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Volume 39

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Number 2

Forward: Remembering Stacia Hollinshead
James LeVaultix

ARTICLES

Method Matters: Statutory Construction Principles and the Illinois Trade
Secrets Act Preemption Puzzle in the Northern District of Illinois
William Lynch Shaller..... 195

Appellate methodology makes a difference when it comes to the interplay between statutes and judge-made law. The Illinois Trade Secrets Act (ITSA) through its preemption provisions abolishes some non-statutory claims and preserves others, but the line between the two remains a mystery—a mystery of extraordinary importance to those with information not rising to the level of trade secrets. Illinois state and federal appellate decisions have not improved matters: for over 30 years these appeals courts have failed to follow standard statutory construction rules and have yet to articulate a rationale justifying their opinions for or against preemption. This flawed methodology produced nearly 50 Illinois district court published rulings between 1992 and 2014 alone, all unable to agree on a rule of decision—a stark illustration of why appellate method matters. These appellate deficiencies will continue to haunt Illinois district court decisions until the Illinois Supreme Court weighs in on the ITSA preemption issue, something that court has never done.

The Inexorable Expansion of Medicaid Expansion
Brendan Williams..... 240

Medicaid expansion to non-elderly adults under the Affordable Care Act (ACA) has come a long way since the U.S. Supreme Court made it optional in its landmark 2012 NFIB vs. Sebelius ruling, and 2018, in particular, was a banner year. In 2018 four states expanded Medicaid, three of them "red states" doing so by voter ballot. Expansion-favoring Democrats were also elected to replace expansion-opposing Republican governors. Strikingly, this success came just a year after Medicaid expansion, and the ACA as a whole, was only saved by a single U.S. Senate vote.

This article examines the early pushback by states against Medicaid expansion, and the eventual evolution into acceptance by many states, dating from the 2012 Court decision through 2017. It then assesses the Medicaid expansion success in 2018 and what that portends for the Medicaid program. Finally, it highlights key challenges that lie ahead.

NOTES AND COMMENTS

Thomas Cromwell’s Influence on the Laws of England: A Basic Review of the English System and Reforms in the Early 16th Century and the Rise of the Act of Attainder
Heather R. Darsie..... 273

Police and Community Relations: Will “To Serve and Protect” be Words the Public Can Ever Trust?
James Volpe 288

In today's society police officers are constantly being criticized as having too much power over the citizens they are sworn to "serve and protect". Unlike before current technological advances, citizens can now see when a police officer uses force. In-squad video cameras, smart phones and police body cameras make it possible for violent encounters with police to be recorded and conveyed to millions of viewers within seconds. And the viewers don't like what they see! Even if the officer's force is well-grounded in the Constitution, there may still be serious negative community reaction to the way the officer handled the incident. This article examines the lost trust between police and the community they serve, and, more importantly, some things that are being done to possibly regain this trust.

Mooove Over Cow’s Milk: Why the FDA Should Amend Their Guidelines to Include for Plant-Based Alternatives
Lauren Harris 301

Along with the rise in plant-based alternatives to conventional animal-based foods has been a concern over the use of terms established by the FDA that are specific to animal-based products. Can companies use terms such as "milk" when the product does not come from an animal or "mayo" when the product does not contain eggs? What if a company uses these terms in violation of the FDA's established guidelines and the FDA chooses not to take action? This article explores the history of the FDA, the rise of plant-based alternatives to conventional animal-based foods, consequent litigation and proposed legislation over the use of these defined terms, as well as a proposed solution that the FDA can adopt to combat this ongoing problem.

A Step Toward Normalizing End-of-Life Care: Implications of the Palliative Care and Hospice Education and Training Act (PCHETA)
Robert Bulanda..... 330

Despite their rapid development in recent decades, hospice and palliative care continue to face challenges to universal acceptance and access throughout American society, as the American population and medical professions are reluctant to move away from traditional preventative care throughout the death and dying process. The Palliative Care and Hospice Education and Training Act (PCHETA) is a federal bill seeking to increase access to palliative and hospice care. This Note analyzes the history of the palliative and hospice care movement and the implications of the PCHETA, arguing that the bill acts as an important step toward normalizing hospice and palliative care among the seriously and terminally ill population in the United States. Specifically, this Note argues that the PCHETA would sufficiently promote an increased workforce among hospice and palliative care professionals and recommends ways that the PCHETA could more sufficiently address the problems of low utilization of hospice care among racial, ethnic, and religious minorities, and the lack of education among health care professionals in end-of-life care and communication.

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