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ARTICLES

Nation Building in Africa and the Role of the Judiciary
Justice Modibo Ocran 169

This speech was delivered at Northern Illinois University on April 20, 2007, as part of the Francis X. Riley lecture on professionalism. The speech highlights some of the difficult political issues faced by many African nations in arguing that legal professionalism imposes a duty on the judiciary to contribute to the building of long-term institutions of stability in fragile political environments.

Title II of the Americans with Disabilities Act of 1990 and Its Prohibition of Employment Discrimination
Jamie L. Ireland and Richard Bales 183

Title I of the Americans with Disabilities Act (ADA) prohibits employment discrimination. Title II of the ADA prohibits discrimination in the provision of programs, services, or activities by federal, state, and local government entities. Title I, however, contains significant coverage gaps: federal employees, and employees of employers with less than fifteen employees, are not covered. When these employees are discriminated against on the basis of disability, they often sue under Title II, which does not contain the Title I exclusions. The federal circuit courts are split on the issue of whether the ADA Title II applies to employment discrimination claims. The Ninth Circuit has held that it does not, reasoning that the exclusions in Title I would be meaningless if litigants could back-door their claims via Title II. The Second, Fourth, Fifth, and Eleventh Circuits, however, relying on the plain language of the statute and on Department of Justice regulations, have held that Title II does apply to employment discrimination claims. This article agrees with the latter set of circuits, arguing that such an interpretation is consistent with the statute's plain language, legislative history, legislative intent, and administrative regulations.

Effective Implementation of the Trafficking of Persons and Involuntary Servitude Articles: Lessons from the Criminal Justice System Response to the Illinois Domestic Violence Act

Jennifer A. Kuhn and Alison L. Stankus 215

When the Illinois Domestic Violence Act was enacted in 1986, the General Assembly acknowledged that "the legal system has ineffectively dealt with family violence in the past . . . and has not adequately acknowledged the criminal nature of domestic violence; that, although many laws have changed, in practice there is still widespread failure to appropriately protect and assist victims." However, despite these stated purposes, the criminal justice system response to the Act in the last twenty years has been slow to correct this failure. In 2006, the Trafficking of Persons and Involuntary Servitude Articles were added to the Illinois Criminal Code. As hundreds of thousands of women and children a year are trafficked into the United States from other countries—many of them ending up in Chicago and the Midwest—the addition of these Articles to the Criminal Code is crucial in the effective prosecution and punishment of this growing criminal trend. Because of the similarity of populations that both the IDVA and the Articles address, unless the criminal justice system learns from its failure to effectively implement the IDVA, implementation of the Trafficking Articles will suffer the same fate. To explore this connection, this article critically analyzes the implementation of the IDVA to provide a roadmap for the criminal justice system's response to the Trafficking Articles; using this analysis, it then predicts barriers to effective implementation of the Articles. Specifically, it reflects on how the type of law—here statutes aimed at protecting women and girls—factors into this lag from enactment to implementation. Finally, it recommends steps the criminal justice system can take to learn from its struggle to implement the IDVA, and to improve the chances for effective implementation of the Trafficking Articles.

Atrophied Rights: Maximum Hours Labor Standards under the FLSA and Illinois Law

Scott D. Miller 261

This article examines the evolving political history of, and then compares, the FLSA and Illinois maximum hours labor standards. It shows that worker rights to shorter work hours have steadily atrophied under the FLSA. Illinois law has moved in the opposite direction, providing workers with increasingly more generous (albeit, not particularly strong) statutory rights to shorter work hours than the FLSA. Employers in Illinois must therefore (presently) adhere to the Illinois, rather than the federal, maximum hours labor standards.

COMMENTS

Wi-Fi Signals Capable of Conversion: The Case for Comprehensive Conversion in Illinois
Laura D. Mruk 347

This comment asserts that unauthorized use of another's wireless internet signal is tantamount to conversion and therefore should enjoy the same remedies as any action for conversion. Through first explaining the technology behind wireless internet signals, this comment argues despite the intangibility of wireless internet signals, the unauthorized use of them should be recognized by courts as conversion. By comparing Illinois law to various other states' law, this comment specifically addresses the hurdles presented in Illinois for an action of conversion of wireless internet signals. The author argues that through various theories, including the bundle of rights in property law, and a close examination of recent national and Illinois specific caselaw regarding the conversion of television satellite signals, causes of action for conversion of wireless internet signals should be allowed.

Speech Shouldn't be "Free" at Funerals: An Analysis of the Respect for America's Fallen Heroes Act
Zachary P. Augustine 375

This comment analyzes the facial constitutionality of the protest limitation provisions of the Respect for America's Fallen Heroes Act under the First Amendment's free speech clause and concludes that they are constitutional time, place, and manner restrictions. The Act is facially content-neutral because it does not define the impermissible speech by reference to its content. Further, the Act was enacted for the content-neutral purpose of furthering the government's significant interest of protecting grieving families during funeral services. The restrictions are narrowly tailored because they only restrict speech that actually interferes with, or imminently will interfere with, the funeral service and because absent the restrictions the government's significant interest would be less effectively achieved. Finally, the Act leaves open ample alternative means of communication because of the limited nature of the restrictions and because the type of speech at issue is not so unique that any other form would be inherently inadequate. This comment urges that all states enact similar legislation in order to preserve a grieving family's right to peacefully mourn the loss of a loved one.