scholarship.law.missouri.edu/mlr/vol71/iss4/18>

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 administrator of University of Missouri School of Law Scholarship Repository.

CUMULATIVE SUBJECT INDEX FOR VOLUMES 70 - 71

42 U.S.C. § 1983

Stretching the Fourteenth Amendment
and Substantive Due Process:
Another "Close Call" for 42 U.S.C. §
1983 71: 529

ABORTION

Did *Roe v. Wade* Pass the Arbitrary
and Capricious Test? 70: 1231

AFFIRMATIVE ACTION

Diversity: A Fundamental American
Principle 70: 777

AIDING AND ABETTING LIABILITY

Breaking the Bank: Reconsidering
Central Bank of Denver after Enron
and Sarbanes-Oxley 71: 367

AMERICANS WITH DISABILITIES ACT

We Were Only Teasing: The Eighth
Circuit Misses the Quintessence of
Hostile Work Environment Claims
Under the ADA 70: 253

ANATOMICAL GIFT IMMUNITY

Another One Bites the Dust: Missouri
Puts to Rest Uncertainty about
Anatomical Gift Immunity 70: 837

BANKRUPTCY

Subjectivity, Good Faith and the
Expanded Chapter 13 Discharge
70: 655

Abuse Prevention 2005 71:
863

Bankruptcy Reform: What's Tax Got
To Do With It? 71: 879

Bankruptcy Reform and the Costs of
Sickness: Exploring the Intersections
71: 903

Race Matters in Bankruptcy Reform
71: 919

The Potential and Peril of BAPCPA
for Empirical Research 71: 963

Why the Bankruptcy Reform Act Left
Labor Legacy Costs Alone 71:
985

Psychology and BAPCPA: Enhanced
Disclosure and Emotion 71: 1003

Judicial Discretion to Find Abuse
Under Section 707(b)(3) 71: 1035

The Totality of the Circumstances of
the Debtor's Financial Situation in a
Post-Means Test World: Trying to
Bridge the Wedoff/Culhane & White
Divide 71:1053

Crystals, Mud, BAPCPA, and the
Structure of Bankruptcy
Decisionmaking 71: 1069

The Future of Bankruptcy: A
Roundtable Discussion 71: 1079

Good in Theory, Bad in Practice: The
Unintended Consequences of
BAPCPA's Credit Counseling
Requirement 71: 1101

THE BLACKMUN PAPERS

See also JUSTICE HARRY BLACKMUN

CHILDREN

Caught Between a Rock and a Hard Place: Harmonizing Victim Confidentiality Rights with Children's Best Interests 70: 863

COMMERCE CLAUSE

The Missouri Use Tax: Matching the Burdens to the Benefits of Ownership 70: 269

Local Man Phones Spiritual Leaders, Ends Up in Federal Prison: Congressional Commerce Power to Curb Discrimination-Motivated Violence 70: 903

COMPETITION

Does Competition Constitute an Injury? Defining Injury in the Missouri Motor Fuel Marketing Act 70: 947

CONFRONTATION CLAUSE

Examining the Repercussions of *Crawford*: The Uncertain Future of Hearsay Evidence in Missouri 70: 561

CONSTITUTIONAL LAW

See also FIRST AMENDMENT

See also FOURTH AMENDMENT

See also FOURTEENTH AMENDMENT

Applying Restraints to Private Police 70: 177

Leveling the Playing Field: A New Theory of Exclusion for a Post-PATRIOT Act America 70: 519

Honk to Remove this Demonstration: The Eighth Circuit Adopts a Heckler's Veto 70: 583

Stop ... in the Name of Identification: The Supreme Court Approves "Stop and ID" 70: 879

Evaluating the Supreme Court's Establishment Clause Jurisprudence in the Wake of *Van Orden v. Perry* and *McCreary County v. ACLU* 71: 317

Stretching the Fourteenth Amendment and Substantive Due Process: Another "Close Call" for 42 U.S.C. § 1983 71: 529

Original Intent in the First Congress 71: 687

The Knock-and-Announce Rule: An Illusory Hurdle or a Legitimate Law Enforcement Limitation? 71: 787

The Right to Rest in Peace: Missouri Prohibits Protesting at Funerals 71: 1117

Residential Privacy and Free Speech: Competing Interests in Charitable Solicitation Regulation 71: 1179

Standing on Hallowed Ground: Should the Federal Judiciary Monitor Executive Violations of the Establishment Clause? 71: 1201

CONSTRUCTIVE TRUST DOCTRINE

Unnecessary but Proper: The Missouri Court of Appeals Expands the Constructive Trust Doctrine while Ignoring the Recording Act 71: 513

COPYRIGHT LAW

The Highest Form of Flattery? Application of the Fair Use Defense against Copyright Claims for Unauthorized Appropriation of Litigation Documents 71: 391

Inducement Liability for Copyright Infringement is Born: The Supreme Court Attempts to Remedy the Law's Broken Leg With a Cast on the Arm 71: 767

CRIMINAL LAW

Military Discipline and Criminal Justice: Prior Military Convictions as Predicate Felonies Under Missouri's Recidivism Statute 70: 219

Sting Operations, Undercover Agents, and Entrapment 70: 387

Victimhood 71: 115

Breaking the Bank: Reconsidering *Central Bank of Denver* after Enron and Sarbanes-Oxley 71: 367

Visibly Shackled: The Supreme Court's Failure to Distinguish between Convicted and Accused at Sentencing for Capital Crimes 71: 447

Group Status and Criminal Defenses: Logical Relationship or Marriage of Convenience? 71: 547

CRIMINAL PROCEDURE

Stop ... in the Name of Identification: The Supreme Court Approves "Stop and ID" 70: 879

Visibly Shackled: The Supreme Court's Failure to Distinguish between Convicted and Accused at Sentencing for Capital Crimes 71: 447

DAMAGES

Calculating Lost Profit Damages: The Missouri Supreme Court "Semi-Fixed" the "Variable" Appellate Caselaw 71: 227

DEATH PENALTY

Revelations from the Blackmun Papers on the Development of Death Penalty Law 70: 1183

Visibly Shackled: The Supreme Court's Failure to Distinguish between Convicted and Accused at Sentencing for Capital Crimes 71: 447

DEFENSES

Special Defenses in Modern Products Liability Law 70: 1

Group Status and Criminal Defenses: Logical Relationship or Marriage of Convenience? 71: 547

DISCRIMINATION

We Were Only Teasing: The Eighth Circuit Misses the Quintessence of Hostile Work Environment Claims Under the ADA 70: 253

Local Man Phones Spiritual Leaders, Ends Up in Federal Prison: Congressional Commerce Power to

Curb Discrimination-Motivated
Violence 70: 903

Race Matters in Bankruptcy Reform
71: 919

DIVERSITY

Diversity: A Fundamental American
Principle 70: 777

DOMESTIC VIOLENCE

Caught Between a Rock and a Hard
Place: Harmonizing Victim
Confidentiality Rights with Children's
Best Interests 70: 863

Eighth Circuit Revisits Restoration
Exception to Domestic Violence Gun
Ban and Says "Restore" Means
"Restore" 71: 267

DRUNK DRIVING

Alcohol-Related Car "Accidents"?
The Eighth Circuit Moves toward
Policy Change in ERISA Litigation
71: 471

Missouri Still Refuses to Impose
Social Host Liability for Furnishing
Alcohol to Minors 71:
841

DUE PROCESS

See also FOURTEENTH AMENDMENT

Stretching the Fourteenth Amendment
and Substantive Due Process: Another
"Close Call" for 42 U.S.C. § 1983
71: 529

DYING DECLARATIONS

The Death of Dying Declarations in a
Post-Crawford World 71: 285

EMINENT DOMAIN

Eminent Domain Reform in Missouri:
A Legislative Memoir 71: 721

EMPLOYMENT LAW

You're Fired! The Role of State
Courts in the Expungement of
Criminal Records for Federal Security
Clearance Purposes 71: 495

Employers Beware: The Missouri
Court of Appeals Takes a Bite Out of
the Employment At-Will Doctrine
71: 823

EMPLOYMENT RETIREMENT INCOME SECURITIES ACT (ERISA)

Alcohol-Related Car "Accidents"?
The Eighth Circuit Moves toward
Policy Change in ERISA Litigation
71: 471

ENTRAPMENT

Sting Operations, Undercover Agents,
and Entrapment 70: 387

EQUITABLE CLEANUP DOCTRINE

Right to a Jury Trial for Legal Claims:
Does the Equitable Cleanup Doctrine
Make Sense in Missouri? 70: 609

ESTABLISHMENT CLAUSE

Evaluating the Supreme Court's
Establishment Clause Jurisprudence

in the Wake of *Van Orden v. Perry*
and *McCreary County v. ACLU*
71: 317

Standing on Hallowed Ground:
Should the Federal Judiciary Monitor
Executive Violations of the
Establishment Clause?
71: 1201

ESTATES

Disinheriting the "Legal Orphan":
Inheritance Rights of Children After
Termination of Parental Rights
70: 125

EVIDENCE

Leveling the Playing Field: A New
Theory of Exclusion for a Post-
PATRIOT Act America 70: 519

Examining the Repercussions of
Crawford: The Uncertain Future of
Hearsay Evidence in Missouri
70: 561

The Girl Who Cried Wolf: Missouri's
New Approach to Evidence of Prior
False Allegations 70: 813

The Death of Dying Declarations in a
Post-*Crawford* World 71: 285

EXPUNGEMENT

Alcohol-Related Car "Accidents"?
The Eighth Circuit Moves toward
Policy Change in ERISA Litigation
71: 471

FAIR USE DEFENSE

The Highest Form of Flattery?
Application of the Fair Use Defense
against Copyright Claims for

Unauthorized Appropriation of
Litigation Documents 71: 391

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Under Construction: Questioning
Whether Statutory Construction
Principles Justify Individual Liability
Under the Family and Medical Leave
Act 71: 71

FAMILY LAW

Disinheriting the "Legal Orphan":
Inheritance Rights of Children After
Termination of Parental Rights
70: 125

Caught Between a Rock and a Hard
Place: Harmonizing Victim
Confidentiality Rights with Children's
Best Interests 70: 863

FEDERAL COURTS

Standing on Hallowed Ground:
Should the Federal Judiciary Monitor
Executive Violations of the
Establishment Clause? 71: 1201

FEDERALISM

You're Fired! The Role of State
Courts in the Expungement of
Criminal Records for Federal Security
Clearance Purposes 71: 495

FIRST AMENDMENT

Another Worthy Tradition: How the
Free Speech Curriculum Ignores
Electronic Media and Distorts Free
Speech Doctrine 70: 59

Honk to Remove this Demonstration:
The Eighth Circuit Adopts a

Heckler's Veto
70: 583

The Right to Rest in Peace: Missouri
Prohibits Protesting at Funerals
71: 1117

Residential Privacy and Free Speech:
Competing Interests in Charitable
Solicitation Regulation 71: 1179

FOURTEENTH AMENDMENT

See also DUE PROCESS

Stretching the Fourteenth Amendment
and Substantive Due Process:
Another "Close Call" for 42 U.S.C. §
1983 71: 529

FOURTH AMENDMENT

Leveling the Playing Field: A New
Theory of Exclusion for a Post-
PATRIOT Act America 70: 519

The Knock-and-Announce Rule: An
Illusory Hurdle or a Legitimate Law
Enforcement Limitation? 71: 787

FREE SPEECH

Another Worthy Tradition: How the
Free Speech Curriculum Ignores
Electronic Media and Distorts Free
Speech Doctrine 70: 59

The Right to Rest in Peace: Missouri
Prohibits Protesting at Funerals
71: 1117

Residential Privacy and Free Speech:
Competing Interests in Charitable
Solicitation Regulation 71: 1179

FREEDOM OF EXPRESSION

Honk to Remove this Demonstration:
The Eighth Circuit Adopts a
Heckler's Veto
70: 583

GROUP STATUS

Group Status and Criminal Defenses:
Logical Relationship or Marriage of
Convenience? 71: 547

HEALTH CARE LAW

Another One Bites the Dust:
Missouri Puts to Rest Uncertainty
about Anatomical Gift Immunity
70: 837

Bankruptcy Reform and the Costs of
Sickness: Exploring the Intersections
71: 903

HEARSAY

Examining the Repercussions of
Crawford: The Uncertain Future of
Hearsay Evidence in Missouri
70: 561

The Death of Dying Declarations in a
Post-*Crawford* World 71: 285

INHERITANCE

Disinheriting the "Legal Orphan":
Inheritance Rights of Children After
Termination of Parental Rights
70: 125

INSURANCE LAW

The Medical Malpractice Crisis: A
Problem with No Answer? 70: 307

The Made Whole Doctrine:
Unraveling the Enigma Wrapped in

the Mystery of Insurance Subrogation
70: 723

INTELLECTUAL PROPERTY

The Federal Circuit Makes a "Leap in Logic": The Dangerous Upstream Use of Related Patents' Prosecution History to Interpret Claims in Already Issued Patents 70: 291

The Highest Form of Flattery? Application of the Fair Use Defense against Copyright Claims for Unauthorized Appropriation of Litigation Documents 71: 391

Inducement Liability for Copyright Infringement is Born: The Supreme Court Attempts to Remedy the Law's Broken Leg With a Cast on the Arm 71: 767

INTEREST ON LAWYER TRUST ACCOUNTS (IOLTA)

Are You Misappropriating Client Funds? Missouri's IOLTA Plan After *Mottl* 71: 247

INTERNET

Oh, What a Tangled Web ... The Continuing Evolution of Personal Jurisdiction Derived from Internet-Based Contacts 71: 177

JUDGES

Can a Good Judge Be a Good Politician? Judicial Elections from a Virtue Ethics Approach 70: 433

Politics and Judgment 70: 973

The Monastic Life of a Federal District Judge 70: 989

The Burger-Blackmun Relationship: Lessons for Collegiality from the Blackmun Papers 70: 995

Lifting the Veil: Justice Blackmun's Papers and the Public Perception of the Supreme Court 70: 1037

The Willful Judging of Harry Blackmun 70: 1049

Tales from the Blackmun Papers: A Fuller Appreciation of Harry Blackmun's Judicial Legacy 70: 1075

Perspectives on Decisionmaking from the Blackmun Papers: The Cases on Arbitrability of Statutory Claims 70: 1133

Revelations from the Blackmun Papers on the Development of Death Penalty Law 70: 1183

Justice Blackmun and the Spirit of Liberty 70: 1199

Justice Harry Blackmun and the Phenomenon of Judicial Preference Change 70: 1209

Did *Roe v. Wade* Pass the Arbitrary and Capricious Test? 70: 1231

Why Do Supreme Court Justices Succeed or Fail? Harry Blackmun as an Example 70: 1261

The Internationalism of Justice Harry Blackmun 70: 1289

Some Reflections on the Symposium: Judging, the Classical Legal Paradigm, and the Possible Contributions of Science 70: 1309

JUDICIAL DISCRETION

Judicial Discretion to Find Abuse under Section 707(b)(3) 71: 1035

JUDICIAL ETHICS

Can a Good Judge Be a Good Politician? Judicial Elections from a Virtue Ethics Approach 70: 433

JURISDICTION

Oh, What a Tangled Web ... The Continuing Evolution of Personal Jurisdiction Derived from Internet-Based Contacts 71: 177

JURISPRUDENCE

Original Intent in the First Congress 71: 687

JURY TRIALS

Right to a Jury Trial for Legal Claims: Does the Equitable Cleanup Doctrine Make Sense in Missouri? 70: 609

JUSTICE HARRY BLACKMUN

The Burger-Blackmun Relationship: Lessons for Collegiality from the Blackmun Papers 70: 995

Lifting the Veil: Justice Blackmun's Papers and the Public Perception of the Supreme Court 70: 1037

The Willful Judging of Harry Blackmun 70: 1049

Tales from the Blackmun Papers: A Fuller Appreciation of Harry Blackmun's Judicial Legacy 70: 1075

Perspectives on Decisionmaking from the Blackmun Papers: The Cases on Arbitrability of Statutory Claims 70: 1133

Revelations from the Blackmun Papers on the Development of Death Penalty Law 70: 1183

Justice Blackmun and the Spirit of Liberty 70: 1199

Justice Harry Blackmun and the Phenomenon of Judicial Preference Change 70: 1209

Did *Roe v. Wade* Pass the Arbitrary and Capricious Test? 70: 1231

Why Do Supreme Court Justices Succeed or Fail? Harry Blackmun as an Example 70: 1261

The Internationalism of Justice Harry Blackmun 70: 1289

Some Reflections on the Symposium: Judging, the Classical Legal Paradigm, and the Possible Contributions of Science 70: 1309

KNOCK-AND-ANNOUNCE RULE

The Knock-and-Announce Rule: An Illusory Hurdle or a Legitimate Law Enforcement Limitation? 71: 787

LAND USE

Making Main Street Legal Again: The SmartCode Solution to Sprawl 71: 637

Eminent Domain Reform in Missouri: A Legislative Memoir 71: 721

MADE WHOLE DOCTRINE

The Made Whole Doctrine:
Unraveling the Enigma Wrapped in
the Mystery of Insurance Subrogation
70: 723

MEDICAL MALPRACTICE

The Medical Malpractice Crisis: A
Problem with No Answer? 70: 307

MEDICAL MONITORING

Medical Monitoring: The Right Way
and the Wrong Way 70: 349

MILITARY LAW

Military Discipline and Criminal
Justice: Prior Military Convictions as
Predicate Felonies Under Missouri's
Recidivism Statute 70: 219

MOTOR FUEL MARKETING ACT

Does Competition Constitute an
Injury? Defining Injury in the
Missouri Motor Fuel Marketing Act
70: 947

MUNICIPAL LAW

Murky Waters: Barriers to Recovery
for Flood Damage from Municipal
Waterworks 70: 931

NEGLIGENCE

Murky Waters: Barriers to Recovery
for Flood Damage from Municipal
Waterworks 70: 931

NOTICE

When is Notice Notice? Why
Missouri Should Clarify the
Requirements for Notice Letters
Seeking the Release of a Deed of
Trust 70: 631

PATENTS

The Federal Circuit Makes a "Leap in
Logic": The Dangerous Upstream
Use of Related Patents' Prosecution
History to Interpret Claims in Already
Issued Patents 70: 291

PATRIOT ACT

Leveling the Playing Field: A New
Theory of Exclusion for a Post-
PATRIOT Act America 70: 519

PERSONAL JURISDICTION

Oh, What a Tangled Web ... The
Continuing Evolution of Personal
Jurisdiction Derived from Internet-
Based Contacts 71: 177

PRIOR FALSE ALLEGATIONS

The Girl Who Cried Wolf: Missouri's
New Approach to Evidence of Prior
False Allegations 70: 813

PRIVATE POLICE

Applying Restraints to Private Police
70: 177

PRODUCTS LIABILITY

Special Defenses in Modern Products
Liability Law 70: 1

PROFESSIONAL RESPONSIBILITY

Can a Good Judge Be a Good
Politician? Judicial Elections from a
Virtue Ethics Approach 70: 433

Are You Misappropriating Client
Funds? Missouri's IOLTA Plan After
Mottl 71: 247

PROPERTY LAW

When is Notice Notice? Why
Missouri Should Clarify the
Requirements for Notice Letters
Seeking the Release of a Deed of
Trust 70: 631

Modernizing Security in Rents: The
New Uniform Assignment of Rents
Act 71: 1

Unnecessary but Proper: The
Missouri Court of Appeals Expands
the Constructive Trust Doctrine while
Ignoring the Recording Act 71: 513

Making Main Street Legal Again:
The SmartCode Solution to Sprawl
71: 637

Eminent Domain Reform in Missouri:
A Legislative Memoir 71: 721

REAL ESTATE FINANCE

When is Notice Notice? Why
Missouri Should Clarify the
Requirements for Notice Letters
Seeking the Release of a Deed of
Trust 70: 631

Modernizing Security in Rents: The
New Uniform Assignment of Rents
Act 71: 1

RECIDIVISM STATUTES

Military Discipline and Criminal
Justice: Prior Military Convictions as
Predicate Felonies Under Missouri's
Recidivism Statute 70: 219

RECORDING ACTS

Unnecessary but Proper: The
Missouri Court of Appeals Expands
the Constructive Trust Doctrine while
Ignoring the Recording Act 71: 513

RENT

Modernizing Security in Rents: The
New Uniform Assignment of Rents
Act 71: 1

RIGHT TO PRIVACY

Residential Privacy and Free Speech:
Competing Interests in Charitable
Solicitation Regulation 71: 1179

SECURITIES LAW

Breaking the Bank: Reconsidering
Central Bank of Denver after Enron
and Sarbanes-Oxley 71: 367

SENTENCING

Visibly Shackled: The Supreme
Court's Failure to Distinguish
between Convicted and Accused at
Sentencing for Capital Crimes
71: 447

**SERVICEMEMBERS CIVIL RELIEF
ACT**

Special Statutes of Limitation and the
Servicemembers Civil Relief Act:
Case Closed? 71: 805

SEXUAL HARASSMENT

Is it Sexual Harassment or Not? The
Single Incident Exception 71: 205

the Mystery of Insurance Subrogation
70: 723

SOCIAL HOST LIABILITY

Missouri Still Refuses to Impose
Social Host Liability for Furnishing
Alcohol to Minors 71: 841

TAX LAW

The Missouri Use Tax: Matching the
Burdens to the Benefits of Ownership
70: 269

STATUTES OF LIMITATION

Special Statutes of Limitation and the
Servicemembers Civil Relief Act:
Case Closed? 71: 805

Bankruptcy Reform: What's Tax Got
To Do With It? 71: 879

TORTS

The Risks of and Reactions to
Underdeterrence in Torts 70: 691

STATUTORY CONSTRUCTION

Under Construction: Questioning
Whether Statutory Construction
Principles Justify Individual Liability
Under the Family and Medical Leave
Act 71: 71

UNIFORM ASSIGNMENT OF RENTS ACT

Modernizing Security in Rents: The
New Uniform Assignment of Rents
Act 71: 1

STATUTORY INTERPRETATION

Authority with the Force of Law:
Statutory Interpretation as
Policymaking in *Gonzales v. Oregon*
71: 1141

VICTIM'S RIGHTS

Victimhood 71: 115

STING OPERATIONS

Sting Operations, Undercover Agents,
and Entrapment 70: 387

COMPILED BY:
MITCHELL E. KEMPKER

STOP AND ID STATUTES

Stop ... in the Name of Identification:
The Supreme Court Approves "Stop
and ID" 70: 879

SUBROGATION

The Made Whole Doctrine:
Unraveling the Enigma Wrapped in

