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Northern Illinois University Law Review

Volume 23

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SYMPOSIUM

DOMESTIC VIOLENCE AND VICTIMIZING THE VICTIM: RELIEF, RESULTS, REFORM

ARTICLE

Defending the Indefensible to Further a Later Case: Sanctioning Respondents in Illinois Domestic Violence Cases

David H. Taylor 403

When an act of domestic violence occurs in Illinois, both criminal charges and a civil Domestic Violence Order of Protection may follow. The order of protection may be commenced in conjunction with a criminal charge or may be commenced as an independent action. Therefore, the domestic violence situation is somewhat unique in that the civil case proceeds prior to the resolution of the criminal matter. This creates an opportunity for the respondent to use the order of protection proceeding for two questionable purposes related to the defense of a subsequent criminal charge. First, during the civil proceeding, the respondent may seek to utilize cross examination of the abuse victim for purposes of intimidation so that she may wish to not be a witness in the later criminal prosecution. Second, the cross examination might be conducted to gain the equivalent of a discovery deposition that would not be available in the criminal matter. In this article, the author argues that when either or both occurs, the respondent should be subject to sanctions. The author also addresses the difficult question of how to draw the line between a legitimate defense of the civil matter and a defense for either of the improper purposes. In this article, the author seeks to draw that line, and proposes an amendment to the Illinois Domestic Violence Act that prevents the pleadings or testimony from an order of protection action from use in a subsequent criminal action.

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COMMENT

Out with the Old and In with the New: An Analysis of Illinois Maintenance Law under the Uniform Marriage and Divorce Act and a Proposal for Its Replacement	
Megan A. Drefchinski	581

Perhaps few issues in family law, or in legal jurisprudence generally, are debated as widely and heatedly as maintenance is. Opinions on the subject cover the full range of the spectrum, from the suggestion that maintenance should be limited, to the suggestion that it should be expanded. What does emerge as a unifying theme is the general dissatisfaction of scholars, litigants, practitioners, and judges with the current maintenance law provisions under the Uniform Marriage and Divorce Act ("UMDA"), which Illinois has adopted. This comment argues that this dissatisfaction with the current maintenance provisions cannot be overcome, and that new provisions are necessary to fairly allocate maintenance awards. The purpose of this comment is to provide a general overview of some of the major theories scholars are advancing to replace existing maintenance law and to synthesize these theories into one workable solution.

CASE NOTE

<i>North Jersey Media Group, Inc. v. Ashcroft</i> , 308 F.3d 198 (3d Cir. 2002): A Case Note	
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*After the unprecedented terrorist attacks on the United States on September 11, 2001, the government responded with a vast effort aimed at investigation and prevention, which continues to this day. As part of that response, several hundred resident aliens were rounded up for alleged immigration violations and detained, pending removal hearings. This case note will consider the opinion in *North Jersey Media Group, Inc. v. Ashcroft*, which concerns the question of whether the government may issue a blanket closure order for those deportation hearings and bar the public and press from attending.*