

Fall 2010

Cumulative Subject Index for Volumes 74-75

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



Part of the [Law Commons](#)

Recommended Citation

Cumulative Subject Index for Volumes 74-75, 75 MO. L. REV. (2010)
Available at: <https://scholarship.law.missouri.edu/mlr/vol75/iss4/10>

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 bassettcw@missouri.edu.

CUMULATIVE SUBJECT INDEX FOR VOLUMES 74-75

ACCOUNTABILITY

A Recipe for Bias: An Empirical Look at the Interplay Between Institutional Incentives and Bounded Rationality in Prosecutorial Decision Making 74:999

ADMINISTRATIVE LAW

There but for the Grace of God Go I: The Right of Cross-Examination in Social Security Disability Hearings 74:823

The Hundred-Years War: The Ongoing Battle Between Courts and Agencies over the Right to Interpret Federal Law 74:949

ADVERTISING

The Eighth Circuit Loosens the Grip of the Bankruptcy Gag Rule, but Holds Attorneys to Advertising Disclosure Requirement 74:845

ADVOCACY

A Recipe for Bias: An Empirical Look at the Interplay Between Institutional Incentives and Bounded Rationality in Prosecutorial Decision Making 74:999

ALTERNATIVE DISPUTE RESOLUTION

The Demise of Arbitration Agreements in Long-Term Care Contracts 75:181

AMERICANS WITH DISABILITIES ACT

Statutory Leapfrog: Compensatory and Punitive Damages Under the Retaliatory Provision of the ADA 74:173

ATTORNEYS

The Bench, the Bar, and Everyone Else: Some Questions About State Judicial Selection 74:777

Exporting the Missouri Plan: Judicial Appointment Commissions 74:783

The Eighth Circuit Loosens the Grip of the Bankruptcy Gag Rule, but Holds Attorneys to Advertising Disclosure Requirement 74:845

Raising the Bar: Standards-Based Training, Supervision, and Evaluation 75:831

Missouri's Public Defender Crisis: Shouldering the Burden Alone 75:853

Litigating the Ghost of *Gideon* in Florida: Separation of Powers as a Tool to Achieve Indigent Defense Reform 75:885

BANKRUPTCY

Setting Things Straight: Adding a Provision to Allow Damages for Emotional Distress in the Bankruptcy Code Could Clear up a Lot of Confusion 74:425

The Eighth Circuit Loosens the Grip of the Bankruptcy Gag Rule, but Holds Attorneys to Advertising Disclosure Requirement 74:845

Missouri's Section 287.865.5 Proof of Claim Filing Requirement: Are Injured Employees Getting a Fair Shake? 75:271

"Money for Nothing and Your [Expenses] for Free" – Federal Circuit Split on Vehicle Ownership Expense in BAPCPA Means Testing 75:595

BIOTECHNOLOGY LAW

Staking a Claim on the Building Blocks of Life: Human Genetic Material Within the United States Patent System 75:617

BURDEN OF PROOF

Seconds Anyone? Using the Missouri SVP Law to Punish After Time Served 74:1191

Pretext in Peril 75:313

Pretext Without Context 75:403

Anti-Discrimination Law in Peril? 75:423

Discrimination Redefined 75:443

Mental Retardation as a Bar to the Death Penalty: Who Bears the Burden of Proof? 75:537

CAMPAIGN FINANCE

A Plea for Reality 74:507

Federal and State Judicial Selection in an Interest Group Perspective 74:531

Parties, Interest Groups, and Systemic Change 74:555

The Myth of the Level Playing Field: Knowledge, Affect, and Repetition in Public Debate 75:143

CAUSATION

The Plaintiffs' Bar Cannot Enforce the Laws: Individual Reliance Issues Prevent Consumer Protection Classes in the Eighth Circuit 75:207

CHILDREN

Money, Caregiving, and Kinship: Should Paid Caregivers Be Allowed To Obtain De Facto Parental Status? 74:25

Lessening the Rehabilitative Focus of the Federal Juvenile Delinquency Act: A Trend Towards Punitive Juvenile Dispositions? 74:193

High-Tech Words Do Hurt: A Modern Makeover Expands Missouri's Harassment Law to Include Electronic Communications 74:379

Are You My Mother? Missouri Denies Custodial Rights to Same-Sex Parent 75:1377

CHOICE OF LAW

The Demise of Arbitration Agreements in Long-Term Care Contracts 75:181

CIVIL PROCEDURE

Pretext in Peril 75:313

Pretext Without Context 75:403

2010] *CUMULATIVE INDEX OF VOLUMES 74-75* 1437

Counselor, Stop Everything!
Missouri's Venue Statutes Receive an
Expansive Interpretation 75:1067

CIVIL RIGHTS

Pretext in Peril 75:313

Pretext Without Context 75:403

Anti-Discrimination Law in Peril?
75:423

Discrimination Redefined 75:443

Strict in Theory, But Accommodating
in Fact? 75:1243

CLASS ACTIONS

Due Process Forgotten: The Problem
of Statutory Damages and Class
Actions 74:103

Too Much Risk: The Impact of Class
Action Lawsuits on Claims Made
Insurance Policies 74:1171

The Plaintiffs' Bar Cannot Enforce
the Laws: Individual Reliance Issues
Prevent Consumer Protection Classes
in the Eighth Circuit 75:207

COLLATERAL REVIEW

A New Approach to Overcoming the
Insurmountable "Watershed Rule"
Exception to *Teague's* Collateral
Review Killer 74:1

COMMUNICATIONS LAW

High-Tech Words Do Hurt: A
Modern Makeover Expands
Missouri's Harassment Law to
Include Electronic Communications
74:379

COMPARATIVE LAW

Constitutional Interpretation Through
a Global Lens 75:1171

CONFLICT OF INTERESTS

Legal Representation for the Poor:
Can Society Afford This Much
Injustice? 75:683

CONFRONTATION CLAUSE

There but for the Grace of God Go I:
The Right of Cross-Examination in
Social Security Disability Hearings
74:823

CONSTITUTIONAL LAW

See also FIRST AMENDMENT
See also SECOND AMENDMENT
See also FOURTH AMENDMENT
See also FIFTH AMENDMENT
See also SIXTH AMENDMENT
See also EIGHTH AMENDMENT
See also CONFRONTATION CLAUSE
See also FOURTEENTH AMENDMENT
See also EQUAL PROTECTION

Exporting the Missouri Plan:
Judicial Appointment Commissions
74:783

The High Cost of Low-Cost Workers:
Missouri Enacts New Law Targeting
Employers of Unauthorized Workers
74:801

Constitutional Interpretation Through
a Global Lens 75:1171

**CONSTRUCTIVE NOTICE OF
HARASSMENT**

Corporations Beware: The Eighth
Circuit Announces New Criteria for
Parent Corporation Liability and

1438

MISSOURI LAW REVIEW

[Vol. 75

Constructive Notice of Harassment
75:571

CONSUMER PROTECTION

The Plaintiffs' Bar Cannot Enforce
the Laws: Individual Reliance Issues
Prevent Consumer Protection Classes
in the Eighth Circuit 75:207

CONTRACTS

Why Doctors Shouldn't Practice Law:
The American Medical Association's
Misdiagnosis of Physician Non-
Compete Clauses 74:1051

The Demise of Arbitration
Agreements in Long-Term Care
Contracts 75:181

Contract Law, Party Sophistication
and the New Formalism 75:493

CORPORATE LIABILITY

Corporations Beware: The Eighth
Circuit Announces New Criteria for
Parent Corporation Liability and
Constructive Notice of Harassment
75:571

CREDITOR RIGHTS

Setting Things Straight: Adding a
Provision to Allow Damages for
Emotional Distress in the Bankruptcy
Code Could Clear up a Lot of
Confusion 74:425

"Money for Nothing and Your
[Expenses] for Free" – Federal Circuit
Split on Vehicle Ownership Expense
in BAPCPA Means Testing 75:595

CRIMINAL LAW

See also CRIMINAL PROCEDURE
See also CYBER LAW

See also PUBLIC DEFENSE

Falling Through the Cracks: Missouri
Amends Its Felon Firearm Possession
Statute 74:361

Protecting the Predator or the Prey?
The Missouri Supreme Court's
Refusal to Allow Past Sexual
Misconduct as Propensity Evidence
74:211

A Recipe for Bias: An Empirical
Look at the Interplay Between
Institutional Incentives and Bounded
Rationality in Prosecutorial Decision
Making 74:999

CRIMINAL PROCEDURE

A New Approach to Overcoming the
Insurmountable "Watershed Rule"
Exception to *Teague's* Collateral
Review Killer 74:1

A Call to Police the Margins:
The Eighth Circuit's Expansion of
Miranda's Public-Safety Exception
75:229

CYBER LAW

High-Tech Words Do Hurt: A
Modern Makeover Expands
Missouri's Harassment Law to
Include Electronic Communications
74:379

DAMAGES

The Misuse of Reasonable
Royalty Damages as a Patent
Infringement Deterrent 74:909

The Employees' Decade: Recent
Developments Under the MHRA and
the Employers' Potential Rebound
75:1349

2010] *CUMULATIVE INDEX OF VOLUMES 74-75* 1439

DEATH PENALTY

Mental Retardation as a Bar to the
Death Penalty: Who Bears the
Burden of Proof? 75:537

Death of the Challenge to Lethal
Injection? Missouri's Protocol
Deemed Constitutional Yet Again
75:1323

DEBTOR RIGHTS

The Eighth Circuit Loosens the Grip
of the Bankruptcy Gag Rule, but
Holds Attorneys to Advertising
Disclosure Requirement 74:845

"Money for Nothing and Your
[Expenses] for Free" – Federal Circuit
Split on Vehicle Ownership Expense
in BAPCPA Means Testing 75:595

DISCRIMINATION

See also MISSOURI HUMAN RIGHTS
ACT
See also TITLE VII

Hostile Takeover: The State of
Missouri, the St. Louis School
District, and the Struggle for Quality
Education in the Inner-City 74:1143

The Role of Invidious Discrimination
in Free Exercise Claims: Putting *Iqbal*
in its Place 75:1015

Are You My Mother? Missouri
Denies Custodial Rights to Same-Sex
Parent 75:1377

DUE PROCESS

See also FOURTEENTH AMENDMENT

Due Process Forgotten: The Problem
of Statutory Damages and Class
Actions 74:103

There but for the Grace of God Go I:
The Right of Cross-Examination in
Social Security Disability Hearings
74:823

Seconds Anyone? Using the
Missouri SVP Law to Punish After
Time Served 74:1191

Missouri's Section 287.865.5 Proof of
Claim Filing Requirement: Are
Injured Employees Getting a Fair
Shake? 75:271

Fundamental, but Not Fundamental
Enough: Missouri's Balancing Test in
the Area of Parental Rights 75:641

ECONOMIC THEORY

An Economics Perspective on the
Exclusionary Rule and Deterrence
75:459

EDUCATION LAW

Hostile Takeover: The State of
Missouri, the St. Louis School
District, and the Struggle for Quality
Education in the Inner-City 74:1143

Silencing the Rebel Yell: The Eighth
Circuit Upholds a Public School's
Ban on Confederate Flags 75:989

Beyond Equality and Adequacy:
Equal Protection, Tax Assessments,
and the Missouri Public School
Funding Dilemma 75:1037

Strip Searches of Students:
Addressing the Undressing of
Children in Schools and Redressing
the Fourth Amendment Violations
75:1123

1440

MISSOURI LAW REVIEW

[Vol. 75

Cut and Run? Tuition Reimbursement
and the 1997 IDEA Amendments
75:1297

Injured Employees Getting a Fair
Shake? 75:271

EIGHTH AMENDMENT

Death of the Challenge to Lethal
Injection? Missouri's Protocol
Deemed Constitutional Yet Again
75:1323

Resurrection of a Dead Remedy:
Bringing Common Law Negligence
Back into Employment Law
75:1093

The Employees' Decade: Recent
Developments Under the MHRA and
the Employers' Potential Rebound
75:1349

EMINENT DOMAIN

Interpreting Eminent Domain in
Missouri: Elimination of Blight is
Allright 74:235

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

Redevelopment Condemnations:
A Blight or a Blessing upon the
Land? 74:301

The Hundred-Years War: The
Ongoing Battle Between Courts and
Agencies over the Right to Interpret
Federal Law 74:949

The Missouri Eminent Domain
Reforms of 2006 "Good Faith
Negotiation" Requirement: Cities Can
Use Illegitimate Appraisals Under
Kansas City v. Ku 74:1083

EQUAL PROTECTION

Fundamental, but Not Fundamental
Enough: Missouri's Balancing Test in
the Area of Parental Rights 75:641

EMOTIONAL DISTRESS

Fender Bender Lottery: Direct
Victims and Bystanders in Recovery
for the Negligent Infliction of
Emotional Distress 74:871

Beyond Equality and Adequacy:
Equal Protection, Tax Assessments,
and the Missouri Public School
Funding Dilemma 75:1037

Strict in Theory, But Accommodating
in Fact? 75:1243

EMPLOYMENT LAW

The High Cost of Low-Cost Workers:
Missouri Enacts New Law Targeting
Employers of Unauthorized Workers
74:801

ETHICS

The Bench, the Bar, and Everyone
Else: Some Questions About State
Judicial Selection 74:777

Not Taking Care of Business: State
Responses to the Employee Free
Choice Act, Preemption, and the
NLRA 74:1117

Exporting the Missouri Plan:
Judicial Appointment Commissions
74:783

Missouri's Section 287.865.5 Proof of
Claim Filing Requirement: Are

The Eighth Circuit Loosens the Grip
of the Bankruptcy Gag Rule, but
Holds Attorneys to Advertising
Disclosure Requirement 74:845

2010] *CUMULATIVE INDEX OF VOLUMES 74-75* 1441

Ensuring the Ethical Representation
of Clients in the Face of Excessive
Caseloads 75:771

Raising the Bar: Standards-Based
Training, Supervision, and Evaluation
75:831

EVIDENCE

There but for the Grace of God Go I:
The Right of Cross-Examination in
Social Security Disability Hearings
74:823

Protecting the Predator or the Prey?
The Missouri Supreme Court's
Refusal to Allow Past Sexual
Misconduct as Propensity Evidence
74:211

EXCESSIVENESS DOCTRINE

Due Process Forgotten: The Problem
of Statutory Damages and Class
Actions 74:103

EXCLUSIONARY RULE

An Economics Perspective on the
Exclusionary Rule and Deterrence
75:459

FAMILY LAW

Money, Caregiving, and Kinship:
Should Paid Caregivers Be Allowed
To Obtain De Facto Parental Status?
74:25

The Inadequacies of Missouri
Intestacy Law: Addressing the Rights
of Posthumously Conceived Children
74:889

Letting the Dead Bury the Dead:
Missouri's Right of Sepulcher
Addresses the Modern Decedent's
Wishes 75:249

Are You My Mother? Missouri
Denies Custodial Rights to Same-Sex
Parent 75:1377

FIFTH AMENDMENT

See also EMINENT DOMAIN

A Call to Police the Margins:
The Eighth Circuit's Expansion of
Miranda's Public-Safety Exception
75:229

FIREARMS

Falling Through the Cracks: Missouri
Amends Its Felon Firearm Possession
Statute 74:361

FIRST AMENDMENT

Religious Expression and the Penal
Institution: The Role of Damages in
RLUIPA Enforcement 74:153

Religious & Philosophical
Exemptions to Mandatory School
Vaccinations: Who Should Bear the
Costs to Society? 74:287

High-Tech Words Do Hurt: A
Modern Makeover Expands
Missouri's Harassment Law to
Include Electronic Communications
74:379

The Eighth Circuit Loosens the Grip
of the Bankruptcy Gag Rule, but
Holds Attorneys to Advertising
Disclosure Requirement 74:845

The Myth of the Level Playing Field:
Knowledge, Affect, and Repetition in
Public Debate 75:143

Staking a Claim on the Building
Blocks of Life: Human Genetic
Material Within the United States
Patent System 75:617

1442

MISSOURI LAW REVIEW

[Vol. 75

Silencing the Rebel Yell: The Eighth Circuit Upholds a Public School's Ban on Confederate Flags 75:989

The Role of Invidious Discrimination in Free Exercise Claims: Putting *Iqbal* in its Place 75:1015

Strict in Theory, But Accommodating in Fact? 75:1243

FORSEEABILITY

Too Much Risk: The Impact of Class Action Lawsuits on Claims Made Insurance Policies 74:1171

FOURTEENTH AMENDMENT

See also DUE PROCESS
See also EQUAL PROTECTION

Religious & Philosophical Exemptions to Mandatory School Vaccinations: Who Should Bear the Costs to Society? 74:287

Death of the Challenge to Lethal Injection? Missouri's Protocol Deemed Constitutional Yet Again 75:1323

FOURTH AMENDMENT

An Economics Perspective on the Exclusionary Rule and Deterrence 75: 459

Strip Searches of Students: Addressing the Undressing of Children in Schools and Redressing the Fourth Amendment Violations 75:1123

FREE EXERCISE CLAUSE

The Role of Invidious Discrimination in Free Exercise Claims: Putting *Iqbal* in its Place 75:1015

GUN CONTROL

Falling Through the Cracks: Missouri Amends Its Felon Firearm Possession Statute 74:361

IDEOLOGY

The Context of Ideology: Law, Politics, and Empirical Legal Scholarship 75:79

IMMIGRATION LAW

The High Cost of Low-Cost Workers: Missouri Enacts New Law Targeting Employers of Unauthorized Workers 74:801

INCARCERATION RATES

Epiphenomenal Indigent Defense 75:907

INDIGENT DEFENSE

Foreword: Rodney Uphoff 75:667

Legal Representation for the Poor: Can Society Afford This Much Injustice? 75:683

Ethical Obligations of Indigent Defense Attorneys to Their Clients 75:715

State Constitutional Challenges to Indigent Defense Systems 75:751

Ensuring the Ethical Representation of Clients in the Face of Excessive Caseloads 75:771

Commentary: Norman Lefstein 75:793

Raising the Bar: Standards-Based Training, Supervision, and Evaluation 75:831

2010] *CUMULATIVE INDEX OF VOLUMES 74-75* 1443

Missouri's Public Defender Crisis:
Shouldering the Burden Alone

75:853

Epiphenomenal Indigent Defense

75:907

Protecting the Innocent: Part of the
Solution for Inadequate Funding for
Defenders, Not a Panacea for
Targeting Justice

75:931

**INDIVIDUALS WITH DISABILITIES
EDUCATION ACT (IDEA)**

Cut and Run? Tuition Reimbursement
and the 1997 IDEA Amendments

75:1297

INSURANCE LAW

Too Much Risk: The Impact of Class
Action Lawsuits on Claims Made
Insurance Policies

74:1171

Missouri's Section 287.865.5 Proof of
Claim Filing Requirement: Are
Injured Employees Getting a Fair
Shake?

75:271

INTELLECTUAL PROPERTY

Staking a Claim on the Building
Blocks of Life: Human Genetic
Material Within the United States
Patent System

75:617

**INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

Setting Things Straight: Adding a
Provision to Allow Damages for
Emotional Distress in the Bankruptcy
Code Could Clear up a Lot of
Confusion

74:425

INTERNATIONAL LAW

Constitutional Interpretation Through
a Global Lens

75:1171

INTERNET

High-Tech Words Do Hurt: A
Modern Makeover Expands
Missouri's Harassment Law to
Include Electronic Communications

74:379

INVOLUNTARY CIVIL COMMITMENT

Seconds Anyone? Using the
Missouri SVP Law to Punish After
Time Served

74:1191

JOINDER OF PARTIES

Counselor, Stop Everything!
Missouri's Venue Statutes Receive an
Expansive Interpretation

75:1067

JUDICIAL BEHAVIOR

Foreword: R. Lawrence Dessem

74:473

We Have Met the Special Interests,
and We Are They

74:495

A Plea for Reality

74:507

Federal and State Judicial Selection in
an Interest Group Perspective

74:531

Parties, Interest Groups, and Systemic
Change

74:555

The Context of Ideology:
Law, Politics, and Empirical Legal
Scholarship

75:79

Litigating the Ghost of *Gideon* in
Florida: Separation of Powers as a
Tool to Achieve Indigent Defense

1444	MISSOURI LAW REVIEW	[Vol. 75	
Reform	75:885	Reconciling the Judicial Ideal and the Democratic Impulse in Judicial Retention Elections 74:573	
JUDICIAL INDEPENDENCE			
Reconciling the Judicial Ideal and the Democratic Impulse in Judicial Retention Elections	74:573	Do Retention Elections Work? 74:605	
Do Retention Elections Work?	74:605	Using Judicial Performance Evaluations to Supplement Inappropriate Voter Cues and Enhance Judicial Legitimacy 74:635	
Using Judicial Performance Evaluations to Supplement Inappropriate Voter Cues and Enhance Judicial Legitimacy	74:635	Comments on the White, Caufield, and Tarr Articles 74:667	
Comments on the White, Caufield, and Tarr Articles	74:667	The Politics of Merit Selection 74:675	
The Politics of Merit Selection	74:675	The Missouri Nonpartisan Court Plan: The Least Political Method of Selecting High Quality Judges 74:711	
The Missouri Nonpartisan Court Plan: The Least Political Method of Selecting High Quality Judges	74:711	The Missouri Plan in National Perspective 74:751	
The Missouri Plan in National Perspective	74:751	The Bench, the Bar, and Everyone Else: Some Questions About State Judicial Selection 74:777	
JUDICIAL SELECTION			
Foreword: R. Lawrence Dessem	74:473	Exporting the Missouri Plan: Judicial Appointment Commissions 74:783	
We Have Met the Special Interests, and We Are They	74:495	Public Defender Elections and Popular Control over Criminal Justice 75:803	
A Plea for Reality	74:507	JURISDICTION	
Federal and State Judicial Selection in an Interest Group Perspective	74:531	Missouri's Section 287.865.5 Proof of Claim Filing Requirement: Are Injured Employees Getting a Fair Shake? 75:271	
Parties, Interest Groups, and Systemic Change	74:555	Resurrection of a Dead Remedy: Bringing Common Law Negligence Back into Employment Law 75:1093	
Shedding (Empirical) Light on Judicial Selection	74:563		

2010]	<i>CUMULATIVE INDEX OF VOLUMES 74-75</i>	1445
JUVENILE DELINQUENCY ACT		
Lessening the Rehabilitative Focus of the Federal Juvenile Delinquency Act: A Trend Towards Punitive Juvenile Dispositions?	74:193	
LABOR LAW		
Missouri's Second Injury Fund – Should It Stay or Should It Go?: An Examination of the Question Facing the Missouri State Legislature	74:399	
Not Taking Care of Business: State Responses to the Employee Free Choice Act, Preemption, and the NLRA	74:1117	
Resurrection of a Dead Remedy: Bringing Common Law Negligence Back into Employment Law	75:1093	
LAND USE		
Redevelopment Condemnations: A Blight or a Blessing upon the Land?	74:301	
LEGAL DECISION MAKING		
A Recipe for Bias: An Empirical Look at the Interplay Between Institutional Incentives and Bounded Rationality in Prosecutorial Decision Making	74:999	
LEGISLATION		
Falling Through the Cracks: Missouri Amends Its Felon Firearm Possession Statute	74:361	
Missouri's Second Injury Fund – Should It Stay or Should It Go?: An Examination of the Question Facing the Missouri State Legislature	74:399	
When MIRA Liens Trump Attorney Fee Claims: A Harsh Result in Light of <i>Karpierz</i> ?	74:447	
Foreword: R. Lawrence Dessem	74:473	
We Have Met the Special Interests, and We Are They	74:495	
Federal and State Judicial Selection in an Interest Group Perspective	74:531	
Parties, Interest Groups, and Systemic Change	74:555	
Shedding (Empirical) Light on Judicial Selection	74:563	
The High Cost of Low-Cost Workers: Missouri Enacts New Law Targeting Employers of Unauthorized Workers	74:801	
The Demise of Arbitration Agreements in Long-Term Care Contracts	75:181	
The Plaintiffs' Bar Cannot Enforce the Laws: Individual Reliance Issues Prevent Consumer Protection Classes in the Eighth Circuit	75:207	
Letting the Dead Bury the Dead: Missouri's Right of Sepulcher Addresses the Modern Decedent's Wishes	75:249	
Missouri's Section 287.865.5 Proof of Claim Filing Requirement: Are Injured Employees Getting a Fair Shake?	75:271	
Death of the Challenge to Lethal Injection? Missouri's Protocol Deemed Constitutional Yet Again	75:1323	

1446

MISSOURI LAW REVIEW

[Vol. 75

Litigating the Ghost of *Gideon* in
Florida: Separation of Powers as a
Tool to Achieve Indigent Defense
Reform 75:885

MEDICAL PROFESSION

Why Doctors Shouldn't Practice Law:
The American Medical Association's
Misdiagnosis of Physician Non-
Compete Clauses 74:1051

MENTAL CAPACITY

Mental Retardation as a Bar to the
Death Penalty: Who Bears the
Burden of Proof? 75:537

MIRANDA WARNINGS

A Call to Police the Margins:
The Eighth Circuit's Expansion of
Miranda's Public-Safety Exception
75:229

MISSOURI CONSTITUTION

The Missouri Eminent Domain
Reforms of 2006 "Good Faith
Negotiation" Requirement: Cities Can
Use Illegitimate Appraisals Under
Kansas City v. Ku 74:1083

Not Taking Care of Business: State
Responses to the Employee Free
Choice Act, Preemption, and the
NLRA 74:1117

Fundamental, but Not Fundamental
Enough: Missouri's Balancing Test in
the Area of Parental Rights 75:641

Beyond Equality and Adequacy:
Equal Protection, Tax Assessments,
and the Missouri Public School
Funding Dilemma 75:1037

**MISSOURI DEATH PENALTY
STATUTES**

Death of the Challenge to Lethal
Injection? Missouri's Protocol
Deemed Constitutional Yet Again
75:1323

MISSOURI HUMAN RIGHTS ACT

See also TITLE VII

Resurrection of a Dead Remedy:
Bringing Common Law Negligence
Back into Employment Law
75:1093

The Employees' Decade: Recent
Developments Under the MHRA and
the Employers' Potential Rebound
75:1349

**MISSOURI INCARCERATION
REIMBURSEMENT ACT**

When MIRA Liens Trump Attorney
Fee Claims: A Harsh Result in Light
of *Karpierz*? 74:447

**MISSOURI SEXUALLY VIOLENT
PREDATORS LAW**

Seconds Anyone? Using the
Missouri SVP Law to Punish After
Time Served 74:1191

NEGLIGENCE

Fender Bender Lottery: Direct
Victims and Bystanders in Recovery
for the Negligent Infliction of
Emotional Distress 74:871

Resurrection of a Dead Remedy:
Bringing Common Law Negligence
Back into Employment Law
75:1093

2010] *CUMULATIVE INDEX OF VOLUMES 74-75* 1447

NON-OBVIOUSNESS STANDARD

Ordinary Creativity in Patent Law:
The Artist Within the Scientist 75:1

PARENTAL RIGHTS

Money, Caregiving, and Kinship:
Should Paid Caregivers Be Allowed
To Obtain De Facto Parental Status?
74:25

The Inadequacies of Missouri
Intestacy Law: Addressing the Rights
of Posthumously Conceived Children
74:889

Fundamental, but Not Fundamental
Enough: Missouri's Balancing Test in
the Area of Parental Rights 75:641

Are You My Mother? Missouri
Denies Custodial Rights to Same-Sex
Parent 75:1377

PATENT LAW

The Misuse of Reasonable
Royalty Damages as a Patent
Infringement Deterrent 74:909

Ordinary Creativity in Patent Law:
The Artist Within the Scientist 75:1

Staking a Claim on the Building
Blocks of Life: Human Genetic
Material Within the United States
Patent System 75:617

PLEADINGS

Counselor, Stop Everything!
Missouri's Venue Statutes Receive an
Expansive Interpretation 75:1067

POLITICAL PHILOSOPHY

Public Defender Elections and
Popular Control over Criminal
Justice 75:803

PRISON LAW

Religious Expression and the Penal
Institution: The Role of Damages in
RLUIPA Enforcement 74:153

When MIRA Liens Trump Attorney
Fee Claims: A Harsh Result in Light
of *Karpierz*? 74:447

PRIVACY

Letting the Dead Bury the Dead:
Missouri's Right of Sepulcher
Addresses the Modern Decedent's
Wishes 75:249

Strip Searches of Students:
Addressing the Undressing of
Children in Schools and Redressing
the Fourth Amendment Violations
75:1123

PROBATE/INHERITANCE

The Inadequacies of Missouri
Intestacy Law: Addressing the Rights
of Posthumously Conceived Children
74:889

PROPERTY

See also EMINENT DOMAIN

Interpreting Eminent Domain in
Missouri: Elimination of Blight is
Allright 74:235

Letting the Dead Bury the Dead:
Missouri's Right of Sepulcher
Addresses the Modern Decedent's
Wishes 75:249

PUBLIC DEFENSE

Saving Missouri’s Public Defender System: A Call for Adequate Legislative Funding 74:335

Foreword: Rodney Uphoff 75:667

Legal Representation for the Poor: Can Society Afford This Much Injustice? 75:683

Ethical Obligations of Indigent Defense Attorneys to Their Clients 75:715

Public Defender Elections and Popular Control over Criminal Justice 75:803

Raising the Bar: Standards-Based Training, Supervision, and Evaluation 75:831

Missouri’s Public Defender Crisis: Shouldering the Burden Alone 75:853

Litigating the Ghost of *Gideon* in Florida: Separation of Powers as a Tool to Achieve Indigent Defense Reform 75:885

PUBLIC SAFETY

A Call to Police the Margins: The Eighth Circuit’s Expansion of *Miranda*’s Public-Safety Exception 75:229

PUNISHMENT

Lessening the Rehabilitative Focus of the Federal Juvenile Delinquency Act: A Trend Towards Punitive Juvenile Dispositions? 74:193

PUNITIVE DAMAGES

The Misuse of Reasonable Royalty Damages as a Patent Infringement Deterrent 74:909

RELIANCE

The Plaintiffs’ Bar Cannot Enforce the Laws: Individual Reliance Issues Prevent Consumer Protection Classes in the Eighth Circuit 75:207

RELIGION

Religious & Philosophical Exemptions to Mandatory School Vaccinations: Who Should Bear the Costs to Society? 74:287

The Role of Invidious Discrimination in Free Exercise Claims: Putting *Iqbal* in its Place 75:1015

REMEDIES

Religious Expression and the Penal Institution: The Role of Damages in RLUIPA Enforcement 74:153

Statutory Leapfrog: Compensatory and Punitive Damages Under the Retaliatory Provision of the ADA 74:173

The Misuse of Reasonable Royalty Damages as a Patent Infringement Deterrent 74:909

RESTRICTIVE COVENANTS

Why Doctors Shouldn’t Practice Law: The American Medical Association’s Misdiagnosis of Physician Non-Compete Clauses 74:1051

2010] *CUMULATIVE INDEX OF VOLUMES 74-75* 1449

RETROACTIVITY

A New Approach to Overcoming the Insurmountable “Watershed Rule” Exception to *Teague’s* Collateral Review Killer 74:1

RIGHT TO COUNSEL

Legal Representation for the Poor: Can Society Afford This Much Injustice? 75:683

Ensuring the Ethical Representation of Clients in the Face of Excessive Caseloads 75:771

Missouri’s Public Defender Crisis: Shouldering the Burden Alone 75:853

RULE OF LENITY

Mental Retardation as a Bar to the Death Penalty: Who Bears the Burden of Proof? 75:537

RULES OF PROFESSIONAL CONDUCT
Ethical Obligations of Indigent Defense Attorneys to Their Clients 75:715

Commentary: Norman Lefstein 75:793

SECOND AMENDMENT

Falling Through the Cracks: Missouri Amends Its Felon Firearm Possession Statute 74:361

SEX OFFENDERS

Protecting the Predator or the Prey? The Missouri Supreme Court’s Refusal to Allow Past Sexual Misconduct as Propensity Evidence 74:211

SEXUAL HARASSMENT

Corporations Beware: The Eighth Circuit Announces New Criteria for Parent Corporation Liability and Constructive Notice of Harassment 75:571

SEXUAL ORIENTATION

Are You My Mother? Missouri Denies Custodial Rights to Same-Sex Parent 75:1377

SIXTH AMENDMENT

Saving Missouri’s Public Defender System: A Call for Adequate Legislative Funding 74:335

Missouri’s Public Defender Crisis: Shouldering the Burden Alone 75:853

Litigating the Ghost of *Gideon* in Florida: Separation of Powers as a Tool to Achieve Indigent Defense Reform 75:885

SOCIAL SECURITY

There but for the Grace of God Go I: The Right of Cross-Examination in Social Security Disability Hearings 74:823

SOVEREIGN IMMUNITY

Religious Expression and the Penal Institution: The Role of Damages in RLUIPA Enforcement 74:153

SPEECH

Silencing the Rebel Yell: The Eighth Circuit Upholds a Public School’s Ban on Confederate Flags 75:989

STATE CONSTITUTIONAL LAW

See also EMINENT DOMAIN

Fundamental, but Not Fundamental Enough: Missouri’s Balancing Test in the Area of Parental Rights 75:641

State Constitutional Challenges to Indigent Defense Systems 75:751

Beyond Equality and Adequacy: Equal Protection, Tax Assessments, and the Missouri Public School Funding Dilemma 75:1037

STATUTORY DAMAGES

Due Process Forgotten: The Problem of Statutory Damages and Class Actions 74:103

STATUTORY INTERPRETATION

The Missouri Eminent Domain Reforms of 2006 “Good Faith Negotiation” Requirement: Cities Can Use Illegitimate Appraisals Under *Kansas City v. Ku* 74:1083

Missouri’s Section 287.865.5 Proof of Claim Filing Requirement: Are Injured Employees Getting a Fair Shake? 75:271

One Prong, Two Prong, Many Prongs: A Look Into the Economic Substance Doctrine 75:1409

STRICT SCRUTINY

Fundamental, but Not Fundamental Enough: Missouri’s Balancing Test in the Area of Parental Rights 75:641

Strict in Theory, But Accommodating in Fact? 75:1243

SUPREMACY CLAUSE

Not Taking Care of Business: State Responses to the Employee Free Choice Act, Preemption, and the NLRA 74:1117

TAX LAW

Who’s Afraid of Redistribution? An Analysis of the Earned Income Tax Credit 74:251

Too Much Risk: The Impact of Class Action Lawsuits on Claims Made Insurance Policies 74:1171

“Money for Nothing and Your [Expenses] for Free” – Federal Circuit Split on Vehicle Ownership Expense in BAPCPA Means Testing 75:595

Beyond Equality and Adequacy: Equal Protection, Tax Assessments, and the Missouri Public School Funding Dilemma 75:1037

One Prong, Two Prong, Many Prongs: A Look Into the Economic Substance Doctrine 75:1409

TITLE VII

See also MISSOURI HUMAN RIGHTS ACT

The Hundred-Years War: The Ongoing Battle Between Courts and Agencies over the Right to Interpret Federal Law 74:949

Pretext in Peril 75:313

Pretext Without Context 75:403

Anti-Discrimination Law in Peril? 75:423

Discrimination Redefined 75:443

2010] *CUMULATIVE INDEX OF VOLUMES 74-75* 1451

TORTS

Setting Things Straight: Adding a Provision to Allow Damages for Emotional Distress in the Bankruptcy Code Could Clear up a Lot of Confusion 74:425

Fender Bender Lottery: Direct Victims and Bystanders in Recovery for the Negligent Infliction of Emotional Distress 74:871

Counselor, Stop Everything! Missouri's Venue Statutes Receive an Expansive Interpretation 75:1067

TRUSTS AND ESTATES

Letting the Dead Bury the Dead: Missouri's Right of Sepulcher Addresses the Modern Decedent's Wishes 75:249

UNIFORM PARENTAGE ACT

Are You My Mother? Missouri Denies Custodial Rights to Same-Sex Parent 75:1377

VENUE

Counselor, Stop Everything! Missouri's Venue Statutes Receive an Expansive Interpretation 75:1067

VOTING RIGHTS

Do Retention Elections Work? 74:605

Using Judicial Performance Evaluations to Supplement Inappropriate Voter Cues and Enhance Judicial Legitimacy 74:635

Hostile Takeover: The State of Missouri, the St. Louis School District, and the Struggle for Quality Education in the Inner-City 74:1143

WATERSHED RULE

A New Approach to Overcoming the Insurmountable "Watershed Rule" Exception to *Teague's* Collateral Review Killer 74:1

WORKERS' COMPENSATION

Missouri's Second Injury Fund – Should It Stay or Should It Go?: An Examination of the Question Facing the Missouri State Legislature 74:399

Missouri's Section 287.865.5 Proof of Claim Filing Requirement: Are Injured Employees Getting a Fair Shake? 75:271

Resurrection of a Dead Remedy: Bringing Common Law Negligence Back into Employment Law 75:1093

WRONGFUL CONVICTIONS

Protecting the Innocent: Part of the Solution for Inadequate Funding for Defenders, Not a Panacea for Targeting Justice 75:931

COMPILED BY:
EDITORIAL STAFF

