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Articles

The Supreme Court's Use of Per Curiam Dispositions: The Connection to Oral Argument

Stephen L. Wasby

Steven Peterson

James Shubert

Glendon Shubert..... 1

This study is an empirical examination of a set of the Supreme Court's per curiam rulings issued after oral argument between 1969 and 1981. The authors use transcripts of Supreme Court oral argument and the Court's opinions to untangle relationships between oral argument and dispositions, particularly when the Court does not reach the merits. The authors note that oral argument clarifies issues and helps the justices narrow them. The Court's comments in its per curiam dispositions indicate that oral argument is relevant for the Court's dispositions and at times it has been more determinative of outcomes, for example, when counsel's acknowledgements lead to a nonmerits ruling. Implications for the Rule of Four, used in granting review, and for whether the Court learns of case dispositive information before or after granting review are explored.

Less Than Perfected: Uncertainty in Illinois Judgment Lien Law

Frank Stepnowski 33

Attempting to reduce the confusion surrounding Illinois judgment lien law, the author explores contradictory decisions of the past involving levy and execution, chancery's creditor's bill, and citation to discover assets. The article calls for clarification and specific reforms of Illinois's Article XII of the Code of Civil Procedure to conform judgment collection procedures with modern practice, the Bankruptcy Code, and the UCC.

Essay/Book Review

Compromising Positions: An Essay and Review of ABORTION: THE CLASH OF ABSOLUTES. Laurence H. Tribe.

reviewed by Charles A. Rees 63

This review examines Laurence Tribe's book on abortion, focusing special attention on Tribe's discussion of compromises to the abortion dilemma and

his own apparent resolution of the issue. Following an evaluation of Tribe's work, this review considers other possible compromises to the abortion dilemma which are suggested by the United States Constitution.

Commencement Address

The Legal Profession in Transition: An Address at the Graduation Ceremonies of Northern Illinois University College of Law The Honorable Claire L' Heureux-Dubé.....	93
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The Northern Illinois University Law Review is pleased to publish the address delivered by the Honorable Claire L'Heureux-Dubé at the graduation for the class of 1992. Justice L'Heureux-Dubé is a member of the Supreme Court of Canada. Her address comments on the changes occurring in the legal profession as a result of forces of globalism and advances made by women and minorities. In particular, Justice L'Heureux-Dubé warns of the detrimental effects of the commercialization of the legal profession. Above all else, she reminds us that law is a learned profession requiring continuous study and contemplation.

Comments

At the Boundaries of Law and Equity: The Court of Appeals for the Federal Circuit and the Doctrine of Equivalents Paul C. Craane	105
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This comment examines the doctrine of equivalents, focusing on the tensions created by the continued attempts of the Court of Appeals for the Federal Circuit to bring certainty and structure to this equity-based doctrine. As the comment unfortunately concludes, these attempts to introduce certainty and structure have increased the confusion as to many different aspects of patent litigation and practice. The author suggests that a more viable solution to the problem would be to restrict the scope of the doctrine rather than add additional analytical restrictions to the doctrine of equivalents.

Federal Statutory Restrictions on the Enforceability of Forum Selection Clauses Timothy S. Rigsbee	145
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*This author examines the relationship between the forum selection clauses and particular federal statutes. The comment traces judicial attitudes concerning forum selection clauses and analyzes how courts have applied the public policy exception to the enforceability of forum selection clauses recognized by the Supreme Court in *The Bremen v. Zapata Off-Shore Co.* In particular, the comment examines the anomalous treatment courts have given forum selection clauses under FELA, the Jones Act, the Securities Acts, the Federal Arbitration Act, the Miller Act, and the Carriage of Goods by the Sea Act. The article then examines *Carnival Cruise Lines, Inc. v. Shute*, the Supreme Court's most recent pronouncement on the enforceability of forum selection clauses where there is an applicable federal statute. The article concludes with a proposal for balancing competing policy concerns under the federal venue transfer provision.*

Note

***Florida v. Bostick*: Abandonment of Reason in Fourth Amendment Reasonable Person Analysis**

James F. Heuerman 173

This note examines the United States Supreme Court's decision which addressed the constitutionality of "bus sweeps" — random suspicionless police questioning of interstate bus travelers. The Court concluded that a reasonable bus passenger could feel free to disregard police questioning, and accordingly found that not all such encounters are entitled to Fourth Amendment scrutiny. The author explores the Court's decision and contends that only by severely underestimating the inherent coercion in such encounters was the Court able to avoid the intuitive conclusion that passengers are "seized" during such questioning.