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Law Review

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ARTICLES

- MORTGAGE PRIORITY PROBLEMS: THE NEW ILLINOIS MORTGAGE FORECLOSURE ACT AND THE IMPACT OF THE UNIFORM ACTS . . .** 1
Robert Kratovil

This Article looks at the New Illinois Mortgage Foreclosure Act as it relates to priority in the foreclosure of construction loans. In addition, the Article explores the impact of the various Uniform Acts on construction loan priority. The Article concludes that Illinois' adoption of the Uniform Commercial Code approach brings Illinois into line with modern thinking in this area of the law.

- LAWYERS IN BUSINESS** 17
Justin A. Stanley

This Article explores a new and interesting question in the area of professional responsibility: How should the legal profession deal with large law firms involved in non-legal businesses? The modern trend in today's large law firms towards offering non-legal financial and real estate investment and counseling services poses some difficult professional responsibility questions which this Article begins to explore. Mr. Stanley concludes that the American Bar Association, or some other appropriate agency, should move quickly to deal with this growing problem before the government takes steps to regulate in this area.

- EVEN A TAX COLLECTOR SHOULD HAVE SOME HEART: EQUITABLE RELIEF FOR THE INNOCENT SPOUSE UNDER I.R.C. § 6013(e)** 33
J. Timothy Philipps and L. Bradford Bradford

This Article examines I.R.C. § 6013(e). The provision is intended to protect an innocent spouse from tax liability where a joint return is filed by one spouse who understates or misstates the joint return's taxable income, through no fault of the innocent spouse. This Article concludes that certain changes in I.R.C. § 6013(e) are necessary in order for this provision to provide the equitable relief which all innocent spouses should enjoy.

“AN EXUBERANCE OF PREROGATIVE” — THE APPLICATION OF ILL. REV. STAT. CH. 110, PARA. 2-611 AND/OR THE CONTEMPT SANCTION TO ATTORNEY DISCIPLINARY PROCEEDINGS IN ILLINOIS 67

Susan W. Brenner and Jack S. Craven

This Article explores the alternative applicability of Rule 2-611 or the contempt sanction to a reinstatement petition by a previously disciplined attorney. This Article concludes that because these proceedings are “original proceedings” before the Illinois Supreme Court, and because the Illinois Supreme Court has never promulgated any rules in this area, Rule 2-611 has no applicability here. The Article further concludes that precedent would not support the finding of a direct criminal contempt in this situation.

RETHINKING REGULATORY TAKINGS: A VIEW TOWARDS A COMPREHENSIVE ANALYSIS 113

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DEFENDANT CLASS CERTIFICATION: THE DIFFICULTIES UNDER RULE 23(B)(2) AND THE RULE 65(D) SOLUTION 143

This Comment examines the difficulties of certifying a defendant class under the Federal Rules of Civil Procedure 23(b)(2) and the various approaches courts have taken to certify, or refuse to certify, those defendant classes. This Comment concludes that under normal circumstances, the plain language of Rule 23(b)(2) precludes the certification of defendant classes. However, the Comment further concludes that under limited circumstances Rule 65(d) may be used by a plaintiff to obtain injunctive relief which will bind unnamed defendant parties.

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This Note discusses the United States Supreme Court decision refusing to infer abuse of prosecutorial discretion in a specific case from a statistical study showing that defendant’s whose victims were white are over 4 times more likely to receive a death sentence in the State of Georgia than defendants whose victims were black. This Note concludes that detailed record-keeping by prosecutors in potential capital sentence cases is essential to curbing unevenly-imposed death sentencing.

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