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Current United States Supreme Court doctrine holds that fire department personnel can enter and remain on private property to investigate the cause of a fire and to seize incriminating evidence without a search warrant. After reviewing the questionable application of this doctrine, the Author concludes that the same Fourth Amendment requirements that apply to traditional law enforcement officers should also apply to fire investigators as quasi-law enforcement officials.

A DAMAGED REMEDY: DISABILITY DISCRIMINATION CLAIMS AGAINST STATE ENTITIES UNDER THE AMERICANS WITH DISABILITIES ACT AFTER <i>SEMINOLE TRIBE</i> AND <i>FLORES</i>	<i>James Leonard</i> 651
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This Article examines the effects of the recent United States Supreme Court decisions in *Seminole Tribe* and *Flores* on the provisions of the Americans with Disabilities Act waiving state sovereign immunity to suit in federal court. Professor Leonard concludes that the waiver is valid for claims alleging intentional discrimination by state entities but not for claims based on disparate impact.

FAMILY TIES: SOLVING THE CONSTITUTIONAL DILEMMA OF THE FAULTLESS FATHER.....	<i>David D. Meyer</i> 753
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Recent cases broadly construing the constitutional rights of unwed biological fathers to a relationship with their children have introduced a significant new measure of insecurity into adoption. In this Article, Professor Meyer argues that legislative efforts to address this insecurity have failed to achieve the goal of maximizing the welfare of children consistent with the constitutional rights of unwed fathers. He proposes a supplementary new model of adoption, permitting adoption without terminating the rights of an unwilling biological parent, and demonstrates how this new form of adoption would better serve the interests of children, without violating the constitutional rights of biological parents.

One of the most controversial jurists of the modern Court, Justice Antonin Scalia asserts that his methodology provides the only legitimate means for interpreting the Constitution. This Article concludes that in both double jeopardy and contempt doctrine, however, Justice Scalia has repeatedly violated his methodological precepts. The Author further maintains that the likely cause for Scalia's departure from his methodology in these cases is ideological—founded in Scalia's hostility to contempt and, more broadly, to judicial power. The Article also explores how Scalia's double jeopardy and contempt jurisprudence has created confusion in the lower courts and thereby inhibited the use of contempt sanctions to enforce civil protection orders in domestic violence cases.

Notes

PROTECTION OF INTELLECTUAL
PROPERTY ON THE WORLD WIDE
WEB: IS THE DIGITAL MILLENNIUM
COPYRIGHT ACT SUFFICIENT?*Jo Dale Carothers* 937

The openness of the World Wide Web raises legal questions surrounding the ability to protect intellectual property while maintaining the Web's flexibility and accessibility. This Note examines copyright law and the Web and concludes that (1) fair use is not adequately defined in the context of the Web, (2) court interpretations are not available, and (3) the new Digital Millennium Copyright Act fails to address many of the issues related to copyright infringement.

THREE MAELSTROMS AND ONE TWEAK:
FEDERAL RULES OF EVIDENCE 413
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In 1994, Congress enacted Federal Rules of Evidence 413, 414, and 415 as part of the Violent Crime Control and Law Enforcement Act. Applicable in civil and criminal cases predicated on sexual assault or child molestation, these rules allow for the introduction of other acts evidence that has long been locked out of the courtroom. The new federal rules raise due process concerns, may unfairly prejudice defendants, and possibly undermine other rules of evidence. Arizona is one of the few states to amend its evidence law in response to the federal changes, recently promulgating evidence Rule 404(c). But the Arizona rule demonstrates marked differences from its federal counterparts. This Note examines the federal and Arizona changes, highlighting their distinctions and arguing for the superiority of the Arizona approach.

EDITOR'S NOTE:

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