

VOLUME 39 INDEX
TITLE INDEX

Lead Articles

DOMESTIC TRANQUILITY: THE GOALS OF HOME PROTECTION <i>Burke Bindbeutel</i>	1
WHITHER NOTICE PLEADING?: PLEADING PRACTICE IN THE DAYS BEFORE <i>TWOMBLY</i> <i>Jason A. Cantone, Joe S. Cecil & Dhairya Jani</i>	23
<i>STATE EX REL. PROCTOR V. MESSINA</i> AND <i>EX PARTE</i> COMMUNICATIONS UNDER THE HIPAA PRIVACY RULE: THE “JUDICIAL PROCEEDINGS” SPLIT <i>Daniel J. Sheffner</i>	71
REANIMATING THE STATES’ SINGLE SUBJECT JURISPRUDENCE: A NEW CONSTITUTIONAL TEST <i>Justin W. Evans & Mark C. Bannister</i>	163
A SUCCINCT, HOLISTIC LOOK AT CLIMATE CHANGE LEGISLATION <i>Chris Henry</i>	231
EMPOWER THE STUDENT, LIBERATE THE PROFESSOR: SELF- ASSESSMENT BY COMPARATIVE ANALYSIS <i>Joi Monteil</i>	249
WHY ILLINOIS SHOULD ADOPT FEDERAL RULE OF EVIDENCE 803(18) TO ALLOW THE LEARNED TREATISE EXCEPTION TO THE HEARSAY RULE <i>Ralph Ruebner, Katarina Durcova & Amy Taylor</i>	275
THE FIGHT GOES ON FOREVER: “LIMITED GOVERNMENT” AND THE FIRST BANK OF THE UNITED STATES <i>Michael Coblenz</i>	391
THE CURIOUS, PERJURIOUS REQUIREMENTS OF ILLINOIS SUPREME COURT RULE 12(B)(3) <i>Wm. Dennis Huber</i>	451
CORPORATE FREE EXERCISE OF RELIGION AND THE INTERPRETATION OF CONGRESSIONAL INTENT: WHERE WILL IT END? <i>Patrick J. McNulty & Adam D. Zenor</i>	475
SURVEY OF ILLINOIS LAW: MEDIATION—TO MAXIMIZE CONFIDENTIALITY PROTECTIONS FOR FAMILY MEDIATIONS, THE COURTS SHOULD RELY ON THE ILLINOIS UNIFORM MEDIATION ACT <i>Suzanne J. Schmitz</i>	591
SURVEY OF ILLINOIS LAW: EMPLOYMENT LAW <i>Debra L. Stegall and Emily J. Perkins</i>	611

SURVEY OF ILLINOIS LAW: TRUSTS AND ESTATES <i>William R. Kuehn, Natalie M. Kuehn, David Lutrey, Kathryn Shores, & Susan T. Bart</i>	647
SURVEY OF ILLINOIS LAW: WORKERS' COMPENSATION— UNDERSTANDING INTEREST AND ENFORCEMENT ISSUES IN WORKER'S COMPENSATION CASES FOLLOWING AN AWARD OF BENEFITS <i>Brad A. Elward and Dana Hughes</i>	687

Comments

ANTICIPATORY REPUDIATION: A CLEAR BARRIER TO COMMUNICATION <i>Garth E. Flygare</i>	85
PROTECTING A DREAM: ANALYZING THE LEVEL OF REVIEW APPLICABLE TO DACA RECIPIENTS IN EQUAL PROTECTION CASES <i>Tania P. Linares Garcia</i>	105
IS REGISTERING AS AN ANIMAL ABUSER IN ILLINOIS ABUSIVE TO THE OFFENDER? AN EXAMINATION OF THE PROPOSED ILLINOIS ANIMAL ABUSE REGISTRY <i>Alisha L. Biesinger</i>	299
IS IT HARD TO MAKE EVERYONE HAPPY: THE RIGHTS GAINED AND LOST BY COMPANIES AND EMPLOYEES IN THE CONTEXT OF THE AFFORDABLE CARE ACT CONTRACEPTION MANDATE <i>Paul R. Hale</i>	323
THE BEST OFFENSE IS A GOOD DEFENSE: EXAMINING FAILURE TO CONCILIATE AS AN AFFIRMATIVE DEFENSE IN EMPLOYMENT DISCRIMINATION CASES BROUGHT BY THE EEOC <i>Blair P. Keltner</i>	515
GETTING DRUNK DRIVERS OFF ILLINOIS ROADWAYS: ADDRESSING THE SPLIT OF AUTHORITY REGARDING 911 TIPS & INVESTIGATORY TRAFFIC STOPS <i>Andrew J. Sheehan</i>	537

Casenotes

TEXTERS BEWARE: ANALYZING THE COURT'S DECISION IN <i>KUBERT V. BEST</i> , 75 A.3D 1214 (N.J. SUPER. CT. APP. DIV. 2013) <i>Blair P. Keltner</i>	125
--	-----

ALL PRISONERS ARE EQUAL, BUT SOME PRISONERS ARE MORE EQUAL THAN OTHERS: AN INMATE’S RIGHT TO SEX REASSIGNMENT SURGERY AFTER <i>KOSILEK V. SPENCER</i> , 889 F. SUPP. 2D 190 (D. MASS. 2012) <i>Julia Kaye Wykoff</i>	143
MUST THE CORPORATION PAY FOR THE SINS OF THE EMPLOYEE AFTER <i>UNITED STATES EX REL. VAVRA V. KELLOGG BROWN & ROOT, INC.</i> , 727 F.3D 343 (5 TH CIR. 2013)? <i>Jessica Shay Morgan</i>	347
LOOKING OUT FOR THE ILLINOIS HOME BUYER: ANALYZING THE COURT’S NARROW APPROACH IN <i>KALKMAN V. NEDVED</i> , 2013 IL APP (3D) 120800, 991 N.E.2D 889 <i>Andrew J. Sheehan</i>	373
TITLE VII RETALIATION CLAIMS: BUT-FOR CAUSATION GETS BACK AT <i>PRICE WATERHOUSE</i> IN THE WAKE OF <i>UNIVERSITY OF TEXAS SOUTHWEST MEDICAL CENTER V. NASSAR</i> , 133 S. CT. 2517 (2013) <i>Garth E. Flygare</i>	557
INHALE, EXILE: LIMITING REVIEW OF AGGRAVATED FELONIES AND CRIMES INVOLVING MORAL TURPITUDE AFTER <i>MONCRIEFFE V. HOLDER</i> , 133 S. CT. 1678 (2013) <i>Tania P. Linares Garcia</i>	573

CONTRIBUTOR INDEX

Biesinger, Alisha L., <i>Is Registering as an Animal Abuser in Illinois Abusive to the Offender? An Examination of the Proposed Illinois Animal Abuse Registry</i>	299
Bindbeutel, Burke, <i>Domestic Tranquility: The Goals of Home Protection</i>	1
Cantone, Jason A., Joe S. Cecil and Dhairya Jani, <i>Whither Notice Pleading?: Pleading Practice in the Days Before Twombly</i>	121
Coblentz, Michael, <i>The Fight Goes on Forever: “Limited Government” and the First Bank of the United States</i>	391
Elward, Brad A. and Dana Hughes, <i>Survey of Illinois Law: Workers’ Compensation—Understanding Interest and Enforcement Issues in Workers’ Compensation Cases Following an Award of Benefits</i>	687
Evans, Justin W. & Mark C. Bannister, <i>Reanimating the States’ Single Subject Jurisprudence: A New Constitutional Test</i>	163
Flygare, Garth E., <i>Anticipatory Repudiation: A Clear Barrier to Communication</i>	85

Flygare, Garth E., <i>Title VII Retaliation Claims: But-For Causation Gets Back at Price Waterhouse in the Wake of University of Texas Southwest Medical Center v. Nassar, 133 S. Ct. 2517 (2013)</i>	557
Garcia, Tania P. Linares, <i>Protecting a Dream: Analyzing the Level of Review Applicable to DACA Recipients in Equal Protection Cases</i>	105
Garcia, Tania P. Linares, <i>Inhale, Exile: Limiting Review of Aggravated Felonies and Crimes Involving Moral Turpitude after Moncrieffe v. Holder, 133 S. Ct. 1678 (2013)</i>	573
Hale, Paul R., <i>It Is Hard to Make Everyone Happy: The Rights Gained and Lost by Companies and Employees in the Context of the Affordable Care Act Contraception Mandate</i>	323
Henry, Chris, <i>A Succinct, Holistic Look at Climate Change Legislation</i> .	231
Huber, Wm. Dennis, <i>The Curious, Perjurious Requirements of Illinois Supreme Court Rule 12(b)(3)</i>	451
Keltner, Blair P., <i>Texters Beware: Analyzing the Court's Decision in Kubert v. Best, 75 A.3d 1214 (N.J. Super. Ct. App. Div. 2013)</i>	125
Keltner, Blair P., <i>The Best Offense Is a Good Defense: Examining Failure to Conciliate as an Affirmative Defense in Employment Discrimination Cases Brought by the EEOC</i>	515
Kuehn, William R., Natalie M. Kuehn, David Lutrey, Kathryn Shores, & Susan T. Bart, <i>Survey of Illinois Law: Trusts and Estates</i>	647
McNulty, Patrick J. & Adam D. Zenor, <i>Corporate Free Exercise of Religion and the Interpretation of Congressional Intent: Where Will It End?</i>	475
Montiel, Joi, <i>Empower the Student, Liberate the Professor: Self-Assessment by Comparative Analysis</i>	249
Morgan, Jessica Shay, <i>Must the Corporation Pay for the Sins of the Employee After United States ex rel. Vavra v. Kellogg Brown & Root, Inc., 727 F.3d 343 (5th Cir. 2013)?</i>	347
Ruebner, Ralph, Katarina Durcova & Amy Taylor, <i>Why Illinois Should Adopt Federal Rule of Evidence 803(18) to Allow the Learned Treatise Exception to the Hearsay Rule</i>	275
Schmitz, Suzanne J., <i>Survey of Illinois Law: Mediation—To Maximize Confidentiality Protections for Family Mediations, The Courts Should Rely On the Illinois Uniform Mediation Act</i>	591
Sheehan, Andrew J., <i>Looking Out for the Illinois Home Buyer: Analyzing the Court's Narrow Approach in Kalkman v. Nedved, 2013 IL App (3d) 120800, 991 N.E.2d 889</i>	373

Sheehan, Andrew J., <i>Getting Drunk Drivers Off Illinois Roadways: Addressing the Split of Authority Regarding 911 Tips & Investigatory Traffic Stops</i>	537
Sheffner, Daniel J., <i>State ex rel. Proctor v. Messina and Ex Parte Communications Under the HIPAA Privacy Rules: The “Judicial Proceedings” Split</i>	71
Stegall, Debra L. & Emily J. Perkins, <i>Survey of Illinois Law: Employment Law</i>	611
Wykoff, Julia Kaye, <i>All Prisoners are Equal, but Some Prisoners Are More Equal Than Others: An Inmate’s Right to Sex Reassignment Surgery After Kosilek v. Spencer</i> , 889 F. SUPP. 2D 190 (D. MASS. 2012).....	143

TOPIC INDEX

CIVIL PROCEDURE:

Whither Notice Pleading?: Pleading Practice in the Days Before <i>Twombly</i>	23
The Curious, Perjurious Requirements of Illinois Supreme Court Rule 12(b)(3).....	451

CONSTITUTIONAL LAW:

Protecting a Dream: Analyzing the Level of Review Applicable to DACA Recipients in Equal Protection Cases.....	105
All Prisoners are Equal, but Some Prisoners are More Equal Than Others: An Inmate’s Right to Sex Reassignment Surgery After <i>Kosilek v. Spencer</i> , 889 F. Supp. 2d 190 (D. Mass. 2012).....	143
Reanimating the States’ Single Subject Jurisprudence: A New Constitutional Test	163
The Fight Goes on Forever: “Limited Government” and the First Bank of the United States	391
Corporate Free Exercise of Religion and the Interpretation of Congressional Intent: Where Will It End?	475

CONTRACT LAW:

Anticipatory Repudiation: A Clear Barrier to Communication	85
--	----

CRIMINAL LAW:

Getting Drunk Drivers Off Illinois Roadways: Addressing the Split of Authority Regarding 911 Tips & Investigatory Traffic Stops.....	537
--	-----

EMPLOYMENT LAW:

- The Best Offense Is a Good Defense: Examining Failure to Conciliate as an Affirmative Defense in Employment Discrimination Cases Brought by the EEOC..... 515
- Title VII Retaliation Claims: But-For Causation gets Back at *Price Waterhouse* in the Wake of *University of Texas Southwest Medical Center v. Nassar*, 133 S. Ct. 2517 (2013) 557
- Survey of Illinois Law: Employment Law..... 611
- Survey of Illinois Law: Worker’s Compensation—Understanding Interest and Enforcement Issues in Worker’s Compensation Cases Following An Award of Benefits 687

ENVIRONMENTAL LAW:

- A Succinct, Holistic Look at Climate Change Legislation 231

EVIDENCE:

- Why Illinois Should Adopt Federal Rule of Evidence 803(18) to Allow the Learned Treatise Exception to the Hearsay Rule 275

FAMILY LAW:

- Survey of Illinois Law: Mediation—To Maximize Confidentiality Protections for Family Mediations, the Courts Should Rely On the Illinois Uniform Mediation Act..... 610

HEALTH CARE LAW:

- State ex rel. Proctor v. Messina* and *Ex Parte* Communications Under the HIPAA Privacy Rule: The “Judicial Proceedings” Split..... 71
- It is Hard to Make Everyone Happy: The Rights Gained and Lost By Companies and Employees in the Context of the Affordable Care Act Contraception Mandate..... 323

IMMIGRATION LAW:

- Protecting a Dream: Analyzing the Level of Review Applicable to DACA Recipients in Equal Protection Cases..... 105
- Inhale, Exile: Limiting Review of Aggravated Felonies and Crimes Involving Moral Turpitude after *Moncrieffe v. Holder*, 133 S. Ct. 1678 (2013) 573

LEGAL EDUCATION:

- Empower the Student, Liberate the Professor: Self-Assessment by
Comparative Analysis 249

PRIVACY LAW:

- Domestic Tranquility: The Goals of Home Protection 1

PROPERTY LAW:

- Survey of Illinois Law: Trusts and Estates 647

REAL ESTATE LAW:

- Looking Out for the Illinois Home Buyer: Analyzing the Court's
Narrow Approach in *Kalkman v. Nedved*, 2013 IL App (3d)
120800, 991 N.E.2d 889..... 373

STATUTORY INTERPRETATION:

- Is Registering as an Animal Abuser in Illinois Abusive to the Offender?
An Examination of the Proposed Illinois Animal Abuse Registry... 299

TORT LAW:

- Texters Beware: Analyzing the Court's Decision in *Kubert v. Best*, 75
A.3d 1214 (N.J. Super. Ct. App. Div. 2013) 125
- Must the Corporation Pay for the Sins of the Employee After *United
States ex. Rel. Vavra v. Kellogg Brown & Root, Inc.*, 727 F.3d 343
(5th Cir. 2013)?..... 347