

# SUBJECT INDEX

## SUBJECT CATEGORIES

Administrative Law . . . . .	919
Agriculture . . . . .	919
Animal Rights Law . . . . .	919
Banking Law . . . . .	919
Bankruptcy . . . . .	920
Book Reviews . . . . .	920
Canadian Law . . . . .	920
Civil Rights . . . . .	920
Commercial Law . . . . .	922
Conflicts of Law . . . . .	922
Constitutional Law . . . . .	922
Consumer Protection . . . . .	927
Contracts . . . . .	927
Corporations . . . . .	927
Courts . . . . .	927
Criminal Law and Procedure . . . . .	928
Dispute Resolution . . . . .	931
Domestic Relations . . . . .	932
Economics . . . . .	932
Education Law . . . . .	933
Employment Law . . . . .	933
Energy Law . . . . .	934
Environmental Law . . . . .	935
Evidence . . . . .	938
Family Law . . . . .	938
Federal Government . . . . .	939
Food and Drug Law . . . . .	939
Health Law . . . . .	940
Housing Law . . . . .	940
Immigration Law . . . . .	940
Insurance . . . . .	940
Intellectual Property . . . . .	941
International Law . . . . .	941
Judges . . . . .	941
Jurisdiction . . . . .	942
Jurisprudence . . . . .	942
Juvenile . . . . .	943
Labor Law . . . . .	944
Land Use and Planning . . . . .	945
Landlord Tenant Law . . . . .	947
Law and Society . . . . .	947
Legal Education . . . . .	948
Legal History . . . . .	949
Legal Professions . . . . .	950
Legislation . . . . .	951
Maine Law . . . . .	952
Medical Jurisprudence . . . . .	952

Mental Health . . . . .	953
Mississippi Law . . . . .	953
Mortgages . . . . .	953
Native American Law . . . . .	953
Natural Resources . . . . .	954
New Hampshire Law . . . . .	954
New York Law . . . . .	954
Oil and Gas Law . . . . .	954
Oregon Law . . . . .	954
Politics . . . . .	955
Practice and Procedure . . . . .	955
Probate . . . . .	956
Products Liability . . . . .	956
Property . . . . .	956
Public Health and Welfare . . . . .	957
Public Interest . . . . .	958
Public Utilities . . . . .	958
Remedies . . . . .	958
Science and Technology . . . . .	959
Securities . . . . .	959
Sports Law . . . . .	959
State and Local Government . . . . .	959
Taxation . . . . .	960
Texas Law . . . . .	961
Torts . . . . .	961
Transportation Law . . . . .	962
Tributes . . . . .	962
Vermont Law . . . . .	963
Water Law . . . . .	971
Women and the Law . . . . .	972

**ADMINISTRATIVE LAW**

Congress, the Courts, and Regulatory Oversight After *Meyer v. Bush*: Should the Executive Office of the President Be Shielded from Congressional Sunshine?, 18:823

Hazardous Waste Cleanup: Trying to Keep the Sleeping Ogre Asleep, 14:247

Improving the Legal Response of Child Protective Service Agencies, 6:381

Legislative Review of Agency Rule-Making: Vermont's Antlerless Deer Hunting Regulation, 11:105

Reining in the Unruly Horse: The Public Policy Test for Disallowing Tax Deductions, 9:11

The Food and Drug Administration's Power to Recall a Harmful Product and Other Remedial Actions: The Powerless Consumer, 10:129

The Vermont Department of Public Service's New Found Power Under Senate Bill 130: A Case of Conflicting Interests, 12:517

**AGRICULTURE**

Inert Ingredients and Pesticide Registration Data Requirements: EPA's Complacency Compounds FIFRA's Inadequacies, 15:265

**ANIMAL RIGHTS LAW**

Solving the Pound Animal Controversy: A Proposed Amendment to the Animal Welfare Act, 15:369

**BANKING LAW**

Environmental Issues and Concerns for Lenders, 15:531

Federal Preemption of State and Local Rent Control Laws through FIRREA: A Proposal to Protect Tenants and the RTC, 16:969

The Relation of the Equitable Doctrine of Subrogation to Vermont's Strict Foreclosure Laws, 7:71

The Waiver of Defenses by Guarantors in Guaranty Contracts and the Nonwaiver Provisions of the Uniform Commercial Code, 5:73

**BANKRUPTCY**

A Debtor's Choice of a "Chapter" Rehabilitation Proceeding Under the "Bankruptcy Act", 1:117

CERCLA Injunctive Orders in Chapter 11 Bankruptcy: Fresh Start or Free Ride for the Reorganized Debtor?, 17:281

Vermont's New Debtor's Exemption Statute, 13:609

**BOOK REVIEWS**

Dangerous Territory, 18:763

Environmental Literacy and International Law, 17:801

Gilmore's New Book: Turning and Turning in the Widening Gyre, 2:229

The Moderate Rehnquist, 17:267

*The Philosophy of Law: An Introduction.* By Thomas Morawetz., 7:273

**CANADIAN LAW**

U.S. & Canadian Federalism: A Study in Contrast, 11:473

**CIVIL RIGHTS**

A Proposal to Ban Sexual Orientation Discrimination in Private Employment in Vermont, 15:435

AIDS and Informed Consent: Recognizing Partners as Surrogate Decision-Makers, 15:333

Beyond *Dronenburg*: Rethinking the Right to Privacy, 11:299

Education for the Handicapped: A Senator's Perspective, 3:71

Employment Discrimination Law and the Need for Reform, 16:183

Equality, Classifications, and Irrelevant Characteristics, 12:11

Exploring the Limits: Feminism and the Legal Regulation of Gay Male Pornography, 16:857

Impassioning A Civil Rights Course, 16:943

- Joint Adoption: A Queer Option?, 15:197
- Listening to Dr. Fiske: The Easy Case of *Price Waterhouse v. Hopkins*, 15:89
- On Doing the Right Thing: Education Work in the Academy, 15:125
- Reliance on State Law: Protecting the Rights of People with Mental Disabilities, 13:305
- Scholarly Discourse, 16:933
- Scholarly Paradigms: A New Tradition Based on Context and Color, 16:913
- Sexual Harassment Between Peers Under Title VII and Title IX: Why Girls Just Can't Wait to be Working Women, 16:303
- State v. Whitingham School Board*: A Unique Employment Discrimination Loophole for Vermont Employers, 6:119
- The Academic Freedom Privilege: A Sword or a Shield?, 9:43
- The Americans with Disabilities Act of 1990: Title I and Its Impact on Employment Decisions, 16:263
- The Exhaustion Requirement Under Section 1983 in the Second Circuit, 6:269
- The Haitian Refugee Crisis and U.S. Immigration Law: The Extraterritorial Scope of § 243(h) of the Immigration and Nationality Act, 18:173
- The Implications of Inadequate Maternity Leave Policies Under Title VII, 16:223
- The Membership of Judges in Gender Discriminatory Private Clubs, 12:459
- The Moral Confusion of Affirmative Action Jurisprudence or When Will We Learn to Bear the Shame of Guilt?, 16:777
- The Reasonable Woman in Sexual Harassment Law and the Case for Subjectivity, 16:1005
- The Right to "Equal Privileges and Immunities": A State's Version of "Equal Protection", 13:221
- The Second Circuit, Civil Rights Litigation, and Expanding Federal Jurisdiction, 15:301
- The Use of Classifications Based on Gender and Marital Status in Insurance: Current Vermont Law, 11:685
- The Voice of the Little People—A Lost Value in Commercial Speech Analysis, 16:901

Vermont Adults Only Communities and the Fair Housing Act, 14:161

Vermont's Voluntary Sterilization Statutes and the Rights of the Mentally Handicapped, 4:331

Whither "Silver Writes"?, 16:767

Workplace Discrimination: Truthfulness and the Moral Imagination, 16:137

### COMMERCIAL LAW

Reining in the Unruly Horse: The Public Policy Test for Disallowing Tax Deductions, 9:11

Specific Performance of Contracts for Sales of Goods: Expansion or Retrenchment in the 1980's, 7:249

The Waiver of Defenses by Guarantors in Guaranty Contracts and the Nonwaiver Provisions of the Uniform Commercial Code, 5:73

Trustee Process Against Earnings in Vermont, 5:133

Valuation of Business Inventory Under Vermont's Personal Property Tax: A Proposal to Abolish the Existing System of April 1 Valuation and to Adopt Average Valuation Appraisal, 1:203

### CONFLICTS OF LAW

A Suggested Approach to Choice-of-Law, 14:1

Abandonment of *Lex Loci Delicti*? Toward a Functional Approach to Choice-of-Law in Vermont, 2:133

Rule or Reason in Choice of Law: A Comment on *Neumeier*, 1:1

### CONSTITUTIONAL LAW

A Constitutional Analysis of Gubernatorial Succession Provisions in Vermont, 17:235

A Constitutional Right to a Healthful Environment, 16:1063

A Question of Competence: The Indigent Criminal Defendant's Right to Adequate and Competent Psychiatric Assistance After *Ake v. Oklahoma*, 14:121

Abortion Choice and the Law in Vermont: A Recent Study, 7:281

Adequacy in Education: An Analysis of the Constitutional Standard in Vermont, 18:7

Against the Stream: An Introduction to the Vermont Law Review Symposium on the Revolution in State Constitutional Law, 13:13

An Analysis of the Constitutionality of the Vermont Hate Motivated Crimes Statute in Light of the United States Supreme Court's Decisions in *R.A.V. v. City of St. Paul* and *Wisconsin v. Mitchell*, 18:771

And Now We Are Here on a Darkling Plain, 13:635

Bail and the Dangerous Defendant: The Effect of *Pray* and *Cyr* on the Use of Preventive Conditions, 2:217

Beyond *Dronenburg*: Rethinking the Right to Privacy, 11:299

Beyond Son of Sam: *Simon & Schuster, Inc. v. New York State Crime Victims Board*, and a Constitutionally Valid Alternative to New York Executive Law Section 632-a, 17:321

Beyond Standing: Proposals for Congressional Response to Supreme Court "Standing" Decisions, 13:675

*Bieling v. Malloy* and Equal Protection: What Does the Poll Tax Have to Do with Drivers' Licenses, Anyway?, 1:163

Billboard Blight: Is the Aesthetic Quality of Vermont's Landscape in Jeopardy After *Metromedia*?, 9:341

Casino Development in Atlantic City: Abuses and Remedies, 10:383

Comment on the Right to Marital Privacy: A Postscript on *Griswold v. Connecticut*, 2:69

Congress, the Courts, and Regulatory Oversight After *Meyer v. Bush*: Should the Executive Office of the President Be Shielded from Congressional Sunshine?, 18:823

Constitutionalism and the Rule of Law: New Hampshire's Home Schooling Quandry, 8:265

Constitutionality of Vermont's Criminal Statute on Imprisonment For Debt—*State v. Carpenter*, 138 Vt. 140, 412 A.2d 285 (1980), 6:317

Contributions of State Constitutional Law to the Third Century of American Federalism, 13:49

Custodial Interrogation in Vermont After *State v. Hohmon*, 5:383

Daminozide and the New England Apple Crop: A National Definition of "Safe"?, 12:181

Does Professional Licensing Conditioned Upon Mutual Reciprocity Violate the Commerce Clause?, 10:223

Due Process and Vermont's Abuse Prevention Statute, 7:185

Economic Implications of Wider Compensation for "Takings" or, What if Agricultural Policies Ruled the World?, 17:723

Education for the Handicapped: A Senator's Perspective, 3:71

Equality, Classifications, and Irrelevant Characteristics, 12:11

Expansion of Arrest Power: A Key to Effective Intervention, 7:59

Exploring the Limits: Feminism and the Legal Regulation of Gay Male Pornography, 16:857

Federalism and State Constitutions, 13:127

*Greenmoss Builders v. Dun & Bradstreet*, 10:205

Guardianship for the Adult: A Need for Due Process Protections in Vermont, 4:95

Home Confinement as a Condition of Probation: A Proposal for Vermont, 12:123

*Laaman v. Helgemoe*: Degeneration, Recidivism and the Eighth Amendment, 3:243

Legislative Control Over the Uranium Industry in Vermont: Flirting with Preemption, 7:315

Lessons from the Third World: Spirituality as the Source of Commitment to Affirmative Action, 14:401

Living Without Principles: *State v. Brunelle* and the Vermont Supreme Court, 13:347

Nostalgia as Constitutional Doctrine: Legalizing Norman Rockwell's America, 15:49

Oregon's Constitutional Renaissance: Federalism Revisited, 13:107

Parents' "Pecuniary Injuries" for the Wrongful Death of an Adult Child: Where is the Love?, 12:57

Personal Jurisdiction: The Hidden Agendas in the Supreme Court Decisions, 10:1

Post-Custody, Pre-Indictment Problems of Fundamental Fairness and Access to Counsel: Mississippi's Opportunity, 13:247

Precedential Defilade: A Reply to Dean Chase, 10:247

Privacy and the Texas Constitution, 13:155

Privacy in the Burger Court: The Influence of Mr. Justice Black, 2:35

Professor Jones and the Constitution, 4:87

Protecting Liberty Interests: Developments in Vermont's Mental Health Law as Federal Constitutional Protection Declines, 9:265

Public Access to Pretrial Hearings, 6:415

Rediscovering Progressive Labor Politics: The Labor Law Implications of *Federal Trade Commission v. Superior Court Trial Lawyers Association*, 16:71

Regulation of Investment Newsletter Publishers: The SEC's Power Reaches a New *Lowe*, 11:175

Relevant Conduct and the Impact of the Preponderance Standard of Proof Under the Federal Sentencing Guidelines: A Denial of Due Process, 18:529

Reliance on State Law: Protecting the Rights of People with Mental Disabilities, 13:305

Restricting the Right to Bail: Vermont's New Constitutional Bail Amendment, 8:347

Solid Waste Source Reduction and the Product Ban: A Commerce Clause Violation?, 13:691

State Constitutional Law in Maine: At the Crossroads, 13:61

State Constitutional Law: An Attorney General's Perspective, 13:337

State Constitutions and the "Open Fields" Doctrine: A Historical-Definitinal Analysis of the Scope of Protection Against Warrantless Searches of "Possessions", 13:179

State Courts in a Time of Federal Constitutional Change, 13:323

State Regulation of Private Church Schools: An Examination of Vermont's Act 151, 8:75

Students' Free Speech Rights in Public Schools: Content-Based Versus Public Forum Restrictions, 13:493

Taking Risks: Executive Order 12,630 and Environmental Health and Safety Regulation, 14:213

The "Sibling State" Approach to the Vermont Constitution: Post-Arrest, Pre-Miranda Silence in Vermont, 13:357

The Brooding Omnipresence of Constitutional Law, 4:1

The Constitutional Philosophy of Justice William H. Rehnquist, 8:1

The Indian Gaming Regulatory Act: A Forum for Conflict Among the Plenary Power of Congress, Tribal Sovereignty, and the Eleventh Amendment, 18:127

The Misnomer of Equality Under the Equal Access Act, 14:369

The Proposed Administrative License Suspension Procedures in Vermont: How Much Process Are Drunken Drivers Due?, 11:75

The Public Trust Doctrine and Federal Condemnation: A Call for Recognition of a Federal Common Law, 15:501

The Right to "Equal Privileges and Immunities": A State's Version of "Equal Protection", 13:221

The Right to Bear Arms in the First State Bills of Rights: Pennsylvania, North Carolina, Vermont, and Massachusetts, 10:255

The Rights of the Biological Father: From Adoption and Custody to Surrogate Motherhood, 12:87

The Standard of Review in Equal Protection and Due Process Challenges to Vermont's Blue Laws, 6:173

The Surface Transportation Assistance Act: Federalism's Last Stand?, 11:203

The Takings Issue and the Due Process Clause: A Way Out of a Doctrinal Confusion, 17:695

The Voice of the Little People—A Lost Value in Commercial Speech Analysis, 16:901

The White River Junction Manifesto, 9:193

Toward a Theory of State Constitutional Jurisprudence: A Judge's Thoughts, 13:145

Transferable Development Rights in Vermont: Is There a Taking Problem?, 13:715

U.S. & Canadian Federalism: A Study in Contrast, 11:473

Vagueness and Overbreadth: The Constitutional Challenges to Vermont's Land Use and Development Law (Act 250), 5:329

Vermont Rule of Evidence 807 and the Confrontation Clause, 10:497

Vermont's Blood Alcohol Test: Illegal Search and Seizure?, 2:93

Vermont's Close Jail Execution: Physical Incarceration of the Wilful and Malicious Tortfeasor, 3:165

Vermont's Public School Finance System: A Constitutional Analysis, 12:239

Where Are South Carolina and the Supreme Court Taking Us?, 16:1111

### CONSUMER PROTECTION

The Food and Drug Administration's Power to Recall a Harmful Product and Other Remedial Actions: The Powerless Consumer, 10:129

### CONTRACTS

Specific Performance of Contracts for Sales of Goods: Expansion or Retrenchment in the 1980's, 7:249

The Waiver of Defenses by Guarantors in Guaranty Contracts and the Nonwaiver Provisions of the Uniform Commercial Code, 5:73

Where No Minds Meet: Insurance Policy Interpretation and the Use of Drafting History, 18:409

### CORPORATIONS

Corporate Officer Liability Under RCRA: The Once-ler Should Have Been Found Personally Liable as a Corporate Officer of Thneed for Not Preventing the Environmental Damage Caused by the De-Truffuling of Those Truffula Trees, 18:443

Subsidiary Conduct as a Basis for Long-Arm Jurisdiction Over a Parent Corporation in Vermont, 3:111

Vermont's Business Corporation Law: A Call for Much Needed Reform, 17:3

### COURTS

A Farewell to Side Judges; Or, Are We Available?, 10:321

A Response to Statutory Obsolescence: The Nonprimacy of Statutes Act, 4:203

Caseflow Management and Backlog Reduction: An Examination of Vermont's Superior Court Program, 9:247

Community Courts: Offering Alternative Dispute Resolution Within the Judicial System, 3:1

Do All Judges Have to Be Lawyers? Side Judges in Vermont: The Case of *State v. Dunkerley*, 3:147

Precedent and the *Jewett* Admonition, 10:447

Privacy in the Burger Court: The Influence of Mr. Justice Black, 2:35

Professor Jones and the Constitution, 4:87

Prosecutorial Misconduct and Jury Challenges—Application of the Harmless Error Doctrine—*State v. Hohman*, 138 Vt. 502, 420 A.2d 852, 6:299

Public Access to Pretrial Hearings, 6:415

Putting Senator Davies in Context, 4:233

State Courts in a Time of Federal Constitutional Change, 13:323

The Brooding Omnipresence of Constitutional Law, 4:1

The Dynamics of Tort Law: Court or Legislature?, 4:35

The Nonprimacy of Statutes Act: A Comment, 4:247

The Principle Problem: *State v. Jewett* and the New Judicial Federalism, 10:437

The Second Circuit, Civil Rights Litigation, and Expanding Federal Jurisdiction, 15:301

The Standard of Review in Equal Protection and Due Process Challenges to Vermont's Blue Laws, 6:173

The Vermont Supreme Court: "Guilty" of Judicial Legislating?, 11:661

#### **CRIMINAL LAW AND PROCEDURE**

A Counsellor's Crisis: Protecting Witnesses' Privacy Rights in Sexual Assault Prosecutions, 12:497

A Question of Competence: The Indigent Criminal Defendant's Right to Adequate and Competent Psychiatric Assistance After *Ake v. Oklahoma*, 14:121

An Analysis of the Constitutionality of the Vermont Hate Motivated Crimes Statute in Light of the United States Supreme Court's Decisions in *R.A.V. v. City of St. Paul* and *Wisconsin v. Mitchell*, 18:771

An Automatic Standing Rule May Be Promulgated Under Article 11 of the Vermont Constitution, 10:459

Antinuclear Demonstrations and the Necessity Defense: *State V. Warshaw*, 5:103

Bail and the Dangerous Defendant: The Effect of *Pray* and *Cyr* on the Use of Preventive Conditions, 2:217

Beyond Son of Sam: *Simon & Schuster, Inc. v. New York State Crime Victims Board*, and a Constitutionally Valid Alternative to New York Executive Law Section 632-a, 17:321

Beyond the Juror's Ken: Battered Women, 7:1

Closing the Loophole: Vermont's Legislative Response to Stalking, 18:477

Constitutionality of Vermont's Criminal Statute on Imprisonment For Debt—*State v. Carpenter*, 138 Vt. 140, 412 A.2d 285 (1980), 6:317

Criminal Law Reform in Vermont: The Proposal to Exclude Evidence of the Victim's Character in Forcible Rape Cases, 1:215

Cross-Examination of Psychiatric Witnesses Under the Vermont Patient's Privilege when the Issue of Insanity is Raised, 3:191

Custodial Interrogation in Vermont After *State v. Hohmon*, 5:383

Daring to Care While Tending to Justice: An Argument for the Reform of *Parens Patriae* and Vermont's Juvenile Justice Code, 17:595

Distinguishing Rape: A Definitive Approach to Sexual Assault, 10:353

Do Sixteen and Seventeen Year Old Criminal Defendants in Vermont Need a Guardian Ad Litem?, 5:361

Exclusionary Rule—Irregularities of Prior Arrest Do Not Vitiating Governor's Extradition Warrant—*In re Saunders*, 138 Vt. 259, 415 A.2d 199 (1980), 5:434

Expansion of Arrest Power: A Key to Effective Intervention, 7:59

Home Confinement as a Condition of Probation: A Proposal for Vermont, 12:123

Insider Trading: The Current Move Toward Increasing Civil and Criminal Liability for an Ill-Defined Crime and the Need for a Definition, 14:79

Judicial Review of Criminal Convictions Based on Circumstantial Evidence, 6:197

*Laaman v. Helgemoe*: Degeneration, Recidivism and the Eighth Amendment, 3:243

Lessening the Mens Rea Requirement for Hazardous Waste Violations, 16:419

Marking the Line Between Criminal Fraud and Commercial Misfortune: The Amendment of Vermont's Law of False Pretense, 7:125

"One for the Road"—The Reliability of Retrograde Extrapolation and the Implication for Vermont Statutes, 16:395

Post-Traumatic Stress Disorder as an Insanity Defense in Vermont, 9:69

Post-Custody, Pre-Indictment Problems of Fundamental Fairness and Access to Counsel: Mississippi's Opportunity, 13:247

Pragmatism and the Promise of Adjudication, 18:57

Precharge Diversion of the Youthful Offender in Vermont: Right to Counsel, 1:143

Presumption of Intoxication—Vt. Stat. Ann. tit. 23, § 1204(a)(3) Creates a Permissive Inference and Not a Rebuttable Presumption as Previously Interpreted—*State v. Dacey*, 138 Vt. 491, 418 A.2d 856 (1980), 5:407

Prosecutorial Misconduct and Jury Challenges—Application of the Harmless Error Doctrine—*State v. Hohman*, 138 Vt. 502, 420 A.2d 852, 6:299

Rape: Adding Insult to Injury, 11:361

Relevant Conduct and the Impact of the Preponderance Standard of Proof Under the Federal Sentencing Guidelines: A Denial of Due Process, 18:529

Restricting the Right to Bail: Vermont's New Constitutional Bail Amendment, 8:347

Revising Vermont's Criminal Code, 12:307

State Constitutions and the "Open Fields" Doctrine: A Historical-Definitinal Analysis of the Scope of Protection Against Warrantless Searches of "Possessions", 13:179

*State v. Catsam*: A Clarification of Evidentiary Standards in Vermont Child Sexual Abuse Cases, 12:485

Aggravated Assault—Authenticating Tape Recordings, Custodial Interrogation, and Psychiatrist-Patient Privilege—*State v. Mecier*, 138 Vt. 149, 412 A.2d 291 (1980), 5:416

Terrorism as Impermissible Political Violence: An International Law Framework, 16:461

The “Sibling State” Approach to the Vermont Constitution: Post-Arrest, Pre-*Miranda* Silence in Vermont, 13:357

The Need to Abolish Defenses to Crime: A Modest Proposal to Solve the Problem of Burden of Persuasion, 14:335

The Proposed Administrative License Suspension Procedures in Vermont: How Much Process Are Drunken Drivers Due?, 11:75

The Serious Young Offender Under Vermont’s Juvenile Law: Beyond the Reach of *Parens Patriae*, 8:173

The Spousal Exemption for Criminal Rape Prosecution, 7:33

Vermont’s Blood Alcohol Test: Illegal Search and Seizure?, 2:93

Victims’ Rights: Vermont’s New Law, 11:695

### DISPUTE RESOLUTION

Arbitration: An Antidote to New York’s Medical Malpractice Crisis, 11:577

Community Courts: Offering Alternative Dispute Resolution Within the Judicial System, 3:1

Environmental Mediation—Another Piece for the Puzzle, 6:49

Environmental Mediation and the Accountability Problem, 6:1

Lockouts in Evolutionary Perspective: The Changing Balance of Power in American Industrial Relations, 12:335

Mediation: A New Remedy for Cases of Domestic Violence, 7:15

The Negotiating Impasse in Labor Relations for Teachers, 5:39

The Theory and Practice of Mediation: A Reply to Professor Susskind, 6:85

The Vermont Labor Relations Board’s Role in Grievance Proceedings: Let’s Make This Process Work, 12:429

**DOMESTIC RELATIONS**

A Critical Look at Vermont's New Child Custody Law, 11:671

Balancing Children's Rights into the Divorce Decision, 13:531

Beyond the Juror's Ken: Battered Women, 7:1

Breaking the Vicious Circle: The Lawyer's Role, 6:363

Due Process and Vermont's Abuse Prevention Statute, 7:185

Expansion of Arrest Power: A Key to Effective Intervention, 7:59

Gender Bias Against Fathers in Custody? The Important Difference Between Outcome and Process, 18:215

Improving the Legal Response of Child Protective Service Agencies, 6:381

Introduction: Coping with Family Violence—Strategies and Tactics for the 1980's, 6:325

Mediation: A New Remedy for Cases of Domestic Violence, 7:15

The "Civil" Prosecution of Child Abuse and Neglect, 6:403

The Social Context of Domestic Violence: Implications for Prevention, 6:339

The Spousal Exemption for Criminal Rape Prosecution, 7:33

Vermont's Children in Need of Care or Supervision: Judicial Discretion or Definition?, 8:119

Visitation in the Domestic Violence Context: Problems and Recommendations, 14:57

**ECONOMICS**

Economic Implications of Wider Compensation for "Takings" or, What if Agricultural Policies Ruled the World?, 17:723

Green Finance: Problems and Solutions Concerning Alternative Environmental Debt Exchanges, 18:313

Impact of Economic and Financial Policies on the Development of Small-Scale Hydroelectric Facilities in New England, 5:295

Interface Between Developers of Small Hydro Projects and Utilities, 5:313

**EDUCATION LAW**

Act 230: Cost Containment, Deregulation, and the Reform of Special Education in Vermont, 17:195

Adequacy in Education: An Analysis of the Constitutional Standard in Vermont, 18:7

Constitutionalism and the Rule of Law: New Hampshire's Home Schooling Quandry, 8:265

Dedication: Julian and Virginia Cornell Library, 16:575

Education for the Handicapped: A Senator's Perspective, 3:71

Lessons from the Third World: Spirituality as the Source of Commitment to Affirmative Action, 14:401

On Doing the Right Thing: Education Work in the Academy, 15:125

Private Schools in Vermont: The "Equivalency Exception" to Compulsory Public School Attendance—*State v. LaBarge*, 2:205

Sexual Harassment Between Peers Under Title VII and Title IX: Why Girls Just Can't Wait to be Working Women, 16:303

State Regulation of Private Church Schools: An Examination of Vermont's Act 151, 8:75

Students' Free Speech Rights in Public Schools: Content-Based Versus Public Forum Restrictions, 13:493

Taxing Vermonters for Education: Reform of the Property Tax, 15:479

The Misnomer of Equality Under the Equal Access Act, 14:369

Vermont's Public School Finance System: A Constitutional Analysis, 12:239

**EMPLOYMENT LAW**

A Suggested Interpretation of Vermonts DR 7-104(A)(1): The Employment Attorney's Perspective on Contacting Employees of an Adverse Business Organization, 18:95

Dismissal of State Employees—The Requirement of Notice as an Element of Just Cause—*In re Yashko*, 138 Vt. 364, 415 A.2d 1322 (1980), 5:444

Employment Discrimination Law and the Need for Reform, 16:183

Retaliatory Discharge and Vermont's Need for an Exception to the "Rule", 9:151

The Americans with Disabilities Act of 1990: Title I and Its Impact on Employment Decisions, 16:263

The Creation of Employment Terms to Govern Public Employees in the Interim Between Collective Bargaining Agreements—*Vermont State Employees Ass'n v. State*, 3:229

The Implications of Inadequate Maternity Leave Policies Under Title VII, 16:223

The Reasonable Woman in Sexual Harassment Law and the Case for Subjectivity, 16:1005

Toward Justice in the Workplace, 16:1

Workplace Defamation: Public Policy, Compelled Self-Publication, and the Vermont Constitution, 16:341

Workplace Discrimination: Truthfulness and the Moral Imagination, 16:137

#### ENERGY LAW

A Response to *Low-Level Radioactive Waste Disposal Policy in Vermont: An Assessment of Act 296*, 16:1169

Introduction to Symposium: Hydroelectric Power in New England, 5:185

*Low-Level Radioactive Waste Disposal Policy in Vermont: An Assessment of Act 296*, 16:639

Regulation of Energy Developments in the Green Mountain National Forest: Is Vermont Law Preempted?, 7:97

Small Hydropower Development and the Environment: A Survey of State and Federal Law, 5:251

The Common Law of Waterpower in New England, 5:201

The Need for Exacting Legislation Regulating the Shipment of Radioactive Wastes in Vermont, 8:407

The Role of the Federal Energy Regulatory Commission in Licensing Small Hydroelectric Projects, 5:279

**ENVIRONMENTAL LAW**

- A Constitutional Right to a Healthful Environment, 16:1063
- A Proposal for Improving Vermont's Statutory Requirements for Planned Unit Development, 14:591
- A Response to *Low-Level Radioactive Waste Disposal Policy in Vermont: An Assessment of Act 296*, 16:1169
- Act 250's "Necessary Wildlife Habitat" Definition: How Much Wildlife Does It Embrace?, 12:531
- After *Lucas*: No More Wetland Takings?, 17:683
- An Introduction to the Vermont Law Review Section on Developments and Issues in Environmental Law, 13:627
- And Now We Have Four Systems, 12:1
- Application of the Mootness Doctrine to Citizen Suits Under the Clean Water Act After *Gwaltney of Smithfield v. Chesapeake Bay Foundation, Inc.*: Polluters Can't Escape the Controversy, 14:273
- Beyond Standing: Proposals for Congressional Response to Supreme Court "Standing" Decisions, 13:675
- CERCLA Injunctive Orders in Chapter 11 Bankruptcy: Fresh Start or Free Ride for the Reorganized Debtor?, 17:281
- Corporate Officer Liability Under RCRA: The Once-ler Should Have Been Found Personally Liable as a Corporate Officer of Thneed for Not Preventing the Environmental Damage Caused by the De-Truffuling of Those Truffula Trees, 18:443
- Daminozide and the New England Apple Crop: A National Definition of "Safe"?, 12:181
- Enhancing the Vermont Townscape: Design Review, 7:363
- Environmental Issues and Concerns for Lenders, 15:531
- Environmental Literacy and International Law, 17:801
- Environmental Mediation—Another Piece for the Puzzle, 6:49
- Environmental Mediation and the Accountability Problem, 6:1
- Formal Enforcement of Act 250, 10:469

Green Finance: Problems and Solutions Concerning Alternative Environmental Debt Exchanges, 18:313

Hazardous Waste Cleanup: Trying to Keep the Sleeping Ogre Asleep, 14:247

Hear No Evil, See No Evil: *In re Spencer* and the Twilight of Judicial Scrutiny in Vermont, 14:501

Highway Construction on the New York State Forest Preserve: Permissible Limits and Arbitrary Restrictions, 10:179

Human Rights and the Environment: Facing a New World Order, 16:449

Impact of Economic and Financial Policies on the Development of Small-Scale Hydroelectric Facilities in New England, 5:295

*In re Quechee Lakes Corporation*: Mitigating Aesthetic Environmental Damage or an Eyesore on Act 250 Land Use Protections?, 16:541

Inert Ingredients and Pesticide Registration Data Requirements: EPA's Complacency Compounds FIFRA's Inadequacies, 15:265

Leaving the Scene: Aesthetic Considerations in Act 250, 4:163

Lessening the Mens Rea Requirement for Hazardous Waste Violations, 16:419

Low-Level Radioactive Waste Disposal Policy in Vermont: An Assessment of Act 296, 16:639

Maine's Commercial Whitewater Outfitter Laws: "Maximizing Competition" or Destroying It?, 11:233

Native American Collaboration in Cultural Resource Protection in the Columbia River Gorge National Scenic Area, 17:741

Party Status and Standing Under Vermont's Land Use and Development Law (Act 250), 2:163

Planning Law in the 1980's: What Do We Know About It?, 7:205

Plugging the Leak in Underground Storage Tanks: The 1984 RCRA Amendments, 11:267

Protecting Common Property Resources Through the Marketplace: Individual Transferable Quotas for Surf Clams and Ocean Quahogs, 16:1127

Regulation of Energy Developments in the Green Mountain National Forest: Is Vermont Law Preempted?, 7:97

Regulatory Takings: Coherent Concept or Logical Contradiction?, 17:647

Selecting Remedies at Superfund Sites: How Should "Clean" Be Determined, 18:361

Small Hydropower Development and the Environment: A Survey of State and Federal Law, 5:251

Solid Waste Source Reduction and the Product Ban: A Commerce Clause Violation?, 13:691

Successor Landowner Liability Under the Vermont Hazardous Waste Act of 1985, 10:487

Taking Risks: Executive Order 12,630 and Environmental Health and Safety Regulation, 14:213

The Battle of Lake Champlain—Interstate Pollution and the Inadequacy of the Judicial Process: *Vermont v. New York*, 1:175

The Effect of Act 250 on Prime Farmland in Vermont, 6:467

The Empire State SLAPPs Back: New York's Legislative Response to SLAPP Suits, 17:925

The Environmental Challenge: What We Must Do To Survive, 14:550

The Hazardous Waste Wars: An Examination of the Origins and Major Battles to Date, with Suggestions for Ending the Wars, 17:821

The Logic and Limits of Public Information Mandates Under Federal Hazardous Waste Law: A Policy Analysis, 14:559

The Need for Exacting Legislation Regulating the Shipment of Radioactive Wastes in Vermont, 8:407

The Role of the Federal Energy Regulatory Commission in Licensing Small Hydroelectric Projects, 5:279

The Takings Issue and the Due Process Clause: A Way Out of a Doctrinal Confusion, 17:695

The Theory and Practice of Mediation: A Reply to Professor Susskind, 6:85

The West Coast of New England: A Case for the Inclusion of Lake Champlain in the Federal Coastal Zone Management Program, 16:749

Toxic Substance Safety Statute Violations: Should Vermont Adopt the Negligence Per Se with Excuse Doctrine?, 10:151

Transportation Control Plans Under the 1990 Clean Air Act as a Means for Reducing Carbon Dioxide Emissions, 16:711

Vermont's New Groundwater Law, 10:479

Wetland Protection and Section 404 of the Federal Water Pollution Control Act Amendments of 1972: A Corps of Engineers Renaissance, 1:51

### EVIDENCE

A Counsellor's Crisis: Protecting Witnesses' Privacy Rights in Sexual Assault Prosecutions, 12:497

Cross-Examination of Psychiatric Witnesses Under the Vermont Patient's Privilege when the Issue of Insanity is Raised, 3:191

Expert and Opinion Evidence in Vermont: Developments, Profiles, and Emerging Concerns for Reliability of Scientific Evidence, 17:109

Judicial Review of Criminal Convictions Based on Circumstantial Evidence, 6:197

Living Without Principles: *State v. Brunelle* and the Vermont Supreme Court, 13:347

Relevant Conduct and the Impact of the Preponderance Standard of Proof Under the Federal Sentencing Guidelines: A Denial of Due Process, 18:529

*State v. Catsam*: A Clarification of Evidentiary Standards in Vermont Child Sexual Abuse Cases, 12:485

Aggravated Assault—Authenticating Tape Recordings, Custodial Interrogation, and Psychiatrist-Patient Privilege—*State v. Mecier*, 138 Vt. 149, 412 A.2d 291 (1980), 5:416

The Academic Freedom Privilege: A Sword or a Shield?, 9:43

Vermont Rule of Evidence 807 and the Confrontation Clause, 10:497

Victimizing the Child Victim: Vermont Rule of Evidence 807 and Trauma in the Courtroom, 11:631

### FAMILY LAW

Balancing Children's Rights into the Divorce Decision, 13:531

*Curran v. Bosze*: Toward a Clear Standard for Authorizing Kidney and Bone Marrow Transplants Between Minor Siblings, 16:499

Determining "Best Interests" of the Child in Divorce Custody Disputes: A Procedural Approach, 9:311

Divorce Decree—Standard of Review for Issues of Custody, Visitation, Division of Property and Child Support—*Palmer v. Palmer*, 138 Vt. 412, 416 A.2d 143 (1980), 5:425

Full Faith and Credit and the Recognition of Foreign Alimony Decrees in Vermont, *Berger v. Berger* 138 Vt. 367, 417 A.2d 921 (1980), 6:539

Gender Bias Against Fathers in Custody? The Important Difference Between Outcome and Process, 18:215

Grandparents' Statutory Right to Petition for Visitation: Vermont and the National Framework, 10:55

Introduction: Coping with Family Violence—Strategies and Tactics for the 1980's, 6:325

Joint Adoption: A Queer Option?, 15:197

Juvenile Proceedings: Changed Circumstances—The Procedural Obstacle to Termination of Parental Rights, 2:191

The "Civil" Prosecution of Child Abuse and Neglect, 6:403

The Rights of the Biological Father: From Adoption and Custody to Surrogate Motherhood, 12:87

The Social Context of Domestic Violence: Implications for Prevention, 6:339

### FEDERAL GOVERNMENT

Are We an Over-Regulated Society, 8:55

### FOOD AND DRUG LAW

Daminozide and the New England Apple Crop: A National Definition of "Safe?", 12:181

Inert Ingredients and Pesticide Registration Data Requirements: EPA's Complacency Compounds FIFRA's Inadequacies, 15:265

Moving Beyond Risk in Assessing Technological Artifacts: The Case of Recombinant Bovine Somatotropin, 16:667

**HEALTH LAW**

AIDS and Informed Consent: Recognizing Partners as Surrogate Decision-Makers, 15:333

Decisions for the Dying: An Empirical Study of Physicians' Responses to Advance Directives, 13:445

Medical Breakthroughs in Human Fetal Tissue Transplantation: Time to Reevaluate Legislative Restrictions on Fetal Research, 13:373

Medical Malpractice, Contract or Tort: The Vermont Statute of Frauds, 10:99

**HOUSING LAW**

Federal Preemption of State and Local Rent Control Laws through FIRREA: A Proposal to Protect Tenants and the RTC, 16:969

Group Homes and Deinstitutionalization: The Legislative Response to Exclusionary Zoning, 6:509

Keeping Faith: Fiduciary Obligations in Property Owners Associations, 11:421

On from *Mount Laurel*: Guidelines on the "Regional General Welfare", 1:23

Vermont Adults Only Communities and the Fair Housing Act, 14:161

Vermont's Efforts to Protect Mobile Home Park Tenants: Is There a Taking?, 16:1027

**IMMIGRATION LAW**

The Haitian Refugee Crisis and U.S. Immigration Law: The Extraterritorial Scope of § 243(h) of the Immigration and Nationality Act, 18:173

**INSURANCE**

Target Defendants and Tort Law Reform: A Perspective on Medical Malpractice and Municipal Liability, 11:535

The Use of Classifications Based on Gender and Marital Status in Insurance: Current Vermont Law, 11:685

Where No Minds Meet: Insurance Policy Interpretation and the Use of Drafting History, 18:409

**INTELLECTUAL PROPERTY**

Patenting Transgenic Animals: When the Cat's Away, the Mice Will Play, 17:875

**INTERNATIONAL LAW**

Environmental Literacy and International Law, 17:801

Green Finance: Problems and Solutions Concerning Alternative Environmental Debt Exchanges, 18:313

Human Rights and the Environment: Facing a New World Order, 16:449

Terrorism as Impermissible Political Violence: An International Law Framework, 16:461

The Haitian Refugee Crisis and U.S. Immigration Law: The Extraterritorial Scope of § 243(h) of the Immigration and Nationality Act, 18:173

**JUDGES**

A Farewell to Side Judges; Or, Are We Available?, 10:321

A Tribute to Chief Justice Albert Wilkins Barney, 8:203

Do All Judges Have to Be Lawyers? Side Judges in Vermont: The Case of *State v. Dunkerley*, 3:147

In Honor of Albert W. Barney, 8:209

Judge Albert W. Coffrin, 18:1

Judge Albert W. Coffrin, 18:3

Judge Edward J. Costello, 18:5

Judge Sterry R. Waterman, 9:1

Respect for Law and Man: The Tort Law of Chief Justice Frank Rowe Kenison, 11:389

Sterry R. Waterman—An Appreciation, 9:7

The Constitutional Philosophy of Justice William H. Rehnquist, 8:1

The Jurisprudence of Levi Woodbury, 18:261

The Membership of Judges in Gender Discriminatory Private Clubs, 12:459

The Moderate Rehnquist, 17:267

The Uncommon Man—A Tribute to Judge Frank G. Mahady, 17:1

Thomas Lawlor Hayes, 13:7

### JURISDICTION

Developing a Unified Approach to Pendent and Ancillary Jurisdiction: A *Merger* Made in Heaven, 11:505

Full Faith and Credit and the Recognition of Foreign Alimony Decrees in Vermont, *Berger v. Berger* 138 Vt. 367, 417 A.2d 921 (1980), 6:539

Jurisdiction Over Adjudications Involving the Abenaki Indians of Vermont, 10:417

Personal Jurisdiction: The Hidden Agendas in the Supreme Court Decisions, 10:1

Subsidiary Conduct as a Basis for Long-Arm Jurisdiction Over a Parent Corporation in Vermont, 3:111

The Exhaustion Requirement Under Section 1983 in the Second Circuit, 6:269

The Second Circuit, Civil Rights Litigation, and Expanding Federal Jurisdiction, 15:301

Vermont's Mootness Doctrine, 4:257

### JURISPRUDENCE

From Gender Difference to Feminist Solidarity: Using Carol Gilligan and an Ethic of Care in Law, 15:1

"Lady" Justice: Power and Image in Feminist Jurisprudence, 15:69

Langdell's Concept of Law as Science: The Beginning of Anti-Formalism in American Legal Theory, 5:1

Lessons from the Third World: Spirituality as the Source of Commitment to Affirmative Action, 14:401

Nostalgia as Constitutional Doctrine: Legalizing Norman Rockwell's America, 15:49

Personal Jurisdiction: The Hidden Agendas in the Supreme Court Decisions, 10:1

Pragmatism and the Promise of Adjudication, 18:57

Scholarly Discourse, 16:933

Scholarly Paradigms: A New Tradition Based on Context and Color, 16:913

Symptoms Exposed when Legalists Engage in Moral Discourse: Reflections on the Difficulties of Talking Ethics, 17:353

The Constitutional Philosophy of Justice William H. Rehnquist, 8:1

The Jurisprudence of Levi Woodbury, 18:261

The Moral Confusion of Affirmative Action Jurisprudence or When Will We Learn to Bear the Shame of Guilt?, 16:777

*The Philosophy of Law: An Introduction.* By Thomas Morawetz., 7:273

Toward a Theory of State Constitutional Jurisprudence: A Judge's Thoughts, 13:145

#### **JUVENILE**

A Critical Look at Vermont's New Child Custody Law, 11:671

A Right to Treatment: Promoting the Interests of Minors in State Custody in Vermont, 15:227

Balancing Children's Rights into the Divorce Decision, 13:531

*Curran v. Bosze*: Toward a Clear Standard for Authorizing Kidney and Bone Marrow Transplants Between Minor Siblings, 16:499

Daring to Care While Tending to Justice: An Argument for the Reform of *Parens Patriae* and Vermont's Juvenile Justice Code, 17:595

Determining "Best Interests" of the Child in Divorce Custody Disputes: A Procedural Approach, 9:311

Do Sixteen and Seventeen Year Old Criminal Defendants in Vermont Need a Guardian Ad Litem?, 5:361

Estate Planning for the Family with a Disabled Child, 14:529

Grandparents' Statutory Right to Petition for Visitation: Vermont and the National Framework, 10:55

Improving the Legal Response of Child Protective Service Agencies, 6:381

Joint Adoption: A Queer Option?, 15:197

Juvenile Proceedings: Changed Circumstances—The Procedural Obstacle to Termination of Parental Rights, 2:191

Precharge Diversion of the Youthful Offender in Vermont: Right to Counsel, 1:143

Private Schools in Vermont: The “Equivalency Exception” to Compulsory Public School Attendance—*State v. LaBarge*, 2:205

Students’ Free Speech Rights in Public Schools: Content-Based Versus Public Forum Restrictions, 13:493

The “Civil” Prosecution of Child Abuse and Neglect, 6:403

The Appointment of Guardians by Will: A Comparison of Vermont’s Statutory Provisions with the Provisions of the Uniform Probate Code, 4:275

The Rights of the Biological Father: From Adoption and Custody to Surrogate Motherhood, 12:87

The Serious Young Offender Under Vermont’s Juvenile Law: Beyond the Reach of *Parens Patriae*, 8:173

Vermont’s Children in Need of Care or Supervision: Judicial Discretion or Definition?, 8:119

Vermont’s Voluntary Sterilization Statutes and the Rights of the Mentally Handicapped, 4:331

Victimizing the Child Victim: Vermont Rule of Evidence 807 and Trauma in the Courtroom, 11:631

#### LABOR LAW

A Proposal to Ban Sexual Orientation Discrimination in Private Employment in Vermont, 15:435

Dismissal of State Employees—The Requirement of Notice as an Element of Just Cause—*In re Yashko*, 138 Vt. 364, 415 A.2d 1322 (1980), 5:444

Jar Wars in the Green Mountain State: Vermont’s Drug Use Testing Act Has the Potential To Be the Best in the Nation, 13:593

Listening to Dr. Fiske: The Easy Case of *Price Waterhouse v. Hopkins*, 15:89

Lockouts in Evolutionary Perspective: The Changing Balance of Power in American Industrial Relations, 12:335

Maternity Leave for Vermonters: The Good News and the Bad News, 14:179

National Labor Relations Board Control of Union Discipline and the Myth of Nonintervention, 16:11

Rediscovering Progressive Labor Politics: The Labor Law Implications of *Federal Trade Commission v. Superior Court Trial Lawyers Association*, 16:71

Reopening and Modifying Awards in Vermont Workers' Compensation Cases, 9:289

Retaliatory Discharge and Vermont's Need for an Exception to the "Rule", 9:151

*State v. Whitingham School Board*: A Unique Employment Discrimination Loophole for Vermont Employers, 6:119

The Academic Freedom Privilege: A Sword or a Shield?, 9:43

The Compensability of Mental Injuries Under Vermont's Workers' Compensation Act, 8:145

The Creation of Employment Terms to Govern Public Employees in the Interim Between Collective Bargaining Agreements—*Vermont State Employees Ass'n v. State*, 3:229

The General Duty Clause of the Vermont Occupational Safety and Health Act, 4:305

The Negotiating Impasse in Labor Relations for Teachers, 5:39

The Vermont Labor Relations Board's Role in Grievance Proceedings: Let's Make This Process Work, 12:429

Toward Justice in the Workplace, 16:1

#### LAND USE AND PLANNING

A Proposal for Improving Vermont's Statutory Requirements for Planned Unit Development, 14:591

Act 250's "Necessary Wildlife Habitat" Definition: How Much Wildlife Does It Embrace?, 12:531

After *Lucas*: No More Wetland Takings?, 17:683

And Now We Are Here on a Darkling Plain, 13:635

And Now We Have Four Systems®, 12:1

Billboard Blight: Is the Aesthetic Quality of Vermont's Landscape in Jeopardy After *Metromedia*?, 9:341

- Casino Development in Atlantic City: Abuses and Remedies, 10:383
- Changing Vermont's Current Use Appraisal Program to Provide Property Tax Incentives for Conservation Easements, 17:165
- Enhancing the Vermont Townscape: Design Review, 7:363
- Environmental Mediation and the Accountability Problem, 6:1
- Farmland Preservation in Vermont and the Creative Use of Land Trusts, 11:603
- Fence Viewers and Division Fences in Vermont: New Expectations, 8:433
- Formal Enforcement of Act 250, 10:469
- Group Homes and Deinstitutionalization: The Legislative Response to Exclusionary Zoning, 6:509
- Hear No Evil, See No Evil: *In re Spencer* and the Twilight of Judicial Scrutiny in Vermont, 14:501
- Highway Construction on the New York State Forest Preserve: Permissible Limits and Arbitrary Restrictions, 10:179
- Impact of Economic and Financial Policies on the Development of Small-Scale Hydroelectric Facilities in New England, 5:295
- In re Quechee Lakes Corporation*: Mitigating Aesthetic Environmental Damage or an Eyesore on Act 250 Land Use Protections?, 16:541
- Introduction to Symposium: Hydroelectric Power in New England, 5:185
- Leaving the Scene: Aesthetic Considerations in Act 250, 4:163
- On from *Mount Laurel*: Guidelines on the "Regional General Welfare", 1:23
- Party Status and Standing Under Vermont's Land Use and Development Law (Act 250), 2:163
- Planning Law in the 1980's: What Do We Know About It?, 7:205
- Regulatory Takings: Coherent Concept or Logical Contradiction?, 17:647
- The Effect of Act 250 on Prime Farmland in Vermont, 6:467
- The Public Trust Doctrine and Federal Condemnation: A Call for Recognition of a Federal Common Law, 15:501
- The White River Junction Manifesto, 9:193

Transferable Development Rights in Vermont: Is There a Taking Problem?, 13:715

Vagueness and Overbreadth: The Constitutional Challenges to Vermont's Land Use and Development Law (Act 250), 5:329

Vermont Law Governing Standing in Zoning Appeals: An Argument for Expansion, 12:217

Where Are South Carolina and the Supreme Court Taking Us?, 16:1111

Zoning—Right of Town to Deny State Agency a Zoning Permit—*Vermont Division of State Buildings v. Town of Castleton Board of Adjustment*, 138 Vt. 250, 415 A.2d 188 (1980), 6:309

Zoning Variance Administration in Vermont, 8:371

#### LANDLORD TENANT LAW

Federal Preemption of State and Local Rent Control Laws through FIRREA: A Proposal to Protect Tenants and the RTC, 16:969

Vermont's Efforts to Protect Mobile Home Park Tenants: Is There a Taking?, 16:1027

#### LAW AND SOCIETY

A Crisis in Confidence: Municipal Officials Under Fire, 16:579

"A Plague of Lawyers"?: Law and the Public Interest, 2:1

Are We an Over-Regulated Society, 8:55

Breaking the Vicious Circle: The Lawyer's Role, 6:363

"Desperate for Love": Cinematic Influences Upon a Defendant's Closing Argument to a Jury, 18:721

Human Rights and the Environment: Facing a New World Order, 16:449

Interface Between Developers of Small Hydro Projects and Utilities, 5:313

Nostalgia as Constitutional Doctrine: Legalizing Norman Rockwell's America, 15:49

Pathologizing Professional Life: Psycho-Literary Case Stories, 18:581

The Black Panther Party's Narratives of Resistance, 18:645

The Moral Confusion of Affirmative Action Jurisprudence or When Will We Learn to Bear the Shame of Guilt?, 16:777

The Narrative Construction of Reality, 18:681

The Social Context of Domestic Violence: Implications for Prevention, 6:339

Vermont Task Force Report on Gender Bias in the Legal System: *Introduction and Executive Summary*, 15:395

Workplace Discrimination: Truthfulness and the Moral Imagination, 16:137

### LEGAL EDUCATION

Acting and Legal Education, 17:533

Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession, 17:459

Dangerous Territory, 18:763

"Desperate for Love": Cinematic Influences Upon a Defendant's Closing Argument to a Jury, 18:721

Healing the Breach: Harmonizing Legal Practice and Education, 11:377

Impassioning A Civil Rights Course, 16:943

Introduction: *Will You Please Be Quiet, Please?* Lawyers Listening to the Call of Stories, 18:567

Langdell's Concept of Law as Science: The Beginning of Anti-Formalism in American Legal Theory, 5:1

Pathologizing Professional Life: Psycho-Literary Case Stories, 18:581

Scholarly Discourse, 16:933

Scholarly Paradigms: A New Tradition Based on Context and Color, 16:913

Some Off-the-Cuff Remarks About Lawyers as Storytellers, 18:751

Stumbling Blocks and Stepping Stones: Newcomers' Guide to Perilous Terrain in Law School, 15:165

Surviving Legal De-Education: An Outsider's Guide, 15:139

Symptoms Exposed when Legalists Engage in Moral Discourse: Reflections on the Difficulties of Talking Ethics, 17:353

- The Bike Tour Leader's Dilemma: Talking About Supervision, 13:399
- The Gender Gap in the Law School Classroom—Beyond Survival, 14:23
- The Narrative Construction of Reality, 18:681
- Vermont Law School's New General Practice Program: An Introduction, 11:373
- Webster and Rhetoric: Reading Again Benet's *The Devil and Daniel Webster*, 17:425

### LEGAL HISTORY

- "A Plague of Lawyers"?: Law and the Public Interest, 2:1
- Against the Stream: An Introduction to the Vermont Law Review Symposium on the Revolution in State Constitutional Law, 13:13
- Antinuclear Demonstrations and the Necessity Defense: *State V. Warshaw*, 5:103
- Gilmore's New Book: Turning and Turning in the Widening Gyre, 2:229
- Langdell's Concept of Law as Science: The Beginning of Anti-Formalism in American Legal Theory, 5:1
- Lockouts in Evolutionary Perspective: The Changing Balance of Power in American Industrial Relations, 12:335
- Privacy in the Burger Court: The Influence of Mr. Justice Black, 2:35
- Professor Jones and the Constitution, 4:87
- Putting Senator Davies in Context, 4:233
- State Constitutions and the "Open Fields" Doctrine: A Historical-Definitinal Analysis of the Scope of Protection Against Warrantless Searches of "Possessions", 13:179
- The Black Panther Party's Narratives of Resistance, 18:645
- The Brooding Omnipresence of Constitutional Law, 4:1
- The Common Law of Waterpower in New England, 5:201
- The Exhaustion Requirement Under Section 1983 in the Second Circuit, 6:269
- The Hazardous Waste Wars: An Examination of the Origins and Major Battles to Date, with Suggestions for Ending the Wars, 17:821

The Jurisprudence of Levi Woodbury, 18:261

The Moderate Rehnquist, 17:267

The Right to Bear Arms in the First State Bills of Rights: Pennsylvania, North Carolina, Vermont, and Massachusetts, 10:255

U.S. & Canadian Federalism: A Study in Contrast, 11:473

Vermont's Law of Promises Running with the Land: Formal Restraints on a Practical Doctrine, 6:437

Webster and Rhetoric: Reading Again Benet's *The Devil and Daniel Webster*, 17:425

### LEGAL PROFESSIONS

Breaking the Vicious Circle: The Lawyer's Role, 6:363

Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession, 17:459

Dangerous Territory, 18:763

"Desperate for Love": Cinematic Influences Upon a Defendant's Closing Argument to a Jury, 18:721

Does Professional Licensing Conditioned Upon Mutual Reciprocity Violate the Commerce Clause?, 10:223

Healing the Breach: Harmonizing Legal Practice and Education, 11:377

*In Re New England Telephone & Telegraph Co.*: The Scope of Authority of Counsel for the Public in Utility Rate Cases, 4:141

Introduction: *Will You Please Be Quiet, Please?* Lawyers Listening to the Call of Stories, 18:567

Pathologizing Professional Life: Psycho-Literary Case Stories, 18:581

Pragmatism and the Promise of Adjudication, 18:57

Precedential Defilade: A Reply to Dean Chase, 10:247

*Russo v. Griffin*: The Death of Vermont's Locality Rule in Legal Malpractice, 12:295

Some Off-the-Cuff Remarks About Lawyers as Storytellers, 18:751

Symptoms Exposed when Legalists Engage in Moral Discourse: Reflections on the Difficulties of Talking Ethics, 17:353

The Bike Tour Leader's Dilemma: Talking About Supervision, 13:399

The Narrative Construction of Reality, 18:681

The Regulation of the Practice of Law, Practice and Procedure, and Court Administration in Vermont—Judicial or Legislative Power?, 8:211

Webster and Rhetoric: Reading Again Benet's *The Devil and Daniel Webster*, 17:425

### LEGISLATION

A Critique of the Vermont Securities Act: Is Vermont's "Blue Sky" Really Grey?, 11:131

A Response to Statutory Obsolescence: The Nonprimacy of Statutes Act, 4:203

Beyond Standing: Proposals for Congressional Response to Supreme Court "Standing" Decisions, 13:675

Congress, the Courts, and Regulatory Oversight After *Meyer v. Bush*: Should the Executive Office of the President Be Shielded from Congressional Sunshine?, 18:823

Distinguishing Rape: A Definitive Approach to Sexual Assault, 10:353

Duty to Aid the Endangered Act: The Impact and Potential of the Vermont Approach, 7:143

Government Regulation of the Pursuit of Knowledge: The Recombinant DNA Controversy, 3:83

Jar Wars in the Green Mountain State: Vermont's Drug Use Testing Act Has the Potential To Be the Best in the Nation, 13:593

Legislative Control Over the Uranium Industry in Vermont: Flirting with Preemption, 7:315

Medical Breakthroughs in Human Fetal Tissue Transplantation: Time to Reevaluate Legislative Restrictions on Fetal Research, 13:373

Plugging the Leak in Underground Storage Tanks: The 1984 RCRA Amendments, 11:267

Protecting Liberty Interests: Developments in Vermont's Mental Health Law as Federal Constitutional Protection Declines, 9:265

Putting Senator Davies in Context, 4:233

Revising Vermont's Criminal Code, 12:307

Solid Waste Source Reduction and the Product Ban: A Commerce Clause Violation?, 13:691

The Dynamics of Tort Law: Court or Legislature?, 4:35

The Nonprimacy of Statutes Act: A Comment, 4:247

The Regulation of Campaign Finance in Vermont: More Loophole Than Law, 6:237

The Sale of Business Doctrine: *Landreth* Adds New Life to the Anti-Fraud Provisions of the Securities Acts, 11:1

The Surface Transportation Assistance Act: Federalism's Last Stand?, 11:203

The Vermont Supreme Court: "Guilty" of Judicial Legislating?, 11:661

Vermont's New Debtor's Exemption Statute, 13:609

Victims' Rights: Vermont's New Law, 11:695

#### MAINE LAW

Maine's Commercial Whitewater Outfitter Laws: "Maximizing Competition" or Destroying It?, 11:233

State Constitutional Law in Maine: At the Crossroads, 13:61

#### MEDICAL JURISPRUDENCE

AIDS and Informed Consent: Recognizing Partners as Surrogate Decision-Makers, 15:333

*Curran v. Bosze*: Toward a Clear Standard for Authorizing Kidney and Bone Marrow Transplants Between Minor Siblings, 16:499

Decisions for the Dying: An Empirical Study of Physicians' Responses to Advance Directives, 13:445

Patenting Transgenic Animals: When the Cat's Away, the Mice Will Play, 17:875

**MENTAL HEALTH**

A Question of Competence: The Indigent Criminal Defendant's Right to Adequate and Competent Psychiatric Assistance After *Ake v. Oklahoma*, 14:121

A Right to Treatment: Promoting the Interests of Minors in State Custody in Vermont, 15:227

Extending a Psychotherapist's Duty to Warn Beyond Protecting Life: Who Should Lock the Barn Door?, 11:353

Group Homes and Deinstitutionalization: The Legislative Response to Exclusionary Zoning, 6:509

Guardianship for the Adult: A Need for Due Process Protections in Vermont, 4:95

Reliance on State Law: Protecting the Rights of People with Mental Disabilities, 13:305

Standard of Care, Duty, and Causation in Failure to Warn Actions Against Mental Health Professionals, 11:343

**MISSISSIPPI LAW**

Post-Custody, Pre-Indictment Problems of Fundamental Fairness and Access to Counsel: Mississippi's Opportunity, 13:247

**MORTGAGES**

The Relation of the Equitable Doctrine of Subrogation to Vermont's Strict Foreclosure Laws, 7:71

**NATIVE AMERICAN LAW**

Aboriginal Title: Abenaki Indian Land Claim in Vermont, 16:611

Jurisdiction Over Adjudications Involving the Abenaki Indians of Vermont, 10:417

Native American Collaboration in Cultural Resource Protection in the Columbia River Gorge National Scenic Area, 17:741

The Indian Gaming Regulatory Act: A Forum for Conflict Among the Plenary Power of Congress, Tribal Sovereignty, and the Eleventh Amendment, 18:127

**NATURAL RESOURCES**

Legislative Review of Agency Rule-Making: Vermont's Antlerless Deer Hunting Regulation, 11:105

Maine's Commercial Whitewater Outfitter Laws: "Maximizing Competition" or Destroying It?, 11:233

Native American Collaboration in Cultural Resource Protection in the Columbia River Gorge National Scenic Area, 17:741

Protecting Common Property Resources Through the Marketplace: Individual Transferable Quotas for Surf Clams and Ocean Quahogs, 16:1127

Wetland Protection and Section 404 of the Federal Water Pollution Control Act Amendments of 1972: A Corps of Engineers Renaissance, 1:51

**NEW HAMPSHIRE LAW**

Ancient New England Highways: The Hanover "Greenways" Controversy, 9:373

Constitutionalism and the Rule of Law: New Hampshire's Home Schooling Quandry, 8:265

**NEW YORK LAW**

Arbitration: An Antidote to New York's Medical Malpractice Crisis, 11:577

Beyond Son of Sam: *Simon & Schuster, Inc. v. New York State Crime Victims Board*, and a Constitutionally Valid Alternative to New York Executive Law Section 632-a, 17:321

Highway Construction on the New York State Forest Preserve: Permissible Limits and Arbitrary Restrictions, 10:179

The Empire State SLAPPs Back: New York's Legislative Response to SLAPP Suits, 17:925

**OIL AND GAS LAW**

Plugging the Leak in Underground Storage Tanks: The 1984 RCRA Amendments, 11:267

**OREGON LAW**

Oregon's Constitutional Renaissance: Federalism Revisited, 13:107

**POLITICS**

Rediscovering Progressive Labor Politics: The Labor Law Implications of *Federal Trade Commission v. Superior Court Trial Lawyers Association*, 16:71

Terrorism as Impermissible Political Violence: An International Law Framework, 16:461

The Environmental Challenge: What We Must Do To Survive, 14:550

The Regulation of Campaign Finance in Vermont: More Loophole Than Law, 6:237

The Remedies Available to Candidates Who Are Defamed by Television or Radio Commercials of Opponents, 11:33

**PRACTICE AND PROCEDURE**

A Problem of Post-Judgment Executions in Vermont—Sheriffs' Liability, 2:117

A Suggested Interpretation of Vermonts DR 7-104(A)(1): The Employment Attorney's Perspective on Contacting Employees of an Adverse Business Organization, 18:95

Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession, 17:459

Developing a Unified Approach to Pendent and Ancillary Jurisdiction: A *Merger* Made in Heaven, 11:505

Expert and Opinion Evidence in Vermont: Developments, Profiles, and Emerging Concerns for Reliability of Scientific Evidence, 17:109

Lessening the Mens Rea Requirement for Hazardous Waste Violations, 16:419

"One for the Road"—The Reliability of Retrograde Extrapolation and the Implication for Vermont Statutes, 16:395

People Who Live in Glass Houses Should Not Build in Vermont: The Need for a Statute of Limitations for Architects, 9:101

The Need to Abolish Defenses to Crime: A Modest Proposal to Solve the Problem of Burden of Persuasion, 14:335

The Regulation of the Practice of Law, Practice and Procedure, and Court Administration in Vermont—Judicial or Legislative Power?, 8:211

**PROBATE**

Estate Planning for the Family with a Disabled Child, 14:529

The Appointment of Guardians by Will: A Comparison of Vermont's Statutory Provisions with the Provisions of the Uniform Probate Code, 4:275

**PRODUCTS LIABILITY**

The Food and Drug Administration's Power to Recall a Harmful Product and Other Remedial Actions: The Powerless Consumer, 10:129

**PROPERTY**

Aboriginal Title: Abenaki Indian Land Claim in Vermont, 16:611

Ancient New England Highways: The Hanover "Greenways" Controversy, 9:373

And Now We Are Here on a Darkling Plain, 13:635

And Now We Have Four Systems@, 12:1

Casino Development in Atlantic City: Abuses and Remedies, 10:383

Economic Implications of Wider Compensation for "Takings" or, What if Agricultural Policies Ruled the World?, 17:723

Estate Planning for the Family with a Disabled Child, 14:529

Farmland Preservation in Vermont and the Creative Use of Land Trusts, 11:603

Fence Viewers and Division Fences in Vermont: New Expectations, 8:433

Groundwater Rights in Vermont: *Drinkwine v. State*, 4:189

*Haner v. Bruce*: Failure to Accord to the Present Realities of the Real Estate Recording System, 12:283

Keeping Faith: Fiduciary Obligations in Property Owners Associations, 11:421

Marking the Line Between Criminal Fraud and Commercial Misfortune: The Amendment of Vermont's Law of False Pretense, 7:125

Nonpossessory Prejudgment Attachments of Real and Personal Property in Vermont, 3:217

On from *Mount Laurel*: Guidelines on the "Regional General Welfare", 1:23

- Planning Law in the 1980's: What Do We Know About It?, 7:205
- Property Tax Exemptions for Nonprofit Organizations in Vermont, 6:217
- Recreational Rights in Public Water Overlying Private Property, 8:301
- Regulatory Takings: Coherent Concept or Logical Contradiction?, 17:647
- Successor Landowner Liability Under the Vermont Hazardous Waste Act of 1985, 10:487
- Taking Risks: Executive Order 12,630 and Environmental Health and Safety Regulation, 14:213
- Taxation of Preservation Interests as Property in Vermont, 5:161
- The Public Trust Doctrine and Federal Condemnation: A Call for Recognition of a Federal Common Law, 15:501
- The Takings Issue and the Due Process Clause: A Way Out of a Doctrinal Confusion, 17:695
- The White River Junction Manifesto, 9:193
- Valuation of Business Inventory Under Vermont's Personal Property Tax: A Proposal to Abolish the Existing System of April 1 Valuation and to Adopt Average Valuation Appraisal, 1:203
- Vermont Law Governing Standing in Zoning Appeals: An Argument for Expansion, 12:217
- Vermont's Law of Promises Running with the Land: Formal Restraints on a Practical Doctrine, 6:437
- Where Are South Carolina and the Supreme Court Taking Us?, 16:1111
- Zoning—Right of Town to Deny State Agency a Zoning Permit—*Vermont Division of State Buildings v. Town of Castleton Board of Adjustment*, 138 Vt. 250, 415 A.2d 188 (1980), 6:309
- Zoning Variance Administration in Vermont, 8:371

#### **PUBLIC HEALTH AND WELFARE**

- A Constitutional Right to a Healthful Environment, 16:1063
- Moving Beyond Risk in Assessing Technological Artifacts: The Case of Recombinant Bovine Somatotropin, 16:667

**PUBLIC INTEREST**

"A Plague of Lawyers"? Law and the Public Interest, 2:1

Application of the Mootness Doctrine to Citizen Suits Under the Clean Water Act After *Gwaltney of Smithfield v. Chesapeake Bay Foundation, Inc.*: Polluters Can't Escape the Controversy, 14:273

*In Re New England Telephone & Telegraph Co.*: The Scope of Authority of Counsel for the Public in Utility Rate Cases, 4:141

The Empire State SLAPPs Back: New York's Legislative Response to SLAPP Suits, 17:925

The Environmental Challenge: What We Must Do To Survive, 14:550

The Logic and Limits of Public Information Mandates Under Federal Hazardous Waste Law: A Policy Analysis, 14:559

**PUBLIC UTILITIES**

Introduction to Symposium: Hydroelectric Power in New England, 5:189

*In Re New England Telephone & Telegraph Co.*: The Scope of Authority of Counsel for the Public in Utility Rate Cases, 4:141

Interface Between Developers of Small Hydro Projects and Utilities, 5:313

The Role of the Federal Energy Regulatory Commission in Licensing Small Hydroelectric Projects, 5:279

The Vermont Department of Public Service's New Found Power Under Senate Bill 130: A Case of Conflicting Interests, 12:517

**REMEDIES**

A Problem of Post-Judgment Executions in Vermont-Sheriffs' Liability, 2:117

Nonpossessory Prejudgment Attachments of Real and Personal Property in Vermont, 3:217

The Remedies Available to Candidates Who Are Defamed by Television or Radio Commercials of Opponents, 11:33

Trustee Process Against Earnings in Vermont, 5:133

Vermont's Close Jail Execution: Physical Incarceration of the Wilful and Malicious Tortfeasor, 3:165

**SCIENCE AND TECHNOLOGY**

Government Regulation of the Pursuit of Knowledge: The Recombinant DNA Controversy, 3:83

Medical Breakthroughs in Human Fetal Tissue Transplantation: Time to Reevaluate Legislative Restrictions on Fetal Research, 13:373

Moving Beyond Risk in Assessing Technological Artifacts: The Case of Recombinant Bovine Somatotropin, 16:667

Patenting Transgenic Animals: When the Cat's Away, the Mice Will Play, 17:875

Solving the Pound Animal Controversy: A Proposed Amendment to the Animal Welfare Act, 15:369

**SECURITIES**

A Critique of the Vermont Securities Act: Is Vermont's "Blue Sky" Really Grey?, 11:131

Insider Trading: The Current Move Toward Increasing Civil and Criminal Liability for an Ill-Defined Crime and the Need for a Definition, 14:79

Regulation of Investment Newsletter Publishers: The SEC's Power Reaches a New *Low*, 11:175

The Battle Against Insider Trading: Are We Paying Too High a Price for Too Little Gain?, 14:457

The Sale of Business Doctrine: *Landreth* Adds New Life to the Anti-Fraud Provisions of the Securities Acts, 11:1

**SPORTS LAW**

Assumption of Risk after *Sunday v. Stratton Corporation*: The Vermont Sports Injury Liability Statute and Injured Skiers, 3:129

**STATE AND LOCAL GOVERNMENT**

A Constitutional Analysis of Gubernatorial Succession Provisions in Vermont, 17:235

A Crisis in Confidence: Municipal Officials Under Fire, 16:579

Against the Stream: An Introduction to the Vermont Law Review Symposium on the Revolution in State Constitutional Law, 13:13

Ancient New England Highways: The Hanover "Greenways" Controversy, 9:373

Are We an Over-Regulated Society, 8:55

Contributions of State Constitutional Law to the Third Century of American Federalism, 13:49

Federalism and State Constitutions, 13:127

Oregon's Constitutional Renaissance: Federalism Revisited, 13:107

State Constitutional Law in Maine: At the Crossroads, 13:61

State Constitutional Law: An Attorney General's Perspective, 13:337

Target Defendants and Tort Law Reform: A Perspective on Medical Malpractice and Municipal Liability, 11:535

The Indian Gaming Regulatory Act: A Forum for Conflict Among the Plenary Power of Congress, Tribal Sovereignty, and the Eleventh Amendment, 18:127

The Right to "Equal Privileges and Immunities": A State's Version of "Equal Protection", 13:221

### TAXATION

*Bieling v. Malloy* and Equal Protection: What Does the Poll Tax Have to Do with Drivers' Licenses, Anyway?, 1:163

Changing Vermont's Current Use Appraisal Program to Provide Property Tax Incentives for Conservation Easements, 17:165

Property Tax Exemptions for Nonprofit Organizations in Vermont, 6:217

Reining in the Unruly Horse: The Public Policy Test for Disallowing Tax Deductions, 9:11

Taxation of Preservation Interests as Property in Vermont, 5:161

Taxing Vermonters for Education: Reform of the Property Tax, 15:479

Valuation of Business Inventory Under Vermont's Personal Property Tax: A Proposal to Abolish the Existing System of April 1 Valuation and to Adopt Average Valuation Appraisal, 1:203

**TEXAS LAW**

Privacy and the Texas Constitution, 13:155

**TORTS**

Abandonment of *Lex Loci Delicti*? Toward a Functional Approach to Choice-of-Law in Vermont, 2:133

Arbitration: An Antidote to New York's Medical Malpractice Crisis, 11:577

Assumption of Risk after *Sunday v. Stratton Corporation*: The Vermont Sports Injury Liability Statute and Injured Skiers, 3:129

Duty to Aid the Endangered Act: The Impact and Potential of the Vermont Approach, 7:143

Expanding Loss of Consortium in Vermont: Developing a New Doctrine, 12:157

Extending a Psychotherapist's Duty to Warn Beyond Protecting Life: Who Should Lock the Barn Door?, 11:353

*Greenmoss Builders v. Dun & Bradstreet*, 10:205

Medical Malpractice, Contract or Tort: The Vermont Statute of Frauds, 10:99

No Contribution Among Joint Tortfeasors: The Rule That Has Fooled the Courts and Foiled the Vermont Legislature, 7:337

Parents' "Pecuniary Injuries" for the Wrongful Death of an Adult Child: Where is the Love?, 12:57

People Who Live in Glass Houses Should Not Build in Vermont: The Need for a Statute of Limitations for Architects, 9:101

Reopening and Modifying Awards in Vermont Workers' Compensation Cases, 9:289

Respect for Law and Man: The Tort Law of Chief Justice Frank Rowe Kenison, 11:389

Rule or Reason in Choice of Law: A Comment on *Neumeier*, 1:1

*Russo v. Griffin*: The Death of Vermont's Locality Rule in Legal Malpractice, 12:295

Standard of Care, Duty, and Causation in Failure to Warn Actions Against Mental Health Professionals, 11:343

Target Defendants and Tort Law Reform: A Perspective on Medical Malpractice and Municipal Liability, 11:535

The Battle of Lake Champlain—Interstate Pollution and the Inadequacy of the Judicial Process: *Vermont v. New York*, 1:175

The Compensability of Mental Injuries Under Vermont's Workers' Compensation Act, 8:145

The Dynamics of Tort Law: Court or Legislature?, 4:35

The Remedies Available to Candidates Who Are Defamed by Television or Radio Commercials of Opponents, 11:33

Toxic Substance Safety Statute Violations: Should Vermont Adopt the Negligence Per Se with Excuse Doctrine?, 10:151

Workplace Defamation: Public Policy, Compelled Self-Publication, and the Vermont Constitution, 16:341

#### TRANSPORTATION LAW

Transportation Control Plans Under the 1990 Clean Air Act as a Means for Reducing Carbon Dioxide Emissions, 16:711

#### TRIBUTES

A Tribute to Chief Justice Albert Wilkins Barney, 8:203

In Honor of Albert W. Barney, 8:209

Judge Albert W. Coffrin, 18:1

Judge Albert W. Coffrin, 18:3

Judge Edward J. Costello, 18:5

Judge Sterry R. Waterman, 9:1

Respect for Law and Man: The Tort Law of Chief Justice Frank Rowe Kenison, 11:389

Sterry R. Waterman—An Appreciation, 9:7

The Uncommon Man—A Tribute to Judge Frank G. Mahady, 17:1

Thomas Lawlor Hayes, 13:7

**VERMONT LAW**

- A Constitutional Analysis of Gubernatorial Succession Provisions in Vermont, 17:235
- A Crisis in Confidence: Municipal Officials Under Fire, 16:579
- A Critical Look at Vermont's New Child Custody Law, 11:671
- A Critique of the Vermont Securities Act: Is Vermont's "Blue Sky" Really Grey?, 11:131
- A Farewell to Side Judges; Or, Are We Available?, 10:321
- A Problem of Post-Judgment Executions in Vermont-Sheriffs' Liability, 2:117
- A Proposal for Improving Vermont's Statutory Requirements for Planned Unit Development, 14:591
- A Proposal to Ban Sexual Orientation Discrimination in Private Employment in Vermont, 15:435
- A Response to Low-Level Radioactive Waste Disposal Policy in Vermont: An Assessment of Act 296*, 16:1169
- A Right to Treatment: Promoting the Interests of Minors in State Custody in Vermont, 15:227
- A Suggested Interpretation of Vermonts DR 7-104(A)(1): The Employment Attorney's Perspective on Contacting Employees of an Adverse Business Organization, 18:95
- A Tribute to Chief Justice Albert Wilkins Barney, 8:203
- Abandonment of *Lex Loci Delicti*? Toward a Functional Approach to Choice-of-Law in Vermont, 2:133
- Aboriginal Title: Abenaki Indian Land Claim in Vermont, 16:611
- Abortion Choice and the Law in Vermont: A Recent Study, 7:281
- Act 230: Cost Containment, Deregulation, and the Reform of Special Education in Vermont, 17:195
- Act 250's "Necessary Wildlife Habitat" Definition: How Much Wildlife Does It Embrace?, 12:531
- Adequacy in Education: An Analysis of the Constitutional Standard in Vermont, 18:7

An Analysis of the Constitutionality of the Vermont Hate Motivated Crimes Statute in Light of the United States Supreme Court's Decisions in *R.A.V. v. City of St. Paul* and *Wisconsin v. Mitchell*, 18:771

An Automatic Standing Rule May Be Promulgated Under Article 11 of the Vermont Constitution, 10:459

Antinuclear Demonstrations and the Necessity Defense: *State V. Warshaw*, 5:103

Assumption of Risk after *Sunday v. Stratton Corporation*: The Vermont Sports Injury Liability Statute and Injured Skiers, 3:129

Bail and the Dangerous Defendant: The Effect of *Pray* and *Cyr* on the Use of Preventive Conditions, 2:217

*Bieling v. Malloy* and Equal Protection: What Does the Poll Tax Have to Do with Drivers' Licenses, Anyway?, 1:163

Billboard Blight: Is the Aesthetic Quality of Vermont's Landscape in Jeopardy After *Metromedia?*, 9:341

Caseflow Management and Backlog Reduction: An Examination of Vermont's Superior Court Program, 9:247

Changing Vermont's Current Use Appraisal Program to Provide Property Tax Incentives for Conservation Easements, 17:165

Closing the Loophole: Vermont's Legislative Response to Stalking, 18:477

Constitutionality of Vermont's Criminal Statute on Imprisonment For Debt—*State v. Carpenter*, 138 Vt. 140, 412 A.2d 285 (1980), 6:317

Criminal Law Reform in Vermont: The Proposal to Exclude Evidence of the Victim's Character in Forcible Rape Cases, 1:215

Cross-Examination of Psychiatric Witnesses Under the Vermont Patient's Privilege when the Issue of Insanity is Raised, 3:191

Custodial Interrogation in Vermont After *State v. Hohmon*, 5:383

Daring to Care While Tending to Justice: An Argument for the Reform of *Parens Patriae* and Vermont's Juvenile Justice Code, 17:595

Determining "Best Interests" of the Child in Divorce Custody Disputes: A Procedural Approach, 9:311

Dismissal of State Employees—The Requirement of Notice as an Element of Just Cause—*In re Yashko*, 138 Vt. 364, 415 A.2d 1322 (1980), 5:444

Divorce Decree—Standard of Review for Issues of Custody, Visitation, Division of Property and Child Support—*Palmer v. Palmer*, 138 Vt. 412, 416 A.2d 143 (1980), 5:425

Do All Judges Have to Be Lawyers? Side Judges in Vermont: The Case of *State v. Dunkerley*, 3:147

Do Sixteen and Seventeen Year Old Criminal Defendants in Vermont Need a Guardian Ad Litem?, 5:361

Due Process and Vermont's Abuse Prevention Statute, 7:185

Duty to Aid the Endangered Act: The Impact and Potential of the Vermont Approach, 7:143

Enhancing the Vermont Townscape: Design Review, 7:363

Exclusionary Rule—Irregularities of Prior Arrest Do Not Vitiating Governor's Extradition Warrant—*In re Saunders*, 138 Vt. 259, 415 A.2d 199 (1980), 5:434

Expanding Loss of Consortium in Vermont: Developing a New Doctrine, 12:157

Expert and Opinion Evidence in Vermont: Developments, Profiles, and Emerging Concerns for Reliability of Scientific Evidence, 17:109

Extending a Psychotherapist's Duty to Warn Beyond Protecting Life: Who Should Lock the Barn Door?, 11:353

Farmland Preservation in Vermont and the Creative Use of Land Trusts, 11:603

Fence Viewers and Division Fences in Vermont: New Expectations, 8:433

Formal Enforcement of Act 250, 10:469

Full Faith and Credit and the Recognition of Foreign Alimony Decrees in Vermont, *Berger v. Berger* 138 Vt. 367, 417 A.2d 921 (1980), 6:539

Gender Bias Against Fathers in Custody? The Important Difference Between Outcome and Process, 18:215

Grandparents' Statutory Right to Petition for Visitation: Vermont and the National Framework, 10:55

*Greenmoss Builders v. Dun & Bradstreet*, 10:205

Groundwater Rights in Vermont: *Drinkwine v. State*, 4:189

Guardianship for the Adult: A Need for Due Process Protections in Vermont, 4:95

*Haner v. Bruce*: Failure to Accord to the Present Realities of the Real Estate Recording System, 12:283

Hazardous Waste Cleanup: Trying to Keep the Sleeping Ogre Asleep, 14:247

Hear No Evil, See No Evil: *In re Spencer* and the Twilight of Judicial Scrutiny in Vermont, 14:501

Home Confinement as a Condition of Probation: A Proposal for Vermont, 12:123

In Honor of Albert W. Barney, 8:209

*In re Quechee Lakes Corporation*: Mitigating Aesthetic Environmental Damage or an Eyesore on Act 250 Land Use Protections?, 16:541

Jar Wars in the Green Mountain State: Vermont's Drug Use Testing Act Has the Potential To Be the Best in the Nation, 13:593

Judge Albert W. Coffrin, 18:1

Judge Albert W. Coffrin, 18:3

Judge Edward J. Costello, 18:5

Judge Sterry R. Waterman, 9:1

Judicial Review of Criminal Convictions Based on Circumstantial Evidence, 6:197

Jurisdiction Over Adjudications Involving the Abenaki Indians of Vermont, 10:417

Juvenile Proceedings: Changed Circumstances—The Procedural Obstacle to Termination of Parental Rights, 2:191

Leaving the Scene: Aesthetic Considerations in Act 250, 4:163

Legislative Control Over the Uranium Industry in Vermont: Flirting with Preemption, 7:315

Legislative Review of Agency Rule-Making: Vermont's Antlerless Deer Hunting Regulation, 11:105

Living Without Principles: *State v. Brunelle* and the Vermont Supreme Court, 13:347

Low-Level Radioactive Waste Disposal Policy in Vermont: An Assessment of Act 296, 16:639

Marking the Line Between Criminal Fraud and Commercial Misfortune: The Amendment of Vermont's Law of False Pretense, 7:125

Maternity Leave for Vermonters: The Good News and the Bad News, 14:179

Medical Malpractice, Contract or Tort: The Vermont Statute of Frauds, 10:99

No Contribution Among Joint Tortfeasors: The Rule That Has Fooled the Courts and Foiled the Vermont Legislature, 7:337

Nonpossessory Prejudgment Attachments of Real and Personal Property in Vermont, 3:217

"One for the Road"—The Reliability of Retrograde Extrapolation and the Implication for Vermont Statutes, 16:395

Parents' "Pecuniary Injuries" for the Wrongful Death of an Adult Child: Where is the Love?, 12:57

Party Status and Standing Under Vermont's Land Use and Development Law (Act 250), 2:163

People Who Live in Glass Houses Should Not Build in Vermont: The Need for a Statute of Limitations for Architects, 9:101

Post-Traumatic Stress Disorder as an Insanity Defense in Vermont, 9:69

Precedent and the *Jewett* Admonition, 10:447

Precharge Diversion of the Youthful Offender in Vermont: Right to Counsel, 1:143

Presumption of Intoxication—Vt. Stat. Ann. tit. 23, § 1204(a)(3) Creates a Permissive Inference and Not a Rebuttable Presumption as Previously Interpreted—*State v. Dacey*, 138 Vt. 491, 418 A.2d 856 (1980), 5:407

Private Schools in Vermont: The "Equivalency Exception" to Compulsory Public School Attendance—*State v. LaBarge*, 2:205

Property Tax Exemptions for Nonprofit Organizations in Vermont, 6:217

Prosecutorial Misconduct and Jury Challenges—Application of the Harmless Error Doctrine—*State v. Hohman*, 138 Vt. 502, 420 A.2d 852, 6:299

Protecting Liberty Interests: Developments in Vermont's Mental Health Law as Federal Constitutional Protection Declines, 9:265

Public Access to Pretrial Hearings, 6:415

Rape: Adding Insult to Injury, 11:361

Recreational Rights in Public Water Overlying Private Property, 8:301

Regulation of Energy Developments in the Green Mountain National Forest: Is Vermont Law Preempted?, 7:97

Reopening and Modifying Awards in Vermont Workers' Compensation Cases, 9:289

Restricting the Right to Bail: Vermont's New Constitutional Bail Amendment, 8:347

Retaliatory Discharge and Vermont's Need for an Exception to the "Rule", 9:151

*Russo v. Griffin*: The Death of Vermont's Locality Rule in Legal Malpractice, 12:295

Revising Vermont's Criminal Code, 12:307

Standard of Care, Duty, and Causation in Failure to Warn Actions Against Mental Health Professionals, 11:343

State Constitutional Law: An Attorney General's Perspective, 13:337

State Courts in a Time of Federal Constitutional Change, 13:323

State Regulation of Private Church Schools: An Examination of Vermont's Act 151, 8:75

*State v. Catsam*: A Clarification of Evidentiary Standards in Vermont Child Sexual Abuse Cases, 12:485

*State v. Whitingham School Board*: A Unique Employment Discrimination Loophole for Vermont Employers, 6:119

Sterry R. Waterman—An Appreciation, 9:7

Subsidiary Conduct as a Basis for Long-Arm Jurisdiction Over a Parent Corporation in Vermont, 3:111

Successor Landowner Liability Under the Vermont Hazardous Waste Act of 1985, 10:487

Aggravated Assault—Authenticating Tape Recordings, Custodial Interrogation, and Psychiatrist-Patient Privilege—*State v. Mecier*, 138 Vt. 149, 412 A.2d 291 (1980), 5:416

Taxation of Preservation Interests as Property in Vermont, 5:161

Taxing Vermonters for Education: Reform of the Property Tax, 15:479

The "Sibling State" Approach to the Vermont Constitution: Post-Arrest, Pre-Miranda Silence in Vermont, 13:357

The Appointment of Guardians by Will: A Comparison of Vermont's Statutory Provisions with the Provisions of the Uniform Probate Code, 4:275

The Compensability of Mental Injuries Under Vermont's Workers' Compensation Act, 8:145

The Creation of Employment Terms to Govern Public Employees in the Interim Between Collective Bargaining Agreements—*Vermont State Employees Ass'n v. State*, 3:229

The Effect of Act 250 on Prime Farmland in Vermont, 6:467

The General Duty Clause of the Vermont Occupational Safety and Health Act, 4:305

The Need for Exacting Legislation Regulating the Shipment of Radioactive Wastes in Vermont, 8:407

The Negotiating Impasse in Labor Relations for Teachers, 5:39

The Principle Problem: *State v. Jewett* and the New Judicial Federalism, 10:437

The Proposed Administrative License Suspension Procedures in Vermont: How Much Process Are Drunken Drivers Due?, 11:75

The Regulation of Campaign Finance in Vermont: More Loophole Than Law, 6:237

The Regulation of the Practice of Law, Practice and Procedure, and Court Administration in Vermont—Judicial or Legislative Power?, 8:211

The Relation of the Equitable Doctrine of Subrogation to Vermont's Strict Foreclosure Laws, 7:71

The Right to Bear Arms in the First State Bills of Rights: Pennsylvania, North Carolina, Vermont, and Massachusetts, 10:255

The Serious Young Offender Under Vermont's Juvenile Law: Beyond the Reach of *Parens Patriae*, 8:173

The Standard of Review in Equal Protection and Due Process Challenges to Vermont's Blue Laws, 6:173

The Uncommon Man—A Tribute to Judge Frank G. Mahady, 17:1

The Use of Classifications Based on Gender and Marital Status in Insurance: Current Vermont Law, 11:685

The Vermont Department of Public Service's New Found Power Under Senate Bill 130: A Case of Conflicting Interests, 12:517

The Vermont Labor Relations Board's Role in Grievance Proceedings: Let's Make This Process Work, 12:429

The Vermont Supreme Court: "Guilty" of Judicial Legislating?, 11:661

The West Coast of New England: A Case for the Inclusion of Lake Champlain in the Federal Coastal Zone Management Program, 16:749

Thomas Lawlor Hayes, 13:7

Toward a Theory of State Constitutional Jurisprudence: A Judge's Thoughts, 13:145

Toxic Substance Safety Statute Violations: Should Vermont Adopt the Negligence Per Se with Excuse Doctrine?, 10:151

Transferable Development Rights in Vermont: Is There a Taking Problem?, 13:715

Trustee Process Against Earnings in Vermont, 5:133

Vagueness and Overbreadth: The Constitutional Challenges to Vermont's Land Use and Development Law (Act 250), 5:329

Vermont Adults Only Communities and the Fair Housing Act, 14:161

Vermont Law Governing Standing in Zoning Appeals: An Argument for Expansion, 12:217

Vermont Rule of Evidence 807 and the Confrontation Clause, 10:497

Vermont Task Force Report on Gender Bias in the Legal System: *Introduction* and *Executive Summary*, 15:395

Vermont's Blood Alcohol Test: Illegal Search and Seizure?, 2:93

Vermont's Business Corporation Law: A Call for Much Needed Reform, 17:3

Vermont's Children in Need of Care or Supervision: Judicial Discretion or Definition?, 8:119

Vermont's Close Jail Execution: Physical Incarceration of the Wilful and Malicious Tortfeasor, 3:165

Vermont's Efforts to Protect Mobile Home Park Tenants: Is There a Taking?, 16:1027

Vermont's Law of Promises Running with the Land: Formal Restraints on a Practical Doctrine, 6:437

Vermont's Mootness Doctrine, 4:257

Vermont's New Debtor's Exemption Statute, 13:609

Vermont's New Groundwater Law, 10:479

Vermont's Public School Finance System: A Constitutional Analysis, 12:239

Vermont's Voluntary Sterilization Statutes and the Rights of the Mentally Handicapped, 4:331

Victimizing the Child Victim: Vermont Rule of Evidence 807 and Trauma in the Courtroom, 11:631

Victims' Rights: Vermont's New Law, 11:695

Visitation in the Domestic Violence Context: Problems and Recommendations, 14:57

Workplace Defamation: Public Policy, Compelled Self-Publication, and the Vermont Constitution, 16:341

Zoning—Right of Town to Deny State Agency a Zoning Permit—*Vermont Division of State Buildings v. Town of Castleton Board of Adjustment*, 138 Vt. 250, 415 A.2d 188 (1980), 6:309

Zoning Variance Administration in Vermont, 8:371

### WATER LAW

After *Lucas*: No More Wetland Takings?, 17:683

Application of the Mootness Doctrine to Citizen Suits Under the Clean Water Act After *Gwaltney of Smithfield v. Chesapeake Bay Foundation, Inc.*: Polluters Can't Escape the Controversy, 14:273

Groundwater Rights in Vermont: *Drinkwine v. State*, 4:189

Introduction to Symposium: Hydroelectric Power in New England, 5:185

Protecting Common Property Resources Through the Marketplace: Individual Transferable Quotas for Surf Clams and Ocean Quahogs, 16:1127

Recreational Rights in Public Water Overlying Private Property, 8:301

Small Hydropower Development and the Environment: A Survey of State and Federal Law, 5:251

The Battle of Lake Champlain—Interstate Pollution and the Inadequacy of the Judicial Process: *Vermont v. New York*, 1:175

The Common Law of Waterpower in New England, 5:201

The West Coast of New England: A Case for the Inclusion of Lake Champlain in the Federal Coastal Zone Management Program, 16:749

Vermont's New Groundwater Law, 10:479

Wetland Protection and Section 404 of the Federal Water Pollution Control Act Amendments of 1972: A Corps of Engineers Renaissance, 1:51

#### WOMEN AND THE LAW

"Lady" Justice: Power and Image in Feminist Jurisprudence, 15:69

A Counsellor's Crisis: Protecting Witnesses' Privacy Rights in Sexual Assault Prosecutions, 12:497

Abortion Choice and the Law in Vermont: A Recent Study, 7:281

Beyond the Juror's Ken: Battered Women, 7:1

Closing the Loophole: Vermont's Legislative Response to Stalking, 18:477

Criminal Law Reform in Vermont: The Proposal to Exclude Evidence of the Victim's Character in Forcible Rape Cases, 1:215

Distinguishing Rape: A Definitive Approach to Sexual Assault, 10:353

Exploring the Limits: Feminism and the Legal Regulation of Gay Male Pornography, 16:857

From Gender Difference to Feminist Solidarity: Using Carol Gilligan and an Ethic of Care in Law, 15:1

Introduction: Coping with Family Violence—Strategies and Tactics for the 1980's, 6:325

Listening to Dr. Fiske: The Easy Case of *Price Waterhouse v. Hopkins*, 15:89

Maternity Leave for Vermonters: The Good News and the Bad News, 14:179

On Doing the Right Thing: Education Work in the Academy, 15:125

**Rape: Adding Insult to Injury, 11:361**

**Sexual Harassment Between Peers Under Title VII and Title IX: Why Girls Just Can't Wait to be Working Women, 16:303**

**Stumbling Blocks and Stepping Stones: Newcomers' Guide to Perilous Terrain in Law School, 15:165**

**Surviving Legal De-Education: An Outsider's Guide, 15:139**

**The Gender Gap in the Law School Classroom—Beyond Survival, 14:23**

**The Implications of Inadequate Maternity Leave Policies Under Title VII, 16:223**

**The Membership of Judges in Gender Discriminatory Private Clubs, 12:459**

**The Reasonable Woman in Sexual Harassment Law and the Case for Subjectivity, 16:1005**

**The Spousal Exemption for Criminal Rape Prosecution, 7:33**

**Vermont Task Force Report on Gender Bias in the Legal System: *Introduction and Executive Summary*, 15:395**

**Visitation in the Domestic Violence Context: Problems and Recommendations, 14:57**



## **Vermont Law Review**

### **Call For Articles**

*Vermont Law Review* seeks articles, commentaries, essays and book reviews concerning recent developments in state and federal law.

Interested authors are encouraged to forward their submissions to:

Vermont Law School  
Articles Editor  
*Vermont Law Review*  
Chelsea Street  
South Royalton, VT 05068  
(802) 763-8303