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ARTICLES

A Decade of Spouse-Based Immigration Laws: Coverture's Diminishment, but Not Its Demise

Janet Calvo 153

This article argues that legacies of coverture and the resulting legal inequality of women remain in spouse-based immigration laws even after several legislative attempts to address some of the underlying issues. First, there has not been a rejection of the notion of spousal control that underlies coverture. The power to petition, which controls the ability of a non-citizen spouse to live and work and have custody of children in the United States, is basically still the prerogative of a citizen or resident spouse. Second, the mail-order bride business continues without significant limitation on the ability of citizens or residents to dominate and abuse their immigrant wives. Third, while some avenues of relief have been afforded to abused spouses, these changes are insecure because the legislative goal of rejecting domestic violence has subsequently disappeared from the legislative consciousness leading to proposals that would undermine that objective. Coverture in spouse-based immigration has therefore not met its demise and the law continues to sanction the domination of husbands over wives and the underlying gender inequality that this promotes.

The Illinois Estoppel Doctrine Revisited: How Promptly Must an Insurer Act?

Stanley C. Nardoni and John S. Vishneski, III 211

This article discusses three recent decisions of the Supreme Court of Illinois on the Illinois Estoppel Doctrine, which holds that an insurer that breaches its duty to defend will be estopped from denying coverage in any action by the insured to collect policy proceeds. The article explains how these decisions resolve disputes about the scope of the doctrine but leave open a crucial issue concerning an insurer's ability to protect against estoppel by promptly seeking a declaratory judgment as to its duties. The article observes that Illinois Appellate Court decisions conflict on the standard for testing the timeliness of such a declaratory action. The article evaluates the approaches taken on that question and recommends a resolution. A prior article by the same authors on the estoppel doctrine also appears as an appendix.

COMMENTS

The Role of the IRA in Retirement Savings: A Critical Examination with Suggestions for Improvement

Rebecca C. Davenport 255

This comment scrutinizes the role IRAs play in retirement savings by presenting the current law in key areas with a focus on those aspects which call for improvement. Suggestions for improvement include eliminating the back-loaded Roth variety of IRA, encouraging lawmakers to make changes to promote IRA savings among low- and moderate-income individuals, and changing the taxation of IRA withdrawals. While the IRA is the focus of the comment, the suggestions for change are geared toward enhancing the overall retirement landscape.

Judicial Campaign Speech Restrictions in Light of *Republican Party of Minnesota v. White*

Julie Schuering Schuetz 295

*In the United States Supreme Court decision *Republican Party of Minnesota v. White*, a five-to-four majority struck down a judicial campaign speech restriction designed to uphold the impartiality and integrity of the judiciary and left remaining restrictions in serious doubt. This comment examines judicial campaign speech restrictions and suggests, in light of *White*, alternatives for states with elected judiciaries that wish to maintain the impartiality and integrity of their judiciaries. After exploring the tension between a state's compelling interest in maintaining an impartial judiciary and a judicial candidate's First Amendment rights, one possible alternative for dealing with judicial campaign speech that presents itself is the unofficial campaign conduct committee. Through private group action, neither the integrity of the judiciary nor a candidate's right to free speech will be compromised.*

TWENTY-SECOND ANNUAL NORTHERN ILLINOIS UNIVERSITY COLLEGE OF LAW PRIZE MOOT COURT COMPETITION

Thirty-six students participated in the Twenty-Second Annual Northern Illinois University College of Law Prize Moot Court Competition. Each team of students submitted a brief, and participated in at least two rounds of oral arguments. The field of participants was narrowed through the quarter-final and semi-final rounds to two teams that participated in the final arguments. These students advanced to the Final Round based on brief scores and oral scores from the semi-final arguments. The briefs were judged separately and the best petitioner's brief and best respondent's brief are published in this issue of the NORTHERN ILLINOIS UNIVERSITY LAW REVIEW.

Best Petitioner’s Brief	
Patrice Koch and Kimberly Meyers	353
Best Respondent’s Brief	
Laura Anderson and Andrea Donaldson	383