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ESSAY

Practicing Law in The Global Economy

Nancy L. Kaszak 1

This essay is an edited version of a lecture given by Ms. Kaszak as part of the Francis X. Riley Lecture series at the Northern Illinois University College of Law. It begins by discussing the development of the global economy as resulting from technological developments, such as the personal computer, with the ability to connect globally via the internet, that combine with the relative ease of transporting goods and services across borders making the global economy a reality. It develops the global enterprise as the natural evolution of business in the redefined global economy. The piece then looks at the impact that globalization of the economy has made in the law to include: the difficulty for governments in regulating multi-national corporations, the change lawyers have made in serving such clients, and the law firms that have responded to the global economy by merging across national borders or with accounting firms to become "professional service" firms. Lastly the piece examines some of the issues to be considered for the future in practicing in a global economy without compromising the core values of independence, competence, and loyalty in the legal profession.

Articles

When Lawyers Were Serial Killers: Nineteenth Century Visions of Good Moral Character

Roger Roots 19

This article provides a historical look at the meaning of the phrase "good moral character" in the context of the fitness of an individual for the practice of law. Going back to the 1700s, the author traces the origins of fitness requirements. This historical timeline uncovers a shockingly violent period when engaging in duels with pistols seemed to be an unwritten requirement to be considered a gentleman and a lawyer.

Is There No Simple Battery Under Illinois Law?

Azhar J. Minhas 37

This piece argues that judicial interpretation of 720 ILCS 5/12-4(b)(8) (1997) of the Illinois Criminal Code, the statute which enhances simple battery to aggravated battery, has opened the door for the abuse of prosecutorial discretion in applying the statute and has led the courts away from its true legislative intent. Specifically, the application of the statute has been overbroad and courts' interpretations of the legislative intent have been far-reaching. Through statutory analysis and the consideration of case law, the author explores the judicial expansion of section (b)(8) and argues for words of limitation in the statute that will help to bring it within the confines of constitutionality and, thus, bring the statute in accord with its original purpose. In particular, the author argues that the statute should apply only to those batteries which actually endanger or might logically endanger a person.

Should the Government be Allowed to Engage in Racial, Sexual, or Other Acts of Discrimination?

Walter Block and Roy Whitehead 53

Arkansas law provides scholarship funds to students who meet specified academic criteria. This article examines the constitutional implications of making direct monetary payments to non secular schools. It analyzes this practice in light of the Establishment Clause, and claims disparate impact discrimination under current administration of the scholarship program. The merits of a private cause of action under §1983 are addressed. The article concludes with the Libertarian perspective of the issues raised.

Comments

Code Blue! Ambulance Manufacturing Specifications May Pre-empt State Common Law Claims

Michael J. Denning 85

This comment seeks to apply contemporary pre-emption jurisprudence to the area of federal purchasing specifications. The piece first lays the foundation of pre-emption, and more specifically discusses its inception and maturation, and then provides an analysis of how courts should apply these principles today. Next, the piece introduces federal purchasing specifications, specifically the specification governing the government's acquisition of ambulances. The comment argues that because the specification was written to provide federal uniformity to the ambulance manufacturing field, any state claim seeking to hold a manufacturer to a higher standard than that written into the specification should be pre-

empted through the doctrine of “conflict pre-emption.” Ordinary and contemporary principles of pre-emption are challenged and dissected and conclusions are drawn as to the possibility that these seemingly innocuous specifications may actually pre-empt state common law claims.

God, Man, and Law: Of Rights and Responsibilities

E. Thomas Ryder 113

This comment examines the evolving construction, modifications and improvements made to the “wall of separation between church and state.” Initially, the comment presents an analysis of the unifying religious themes of individual responsibilities, which underlie our rights, as a reason why religion is important, even in schools. The author then reviews the historical origins and early development of the Establishment and Free Exercise Clauses, and examines modern Establishment Clause jurisprudence. The comment then examines the Cleveland, Ohio elementary school voucher program, applying current Establishment Clause jurisprudence. The conclusion then recommends embracing anew the dynamic role of religion in United States history, and suggests renewed focus on the responsibilities that underlie individual rights.