

# Northern Illinois University Law Review

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Volume 9 | Issue 3

Article 6

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7-1-1989

## Vol. 9, no. 3, 1989: Table of Contents

Northern Illinois University Law Review

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### Recommended Citation

Northern Illinois University Law Review (1989) "Vol. 9, no. 3, 1989: Table of Contents," *Northern Illinois University Law Review*: Vol. 9: Iss. 3, Article 6.

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# Northern Illinois University

# Law Review

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Number 3

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## ARTICLES

- Evolving Disclosure Practices and Standards Affecting  
Tax-Exempt Bonds Issued for the Nonprofit Health Care  
Industry ..... 467  
Robert J. Zimmerman and Daniel J. Rieken

*This Article addresses the effects of increasingly stringent disclosure standards under securities laws as such standards affect capital generation by the not for profit health care industry. Recently promulgated Securities and Exchange Commission Rule 15c2-12 and voluntary disclosure standards are analyzed and applied to the health care tax-exempt securities transaction. The authors conclude that the health care industry must accept the need for more extensive disclosure than has been the practice.*

- Enforceability of Guarantees by Charitable Organizations ..... 499  
Carl H. Wartman

*When a group of linked charitable organizations seeks financing, its lender must evaluate the likely enforceability of each member's guarantee of its affiliates' obligations using concepts which are very different from conventional analysis used for for-profit corporations. This Article discusses applicable law and suggests several approaches to the problem for lenders, borrowers, and their counsel.*

- Voluntary Dismissals in Illinois ..... 515  
Robert G. Johnston and Iain D. Johnston

*This Article analyzes the practice of plaintiff's motions for voluntary dismissals in Illinois Courts, both state through Illinois Code of Civil Procedure Section 2-1009 and Federal through Federal Rule Civil Procedure 41. Many commentators have said that there has been abuse of voluntary dismissals in Illinois state courts. Thus, because the Federal Rule gives the trial judge more discretion in denying voluntary dismissals, these commentators have argued for an adoption of a state rule (procedure) which is more similar to the Federal rule. This Article compares the practice and standard of the two provisions and concludes that no such adoption is necessary because defendants are adequately protected from abuse by not only the state provision itself but also by other sections of the Illinois Code of Civil Procedure.*

## LEGISLATIVE NOTE

- Illinois' Drug Induced Homicide Statute: A Tough State Just Got Tougher ..... 537  
Thomas N. Osran

*This Legislative Note discusses the new Illinois Drug Induced Homicide Statute that went into effect January 1, 1989. The Note traces the common law history of imposing homicide liability on drug suppliers for drug-related deaths and compares the Illinois statute with eleven other state statutes creating this type of homicide liability. The Note suggests ways the legislature or judiciary could clarify the statute through amendment or interpretation.*

## COMMENTS

- The Dilemma of Chance in Medical Malpractice: Should Illinois Recognize a New Cause of Action for "Lost Chance" of Survivability? ..... 575  
Jeffrey L. Benson

*This Comment examines the elements of causation and valuation in medical malpractice actions where a physician's negligence reduced his/her patient's chances of recovering from a pre-existing illness and direct proof of causation is unavailable. The Comment focuses on current Illinois case law regarding "lost chance" of survival and advocates that Illinois adopt a new cause of action which would compensate plaintiffs for this loss on a proportional basis that would reflect the magnitude of the diminished possibility of recovery.*

- Employment at Will in Illinois - Has the Employer Been Forgotten? ..... 603  
Walter W. Timm

*This Comment discusses the status of the doctrine of employment at will in Illinois particularly as it relates to the employer in the wake of the Illinois Supreme Court decision in *Duldulao v. St. Mary of Nazareth Hospital Center*. A recommendation is made that further erosion should be minimized and that, to that end, the Illinois General Assembly should clarify pertinent terminology.*

**Northern Illinois University  
Law Review**

Volume 9

Summer 1989

Number 3

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