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Articles

The Evolving Fiduciary Duty Solution for Shareholders Caught in a Closely Held Corporation Trap

James M. Van Vliet Jr. & Mark D. Snider 239

The purpose of this article is to review the development of the fiduciary duty owed in closely-held corporations. The judicially developed rule expands the ability of the courts to provide relief for shareholders who lack the voting power to force a change and has neither a statutory nor contractual right to relief. The authors identify the theoretical basis, general scope and content of the rule, as well as some other issues that still need to be decided in the course of the further development of the rule.

Irreconcilable Principles: Law, Politics, and the Illinois Supreme Court

Jackson Williams 267

This article attempts to evaluate the recent criticisms of the political structure of the Illinois Supreme Court. The author examines the electoral and legal systems that usually come into potential conflicts. The goal of the article is to illustrate some important issues in the environment free from the sensationalism of press accounts and the emotionalism of political attacks, and provoke a sensible debate among the State's bar, legislators, and public about how the perception of a "political" court impacts on Illinois' legal system.

Publish or Perish: Judging an Article By Its Cover Revisited

Leonard B. Mandell 331

This piece revisits the often amusing art of choosing a title for a law review article. Several examples are provided to demonstrate the gaps in creating the essence of a good title. The article's stance is that you stand a better chance of being accepted for publication if you take amusing twists to your title.

Essay

Nozick: A Utilitarian Reformulation

Mark S. Stein 339

This essay discusses the means by which Nozick implicitly denies the conclusion that redistribution increases aggregate well being. The author attempts to show how Nozick exaggerates the burden that redistribution

places on the rich. Moreover, an attempt is made to show Nozick minimizes the needs of the poor, and further minimizes the suffering his system could cause. Finally, the author compares Nozick's implicit utilitarian arguments against redistribution with Jeremy Bentham's explicit reservations about redistribution.

Comments

No Longer Free to Offend: Involuntary Civil Commitment Statutes for Sexual Predators Create the Basis for a Uniform Act

Lisa A. Wilson 351

This comment examines the progression of involuntary civil commitment statutes for repeat sex offenders beginning in the 1930's and moving into the 1990's in terms of statutory changes and improvements. This comment also illustrates why these involuntary commitment statutes are the best solution to curb sexual predation with an eye towards the ultimate protection of the public. Finally, this comment stresses the need for a uniform act designed to incorporate those aspects of the currently existing sex predator statutes which best protect the community from repeat sex offenders.

Refusing to Follow Doctor's Orders: Texas Takes the First Step in Holding HMOs Liable for Bad Medical Decisions

Amy Stoeckl 387

This comment examines health maintenance organizations (HMOs) and other managed care entities and the defenses used to escape liability in medical malpractice suits. Texas became the first State to pass legislation that would put an end to one such defense and place liability on HMOs. The author suggests that such State legislation is not enough to hold HMOs liable and recommends that Congress rethink the federal statutes that still protect HMOs from liability.

A Return to States' Rights? The Rehnquist Court Revives Federalism

Melanie K. St. Clair 411

*This comment examines three decisions of the 1997 Supreme Court Term in which the Court invalidated Federal laws: *Printz v. United States*, *City of Boerne v. Flores* and *Reno v. ACLU*. This comment looks for a unifying trend in the decisions in an effort to determine if the Court is moving in a new philosophical direction. The author suggests that the decisions do signal a renewed commitment to States' rights and federalism. Further, the decisions reveal the Court's antagonism toward the largess and enlarged scope of Congress. The author suggests that the decisions are an attempt by the Court to rein in the power of Congress.*