

# Northern Illinois University Law Review

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## Vol. 38, no. 1, Fall 2017: Table of Contents and Masthead

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# Northern Illinois University Law Review

Volume 38

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Number 1

## ARTICLES

Safeguarding Judicial Integrity by Making the Executive Branch’s Unfettered Amicus Gateway Transparent: An Argument for the Supreme Court to Exercise its Inherent Authority to Make Public the President’s Tax and Investment Records

Joshua Kastenberg..... 1

*When the executive branch submits an amicus brief to the federal appellate courts, and most importantly, to the Supreme Court, it has the strength of being considered under a standard of “the best interest of the United States.” This enables a considerable advantage, but without the safeguards commensurate for ensuring that the standard is maintained. Other amicus actors must file a corporate interest statement of other type of disclosure that the Solicitor General is exempt from doing. The history of the Solicitor General should also provide skepticism that the federal courts are immune from being used for nefarious reasons. This article argues that a required public disclosure of presidential financial assets is needed to ensure that judicial integrity and fairness in the appellate process are safeguarded. The Court is able to quickly, through its rule-making authority, mandate such a safeguard.*

Terry v. Ohio at 50: What It Created, What It has Meant, is It Under Attack and is the Court Opening the Door to Police Misconduct?

Jeffrey D. Swartz..... 45

*Fifty years ago, the United States Supreme Court issued their opinion in Terry v. Ohio. The underpinnings of this decision became the bedrock of Fourth Amendment jurisprudence. This article re-examines that decision, and its effect on the development of Fourth Amendment jurisprudence. What is the lasting effect, if any, of Utah v. Strieff and Heien v. North Carolina on Terry? Ultimately, this article is designed to bring the issues forward, and challenge the reader to examine what appears to be innocuous cases, the subtle attack on Terry's objective standards and the individual protections the case created, and whether, after fifty years, is the court is receding from Terry, and, in favor of a good faith exception.*

Understanding the Ethics of Empowerment: An Elder Law Lawyer’s Challenge or Obligation?

Gregory T. Holtz..... 81

*Understanding the Ethics of Empowerment--An Elder Law Lawyer's Challenge or Obligation" considers the concept of empowerment and the obligation lawyers have as they advise and counsel their clients, especially the elderly, in the use of estate planning documents which empower others to*

*undertake responsibility on the client's behalf. The article proposes the lawyer achieve the "good result" for the client as a means of fulfilling that responsibility, applying it in the use of the durable power of attorney, advance directive, and psychiatric advance directive.*

## **NOTES AND COMMENTS**

Honey Bees & Neonicotinoids: Why Pollinators Need More Protections Katherine Headley.....	134
<i>Honey bees are essential for the pollination of copious amounts of fruits, vegetables, and nuts. However due to several factors, including the use of highly toxic pesticides like neonicotinoids, honey bee populations are decreasing at an alarming rate. This Note explores the history of neonicotinoids and their connection to honey bee health before examining several municipal, state, and federal actions taken to curb honey bee loss. This Note proposes that there be a federal baseline for restricting the use of neonicotinoids throughout the United States while allowing individual states to create additional standards based upon specific types of agriculture within their borders. Finally, this Note will propose that Illinois model a proposed heightened standard based on Minnesota's pollinator protection program.</i>	
Wage Theft: Pilfering Paychecks, One Lunch at a Time James D. LeVault.....	165
<i>The United States Department of Labor, Wage and Hour Division is charged with enforcing the payment of minimum wage and overtime to employees. A common problem occurs when an employee performs work during their unpaid lunch. According to DOL regulations, an employee is entitled to payment for time worked whether they were requested to work or if the employer was completely unaware that work was being performed by the employee. Two tests are used to determine whether an employee should be paid for the work performed. The first test is the completely relieved of duty test and the second test is the predominant benefit test. The judicial circuits are split onto which test to use. This Note analyzes both of these tests and recommends the courts forgo the predominant benefit test and adopt the completely relieved of duty test for uniform enforcement across all jurisdictions.</i>	

## **TRIBUTES**

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