

Northern Illinois University Law Review

Volume 43 | Issue 1

Article 4

11-1-2022

Vol. 43, no. 1, Fall 2022: Table of Contents

Northern Illinois University Law Review

Follow this and additional works at: <https://huskiecommons.lib.niu.edu/niulr>



Part of the [Law Commons](#)

Recommended Citation

Northern Illinois University Law Review (2022) "Vol. 43, no. 1, Fall 2022: Table of Contents," *Northern Illinois University Law Review*: Vol. 43: Iss. 1, Article 4.

This Other/Newsletter is brought to you for free and open access by the College of Law at Huskie Commons. It has been accepted for inclusion in Northern Illinois University Law Review by an authorized editor of Huskie Commons. For more information, please contact jschumacher@niu.edu.

NORTHERN ILLINOIS UNIVERSITY
LAW REVIEW

VOLUME 43

FALL 2022

ISSUE 1

C O N T E N T S

ARTICLES

COVID-19 & The Illinois Health Care Right of Conscience Act: A Legal Analysis

Matthew Moustis.....1

During the COVID-19 pandemic, many people who refused to be vaccinated because of their religious or moral beliefs tried to use the Illinois Health Care Right of Conscience Act to block their employers' vaccination requirements. In response, some elected officials argued that the Act was being misinterpreted. They believed it was intended only to protect health care providers who refused to provide certain services to patients, not to allow people to avoid measures taken to ensure public health during a pandemic. Their interpretations were incorrect. The Illinois Health Care Right of Conscience Act was properly construed as a right to refuse COVID-19 vaccines on religious or moral grounds. And it was properly construed as applying to anyone, not solely to health care providers. Contrary interpretations are inconsistent with the public policy, the statutory language, and the interpretive caselaw. Furthermore, the latest amendment was not a legislative clarification but a substantive change to the law.

Beyond #FreeBritney: A Legal Analysis of the Conservatorship System in the United States

Ashleigh M. Zurek21

In this article the author will explore the state of conservatorships in the United States and how, too often, individuals with disabilities are abused and taken advantage of in this structure. The author will discuss particular areas of conservatorship abuse, including: financial abuse, physical abuse, exploitation, and death. The author will then proceed to discuss potential solutions to curb conservatorship abuse and how best to improve the conservatorship system in the United States. Particular solutions discussed include: special needs trusts, federal legislation (past, current, and future), and supported decision-making.

Police Reform Through Section 1983

Adam J. Smith50

For decades, members of the Chicago Police Department (CPD) engaged in a protracted campaign of corruption, terror, and violence against Black and brown Chicagoans. Intermittent efforts to reform or otherwise rein in the CPD invariably fell short. In late 2014, a CPD officer murdered a 17-year-old Chicagoan, Laquan McDonald. CPD officials and city leaders attempted to whitewash the killing as a justified use of deadly force, but—thanks to the work of local organizers and a national pressure campaign—McDonald’s death instead led to a yearlong investigation by the federal Department of Justice (DOJ). Ordinarily, such an investigation would have resulted in a federal lawsuit to enjoin unconstitutional police practices; after the election of the stridently pro-police candidate Donald Trump to the Presidency, the prospect of federally monitored reform in Chicago seemed extinguished. But Illinois’ attorney general was undaunted—and instead launched a groundbreaking litigation that would bring CPD under federal supervision for years to come.

The largest reformist and abolitionist movement—indeed, the largest protest movement—in American history erupted this past summer in response to police violence against and unwarranted killings of Black and brown people. Given the moral urgency of the participants’ demands and the necessity of protecting Black lives from state violence, this Article urges the states to follow Illinois’ lead. It contends that 42 U.S.C. § 1983, the statute at the heart of the state’s suit, provides a tenable basis upon which states may sue to obtain police reform with federal-court oversight. It posits as well that the states may overcome the limitations on Section 1983 relief imposed by Lyons, the daunting standing requirements instituted by Lujan, and the specter of federal field preemption through the doctrine of parens patriae, which holds that sovereign entities are entitled to special deference in obtaining federal standing on their citizens’ collective behalf. The Article concludes by calling the states to this greater project—that is, repurposing Section 1983 as a mechanism for obtaining for marginalized communities legal redress that would be otherwise unavailable—and by framing police reform as a necessary step on a path toward police abolition.

Contra Naturam

F.H. Buckley98

There’s a revival of interest in natural law, but while its adherents claim to hold the philosophic high ground, they’ve failed to recognize the doctrine’s weaknesses. Classical natural law holds that our moral requirements are rooted in the natural world and the instincts and preferences that form human nature. However, this runs afoul of the logical distinction between empirical and normative statements; and while other natural lawyers say they’ve avoided this problem, their “New Natural Law” implausibly asserts that rational self-interest will lead us to the good. It won’t, because rational self-interest can’t explain the duties we owe other people. As such, NNL doesn’t even count as a moral theory. Of whatever stripe, natural law theories have no place in legal debates.

NORTHERN ILLINOIS UNIVERSITY
LAW REVIEW

VOLUME 43

FALL 2022

ISSUE 1

BOARD OF EDITORS

~

MANAGING EDITOR

Robert A. Kudlicki III

SYMPOSIUM EDITOR

Ashleigh Zurek

ONLINE EDITOR

Izabella Kanoza

LEAD ARTICLES EDITORS

Annie DeCero
Audrey Tobyas

NOTES AND COMMENTS EDITORS

Sarah Farwick
Andrew Kluge
Adam Kwiatkowski
Matthew Moustis

ASSOCIATE EDITORS

Joseph Gabris
Adedayo Oladele-Ajose

Erica Porvaznik*
Alexandria Short

Michael C. Vega

STAFF EDITORS

Hector R. Barron
William Belles
McKinzie Callahan*
Ayesha Feroz
Grace Flannery
Patrick Gill

Laura Goding
Isaiah Harlan
Joshua Jenkins
Cheyenne M. Lessner*
Alexandra Marcell*
Alec Moehn*

Lydia Park
Cheyanne Pincsak*
Jake Schutter
Justin Scivally
Kyla Tinsley

*Erica Porvaznik, McKinzie Callahan, Cheyenne M. Lessner, Alexandra Marcell, Alec Moehn, and Cheyanne Pincsak are hereby recognized for their superb performance in the editing process. Each has earned recognition as Best Cite Check Performer for Volume 43, Issue 1.

FACULTY ADVISORS

Professor Therese A. Clarke Arado
Professor Daniel McConkie