Table of Contents - Issue 1

Chicago-Kent Law Review

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

Recommended Citation
Available at: https://scholarship.kentlaw.iit.edu/cklawreview/vol70/iss1/1

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.
SYMPOSIUM ON THE ADMISSION OF PRIOR OFFENSE EVIDENCE IN SEXUAL ASSAULT CASES

DALE A. NANCE
SYMPOSIUM EDITOR

FOREWORD: DO WE REALLY WANT TO KNOW THE DEFENDANT?

EVIDENCE OF PROPENSITY AND PROBABILITY IN SEX OFFENSE CASES AND OTHER CASES

SOME COMMENTS ABOUT MR. DAVID KARP'S REMARKS ON PROPENSITY EVIDENCE

RESPONSE TO PROFESSOR IMWINKELRIED'S COMMENTS
account of probabilistic reasoning in assessing the significant of evidence of uncharged offenses.

Propensity Evidence in Continental Legal Systems

Mirjan R. Damaška 55

This paper seeks to establish the prevailing attitude of continental European courts toward character and collateral misconduct evidence. To the extent that rules on this subject can be identified on the continent at all, they are characterized by a narrow focus on the probative potential of this type of information. The concern that this information might be attributed too much weight by the factfinders, or unfairly predispose them toward a particular litigant, does not lead continental courts to exercise the exclusionary option. As a result, continental European factfinders are exposed to much more propensity evidence than their Anglo-American counterparts. How this circumstance affects the accuracy of outcomes in continental and common law trials is difficult to ascertain, however, because of the widely diverging institutional and procedural contexts.

Symposium on Law Review Editing: The Struggle Between Author and Editor Over Control of the Text

James Lindgren

Symposium Editor

Six Authors in Search of a Character

Ira C. Lupu 71

This article introduces the other articles in the Symposium by assessing the view of authorial character implicit in each of them, and offers its own view of the character traits necessary for virtuous and productive management of the author-editor relationship.

Who's to Blame for Law Reviews?

Ann Althouse 81

The author suggests that problems with student editing stem from the professor's own adherence to the standard form of law review articles and that self-expression offers a happy solution.

Faculty-Edited Law Journals

Richard A. Epstein 87

Professor Epstein compares faculty run journals with student run law reviews, and concludes that the former have their distinctive niche. Faculty run journals have greater levels of expertise and continuity and thus are better able to deal with theoretical issues, especially those with interdisciplinary issues.

Student Editing: Using Education To Move Beyond Struggle

James Lindgren 95

Professor Lindgren argues that law schools have failed as educators of their student editors. He suggests greater faculty oversight and training—and more student deference to the prose styles of authors.

Just Say No?

Gregory E. Maggs 101

Authors sometimes may find student editing trying, but Professor Maggs argues that they need not surrender unconditionally to students or look for alternatives to
Constitutional scholarship today is generally quite skeptical about originalist approaches to constitutional interpretation. Turning that same skepticism toward an article he wrote, Professor Tushnet suggests that we should be less concerned about editorial intervention in the production of scholarly articles and more concerned about the social conditions under which they are read and interpreted.

Edited Transcript of the Comments of the Panel at the AALS Proposed Section on Scholarship and Law Reviews

Beyond the Moot Law Review: A Short Story With a Happy Ending

Professor Barnett discusses the origins of the Chicago-Kent Law Review's all-symposium format, and considers its utility for other so-called "moot law reviews."

The Symposium Format as a Solution to Problems Inherent in Student-Edited Law Journals: A View From the Inside

In this paper, the student editors of the Chicago-Kent Law Review consider, from the student editor's perspective, the advantages and disadvantages of an all-symposium format. The paper also responds to some of the comments and criticisms set forth by other authors in the Symposium.

The Piper Lecture

Worktime in Contemporary Context: Amending the Fair Labor Standards Act

This article documents the substantial rise in working hours in the United States since 1969 and discusses some of the social effects of this trend. The author briefly discusses the history and inadequacy of the Fair Labor Standards Act, and provides a rationale for major changes in the scope and intent of the law. Specific suggestions for amending the FLSA also are discussed.

The Overworked Canadian?

In both her book, The Overworked American, and her paper, Worktime in Contemporary Context: Amending the Fair Labor Standards Act, Juliet Schor presents proposals for reforming the Fair Labor Standards Act as a solution to the problems of rising work hours in the United States. Because Canada has many of the statutory entitlements that Schor advocates, Professor Langille, a Canadian labor lawyer, offers an analysis of Schor's proposals for workplace reform by comparing Canadian labor law and its effect in Canada to the American system.
STUDENT NOTES AND COMMENTS

RESTRICTION OF JUDICIAL ELECTION CANDIDATES’ FREE SPEECH RIGHTS AFTER BUCKLEY: A COMPELLING CONSTITUTIONAL LIMITATION? Matthew J. O’Hara 197

In Buckley v. Illinois Judicial Inquiry Board, the Seventh Circuit Court of Appeals became the highest-ranking federal court to hold that restrictions on the speech of election candidates for judicial office based on the Model Code of Judicial Conduct are unconstitutionally overbroad. This Note examines the 1972 and 1990 versions of the Model Code—both of which were cast in doubt by Buckley—in light of First Amendment principles of compelling state interest and overbreadth. The author concludes that most state restrictions are not sufficiently narrow in scope to pass constitutional scrutiny, but argues that this conclusion need not inevitably lead the states to reject the popular election of judges.

CIVIL FORFEITURE AND THE EIGHTH AMENDMENT: THE CONSTITUTIONAL MANDATE OF PROPORTIONALITY IN PUNISHMENT IN THE WAKE OF AUSTIN V. UNITED STATES Steven F. Poe 237

This Note explores a question left unanswered by the United States Supreme Court in Austin v. United States: What standard should courts use in determining whether government seizures of private property are “excessive” within the meaning of the Eighth Amendment to the Constitution? In addition, the Note explains how the Federal Sentencing Guidelines—a guide designed for use in federal criminal proceedings—can be used by courts when conducting Eighth Amendment review of federal civil forfeitures.

MILITARY JUSTICE AND THE SUPREME COURT’S OUTDATED STANDARD OF DEERENCE: WEISS V. UNITED STATES Karen A. Ruzic 265

This Note discusses the Supreme Court’s traditional recognition of the “separate society” doctrine and the Court’s consequent application of a standard of review highly deferential to Congress with respect to military issues. After tracing the historical development of military justice, this Note evaluates the Court’s most recent application of the “separate society” doctrine in Weiss v. United States and challenges the continuing validity of the Court’s hands-off approach to issues involving the modern military establishment.