

Chicago-Kent Law Review

Volume 89

Issue 3 *The Making of a Legal Historian: Reassessing
the Work of William E. Nelson*

Article 1

June 2014

Table of Contents

Chicago-Kent Law Review

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>



Part of the [Law Commons](#)

Recommended Citation

Chicago-Kent Law Review, *Table of Contents*, 89 Chi.-Kent L. Rev. i (2014).
Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol89/iss3/1>

This Front Matter is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact dginsberg@kentlaw.iit.edu.

CHICAGO-KENT LAW REVIEW

VOLUME 89

2014

NUMBER 3

CONTENTS

THE MAKING OF A LEGAL HISTORIAN: REASSESSING THE WORK OF WILLIAM E. NELSON

SYMPOSIUM EDITORS

FELICE BATLAN AND R.B. BERNSTEIN

- INTRODUCTION: THE MAKING OF A
CANONICAL LEGAL HISTORIAN *Felice Batlan* 907
and R.B. Bernstein

- AMERICANIZATION OF THE COMMON LAW:
THE INTELLECTUAL MIGRATION MEETS
THE GREAT MIGRATION *David Thomas Konig* 917

This essay is an appreciation of William E. Nelson's *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830* (1975) and the complementary study published six years later as *Dispute and Conflict Resolution in Plymouth County, Massachusetts, 1725-1825* (1981). The essay places Nelson's research project in the immediate context of historical writing on colonial New England at the time of their publication but steps back from that narrow context to identify the significance of the book in the long trajectory of great legal historical writing on the Anglo-American legal tradition.

- LAW FOR THE EMPIRE: *THE COMMON
LAW IN COLONIAL AMERICA* AND
THE PROBLEM OF LEGAL DIVERSITY *Lauren Benton* 937
and Kathryn Walker

In laboring to uncover the legal origins of the American Revolution, historians of law in early America often separated the field from the comparative legal history of empires. William E. Nelson does not explicitly set out to place American colonial legal history in a global context in *The Common Law in Colonial America*. But in analyzing legal diversity and identifying elements of early legal convergence, Nelson does address key questions within the comparative history of empire and law. This article surveys Nelson's contributions and places them alongside two other approaches to the study of colonial legal diversity and the constitution of empires. We argue that Nelson's methodology of comparing colonial legal systems rather than contrasting them to poorly understood trends in English law represents an essential complement to two other novel approaches in the literature on law and empire: the study of processes spanning colonies and the analysis of metropolitan attempts to design an imperial legal order. Taken

together, these methods promise to integrate fully the history of colonial American law within a global and comparative history of empire and law. The article thus describes Nelson's *The Common Law in Colonial America* as an important contribution to this larger historiographic project.

THAT ELUSIVE CONSENSUS:
THE HISTORIOGRAPHIC SIGNIFICANCE
OF WILLIAM E. NELSON'S WORKS
ON JUDICIAL REVIEW

Mark McGarvie 957

This essay provides a historiographical context for Nelson's work on judicial review. It argues that Nelson's integration of intellectual and legal history not only rebutted the instrumentalist historiography that prevailed when he undertook his work on Marshall and judicial review, but also fostered an appreciation of the need to place legal actors in the intellectual context in which they acted. Highlighting the influence of Bernard Bailyn's pathfinding work on popular sovereignty upon Nelson's development of his consensus theory, the essay contends that Nelson's work changed the course of academic readings of Marshall's jurisprudence to be consistent with a broader acceptance of intellectual history. Nelson's work retains special significance in the twenty-first century as a basis for considering restrictions on judicial review without the overt politicization of the arguments on the topic that have surfaced since the *Bush v. Gore* decision in 2000.

WILLIAM E. NELSON'S *THE ROOTS OF
AMERICAN BUREAUCRACY* AND THE
RESUSCITATION OF THE EARLY
AMERICAN STATE

Gautham Rao 997

In 1983, William E. Nelson published *The Roots of American Bureaucracy, 1830-1900*. Nelson traced the somewhat unlikely emergence and victory of the bureaucratic model in American political and legal thought. This article summarizes the book's argument and describes its reception. It also seeks to assess the scholarly legacy of *The Roots of American Bureaucracy*. I argue that the book was ahead of its time because it contradicted prevailing scholarly trends in identifying a significant federal state in nineteenth-century America. In particular, during the past two decades, historians and political scientists have built on Nelson's insights to develop a consensus about an early federal government of limited capacity but significant capability. Nelson's *Roots of American Bureaucracy* deserves appreciation for drawing scholarly attention to the construction and administration of the American state previous to the New Deal administrative revolution.

ORIGINAL INTENT AND THE FOURTEENTH
AMENDMENT: INTO THE BLACK HOLE
OF CONSTITUTIONAL LAW

Paul Finkelman 1019

This article explores and examines William E. Nelson's masterful study of the origins and adoption of the Fourteenth Amendment, *The Fourteenth Amendment: From Political Principle to Judicial Doctrine* (1988). The article explains that a quarter of a century after he wrote this book, Nelson's study of the origins and adoption of the Amendment remains the best exploration of these issues. His book illustrates the difficulties of determining the "original intent" of the framers of this complicated and complex Amendment. At the same time, however, Nelson demonstrates that for many issues we can come to a strong understanding of the goals of the framers and ratifiers, even as we cannot reach such firm conclusions for other aspects of the Amendment. This article takes issue with the last part of Nelson's book, arguing that he should have looked more closely at the Supreme Court's jurisprudence on race, and offered a more

critical analysis of this jurisprudence. The article suggests that in his analysis of these cases Nelson was too lawyerly, and thus ignores the pernicious results of these cases and also ignores the fact that a contrary jurisprudence of equality was available to the Court, had the Justices chosen to favor equality over inequality. This article ends by arguing that the Court did not have to take this direction because at the very time the Court's majority supported segregation, most northern states passed laws to protect civil rights. This forgotten history of northern civil rights legislation suggests that there was significant support in the nation for rejecting segregation in favor of equality. Unfortunately, the Supreme Court rejected the equality supported by a majority of the nation in favor of segregations and racism, which commanded the support of a minority of the nation—southern whites.

REJECTING THE LEGAL PROCESS THEORY
JOKER: BILL NELSON'S SCHOLARSHIP
ON JUDGE EDWARD WEINFELD AND
JUSTICE BYRON WHITE

Brad Snyder 1065

My contribution to this tribute places Bill Nelson's scholarship about Judge Edward Weinfeld and Justice Byron White within several contexts. It is a personal history of Nelson the law student, law clerk, and young scholar; an intellectual history of legal theory since the 1960s; an examination of the influence of legal theory on Nelson's scholarship based on his writings about Weinfeld and White; and an example of how legal historians contend with the subject of judicial reputation. Nelson was one of many former Warren Court and Burger Court clerks who joined the professoriate and rejected the legal process theory that they had learned as law students. Instead of process theory, Nelson and this upstart generation of scholars gravitated to one of five competing theories: (1) Rights protectors; (2) Post-realism; (3) Law and economics; (4) Originalism; and (5) Judicial restraint holdouts. Nelson's scholarship about Weinfeld and White represents a case study about a scholar struggling to fit two judges whom he clerked for and greatly admired into one of these five schools of thought. Nelson tries hard to turn them into rights protectors, to draw similarities between their jurisprudence and Justice Brennan's jurisprudence that Nelson so obviously admires. Nelson also reframes Weinfeld's and White's judicial restraint so that it looks nothing like the pretentious process theory that Nelson had rejected at N.Y.U. Law School and at Harvard.

SEMI-WONDERFUL TOWN,
SEMI-WONDERFUL STATE:
BILL NELSON'S NEW YORK

Edward A. Purcell, Jr. 1085

This article examines Bill Nelson's two major books on the history of New York law and politics, *The Legalist Reformation* (2001) and *Fighting for the City* (2008). The former deals with developments in New York State from the late nineteenth to the late twentieth century; the latter with New York City starting somewhat earlier but concentrating on the same later period. *The Legalist Reformation* argues that the election of Alfred E. Smith as Governor of New York in 1922 began a transformation of the state's legal and political culture that brought new and more egalitarian social policies to the state and eventually inspired what became post-New Deal liberalism with its commitment to both greater economic equality and the protection of civil liberties and minority rights. *Fighting for the City* focuses more narrowly on New York City and its office of Corporation Counsel, exploring the challenges of governing under law in a complex urban environment marked by changing economic conditions and sharp political conflicts rooted in ethnic, racial, religious, and class differences. From their contrasting perspectives both trace the rise of "legalist reform" in the early twentieth century, the emergence of post-New Deal liberalism in the decades around World War II, and ultimately the decline of both in the last third of the twentieth century. The article discusses the author's normative views on the nature and values of "legalist reform," and it concludes by identifying seven sig-

nificant contributions that the two books make to our understanding of New York history, the operation of the American legal system, and the nation's fundamental ideas about law and democracy.

A RESPONSE: THE IMPACT OF WAR ON
JUSTICE IN THE HISTORY OF
AMERICAN LAW

William E. Nelson 1109

The foundational claim of this essay is that judges at most points in time should act with restraint and should not attempt to resolve contested issues of policy. They should incorporate new policies into the law only when the polity as a whole has already adopted a particular policy or when it is in the process of adopting one. The essay then maintains that there have been three periods in American history—the Revolution and the subsequent decades of constitution-making, the Civil War and Reconstruction, and World War II and its aftermath—when the American public as an entity did adopt policies of liberty, equality, majoritarian democracy, and protection of minority rights. The essay concludes that judges are not only free but indeed are obligated to give operative effect to those policies in deciding cases.

STUDENT NOTES

THE “MORAL HAZARDS” OF TITLE VII’S
RELIGIOUS ACCOMMODATION DOCTRINE

1131

Stephen Gee

Freedom of religion in the workplace has recently become a hot topic with regards to whether U.S. or state laws (mainly contraceptive care and treatment of same-sex, married employees' spouses) must accommodate certain employer's religious beliefs or else violate the employer's constitutional right. However, before this recent employer-centric topic came to light, the main focus was on employees and to what extent employers must accommodate an employee's religion via Title VII. Most, if not all, academic literature has argued an employer's duty to accommodate employee's religion is too weak under Title VII and should thus be increased to the significant employer burden to accommodate an employee's disability under the ADA. However, courts have consistently held an employer only has a de minimis burden to accommodate its employee's religion. This article serves as a devil's advocate argument for why the legal commentators are wrong and why the current Title VII religious accommodation standards are correct. Issues such as “choice,” constitutionality, and judicial efficiency are covered in-depth. Ultimately, the main counterargument this article makes is how raising the Title VII burden on employer's will create a “moral hazard” for employees to pick and choose a religion to avoid compliance with neutral employer rules.

ASSESSING THE BOARD OF IMMIGRATION
APPEAL'S SOCIAL VISIBILITY DOCTRINE IN THE
CONTEXT OF HUMAN TRAFFICKING

Kathleen M. Mallon 1169

United States asylum law provides individuals who have been persecuted in their country of origin with residency in the United States. Membership in a “particular social group” (PSG) confers refugee status on individuals applying for asylum in the United States. The Board of Immigration Appeals (BIA) initially defined a PSG as a group composed of members who all share an immutable characteristic, that is, an unchangeable characteristic or one so fundamental to an individual's identity that they should not be required to change it. This test functioned well for over a decade; however, the BIA added an additional requirement to the analysis: “social visibility.” “Social visibility” requires that

members possess characteristics visible and recognizable by others in the native country. Today, all but two circuits require “social visibility.”

This note argues that this widespread acceptance of the “social visibility” requirement is problematic, particularly for victims of human trafficking. First, it is incredibly difficult to define public perception; therefore, it is impossible to identify when a society has confirmed the existence of a PSG. Second, “social visibility” operates to exclude deserving applicants because persecuted groups will take pains to avoid becoming socially visible. Part I presents an overview of international and domestic refugee law. Part II analyzes the current circuit split between immutable characteristic and social visibility. Part III details the problems with requiring “social visibility” and “particularity” generally and specifically for victims of human trafficking, and Part IV concludes that “immutable characteristic” strikes the proper balance between the interests of applicants and the United States legal system.

ABSTENTION DOCTRINE AND THE FAIR
DEBT COLLECTION PRACTICES ACT

Michael J. Wood 1191

A survey of cases where federal courts abstain from hearing cases related to existing state court cases under the Fair Debt Collection Practices Act (FDCPA) reveals varying approaches and theories underlying those courts’ abstentions. This article attempts to distinguish FDCPA claims related to the validity of the underlying debt from claims arising out of debt collectors’ conduct in collecting a debt, and recommends that federal courts avoid abstaining from the latter. When Congress passed the FDCPA, it intended to provide access to a forum of the consumer’s choice to enforce their rights under the Act by serving as “private attorneys general.” Therefore, consumers must have the option to bring their FDCPA claims in federal court even when there is a pending state court action involving the underlying debt if the state action will not necessarily dispose of the FDCPA claim. The FDCPA bans such practices as making false and deceptive statements, using unconscionable means to collect a debt, and, for example, calling a consumer at her place of employment after being informed that the consumer is not permitted to take personal calls at work. State court litigation over the validity of a debt (e.g., a foreclosure case) does not necessarily impact a dispute over the debt collection activity itself. On the other hand, where a potential FDCPA claim arises out of a debt collector’s prosecution of state court litigation (i.e., consumer never owed a debt at all), federal courts should stay their hand pending the resolution of that claim in order to avoid piecemeal litigation and inconsistent results. This article attempts to more clearly define that line and recommends a consistent approach to abstention doctrine in FDCPA actions.

CHICAGO-KENT LAW REVIEW

Chicago-Kent College of Law Illinois Institute of Technology

Published by the Chicago-Kent College of Law
Illinois Institute of Technology
565 West Adams Street, Chicago, Illinois 60661

DEVON J. STEINMEYER
Editor-in-Chief

REBECCA SUNDIN
Managing Editor

REBECCA LYON
Executive Notes & Comments Editor

EXECUTIVE ARTICLES EDITORS

JACOB BERGER
PETER CASSATA
STEPHEN GEE

MORDECHAI KAPLAN
KATIE MALLON
STEPHEN PAUWELS

CARRIE STICKEL
ERIC TURNER
BRETT WEBER

NOTES & COMMENTS EDITORS

REBEKAH CAWLEY
NOELLE CISLO
BRETT DORN
HANAN ERIKAT
HOLLY EUBANKS

LEAH EUBANKS
ARIAN HASSANALIZADEH
SASHA KAKABADSE
ROMAN KASHUBA
JAMES KONSTANTOPOULOS
PHILIP MICHA

ASHLEY MONTALBANO
DAVID PELSUE
JESSICA RYOU
DAVID STARSHAK
SARAH TUNNEY

WEBSITE EDITOR
YU DI

STAFF

MICHAEL H. ADLER
MICHAEL R. ANDERSON
JOHN BICKLEY
IMAN BOUNDAOUI
HEATHER N. COLLINET
CLAUDIA CORTEZ
LUCAS H. DAHLIN
SHOHREH DAVOODI
SUSAN DEWEY
MELODY GAAL
PAUL T. GESKE

MARTIN GOULD
RYAN P. HANNEKEN
AON HUSSAIN
JOHN JEFFERSON
DANIEL C. KIRBY
ADRIENNE KITCHEN
KELLY KOSS
PAULINA LOPEZ CABALLERO FERRER
TERI N. MCCLERKLIN
ASHLEY MOSCARELLO
MATTHEW MULROE

JING PENG
MALINDA L. PILEGGI
JACOB RADECKI
DAVID S. REPKING
KARA RYAN
ERIC J. SHINABARGER
GABRIELLA SNEERINGER
MICHAEL SPANEL
RICHARD WILSON
JING ZHANG

FACULTY CHAIR
SHELDON NAHMOD

Member, National Conference of Law Reviews

ALEXANDER MAGALLI, *Publication Coordinator*

VOLUME 89

2014

NUMBER 3

Cite this volume as: 89 CHI.-KENT L. REV. — (2014).

The *Chicago-Kent Law Review* is published by the Chicago-Kent College of Law, Illinois Institute of Technology, 565 West Adams Street, Chicago, Illinois 60661-3691; telephone: (312) 906-5190. The annual subscription price is \$35 for subscriptions in the United States and Canada and \$40 for all other countries. Single issues are available for \$13 plus shipping. If the subscription is to be discontinued at expiration, notice to that effect should be sent; otherwise, it will be renewed as usual. All notifications of address changes should include the old and new addresses and ZIP codes.

Chicago-Kent College of Law assumes no responsibility for any statement appearing in this publication.

Except where otherwise expressly provided, the *Chicago-Kent Law Review* and the author of each article, note, and comment in this issue of the *Chicago-Kent Law Review* grant permission to reproduce and distribute, in whole or in part, that article, note, or comment for educational purposes including distribution to students, provided that the copies are distributed at or below cost; the copies identify the author, the *Chicago-Kent Law Review*, the volume, the number of the first page, and the year of the article's publication; and that proper copyright notice is affixed to each copy.

Copyright © 2014 by Chicago-Kent College of Law

<http://studentorgs.kentlaw.iit.edu/cklawreview/>

**Chicago-Kent College of Law
Illinois Institute of Technology**

2013-2014 FACULTY

- SUSAN JOHANNE ADAMS, B.A., M.A., J.D.
*Professor of Legal Research and Writing,
Associate Director of the Legal Research and
Writing Program, and Director of Writing
Services*
- LORI B. ANDREWS, B.A., J.D.
*Distinguished Professor of Law, Director of
the Institute for Science, Law and Technology*
- BERNADETTE ATUAHENE, B.A., M.P.A., J.D.
Associate Professor of Law
- KIMBERLY D. BAILEY, B.A., J.D.
Assistant Professor of Law
- KATHARINE K. BAKER, B.A., J.D.
Professor of Law
- FELICE BATLAN, B.A., J.D., PH.D.
*Associate Professor of Law, Co-Director of
the Institute for Law and the Humanities, and
Director of the Institute for Compliance*
- WILLIAM A. BIRDTHISTLE, B.A., J.D.
Associate Professor of Law
- ALEXANDER BONI-SAENZ, A.B., M. Sc., J.D.
Assistant Professor of Law
- RALPH L. BRILL, A.B., J.D.
Professor of Law
- EVELYN BRODY, B.A., J.D.
Professor of Law
- BARTRAM S. BROWN, B.A., J.D., PH.D.
*Professor of Law and Co-Director of the
Program in International and Comparative
Law*
- GERALD BROWN, B.S.C., J.D.
*Director of the Graduate Program in Taxation
and Senior Instructor*
- CHRISTOPHER J. BUCCAFUSCO, B.S., J.D.
*Associate Professor of Law, Co-Director of
the Center for Empirical Studies of Intellectual
Property*
- HOWARD S. CHAPMAN, B.S., J.D.
*Professor of Law and Director of the
Program in Business Law*
- SUNGJOON CHO, LL.B, M.P.A, LL.M., S.J.D.
*Professor of Law and Norman and Edna
Freehling Scholar*
- RICHARD J. CONVISER, B.A., J.D., DR. JUR.
Professor of Law
- DANIEL T. COYNE, B.A., J.D.
Clinical Professor of Law
- ELIZABETH DE ARMOND, B.S., J.D.
Professor of Legal Research and Writing
- RHONDA DE FREITAS, B.A., J.D.
Clinical Assistant Professor of Law
- JONATHAN P. DECATORSMITH, B.A., J.D.
Clinical Assistant Professor of Law
- HOWARD C. EGLIT, B.A., J.D.
Professor of Law
- SUZANNE EHRENBERG, B.A., J.D.
Professor of Legal Research and Writing
- DAVID ERICKSON, B.A. . J.D.
*Senior Instructor of Law, Director of the Trial
Advocacy Program, and Co-Director of the
Program in Criminal Litigation*
- DAVID J. GERBER, B.A., M.A., J.D.
*Distinguished Professor of Law and Co-
Director of the Program in International and
Comparative Law*
- DOUGLAS GODFREY, B.A., M.A., J.D.
Professor of Legal Research and Writing
- JERRY GOLDMAN, A.B., M.A., Ph.D.
*Director of the Oyez Project and Research
Professor of Law*
- RICHARD J. GONZALEZ, B.A., J.D.
Clinical Professor of Law
- SANFORD N. GREENBERG, B.A., M.A., J.D.,
PH.D.
Professor of Legal Research and Writing
- VIVIEN C. GROSS, B.A., M.A., J.D.
Clinical Professor of Law
- PHILIP N. HABLUTZEL, B.A., M.A., J.D.
*Professor of Law and Director of the Institute
of Illinois Business Law*
- SARAH K. HARDING, B.A., LL.B., B.C.L.,
LL.M.
*Associate Professor of Law and Associate
Dean for Faculty*
- VINAY HARPALANI, B.A., M.S., M.B., PH.D.,
J.D.
Visiting Assistant Professor of Law
- HEATHER HARPER, B.A., J.D.
Clinical Assistant Professor of Law
- EDWARD C. HARRIS, B.A., J.D.
*Assistant Dean and Associate Professor for
International LL.M. Programs*
- STEVEN L. HARRIS, B.A., J.D.
Professor of Law
- TODD HAUGH, B.A., J.D.
Visiting Assistant Professor of Law
- STEVEN J. HEYMAN, A.B., J.D.
Professor of Law
- KARI L. JOHNSON, B.A., J.D.
Professor of Legal Research and Writing
- CHERISH M. KELLER, B.S., J.D.
*Assistant Professor of Legal Research and
Writing for LL.M. Programs*
- VALERIE GUTMANN KOCH, A.B., J.D.
Visiting Assistant Professor of Law
- PAMELA A. KENTRA, B.A., J.D.
Clinical Professor of Law
- RICHARD S. KLING, B.A., J.D.
Clinical Professor of Law
- EDWARD KRAUS, B.A., J.D.
Clinical Professor of Law

HAROLD J. KRENT, A.B., J.D.
Dean and Professor of Law

GARY S. LASER, B.B.A., J.D.
Associate Professor of Law, Director of Clinical Education, and Co-Director of the Program in Criminal Litigation

LAURIE E. LEADER, A.B., J.D.
Clinical Professor of Law

EDWARD LEE, B.A., J.D.
Professor of Law, Director of the Program in Intellectual Property Law, and Norman and Edna Freehling Scholar

MARTIN H. MALIN, B.A., J.D.
Professor of Law and Director of the Institute for Law and the Workplace

NANCY S. MARDER, B.A., M.PHIL., J.D.
Professor of Law, Director of the Justice John Paul Stevens Jury Center, and Co-Director of the Institute for Law and Humanities

ANA MENDEZ MENCINI, B.A., M.A., J.D.
Clinical Assistant Professor of Law

HERBERT MUNSTERMAN, J.D., M.S., B.S.
Lecturer and Director of the Intellectual Property Management and Markets Program

SHELDON H. NAHMOD, A.B., LL.B., M.A.
Distinguished Professor of Law

HENRY H. PERRITT, JR., S.B., S.M., J.D.
Professor of Law and Director of the Graduate Program in Financial Services Law

MICKIE VOGES PIATT, B.A., M.L.S., J.D.
Associate Professor of Law and Deputy Director of the Program in Intellectual Property Law

CESAR F. ROSADO MARZAN, M.A., B.A., J.D.
Assistant Professor of Law

MARK D. ROSEN, A.B., J.D.
Professor of Law

MARSHA ROSS-JACKSON, B.A., M.P.A., J.D.
Assistant Dean for Student Professional Development, Executive Director of the Institute for Law and the Workplace, and Lecturer

DAVID S. RUDSTEIN, B.S., J.D., LL.M.
Professor of Law and Co-Director of the Program in Criminal Litigation

CHRISTOPHER W. SCHMIDT, B.A., M.A., PH.D., J.D.
Assistant Professor of Law

DAVID L. SCHWARTZ, B.S., J.D.
Associate Professor of Law and Co-Director of the Center for Empirical Studies of Intellectual Property

CAROLYN SHAPIRO, B.A., J.D.
Associate Professor of Law and Director of the Institution on the Supreme Court of the United States

STEPHEN D. SOWLE, B.A., J.D.
Assistant Dean for Academic Administration and Student Affairs and Senior Lecturer

MICHAEL I. SPAK, B.S., J.D., LL.M.
Professor of Law

RONALD W. STAUDT, B.A., B.S., J.D.
Professor of Law and Director of the Center for Access to Justice and Technology

JOAN E. STEINMAN, A.B., J.D.
Distinguished Professor of Law

STEPHANIE M. STERN, B.A., J.D.
Associate Professor of Law and Norman and Edna Freehling Scholar

KEITH ANN STIVERSON, M.S., J.D.
Director of the IIT Downtown Campus Library and Senior Lecturer

KENT STRESEMAN, B.A., J.D.
Associate Professor of Appellate Advocacy and Director of the Ilana Diamond Rovner Program in Appellate Advocacy

MARY ROSE STRUBBE, B.A., J.D.
Professor of Legal Research and Writing, Director of the Legal Research and Writing Program, and Assistant Director of the Institute for Law and the Workplace

PATRICIA M. SUDENDORFF, B.A., J.D.
Instructor

A. DAN TARLOCK, A.B., LL.B.
Distinguished Professor of Law and Director of the Program in Environmental and Energy Law

ADRIAN WALTERS, B.A., M.A., C.P.E. (Law)
Ralph L. Brill Professor of Law

RICHARD A. WARNER, B.A., J.D., PH.D.
Professor of Law and Faculty Director of the Center for Law and Computers

RICHARD W. WRIGHT, B.S., J.D., LL.M.
Distinguished Professor of Law

EMERITI

LEWIS M. COLLENS, B.S., M.A., J.D.
President Emeritus, Illinois Institute of Technology and Professor of Law Emeritus

JEFFREY G. SHERMAN, A.B., J.D.
Professor of Law Emeritus

MARGARET G. STEWART, B.A., J.D.
Professor of Law Emeritus

ADJUNCT FACULTY

Sherwin D. Abrams, B.S., J.D.
Adjunct Professor of Law

John F. Acevedo, B.A., J.D.
Adjunct Professor of Law

David C. Adams, B.A., M.B.A., J.D.
Adjunct Professor of Law

Olta Andoni, LL.M.
Adjunct Professor of Law

Cheryl D. Balough, B.A., M.B.A., M.A.L.S., J.D.
Adjunct Professor of Law

Benjamin Beiler, LL.B., J.D., LL.M.
Adjunct Professor of Law

Kate G. Berezutskaya, M.S., J.D., Ph.D.
Adjunct Professor of Law

Debra R. Bernard, B.A., J.D.
Adjunct Professor of Law

John A. Biek, B.S., J.D.
Adjunct Professor of Law

Ashly Iacullo Boesche, B.A., J.D.
Adjunct Professor of Law

Adam Bottner, B.A., J.D.
Adjunct Professor of Law

William A. Boulware, B.A., J.D.
Adjunct Professor of Law

Jeffrey W. Brend, B.S., J.D.
Adjunct Professor of Law

Lawrence H. Brenman, B.S., J.D., LL.M.
Adjunct Professor of Law

Sarah E. Buck, B.A., J.D.
Adjunct Professor of Law

Chadwick I. Buttell, B.A., J.D., M.B.A., LL.M.
Adjunct Professor of Law

Robert E. Byrne, B.S., J.D.
Adjunct Professor of Law

Thomas B. Cahill, B.A., J.D.
Adjunct Professor of Law

Nicholas A. Caputo, B.S.B.A., J.D.
Adjunct Professor of Law

Debbie Chizewer, B.A., J.D.
Adjunct Professor of Law

Michael A. Clark, B.A., J.D.
Adjunct Professor of Law

Joseph M. Claps, B.S., J.D.
Adjunct Professor of Law

Robert A. Clary II, B.A., J.D., LL.M.
Adjunct Professor of Law

Kevin J. Coenen, B.S.B.A., J.D.
Adjunct Professor of Law

Patrick S. Coffey, B.A., J.D.
Adjunct Professor of Law

Denis J. Conlon, B.S.C., J.D., LL.M.
Adjunct Professor of Law

Peter E. Cooper, B.A., J.D.
Adjunct Professor of Law

Christopher Cue, B.A., J.D., LL.M.
Adjunct Professor of Law

Deborah A. White Dabulskis, B.S., J.D.
Adjunct Professor of Law

Brian E. Davis, B.S., J.D.
Adjunct Professor of Law

Champ W. Davis, Jr., B.S., J.D.
Adjunct Professor of Law

Michael J. Delrahim, B.S., J.D.
Adjunct Professor of Law

Mary E. Diczg, B.S., J.D.
Adjunct Professor of Law

Grantland G. Drutchas, B.S., J.D.
Adjunct Professor of Law

Nicola Fiordalisi, J.D., J.D.
Adjunct Professor of Law

Margaret C. Firnstein, B.A., J.D.
Adjunct Professor of Law

Jennifer M. Fletchall, B.S., J.D.
Adjunct Professor of Law

Hon. Kenneth L. Fletcher, B.A., J.D.
Adjunct Professor of Law

Courtney Fong, B.Phil., M.B.A., J.D.
Adjunct Professor of Law

Howard W. Foster, B.A., J.D.
Adjunct Professor of Law

Jeffrey B. Frishman, B.A., J.D., LL.M.
Adjunct Professor of Law

Steven G. Frost, B.S., M.S., J.D.
Adjunct Professor of Law

Martha A. Garcia, A.A., B.S., J.D.
Adjunct Professor of Law

Patrick G. Gattari, B.S., J.D.
Adjunct Professor of Law

John M. Geiringer, B.A., J.D.
Adjunct Professor of Law

Tracy K. Genesen, B.A., J.D.
Adjunct Professor of Law

Lindsay M. Gephardt, B.S., J.D.
Adjunct Professor of Law

Robert B. Ginsburg, B.S., M.A., J.D.
Adjunct Professor of Law

Mitchell B. Goldberg, B.A., J.D.
Adjunct Professor of Law

Scott B. Goldsher, B.S., J.D., LL.M.
Adjunct Professor of Law

Robert G. Goldstein, B.S., J.D.
Adjunct Professor of Law

Tomas G. Gonzalez, B.S., J.D.
Adjunct Professor of Law

Ian Greengross, B.S.B.A., J.D.
Adjunct Professor of Law

Eric F. Greenberg, B.A., J.D.
Adjunct Professor of Law

Hon. Maxwell Griffin, Jr., B.A., J.D.
Adjunct Professor of Law

David I. Grund, B.A., J.D.
Adjunct Professor of Law

Nancy Hablutzel, B.S., M.A., Ph.D., J.D.
Adjunct Professor of Law

Eldon L. Ham, B.S., J.D.
Adjunct Professor of Law

Harold S. Handelsman, B.A., J.D.
Adjunct Professor of Law

William M. Hannay, B.A., J.D.
Adjunct Professor of Law

Keith I. Harley, A.B., M.Div., J.D.
Adjunct Professor of Law
Daniel Mark Harris, B.A., J.D.
Adjunct Professor of Law
Robert J. Harris, B.A., J.D.
Adjunct Professor of Law
Hon. Donald R. Havis, B.S., J.D.
Adjunct Professor of Law
Kristen E. Hazel, B.A., J.D.
Adjunct Professor of Law
Matthew C. Houchens, B.S., J.D.
Adjunct Professor of Law
William N. Howard, B.S., J.D.
Adjunct Professor of Law
Bradley J. Hulbert, B.S.E.E., M.B.A., J.D.
Adjunct Professor of Law
Joshua J. Jones, B.A., J.D.
Adjunct Professor of Law
Michelle C. Kauppila, B.A., M.S., J.D.
Adjunct Professor of Law
Donald B. Kempster, B.A., J.D.
Adjunct Professor of Law
Adam C. Kibort, B.A., J.D.
Adjunct Professor of Law
Meghan Kieffer, B.S., J.D.
Adjunct Professor of Law
Leslie A. Klein, B.S., J.D.
Adjunct Professor of Law
William C. Kling, B.A., J.D.
Adjunct Professor of Law
Sydney R. Kokjohn, B.S., J.D.
Adjunct Professor of Law
Christos Komissopoulos, LL.M., M.A., S.J.D.
Adjunct Professor of Law
Hon. Demetrios G. Kottaras, B.S., J.D.
Adjunct Professor of Law
John J. Lapinski, B.S., J.D.
Adjunct Professor of Law
Matthew P. Larvick, B.S., J.D.
Adjunct Professor of Law
Gerise M. LaSpisa, B.S., J.D.
Adjunct Professor of Law
David M. Lavin, B.S., J.D.
Adjunct Professor of Law
Elizabeth A. Laughlin, B.A., J.D.
Adjunct Professor of Law
Marvin J. Leavitt, B.A., J.D.
Adjunct Professor of Law
Joan M. Lebow, B.A., J.D.
Adjunct Professor of Law
Deborah Brown Lee, B.A., J.D.
Adjunct Professor of Law
Michael S. Lee, B.S., M.S., J.D. LL.M.
Adjunct Professor of Law
Corinne M. Levitz, B.A., J.D.
Adjunct Professor of Law
Joel J. Levin, B.A. J.D.
Adjunct Professor of Law
Charles R. Levun, B.S., J.D.
Adjunct Professor of Law
Anthony D. Lucafo, B.A., J.D.
Adjunct Professor of Law

Susan M. MacLean, B.A., J.D.
Adjunct Professor of Law
Steven N. Malitz, B.A., J.D.
Adjunct Professor of Law
Susan P. Malone, B.A., J.D.
Adjunct Professor of Law
Marenglen Marku, B.A., MA., Ph.D.
Adjunct Professor of Law
Daniel G. Martin, B.A., J.D.
Adjunct Professor of Law
Richard J. Mason, B.A., M.B.A., J.D.
Adjunct Professor of Law
William H. Mayer, B.S., J.D.
Adjunct Professor of Law
J. Brent McCauley, B.S., J.D.
Adjunct Professor of Law
Terrence J. McConville, B.A., J.D.
Adjunct Professor of Law
James P. McKay, B.A., J.D.
Adjunct Professor of Law
Renee D. McKinney, B.A., M.I.L.S., J.D.
Adjunct Professor of Law
Robert C. Milla, B.A., M.A., J.D.
Adjunct Professor of Law
Alyssa Mogul, B.A., J.D.
Adjunct Professor of Law
Alexandra Molesky, B.A., J.D.
Adjunct Professor of Law
Ira A. Moltz, B.A., J.D.
Adjunct Professor of Law
J. Michael Monahan II, B.A., J.D.
Adjunct Professor of Law
Rachel Moran, B.A., J.D.
Adjunct Professor of Law
James J. Morici, B.A., J.D.
Adjunct Professor of Law
Gia L. Morris, B.A., J.D.
Adjunct Professor of Law
Hal R. Morris, B.A., M.B.A., J.D.
Adjunct Professor of Law
Wendy J. Muchman, B.A., J.D.
Adjunct Professor of Law
Michael Nathanson, B.S., Ph.D.
Adjunct Professor of Law
Marcia J. Nawrocki, B.S., J.D., LL.M.
Adjunct Professor of Law
Meagan N. Newman, B.A., J.D.
Adjunct Professor of Law
Valerie R. Neymeyer-Tynkov, B.A., M.S., J.D.
Adjunct Professor of Law
Lance D. Northcutt, B.A., J.D.
Adjunct Professor of Law
Mary Lou Norwell, B.S., J.D.
Adjunct Professor of Law
Jared S. Palmer, B.S., J.D.
Adjunct Professor of Law
John B. Palmer III, B.A., J.D.
Adjunct Professor of Law
Jungyoon Jaz Park, B.A., J.D.
Adjunct Professor of Law
Lucy K. Park, A.B., M.A., J.D.
Adjunct Professor of Law

Todd S. Parkhurst, B.S., J.D.
Adjunct Professor of Law

Peter M. Parry, B.A., J.D.
Adjunct Professor of Law

Jeffrey R. Patt, B.S., J.D.
Adjunct Professor of Law

Pamela A. Paziotopoulos, B.A., J.D.
Adjunct Professor of Law

Scott V. Peters, B.A., Ph.D., J.D.
Adjunct Professor of Law

Phillip M. Pippenger, B.S.E.E., M.S.E.E., J.D.
Adjunct Professor of Law

John F. Pollick, B.A., J.D.
Adjunct Professor of Law

Ljubica D. Popovic, B.A., J.D.
Adjunct Professor of Law

Raymond W. Prather, B.A., J.D.
Adjunct Professor of Law

Hon. Lee Preston, B.S., J.D.
Adjunct Professor of Law

Matthew F. Prewitt, B.A., J.D.
Adjunct Professor of Law

Charles J. Prochaska, B.A., J.D.
Adjunct Professor of Law

Kevin R. Pryor, B.A., J.D.
Adjunct Professor of Law

Richard W. Renner, A.B., J.D., LL.M.
Adjunct Professor of Law

Bruce Richman, B.A., MS., M.B.A.
Adjunct Professor of Law

Leigh D. Roadman, B.S., J.D.
Adjunct Professor of Law

Jenifer M. Robbins, B.A., J.D.
Adjunct Professor of Law

Jeffrey S. Rothbart, B.A., J.D., LL.M.
Adjunct Professor of Law

Jeffrey C. Rubenstein, A.B., J.D., LL.M.
Adjunct Professor of Law

Susan J. Russell, B.A., M.A., J.D.
Adjunct Professor of Law

Vincent J. Samar, A.B., M.P.A., J.D., Ph.D.
Adjunct Professor of Law

Robert P. Scales, B.A., J.D., M.L.A.
Adjunct Professor of Law

Heather N. Schafer, B.S., M.S., J.D.
Adjunct Professor of Law

John T. Schaff, B.S., J.D.
Adjunct Professor of Law

Rick M. Schoenfeld, B.A., J.D.
Adjunct Professor of Law

Daniel C. Shapiro, B.A., J.D.
Adjunct Professor of Law

Laurie A. Silvestri, B.A., J.D.
Adjunct Professor of Law

Joseph E. Silvia, B.A., J.D., LL.M.
Adjunct Professor of Law

Amanda A. Sonneborn, B.A., M.H.R.I.R., J.D.
Adjunct Professor of Law

Donald F. Spak, A.B., J.D.
Adjunct Professor of Law

Matthew J. Stanton, B.A., J.D.
Adjunct Professor of Law

TAMARA B. STARKS, B.S., M.A., J.D.
Adjunct Professor of Law

Steven G.M. Stein, B.A., J.D.
Adjunct Professor of Law

Peter J. Strand, B.A., J.D.
Adjunct Professor of Law

Michael R. Strong, B.A., J.D.
Adjunct Professor of Law

John C. Strzynski, B.A., J.D., LL.M.
Adjunct Professor of Law

Robert A. Surette, B.S.M.E., M.S.M.E., J.D.
Adjunct Professor of Law

Stephen R. Thorn, B.S., M.S., M.S., J.D.
Adjunct Professor of Law

Marcie E. Thorp, B.S., J.D.
Adjunct Professor of Law

Michelle M. Truesdale, B.A., J.D.
Adjunct Professor of Law

Douglas J. Tucker, B.A., J.D.
Adjunct Professor of Law

Lee M. Weisz, B.A., J.D.
Adjunct Professor of Law

Thomas M. White, B.A., J.D.
Adjunct Professor of Law

Richard A. Wilson, B.A., J.D.
Adjunct Professor of Law

Christopher J. Williams, B.A., B.S., J.D.
Adjunct Professor of Law

Charles Wintersteen, B.A., M.A., J.D.
Adjunct Professor of Law

Michael Wise, B.A., J.D.
Adjunct Professor of Law

J. Bryan Wood, B.A., J.D.
Adjunct Professor of Law

Patricia Wrona, B.A., J.D.
Adjunct Professor of Law

Thomas M. Zollo, B.A., J.D.
Adjunct Professor of Law