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Articles

The Obviously Impossible Attempt: A Proposed Revision to the Model Penal Code

Kyle S. Brodie 237

This article discusses the problems posed by attempt crimes which have no chance of succeeding (often called "obviously impossible attempts"). Impossibility has largely been abolished as a defense to attempt crimes, so the obvious impossibility of an attempted crime is legally irrelevant in determining whether or not it should be punished. Even so, the author contends that many of the reasons attempt crimes are punished do not apply to obviously impossible attempts. The author's proposed solution is to add an element of "reasonableness" to the definition of attempt crimes.

Expanding the Fiduciary Duties of Close Corporation Shareholders: The Dilemma Facing Illinois Corporate Law

Thomas J. Bamonte 257

This article examines the Illinois corporate law treatment of the so-called close corporation, and in particular the trend toward increased expansion of the fiduciary duties of close corporation shareholders. In light of a contrasting trend in the state of Delaware, the author suggests that Illinois corporate law faces a dilemma. If it does not toe the Delaware line, Illinois may be viewed as a less attractive state for incorporation vis-a-vis Delaware. On the other hand, reversing course in order to follow Delaware's lead may sacrifice the independent development of Illinois corporate law. The author intends that the article contribute to the process of understanding and evaluating of the costs and benefits of each course of action.

Legalized Gambling Activities: The Issues Involving Market Saturation

John Warren Kindt 271

In this article, the author discusses concerns relative to legalized gambling activities and their socio-economic impacts. Specifically, the article examines the issues involving market saturation. The author suggests that despite increasing concerns about market saturation expressed by individual states and the legalized gambling industry, the enormous size of the United States economy renders it unlikely that overall market saturation will occur in the foreseeable future. The author concludes that, as a result, governments will continue to embrace legalized gambling activities for their initial tax revenues, and will ignore the enormous social and economic costs which accompany such activities.

Current Developments in Federal Employment Discrimination Law
Julie M. Spanbauer 307

The area of federal employment discrimination law has undergone vast changes over the past several years through both legislative and judicial action. This article provides an overview of the recent congressional enactments and amendments, including the Americans With Disabilities Act, and the Civil Rights Act of 1991 which modified Title VII, the Age Discrimination in Employment Act, and 42 U.S.C. § 1981. Additionally, recent Supreme Court decisions, which have also altered some longstanding doctrines in this area, are addressed. Finally, some decisions of the courts within the Seventh Circuit are presented to provide a more detailed insight into the state of the law within this federal circuit.

The Bar Admission Process, Gatekeeper or Big Brother: An Empirical Study
Donald H. Stone 331

This article provides a comprehensive statistical review of bar applications from forty eight states and questions the usefulness of the applications, in their current form, in determining one's fitness to practice law. In addition to compiling this empirical data, the article focuses on four major areas of inquiry on most applications including mental illness, substance abuse, moral indiscretions and criminal behavior. Based on this inquiry and data, the author advances a number of recommendations to be adopted by state bar examiners. He concludes that the guiding light should place the burden on bar examiners to prove unfitness, and that only such questions that examiners can demonstrate are relevant to the ability to practice law are appropriate.

Publish or Perish: Judging an Article by its Cover
Leonard B. Mandell 373

This piece takes an amusing look at the art of choosing a title for a law review article. Several examples are provided to demonstrate some of the methods often employed to create a good title. With tongue in cheek, the article's premise is that titles that are clever or witty stand a better chance of being accepted by law review editors.

Casenotes

Oregon's Procedural Due Process and the Necessity of Judicial Review of Punitive Damage Awards: *Honda Motor Co. v. Oberg*: "Stop the Insanity!"
Jeff Duncan Brecht 377

This note examines the United States Supreme Court's most recent decision involving the judicial review of punitive damage awards. In addition to discussing the history of punitive damages and the role they have played in American jurisprudence, the author explains Honda's importance in the punitive damages debate. The author concludes that the Supreme Court's decision reinforces the necessity of judicial involvement in the punitive damages arena and helps to slow the unsettling explosion of punitive damage awards.

Liteky v. United States: The Entrenchment of an Extrajudicial Source Factor in the Recusal of Federal Judges Under 28 U.S.C. § 455(a) Shawn P. Flaherty 411

This note examines the United States Supreme Court's decision in Liteky v. United States, in which the Court found that intrajudicial matters are not a proper basis for recusal under the primary piece of federal judicial disqualification legislation, 28 U.S.C. § 455(a). The author argues that the Liteky Court should have utilized the test provided in § 455(a), whether the judge's impartiality "might reasonably be questioned." By focusing on the presence of an extrajudicial source factor in determining when judges should recuse themselves, the author suggests the Court ignores several pressing policy concerns.

Department of Revenue v. Kurth Ranch: Double Jeopardy. A: Multiple Punishment Component. Q: What is Confusion? Continuing Where Halper and Austin Left Off Denis M. Gravel 433

This note examines the United States Supreme Court decision holding the imposition of a state drug tax unconstitutional in that it violates the multiple punishment component of the Double Jeopardy Clause. The author contends that the majority's application of Double Jeopardy jurisprudence was not only faulty and erroneous, but inconsistent in light of the Court's prior holdings. The court fashioned a test which allows for a much lower level of judicial deference to the legislature, and in so doing, continued on a recent trend, albeit an erroneous one, that is expanding the scope of Double Jeopardy protection.