

ANNUAL SUBJECT INDEX VOLUME 85
LIST OF SUBJECT HEADINGS

The following is a list of all subject headings in this index, arranged alphabetically.

AVIATION LAW
BAR ASSOCIATION
BAR PROCEEDINGS
CONSTITUTIONAL LAW
COPYRIGHT
CRIMINAL LAW
DAMAGES
DEREGULATION
ENERGY LAW
ENVIRONMENTAL LAW
FEDERALISM
IMMIGRATION
INDIAN LAW
INTELLECTUAL PROPERTY
INTERNATIONAL LAW
JOINT VENTURES
LAW ENFORCEMENT
LEGAL EDUCATION
LEGAL HISTORY
LEGISLATION
LIABILITY
MARIJUANA
MILITARY
NORTH DAKOTA LAW
NORTH DAKOTA SUPREME COURT REVIEW
OIL & GAS LAW
PARTNERSHIP
REAL PROPERTY
REGULATION
SEARCH & SEIZURE
SEXUAL OFFENSES
STATE JURISDICTION
TENANCIES

TORTS
TREATIES
UAS LAW
VIEWPOINT
WATER LAW

AVIATION LAW

85:597, No. 3; The Integration of Unmanned Aerial Vehicles into the National Airspace. Timothy M. Ravich.

85:623, No. 3; Unmanned Aerial Exposure: Civil Liability Concerns Arising from Domestic Law Enforcement Employment of Unmanned Aerial Systems. Geoffrey Christopher Rapp.

BAR ASSOCIATION

85:559, No. 2; Proceedings of the One Hundred Tenth Annual Meeting of the North Dakota State Bar Association.

BAR PROCEEDINGS

85:559, No. 2; Proceedings of the One Hundred Tenth Annual Meeting of the North Dakota State Bar Association.

CONSTITUTIONAL LAW

85:435, No. 2; International Law and Constitutional Law: International Court of Justice and Executive Power—Interpreting and Implementing International Treaty Obligations, *Medellin v. Texas*, 128 S. Ct. 1346 (2008). Denitsa Mavrova Heinrich.

COPYRIGHT

85:371, No. 2; The Making Available Argument: Is Actual Distribution Required to Find Infringement Upon the Copyright Holder's Distribution Right? Brent C. Johnson.

CRIMINAL LAW

85:215, No. 1; Criminal Law—Search and Seizure: The North Dakota Supreme Court Adopts a Four-Prong Test to Determine Whether *Miranda* Warnings are Sufficient to Cure a Fourth Amendment Violation, *State v. Gay*, 2008 ND 84, 748 N.W.2d 408. Kasey McNary.

85:673, No. 3; Big Brother Will Soon Be Watching—Or Will He? Constitutional, Regulatory, and Operational Issues Surrounding the Use of Unmanned Aerial Vehicles in Law Enforcement. Joseph J. Vacek.

DAMAGES

85:123, No. 1; The Worth of a Human Life. Katherine J. Santon.

DEREGULATION

85:403, No. 2; Industrial Hemp: How the Classification of Industrial Hemp as Marijuana Under the Controlled Substances Act Has Caused the Dream of Growing Industrial Hemp in North Dakota to Go Up in Smoke. Thomas A. Duppong.

ENERGY LAW

85:723, No. 4; North Dakota Century Code Section 17-04-06: The First Step Toward a Level Playing Field for Wind Projects and Rural Landowners. Colleen J. Rice.

85:759, No. 4; Minimizing the Environmental Impact of Oil and Gas Development by Maximizing Production Conservation. David E. Pierce.

85:781, No. 4; Harmonious Federalism in Support of National Energy Goals—Increased Wind Renewable Energy. Ronald H. Rosenberg.

85:825, No. 4; If Cap and Trade is the Answer, Somebody is Asking the Wrong Question: An Evaluation of Cap and Trade in the North Dakota Context. Tony Clark.

85:849, No. 4; A Market-Based Approach: The Best Way to Transition to a New Energy Economy While Meeting the Responsibility to Address Global Climate Change—A North Dakota Perspective. Jason Schaefer.

85:893, No. 4; The Geothermal Bonus: Sustainable Energy as a By-Product of Drilling for Oil. Joshua P. Fershee.

85:907, No. 4; Energy Derivatives: The Likely Impact of Derivatives Regulation on North Dakota Utilities. Christopher A. Schindler.

85:919, No. 4; Oil and Gas Law—Rent or Royalties: North Dakota Joins the Majority of States in Adopting the “At the Well” Rule for Calculating Royalties on Oil and Gas Leases *Bice v. Petro-Hunt, L.L.C.*, 2009 ND 124, 768 N.W.2d 496. Lindsey Scheel.

ENVIRONMENTAL LAW

85:329, No. 2; It Takes Green to Be Green: Environmental Elitism, “Ritual Displays,” and Conspicuous Non-Consumption. Avi Brisman.

85:759, No. 4; Minimizing the Environmental Impact of Oil and Gas Development by Maximizing Production Conservation. David E. Pierce.

85:825, No. 4; If Cap and Trade is the Answer, Somebody is Asking the Wrong Question: An Evaluation of Cap and Trade in the North Dakota Context. Tony Clark.

85:849, No. 4; A Market-Based Approach: The Best Way to Transition to a New Energy Economy While Meeting the Responsibility to Address Global Climate Change—A North Dakota Perspective. Jason Schaefer.

FEDERALISM

85:781, No. 4; Harmonious Federalism in Support of National Energy Goals—Increased Wind Renewable Energy. Ronald H. Rosenberg.

IMMIGRATION

85:301, No. 2; The Canadian Indian Free Passage Right: The Last Stronghold of Explicit Race Restriction in United States Immigration Law. Paul Spruhan.

INDIAN LAW

85:1, No. 1; Indian Reserved Water Rights: Impending Conflict or Coming Rapprochement Between the State of North Dakota and North Dakota Indian Tribes. Charles Carvell.

85:301, No. 2; The Canadian Indian Free Passage Right: The Last Stronghold of Explicit Race Restriction in United States Immigration Law. Paul Spruhan.

INTELLECTUAL PROPERTY

85:371, No. 2; The Making Available Argument: Is Actual Distribution Required to Find Infringement Upon the Copyright Holder's Distribution Right? Brent C. Johnson.

INTERNATIONAL LAW

85:435, No. 2; International Law and Constitutional Law: International Court of Justice and Executive Power—Interpreting and Implementing International Treaty Obligations, *Medellin v. Texas*, 128 S. Ct. 1346 (2008). Denitsa Mavrova Heinrich.

85:693, No. 3; Unmanned Aerial Systems and International Civil Aviation Organization Regulations. Douglas Marshall.

JOINT VENTURES

85:469, No. 2; Joint Ventures—Essential Elements: The North Dakota Supreme Court Creates a Broader Definition of Joint Ventures, *Sandvick v. LaCrosse*, 2008 ND 77, 747 N.W.2d 519. Kelly E. Olson.

LAW ENFORCEMENT

85:673, No. 3; Big Brother Will Soon Be Watching—Or Will He? Constitutional, Regulatory, and Operational Issues Surrounding the Use of Unmanned Aerial Vehicles in Law Enforcement. Joseph J. Vacek.

LEGAL EDUCATION

85:53, No. 1; Training a Countervailing Elite: The Necessity of an Effective Lawyering Skills Pedagogy for a Sustainable Rule of Law Revival in East Africa. Kirsten A. Dauphinais.

LEGAL HISTORY

85:53, No. 1; Training a Countervailing Elite: The Necessity of an Effective Lawyering Skills Pedagogy for a Sustainable Rule of Law Revival in East Africa. Kirsten A. Dauphinais.

LEGISLATION

85:723, No. 4; North Dakota Century Code Section 17-04-06: The First Step Toward a Level Playing Field for Wind Projects and Rural Landowners. Colleen J. Rice.

LIABILITY

85:623, No. 3; Unmanned Aerial Exposure: Civil Liability Concerns Arising from Domestic Law Enforcement Employment of Unmanned Aerial Systems. Geoffrey Christopher Rapp.

MARIJUANA

85:403, No. 2; Industrial Hemp: How the Classification of Industrial Hemp as Marijuana Under the Controlled Substances Act Has Caused the Dream of Growing Industrial Hemp in North Dakota to Go Up in Smoke. Thomas A. Duppong.

MILITARY

85:649, No. 3; Law from Above: Unmanned Aerial Systems, Use of Force, and the Law of Armed Conflict. Chris Jenks.

NORTH DAKOTA LAW

85:171, No. 1; Letting in the Light: The Need for Independent Review of Sex Offender Assessments in North Dakota. Lori Conroy.

85:251, No. 2; Landlord Weapon or Tenant Shield? A Proposal to reform North Dakota's Residential Security Deposit Statute. Danny Schaffzin.

85:403, No. 2; Industrial Hemp: How the Classification of Industrial Hemp as Marijuana Under the Controlled Substances Act Has Caused the Dream of Growing Industrial Hemp in North Dakota to Go Up in Smoke. Thomas A. Duppong.

85:469, No. 2; Joint Ventures—Essential Elements: The North Dakota Supreme Court Creates a Broader Definition of Joint Ventures, *Sandvick v. LaCrosse*, 2008 ND 77, 747 N.W.2d 519. Kelly E. Olson.

85:723, No. 4; North Dakota Century Code Section 17-04-06: The First Step Toward a Level Playing Field for Wind Projects and Rural Landowners. Colleen J. Rice.

85:825, No. 4; If Cap and Trade is the Answer, Somebody is Asking the Wrong Question: An Evaluation of Cap and Trade in the North Dakota Context. Tony Clark.

85:849, No. 4; A Market-Based Approach: The Best Way to Transition to a New Energy Economy While Meeting the Responsibility to Address Global Climate Change—A North Dakota Perspective. Jason Schaefer.

85:919, No. 4; Oil and Gas Law—Rent or Royalties: North Dakota Joins the Majority of States in Adopting the “At the Well” Rule for Calculating Royalties in Oil and Gas Leases, *Bice v. Petro-Hunt, L.L.C.*, 2009 ND 124, 768 N.W.2d 496. Lindsey Scheel.

NORTH DAKOTA SUPREME COURT REVIEW

85:503, No. 2; North Dakota Supreme Court Review.

OIL & GAS LAW

85:759, No. 4; Minimizing the Environmental Impact of Oil and Gas Development by Maximizing Production Conservation. David E. Pierce.

85:893, No. 4; The Geothermal Bonus: Sustainable Energy as a By-Product of Drilling for Oil. Joshua P. Fershee.

85:919, No. 4; Oil and Gas Law—Rent or Royalties: North Dakota Joins the Majority of States in Adopting the “At the Well” Rule for Calculating Royalties on Oil and Gas Leases, *Bice v. Petro-Hunt, L.L.C.*, 2009 ND 124, 768 N.W.2d 496. Lindsey Scheel.

PARTNERSHIP

85:469, No. 2; Joint Ventures—Essential Elements: The North Dakota Supreme Court Creates a Broader Definition of Joint Ventures, *Sandvick v. LaCrosse*, 2008 ND 77, 747 N.W.2d 519. Kelly E. Olson.

REAL PROPERTY

85:251, No. 2; Landlord Weapon or Tenant Shield? A Proposal to reform North Dakota's Residential Security Deposit Statute. Danny Schaffzin.

85:287, No. 2; In Re Tenancy by the Entirety—Married Couples, Common Law Marriages, and Same Sex Partners: *Orth v. Orth*. John V. Orth.

REGULATION

85:907, No. 4; Energy Derivatives: The Likely Impact of Derivatives Regulation on North Dakota Utilities. Christopher A. Schindler.

SEARCH & SEIZURE

85:215, No. 1; Criminal Law—Search and Seizure: The North Dakota Supreme Court Adopts a Four-Prong Test to Determine Whether *Miranda* Warnings are Sufficient to Cure a Fourth Amendment Violation, *State v. Gay*, 2008 ND 84, 748 N.W.2d 408. Kasey McNary.

SEXUAL OFFENSES

85:171, No. 1; Letting in the Light: The Need for Independent Review of Sex Offender Assessments in North Dakota. Lori Conroy.

STATE JURISDICTION

85:1, No. 1; Indian Reserved Water Rights: Impending Conflict or Coming Rapprochement Between the State of North Dakota and North Dakota Indian Tribes. Charles Carvell.

TENANCIES

85:287, No. 2; In Re Tenancy by the Entirety—Married Couples, Common Law Marriages, and Same Sex Partners: *Orth v. Orth*. John V. Orth.

TORTS

85:123, No. 1; The Worth of a Human Life. Katherine J. Santon.

TREATIES

85:435, No. 2; International Law and Constitutional Law: International Court of Justice and Executive Power—Interpreting and Implementing International Treaty Obligations, *Medellin v. Texas*, 128 S. Ct. 1346 (2008). Denitsa Mavrova Heinrich.

85:693, No. 3; Unmanned Aerial Systems and International Civil Aviation Organization Regulations. Douglas Marshall.

UAS LAW

85:597, No. 3; The Integration of Unmanned Aerial Vehicles into the National Airspace. Timothy M. Ravich.

85:623, No. 3; Unmanned Aerial Exposure: Civil Liability Concerns Arising from Domestic Law Enforcement Employment of Unmanned Aerial Systems. Geoffrey Christopher Rapp.

85:649, No. 3; Law from Above: Unmanned Aerial Systems, Use of Force, and the Law of Armed Conflict. Chris Jenks.

85:673, No. 3; Big Brother Will Soon Be Watching—Or Will He? Constitutional, Regulatory, and Operational Issues Surrounding the Use of Unmanned Aerial Vehicles in Law Enforcement. Joseph J. Vacek.

85:693, No. 3; Unmanned Aerial Systems and International Civil Aviation Organization Regulations. Douglas Marshall.

VIEWPOINT

85:329, No. 2; It Takes Green to Be Green: Environmental Elitism, “Ritual Displays,” and Conspicuous Non-Consumption. Avi Brisman.

WATER LAW

85:1, No. 1; Indian Reserved Water Rights: Impending Conflict or Coming Rapprochement Between the State of North Dakota and North Dakota Indian Tribes. Charles Carvell.