

Table of Contents

DePaul College of Law

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

Recommended Citation

DePaul College of Law, *Table of Contents*, 63 DePaul L. Rev. (2013)
Available at: <https://via.library.depaul.edu/law-review/vol63/iss1/1>

This Front Matter is brought to you for free and open access by the College of Law at Digital Commons@DePaul. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Digital Commons@DePaul. For more information, please contact digitalservices@depaul.edu.

DEPAUL LAW REVIEW

Volume 63

Fall 2013

Number 1

CONTENTS

ARTICLES

- FEAR AND LOATHING: SHAME,
SHAMING, AND INTELLECTUAL
PROPERTY *Elizabeth L. Rosenblatt* 1
- THE COPYRIGHT ACT'S LICENSING
EXEMPTION FOR RELIGIOUS
PERFORMANCES OF RELIGIOUS
WORKS IS UNCONSTITUTIONAL *Carolyn Homer Thomas* 49

COMMENTS

- SELLING YOUR SOUL AT THE CROSSROADS:
THE NEED FOR A HARMONIZED STANDARD
LIMITING THE PUBLICITY RIGHTS OF
PROFESSIONAL ATHLETES *Kyle D. Simcox* 87
- SWIPE FREEZE: HOW THE "DURBIN AMENDMENT"
IS PREVENTING YOUR MOBILE PHONE
FROM REPLACING YOUR WALLET *Jonathon Reinisch* 123
- VISITATION RIGHTS IN ILLINOIS:
THE UNILATERAL DENIAL OF
VISITATION FOR A PARENT
CONVICTED OF A SEX OFFENSE *Sydney M. Hutt* 157

Cite as 63 DEPAUL L. REV.
Copyright © 2013 DePaul University
All Rights Reserved
DePaul Law Review

The *DePaul Law Review* (ISSN 0011-7188) is published quarterly by DePaul University College of Law, 25 East Jackson Boulevard, Chicago, Illinois 60604-2287. Periodicals postage paid at Chicago, Illinois and additional mailing offices. Change of addresses should be mailed to the *Review* at least thirty days before the next issue to ensure delivery. Include new and old addresses, with ZIP codes. POSTMASTER: send change of address notice to DePaul Law Review, 25 East Jackson Boulevard, Chicago, Illinois 60604-2287.

SUBSCRIPTIONS: Subscriptions are accepted on a per volume basis only. They are payable in advance and will be renewed automatically unless notification to the contrary is received. The annual price for a subscription to the *DePaul Law Review* is \$30.00.

SINGLE & BACK ISSUES: Back issues of the *DePaul Law Review* can be obtained directly from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209. The cost is \$16.00 plus shipping for a single issue. For more information, call 1-800-828-7571. Single copies of the most current issue are also available for sale at the *Law Review* office. The cost is \$10.00.

MANUSCRIPT SUBMISSION: Manuscripts submitted for publication in the *DePaul Law Review* must be typed and double spaced with footnotes appended to the main body of the article. Citations must conform to *The Bluebook: A Uniform System of Citation* (19th ed. 2010), copyright by the *Columbia, Harvard, and University of Pennsylvania Law Reviews* and the *Yale Law Journal*. Send manuscripts to the *Law Review* offices at 25 East Jackson Boulevard, Chicago, Illinois 60604-2287. Manuscripts will not be returned unless specifically requested.

LAW REVIEW WEBSITE: For more information, visit our website at www.law.depaul.edu.

DePaul University is an equal-opportunity educator and employer.

DEPAUL LAW REVIEW

Volume 63

Fall 2013

Number 1

BOARD OF EDITORS

DANIEL J. CONNORS
Editor in Chief

KYLE D. SIMCOX
Executive Editor

MATTHEW NOVARIA
Managing Editor of Lead Articles

JONATHON REINISCH
Managing Editor of Notes and Comments

JENNA MORAN
Symposium Editor

KYLE MOLIDOR
Business Manager

MICHAEL CANNELL
*Editor of Articles,
Notes, and Comments*

EMILY STEINBERG
*Editor of Articles,
Notes, and Comments*

TARA D. KENNEDY
*Editor of Articles,
Notes, and Comments*

ANDREW DONIVAN
*Editor of Articles,
Notes, and Comments*

KEVIN WENDER
*Editor of Articles,
Notes, and Comments*

EMILY JENKINSON
*Editor of Articles,
Notes, and Comments*

SYDNEY M. HUTT
*Editor of Articles,
Notes, and Comments*

COURTNEY MATHEWS
*Editor of Articles,
Notes and Comments*

MEMBERS

REGINA CUOTO
KARA FRANCIS
ALEXANDER GERTEIS
CHRISTINA KUROW
ABBIE LERNER

STEPHANIE LOMBARDI
MEGHAN MOORE
PASQUALE A. NERI
DREW REDMOND

AARON SCHNEIDER
BRADEN SHAW
SAMANTHA SOMMERMAN
ROBIN WAGNER
BRIAN WEBB

STAFF

MARISSA DELLACROCE
JOSEPH FALK
RYAN HAUER
ERIC J. LANGSTON
ELIZABETH McERLEAN
KRISTI MANKOWSKE

PATRICK McMAHON
MARINA MERJAN
NICOLE MIRJANICH
AMANDA MONCADA
ELISABETH NOLTE
BRIANNA PURSELL
MARGARET RHODA

DANIEL ROSS
CORINNE SMITH
JENNA STUPAR
JOSEPH ALLEN THOMAS
KATHLEEN WATSON
SYLVIA ZARSKI

FACULTY ADVISORY COMMITTEE

JEFFREY M. SHAMAN
Chairperson

SUMI K. CHO DONALD H.J. HERMANN STEPHAN LANDSMAN ALLISON ORTLIEB
MAX HELVESTON MICHAEL S. JACOBS MARK MOLLER STEPHEN SIEGEL

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

DEPAUL UNIVERSITY COLLEGE OF LAW

GENERAL ADMINISTRATION

REV. DENNIS H. HOLTSCHNEIDER, C.M., Ed.D., President
REV. JOHN T. RICHARDSON, C.M., Chancellor
DONALD B. POPE-DAVIS, PhD, Provost
ROBERT L. KOZOMAN, C.P.A., Executive Vice President
REV. EDWARD R. UDOVIC, C.M., Ph.D., Secretary of the University
JEFFREY J. BETHKE, Treasurer of the University
J.D. BINDENAGEL, Vice President for Community, Government, & International Affairs
JAY BRAATZ, Ed.D., Vice President for Planning & Presidential Administration
CINDY SUMMERS, Interim Vice President for Student Affairs
MARY C. FINGER, Senior Vice President for Advancement
BONNIE FRANKEL, C.P.A., Vice President for Finance
MARK HAWKINS, Contoller
ROBERT JANIS, Vice President for Facilities Operations
DAVID H. KALSBECK, Ph.D., Senior Vice President for Enrollment Management & Marketing
CINDY LAWSON, Vice President of Public Relations and Communications
BOB McCORMICK, Vice President for Information Services
PATRICIA O'DONOGHUE, Vice President for Alumni Outreach & Engagement
ELIZABETH F. ORTIZ, Ed.D., Vice President for Institutional Diversity & Equity
JOSÉ D. PADILLA, J.D., Vice President and General Counsel

LAW ADMINISTRATION

GREGORY MARK, Dean
DAVID L. FRANKLIN, Vice Dean
MICHAEL S. BURNS, Dean, Admissions & Student Administration
WILLIAM CHAMBERLAIN, Dean, Law Career Services
BRIAN F. HAVEL, Dean for International Affairs
NANCY HERSHFIELD, Dean, Development & Alumni Relations
DEBORAH HOWARD, Dean of Institutional Strategy, Planning
ANDREA D. LYON, Dean of Clinical Programs
KORTNEY MOORE, Director, Marketing & Communications
ERIKA RODITIS, Director of Business of Operations
HOWARD M. RUBIN, Dean for Lawyering Skills
FRANCINE SOLIUNAS, Chief of Staff & Dean for Strategic Community Alliances
SUSAN E. THROWER, Director, Legal Writing & Research Program
DIANA C. WHITE, Dean, Student Affairs

LAW FACULTY

BENJAMIN E. ALBA, Instructor: B.S., DePaul University; J.D., Loyola University of Chicago
SIOBAN ALBIOL, Instructor: B.A., University of Texas; J.D., Loyola University of Chicago
PHILLIP S. ASHLEY, Associate Professor: B.A., Rockford College; J.D., Tulsa University; LL.M., New York University
M. CHERIF BASSIOUNI, Distinguished Research Professor, Professor Emeritus: J.D., Indiana University; LL.M., John Marshall Law School; S.J.D., George Washington University
MARY BECKER, Professor: B.S., Loyola University of Chicago; J.D., University of Chicago
MARY ANN BECKER, Instructor: B.A., Northwestern University; J.D., DePaul University
MONU BEDI, Assistant Professor: B.A., Dartmouth College; M.Phil, University of Cambridge, U.K.; J.D., Harvard
BARBARA B. BRESSLER, Associate Professor: B.S., University of Minnesota; J.D., DePaul University
EMILY CAUBLE, Visiting Professor
LEONARD L. CAVISE, Professor: B.A., Hamilton College; J.D., Georgetown University
SUMI K. CHO, Professor: B.A., J.D., Ph.D., University of California
ALBERTO R. COLL, Professor: B.A., Princeton University; J.D., Ph.D., University of Virginia
MICHELLE BROWN CUE, Instructor: B.A., University of Illinois; J.D., University of Illinois
JOHN F. DECKER, Professor Emeritus: B.A., University of Iowa; J.D., Creighton University; LL.M., New York University; J.S.D., New York University
KATHERYN M. DUTENHAVER, Associate Professor: B.A., North Central College; J.D., DePaul University
WENDY EPSTEIN, Assistant Professor: B.A., University of Illinois at Urbana; J.D. Harvard

FREEMAN L. FARROW, Assistant Professor: B.A., Amherst College; M.D., University of Massachusetts Medical School; J.D., University of Michigan

DAVID L. FRANKLIN, Associate Professor: B.A., Yale College; J.D., University of Chicago

JEROLD A. FRIEDLAND, Professor: B.A., M.A., New York University; J.D., Brooklyn Law School; LL.M., Georgetown University

STEPHANIE FUSCO, Visiting Professor: J.S.D. Stanford; J.S.M.; M.B.A.; LL.M

PATTY GERSTENBLITH, Distinguished Research Professor: A.B., Bryn Mawr College; Ph.D., Harvard University; J.D., Northwestern University

ANDREW GOLD, Associate Professor: B.A., Dartmouth College; J.D., Duke University

STEVEN R. GREENBERGER, Associate Professor: B.A., University of Illinois; J.D., Yale University

MICHAEL GRYNBERG, Associate Professor: B.A., Carleton College; J.D. University of Virginia School of Law

RAYMOND J. GRZEBIELSKI, Associate Professor: B.A., Northwestern University; M.B.A., University of Chicago; J.D., Northwestern University; LL.M., Georgetown University

BRIAN F. HAVEL, Professor: B.A., M.A., B.C.L., University of Dublin; LL.M., J.S.D., Columbia University

MAX HELVESTON, Assistant Professor: B.A., University of Michigan; J.D., Yale University

DONALD H.J. HERMANN, Professor: A.B., Stanford University; M.A., Northwestern University; J.D., Columbia University; LL.M., Harvard University; Ph.D., Northwestern University; M.A.A.H., Art Institute of Chicago

MICHAEL S. JACOBS, Professor: B.A., Dartmouth College; J.D., Yale University; M.P.H., Johns Hopkins University

BARRY KELLMAN, Professor: B.A., University of Chicago; J.D., Yale University

SANDRA KUPELIAN, Instructor: B.A., University of Wisconsin; J.D., DePaul University

ROBERTA R. K WALL, Raymond P. Niro Professor of Intellectual Property: A.B., Brown University; J.D., University of Pennsylvania

STEPHAN A. LANDSMAN, Robert A. Clifford Professor of Tort Law and Public Policy: B.A., Kenyon College; J.D., Harvard University

JULIE D. LAWTON, Assistant Professor: B.S., Florida A&M University; J.D., Howard University; LL.M., Georgetown University

WAYNE K. LEWIS, Professor: B.A., Rutgers University; J.D., Cornell University

MARGIT LIVINGSTON, Professor: B.A., Augsburg College; M.A., J.D., University of Minnesota; LL.M., University of Illinois

ANDREA D. LYON, Professor: B.A., Rutgers University; J.D., Antioch School of Law

JODY MARCUCCI, Instructor: B.A., University of Wisconsin; J.D., DePaul University

GREGORY MARK, Dean: B.A., Butler University; J.D., University of Chicago; M.A., Harvard University

CARY MARTIN, Assistant Professor: B.S., University of Illinois; J.D. Northwestern University School of Law

MARK MOLLER, Associate Professor: B.A., Duke University; J.D., University of Chicago Law School; LL.M., University of Cambridge

DANIEL I. MORALES, Assistant Professor: B.A., Williams College; J.D., Yale University

ALLEN MOYE, Associate Professor: B.A., Howard University; J.D., University of Richmond; M.L.S., Catholic University

MARLENE NICHOLSON, Emeritus Professor: B.A., J.D., University of California at Los Angeles

ALLISON I. ORTLIEB, Instructor: B.A., J.D., University of Chicago

BRUCE L. OTTLEY, Professor: B.A., University of Missouri; M.A., University of Iowa; J.D., University of Iowa; LL.M., Columbia University

MARTHA PAGLIARI, Instructor: B.A., University of Notre Dame; J.D., DePaul University

STEVEN RESNICOFF, Professor: B.A., Princeton University; J.D., Yale University

JOHN C. ROBERTS, Professor Emeritus: B.S., Northwestern University; LL.B., Yale University

ZOË ROBINSON, Associate Professor: B.Mus., Queensland Conservatorium of Music, Griffith University; B.A., Australian National University; LL.B., Australian National University; J.D., University of Chicago

DAVID RODRIGUEZ, Visiting Professor: B.S., University of Illinois; J.D., University of Michigan

HOWARD M. RUBIN, Associate Professor: B.A., University of Illinois; J.D., DePaul University

JANE RUTHERFORD, Professor: A.B., University of Chicago; J.D., University of Michigan

JOSHUA D. SARNOFF, Professor: B.S., Massachusetts Institute of Technology; J.D., Stanford University

STEPHEN A. SIEGEL, Distinguished Research Professor: B.A., Columbia University; J.D., LL.M., Harvard University

TERRY SMITH, Distinguished Research Professor: B.A., Brown University; J.D., New York University

WILLIAM W. STUART, Professor: B.A., Stanford University; LL.B., Washington and Lee University

SUSAN E. THROWER, Associate Professor: B.A., University of Virginia; J.D., Wake Forest University

ALLISON BROWNELL TIRRES, Assistant Professor: B.A., Princeton University; M.A., J.D., Ph.D., Harvard University

DEBORAH TUERKHEIMER, Professor: B.A., Harvard University; J.D., Yale Law School
 VINCENT VITULLO, Professor Emeritus: A.B., J.D., Loyola University of Chicago; LL.M., Yale University
 ANTHONY G. VOLINI, Instructor: B.S., Benedictine University; J.D., Loyola University of Chicago
 MARK C. WEBER, Vincent de Paul Professor of Law: B.A., Columbia University; J.D., Yale University
 JUDGE WARREN D. WOLFSON, Distinguished Visiting Professor: B.S., University of Illinois at Chicago; LL.B., University of Illinois

VINCENT G. RINN LAW LIBRARY

ALLEN R. MOYE, Director & Associate Professor: B.A., Howard University; J.D., University of Richmond; M.L.S., Catholic University
 WALTER BAUMAN, Librarian, Government Documents: B.A., University of Illinois at Chicago; M.L.S., Rosary College
 MARK GIANGRANDE, Librarian, Legal Research Specialist: B.S., Northwestern University; J.D., IIT Chicago-Kent; M.L.S., University of Texas
 DENISE GLYNN, Librarian, Head of Cataloging: B.S., Northern Illinois University; M.L.S., Rosary College
 MILTA HALL, Associate Director, Public Services: B.A., Memphis State University; M.A., University of Wisconsin, University of Illinois; J.D., DePaul University
 MARY LU LINNANE, Associate Director, Technical Services: B.A., Marquette University; M.L.S., University of Wisconsin at Milwaukee
 MICHAEL SCHIFFER, Associate Director, Computer Services: B.A., University of Chicago; J.D., University of Michigan; M.L.S., Rosary College
 MARIA WILMER, Librarian, Legal Research Specialist: B.A., A.M.L.S., University of Michigan

ADJUNCT FACULTY

JEFF ATKINSON, J.D.	HON. DANIEL GILLESPIE, J.D.	CRAIG MOUSIN, J.D.
MICHAEL BERGMANN, J.D.	LEONARD GOODMAN, J.D.	JOHN MULLIGAN, J.D.
SHALOM BERSSON, J.D.	MICHAEL GRAHAM, J.D.	BRIAN NACH, J.D.
STEVE BRANDSTEDT, J.D.	ELLEN GUTIONTOV, J.D.	PETER NEWMAN, J.D.
HON. MARY M. BROSNAHAN, J.D.	SUSAN HADDAD, J.D.	JENNIFER NIEMEC DUNN, J.D.
VINCENT BROWNE, J.D.	MARIA HARRIGAN, J.D.	KEVIN NOONAN, J.D.
PATRICK BRUKS, J.D.	TIMOTHY HOFFMANN, J.D.	PAUL OLSZOWKA, J.D.
PAT BURNS, J.D.	KRISTEN HUDSON, J.D.	KEVIN PAK, J.D.
ROXANE BUSEY, J.D.	HON. JACK HYNES, J.D.	DEBORAH PERGAMENT, J.D.
HON. ANTHONY CALABRESE, J.D.	TONY IWEAGWU, J.D.	TODD PUGH, J.D.
ZACHARY CALO, J.D.	PATRICK JONES, J.D.	JODY RAPHAEL, J.D.
MARY ANNE CAPRON, J.D.	THOMAS JUDGE, J.D.	JAY READEY, J.D.
NATALIE CARLOMANGO, J.D.	SUSAN L. KENNEDY, J.D.	TIMO REHBOCK, J.D.
CHRISTOPHER CARMICHAEL, J.D.	CHERYL KETTLER, J.D.	TRISH RICH, J.D.
PATRICK CASSIDY, J.D.	BRENT KIDWELL, J.D.	MARTIN ROBINS, J.D.
CAROLINE CHAPMAN, J.D.	HON. JOHN KIRBY, J.D.	DAVID RODRIGUEZ, J.D.
JAMES CLARK, J.D.	KENNETH KRAUS, J.D.	JESSICA ROMERO, J.D.
MICHAEL CLARK, J.D.	ROBERT LABATE, J.D.	JUDITH SCHEIBER, J.D.
ZACHARY CLOPTON, J.D.	JORDAN LAPKON, J.D.	SUSAN SCHIERL SULLIVAN, J.D.
ERIN COBB, J.D.	VALARIE LEOPOLD, J.D.	JOHN SCHMIDT, J.D.
BRIAN COLLINS, J.D.	LISA LEVINE, J.D.	KATHERINE SCHOSTOK, J.D.
JOHN CONROY, J.D.	O. GREGORY LEWIS, J.D.	SAM SHIM, J.D.
KAREN CONTI, J.D.	KATY LEWIS, J.D.	JOEL SIMBERG, J.D.
SUSAN COX, J.D.	JOHN LILLIG, J.D.	KATHRYN STARSHAK, J.D.
JULES CRYSTAL, J.D.	ROBERT LOEB, J.D.	GERALDINE STROKA, J.D.
DANIEL CULLEN, J.D.	MARY RITA LUECKE, J.D.	LAWRENCE SWIBEL, J.D.
KELLI DUDLEY, J.D.	TERRENCE MACCARTHY, J.D.	JILL TANZ, J.D.
COLIN DUNN, J.D.	SCOTT MAIN, J.D.	Joi THOMAS, J.D.
MAUREEN EGAN, J.D.	CRYSTAL MARCHIGIANI, J.D.	JOSEPH THOMPSON, J.D.
BRADLEY ERENS, J.D.	SIBYL MEDIE, J.D.	MARIO VENTRELLI, J.D.
SHARON FAIRLEY, J.D.	ALAN MILLS, J.D.	ELIZABETH VASTINE, J.D.
PAUL FINE, J.D.	JOEY MOGUL, J.D.	ELISABETH WARD, J.D.
LAWRENCE FOX, J.D.	ROBERT MORRIS, J.D.	TORRICK WARD, J.D.
DAVID GANFIELD, J.D.	SANDY MORRIS, J.D.	LAURA WEILER, J.D.
DEAN GERBER, J.D.	MICHAEL MORRISSEY, J.D.	LOREN WELLS, J.D.
ROBERT GEVIRTZ, J.D.	ANDREW MOSHIRNIA, J.D.	LORI YOKOYAMA, J.D.