

2003

Table of Contents, Volume 42, Number 1, Fall 2003

Follow this and additional works at: <https://dsc.duq.edu/dlr>



Part of the [Law Commons](#)

Recommended Citation

Table of Contents, Volume 42, Number 1, Fall 2003, 42 Duq. L. Rev. [iii] (2003).

Available at: <https://dsc.duq.edu/dlr/vol42/iss1/2>

This Front Matter is brought to you for free and open access by Duquesne Scholarship Collection. It has been accepted for inclusion in Duquesne Law Review by an authorized editor of Duquesne Scholarship Collection.

Duquesne Law Review

Volume 42, Number 1, Fall 2003

© DUQUESNE UNIVERSITY, 2003-2004

Articles

THE INHERENT POWER OF THE FEDERAL COURTS TO COMPEL PARTICIPATION IN NONBINDING FORMS OF ALTERNATIVE DISPUTE RESOLUTION

Amy M. Pugh and Richard A. Bales 1

This article argues that the federal district courts have the inherent authority to compel litigants to participate in nonbinding Alternative Dispute Resolution processes, when local statutes or rules are not in place to authorize such compulsion. The authors assert five reasons why they believe the courts have this power: (1) the federal courts' inherent powers are necessary to manage the courts' affairs; (2) inherent powers are key to achieving the orderly and expeditious disposition of cases; (3) the courts' inherent powers are strong, giving courts the ability to control the conduct of those appearing before them; (4) the use of Alternative Dispute Resolution eases crowded dockets by fostering settlement; and (5) all civil cases are to use Alternative Dispute Resolution processes.

REMOTE VENDOR CIGARETTE SALES, TRIBAL SOVEREIGNTY, AND THE JENKINS ACT: CAN I GET A REMEDY?

Jonathan I. Sirois 27

The article examines the statutory and jurisprudential issues pertaining to remote vendor sales of cigarettes from tribal lands. This author suggests that the Jenkins Act contains mechanisms that are intended to ensure the collection of state

cigarette excise taxes while leaving intact the doctrines of tribal sovereignty and sovereign immunity. The author concludes that the Jenkins Act can accomplish these goals if properly enforced.

Comments

REVIEWING THE CURRENT STATE OF GOVERNMENT REGULATION OF INVESTMENT ADVISORS
Susan Heinemann 113

AN EXPLORATION OF THE UNINTENDED TEMPORAL EXTENSION OF THE PLANT PATENT TERM
Colleen R. Butcher 137

Recent Decisions

THE STANDARD OF PROOF FOR FEDERAL TRADEMARK DILUTION CLAIMS HAS RECENTLY BEEN SHARPENED BY THE UNITED STATES SUPREME COURT, THEREBY ELIMINATING THE “LIKELIHOOD OF DILUTION” STANDARD: *MOSELEY V. VICTORIA’S SECRET CATALOGUE, INC.*
Christian M. Best 159

A STATE MAY, CONSISTENT WITH THE DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT, SEEK THE DEATH PENALTY ON RETRIAL FOLLOWING A JURY DEADLOCK AT THE FIRST CAPITAL-SENTENCING PROCEEDING AND RESULTING DEFAULT SENTENCE OF LIFE IMPRISONMENT: *SATTAZAHN V. PENNSYLVANIA*
James R. Franks..... 177

FEDERAL HABEAS RELIEF, UNDER THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT, IS UNWARRANTED WHERE A STATE COURT IMPOSES A SENTENCE THAT IS NOT CONTRARY TO, OR AN UNREASONABLE APPLICATION OF, CLEARLY ESTABLISHED FEDERAL LAW: *LOCKYER V. ANDRADE*
Jude A. Thomas 201