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ARTICLES

- An Independent Judiciary: Bulwark of the Constitution 1
Chief Justice William H. Rehnquist

This Article is the text of a speech given by Chief Justice Rehnquist in celebration of the Bicentennial of the United States Constitution. The Article explores the history of the Constitution in light of the political environment of the time. Similar documents which existed in certain European countries at this time are compared and contrasted to the Constitution. The focal point of the comparison is an illumination of the importance of the Constitution's provision for an independent judiciary—the unique mechanism by which the rights of individuals are enforced.

- The Sale-of-Control Premium-Bribe: Recoupment in Advance:
A Case Study 9
David Cowan Bayne, S.J.

*The illegal sale of corporate control has continued unabated over the decades. As early as 1969 Father Bayne uncovered an esoteric variant on the bald bribery into corporate control. This would be *contrôleur*, instead of using his own premium-bribe dollars, simply loots the target-company treasury and uses the victim's cash to premium-bribe the incumbent out of office. This Article was written as Plaintiff's Brief in a state/federal litigation and is reproduced verbatim in its original format. This legal study should be valuable to client and counsel facing a sale of control or preparing for litigation, and to scholar and commentator as well.*

- Student Vandalism and Public Schools: The Scope of the Illinois
Educators' Directive to Discipline 87
Donald Shawler

Following a brief review of the costs that student vandalism imposes upon society, and the history of discipline in public education, this Article turns to a discussion of the part due process considerations must play in Illinois school officials' decisions to suspend or expel pupils. Despite both procedural and substantive guarantees for students, the power to decisively act against vandals threatening to impede the educational process remains broad. An appendix to the Article sets forth a proposed regulation to assist educators in dealing with student vandals.

COMMENTARIES

- Live Free or Die: Perceptions About Law Students 113
Irving E. Fasan

This Commentary explores the differences in medical and legal education to highlight some of the problems with the current legal teaching method. Specifically, this Commentary examines how and why the systematic training of a lawyer is inferior to that of a doctor in several ways. The author generally questions the adequacy of the current legal teaching method and how it affects law students' perceptions of themselves. This Commentary identifies the problem while its companion piece offers a solution.

- If Wishes Were Horses: Reflections Without Footnotes on Legal Education 123
Irving E. Fasan

This Commentary suggests a solution to the problems with legal education which the author identifies. The author promotes patterning legal education on either the teaching method employed in the field of accounting or medicine. Each approach emphasizes a broader based legal education with more concentration on the practical learning experience. This Commentary culminates by offering a possible way to reform rather than replace the current system of training lawyers.

CASENOTES

- Detaining Successful Habeas Corpus Petitioners Due to Dangerousness: *Hilton v. Braunskill* 129

*This Note examines the viability of allowing federal courts to consider the state's interest in public safety as a means of continuing the incarceration of successful habeas corpus petitioner pending appeal. An analysis of *Hilton v. Braunskill* shows that the guidelines adopted by the Supreme Court to determine when continued incarceration is permissible fail to adequately balance competing state individual interests thereby denying liberty to persons whose state conviction has been rendered void.*

- Rethinking *Tison v. Arizona* 155

*This Note traces the numerous cases leading to the development of modern proportionality analysis pursuant to the eighth amendment's Cruel and Unusual Punishment Clause. An analysis of *Tison v. Arizona* follows, concluding the conduction of proportionality analysis in *Tison* was not only inconsistent with the generic analysis conducted in prior cases, but contrary to the underlying purpose of such analysis. This Note lastly explores the possible adverse consequences *Tison* has on death sentencing and the doctrine of *stare decisis*.*

- Beyond *MITE—CTS v. Dynamics*: Has Management Won the Battle in the Fight Against the Tender Offer, and What Injury has the Individual Shareholder Suffered? 187

This Note examines two major Supreme Court cases addressing the conflict between federal and state law governing the use of the tender

offer. Congress intended to protect the individual shareholder in making a decision whether to tender shares with voting rights, while balancing the legitimate interests of incumbent management and tender offerors. The Court upset this balance by upholding Indiana's Control Shares Acquisition Act as constitutional in the second of these two cases. This Note will highlight the inconsistencies between the cases, explain the present effect of both, and suggest an approach for states considering the adoption of takeover legislation.

BOOK REVIEW

Religious Convictions and Political Choice, Kent Greenawalt
reviewed by Todd D. Volker 237

This Book Review examines the most recent book by Professor Kent Greenawalt of Columbia University. The book itself, a discussion on the proper connection of religious beliefs to political decisions, is examined using the works of Rawls and Dworkin as philosophical benchmarks. According to Volker, Religious Convictions and Political Choice not only weathers its comparisons to the great works of Rawls and Dworkin, but has carved out a deserved place alongside them.