

## 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. (2014)  
Available at: <https://via.library.depaul.edu/law-review/vol63/iss4/1>

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

# DEPAUL LAW REVIEW

Volume 63

Summer 2014

Number 4

## CONTENTS

LETTER FROM THE EDITOR ..... *Daniel Connors* 905

### ARTICLES

THE UNDERAPPRECIATED IMPORTANCE OF  
PERSONAL JURISDICTION IN DELAWARE'S  
SUCCESS ..... *Eric A. Chiappinelli* 911

REDRESS IN STATE POSTCONVICTION  
PROCEEDINGS FOR INEFFECTIVE  
CRIMMIGRATION COUNSEL ..... *Christopher N. Lasch* 959

### COMMENTS

ASSUMED DANGEROUS UNTIL PROVEN INNOCENT:  
THE CONSTITUTIONAL DEFECT IN ALLEGING  
GANG AFFILIATION AT BAIL HEARINGS .... *Michael Cannell* 1027

FREEDOM OF BREACH: THE MINISTERIAL  
EXCEPTION APPLIED TO  
CONTRACT CLAIMS ..... *Andrew Donovan* 1063

### NOTE

*SANDHOLM v. KUECKER*: THE ILLINOIS  
SUPREME COURT "SLAPPS" AWAY A  
PROTECTION OF ILLINOIS CITIZENS'  
FIRST AMENDMENT RIGHTS ..... *Emily L. Jenkinson* 1093

Cite as 63 DEPAUL L. REV.  
Copyright © 2014 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](http://www.law.depaul.edu).

*DePaul University is an equal-opportunity educator and employer.*

# DEPAUL LAW REVIEW

Volume 63

Summer 2014

Number 4

## 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  
BRIANNA PURSELL  
KRISTI MANKOWSKE

MARINA MERJAN  
NICOLE MIRJANICH  
AMANDA MONCADA  
ELIZABETH McERLEAN  
JOSEPH ALLEN THOMAS  
MARGARET RHODA  
PATRICK McMAHON

DANIEL ROSS  
CORINNE SMITH  
JENNA STUPAR  
ELISABETH NOLTE  
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 SOULINAS, 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.