

Seventh Circuit Review

Volume 14 | Issue 1

Article 1

3-4-2021

Introduction

Chicago-Kent

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

Recommended Citation

Chicago-Kent, *Introduction*, 14 Seventh Circuit Rev. i (2018).

Available at: <https://scholarship.kentlaw.iit.edu/seventhcircuitreview/vol14/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 Seventh Circuit Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact jwenger@kentlaw.iit.edu, ebarney@kentlaw.iit.edu.

SEVENTH CIRCUIT REVIEW

SEVENTH CIRCUIT REVIEW

Volume 14

Fall 2018

CONTENTS

Masthead	iii
About the SEVENTH CIRCUIT REVIEW	iv
Preface	vi

Civil Procedure

<i>“Traditional Principles of Equity?” How Seventh Circuit False Advertising Precedent Minimizes the Burden on Plaintiffs Who Move for Preliminary Injunctions</i>	Joseph P. Trunk	1
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------	---

Constitutional Law

<i>I Might Stay Awhile: The Fundamental Right to Vote in a Residence vs. Domicile</i>	Bryant L. Roby Jr.	38
<i>Anything but Established: The Seventh Circuit’s Desertion of Supreme Court Establishment Clause Jurisprudence</i>	Samantha M. Ruben	68
<i>Grin and “Bare” It: The Seventh Circuit’s Stamp of Approval on Unreasonable Fourth Amendment Violations</i>	Ashley L. Surinak	98

Criminal Procedure

Combating the Opioid Crisis: How a Discretionary Departure May Encourage Application of the “Death Results” Sentencing Enhancement Mara A. Somlo 130

Do an Attorney’s Actions Constitute His Client’s Intent?: The Seventh Circuit’s Broadening of the Principles of Waiver Alice Ward 167

Immigration

Sanctuary Jurisdictions: In a System of Checks and Balances Who Has the Authority to Defeat Them? Susana A. Sandoval Vargas 186

Labor & Employment Law

You’re Hot Then You’re Cold, You’re Yes Then You’re No: How Inconsistency in the Courts Leaves Employers and Employees Vulnerable Andrea Mireles 209

SEVENTH CIRCUIT REVIEW

SEVENTH CIRCUIT REVIEW

Volume 14

Fall 2018

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

Hal R. Morris
Professor

Samuel W. Dixon
Executive Editor – Teaching Assistant

Editorial Staff

Andrea Mireles
Bryant L. Roby Jr.
Samantha M. Ruben
Susana A. Sandoval Vargas

Mara A. Somlo
Ashley L. Surinak
Joseph P. Trunk
Alice Ward

© 2018 Chicago-Kent College of Law, Illinois Institute of Technology.

SEVENTH CIRCUIT REVIEW

SEVENTH CIRCUIT REVIEW

Volume 14

Fall 2018

ABOUT THE SEVENTH CIRCUIT REVIEW

Purpose

The SEVENTH CIRCUIT REVIEW is an online journal dedicated to the analysis of recent opinions published by the United States Court of Appeals for the Seventh Circuit. The SEVENTH CIRCUIT REVIEW seeks to keep the legal community abreast of developments and trends within the Seventh Circuit and their impact on contemporary jurisprudence. The articles appearing within the SEVENTH CIRCUIT REVIEW are written and edited by Chicago-Kent College of Law students enrolled in the SEVENTH CIRCUIT REVIEW Honors Seminar.

The SEVENTH CIRCUIT REVIEW Honors Seminar

In this seminar, students author, edit, and publish the SEVENTH CIRCUIT REVIEW. The REVIEW is entirely student written and edited. Students identify cases recently decided by the Seventh Circuit to be included in the REVIEW, prepare initial drafts of case comments or case notes based on in-depth analysis of the identified cases and background research, edit these drafts, prepare final, publishable articles, integrate the individual articles into the online journal, and “defend” their case analysis at a semester-end roundtable. Each seminar student is an editor of the REVIEW and responsible for extensive editing of other articles. Substantial assistance is provided by the seminar teaching assistant, who acts as the executive editor.

The areas of case law that will be covered in each journal issue will vary, depending on those areas of law represented in the court's recently published opinions, and may include:

- Americans with Disabilities Act
- antitrust
- bankruptcy
- civil procedure
- civil rights
- constitutional law
- copyright
- corporations
- criminal law and procedure
- environmental
- ERISA
- employment law
- evidence
- immigration
- insurance
- products liability
- public welfare
- securities

This is an honors seminar. To enroll, students must meet *one* of the following criteria: (1) cumulative GPA in previous legal writing courses of 3.5 and class rank at the time of registration within top 50% of class, (2) recommendation of Legal Writing 1 and 2 professor and/or Legal Writing 4 professor, (3) Law Review membership, (4) Moot Court Honor Society membership, or (5) approval of the course instructor.

PREFACE

The SEVENTH CIRCUIT REVIEW is the culmination of an exceptionally bright group of honors seminar students' hard work and dedication. I am honored to have served alongside those students as Executive Editor during the Fall 2018 semester. These students, who simultaneously served on law review, competed in moot court and trial advocacy, clerked throughout the city, and headed diverse student organizations, came together to create a practical, well-researched issue. Endlessly selfless and collaborative, they sacrificed time and energy for scholarship and have created a work that academics, practitioners, and judges can trust.

The SEVENTH CIRCUIT REVIEW's purpose is "to keep the legal community abreast of developments and trends within the Seventh Circuit and their impact on contemporary jurisprudence." The SEVENTH CIRCUIT REVIEW robustly fulfills that purpose by design. Each student chooses a Seventh Circuit decision from the most recent term as impetus for a case comment or note. Students carve out observations and conclusions that can illuminate new law, challenge prevailing legal trends, and offer creative solutions to controversial or difficult legal issues. Confining itself to only the most recent term, the SEVENTH CIRCUIT REVIEW embodies cutting-edge scholarship.

Student-run under the mentorship of a talented Chicago-Kent alumnus, the SEVENTH CIRCUIT REVIEW also presents a unique law school experience. Professor Hal Morris' approach allows students to flourish. By treating student authors and myself as partners in the issue's success and truly valuing our diverse opinions and voices, Professor Morris guarantees an issue that is both robustly useful and reflective of each students' talents and style. In turn, students have an outlet through Professor Morris' service and someone to champion their assets.

Student voices are invaluable to the legal community. We are often the passionate, eager, dedicated people who can push the law

forward. We can bring a unique perspective and a diverse array of fresh experiences to legal scholarship. Through the SEVENTH CIRCUIT REVIEW, readers are not only gaining insight into advanced case analyses but are also putting a finger on the heartbeat of where new jurisprudence meets dedicated academia. And by making room for diverse student voices in case commentary, legal professionals are guaranteed to analyze legal issues that have real life consequences in a nuanced, careful, and equitable manner.

Respectfully,
Samuel Dixon
Executive Editor, SEVENTH CIRCUIT REVIEW