

## Table of Contents

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

---

### Recommended Citation

*Table of Contents*, 64 DePaul L. Rev. (2015)

Available at: <https://via.library.depaul.edu/law-review/vol64/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 [wsulliv6@depaul.edu](mailto:wsulliv6@depaul.edu), [c.mcclure@depaul.edu](mailto:c.mcclure@depaul.edu).

# DEPAUL LAW REVIEW

Volume 64

Summer 2015

Number 4

---

## CONTENTS

LETTER FROM THE EDITOR ..... *Kate Watson Moss* 985

### ARTICLE

CIVIL DISABILITIES IN AN ERA OF  
DIMINISHING PRIVACY: A DISABILITY  
APPROACH FOR THE USE OF CRIMINAL  
RECORDS IN HIRING ..... *Andrew Elmore* 991

### BOOK REVIEW

SOCIAL MEDIA, SHARING, AND  
INTELLECTUAL PROPERTY LAW ..... *Leah Chan Grinvald* 1045

### COMMENTS

THE REAL GREEN ISSUE REGARDING  
RECREATIONAL MARIJUANA:  
FEDERAL TAX AND BANKING  
LAWS IN NEED OF REFORM ..... *Elizabeth Dolan McErlean* 1079

CAN YOU JUDGE YOUR FOOD BY  
LOOKING AT ITS COVER? HOW COURTS'  
APPLICATION OF FEDERAL PREEMPTION  
ALLOWS MISLEADING FOOD LABELING TO  
SLIP THROUGH THE REGULATORY CRACKS ..... *Sylvia Zarski* 1119

Cite as 64 DEPAUL L. REV.  
Copyright © 2015 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 \$35.00.

**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 64

Summer 2015

Number 4

## BOARD OF EDITORS

KATE WATSON MOSS  
*Editor in Chief*

J. ALLEN THOMAS  
*Executive Editor*

JOSEPH FALK  
*Managing Editor of Lead Articles*

AMANDA RENEE MONCADA  
*Managing Editor of Notes and Comments*

DANIEL ROSS  
*Symposium Editor*

NICOLE MIRJANICH  
*Business Manager*

PATRICK McMAHON  
*Editor of Articles,  
Notes and Comments*

ELISABETH NOLTE  
*Editor of Articles,  
Notes and Comments*

MARINA MERJAN  
*Editor of Articles,  
Notes and Comments*

MARGARET RHODA  
*Editor of Articles,  
Notes and Comments*

CORINNE SMITH  
*Editor of Articles,  
Notes and Comments*

JENNA STUPAR  
*Editor of Articles,  
Notes and Comments*

ELIZABETH McERLEAN  
*Editor of Articles,  
Notes and Comments*

SYLVIA ZARSKI  
*Editor of Articles,  
Notes and Comments*

## MEMBERS

MARISSA DELLACROCE  
ERIC LANGSTON

RYAN HAUER  
KRISTI MANKOWSKE

## STAFF

ELIZABETH ATTARD  
DANIEL GAJDA  
JOSEPH GREGORIO  
SEAN HENNESSY  
JENNIFER JAMES

CAROLINE KANE  
ANTONIA KOPEC  
WEI CHEN LIN  
BRYCE NEWELL  
ANGELA OLDHAM  
MEAGAN PAGELS

AMANDA ROENIUS  
RIEBANA SACHS  
ANASTASIA SOTIROPOULOS  
TAYLOR VAN HOVE  
SARAH WASHBURN

## FACULTY ADVISORY COMMITTEE

MAX HELVESTON  
*Chairperson*

MONU BEDI  
SUMI CHO  
DONALD H.J. HERMANN

MICHAEL S. JACOBS  
MARGIT LIVINGSTON  
MARK MOLLER

JOSHUA D. SARNOFF  
JEFFREY SHAMAN  
STEPHEN SIEGEL

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

# DEPAUL UNIVERSITY COLLEGE OF LAW

## GENERAL ADMINISTRATION

REV. DENNIS H. HOLTSCHNEIDER, C.M., Ed.D., President  
DAVID MILLER, Ph.D., Interim Provost  
ROBERT L. KOZOMAN, C.P.A., Executive Vice President  
REV. EDWARD R. UDOVIC, C.M., Ph.D., Secretary of the University; Vice President for Teaching & Learning Resources; Senior Executive for University Mission  
JEFFREY J. BETHKE, Treasurer of the University  
JAY BRAATZ, Ed.D., Vice President for Planning & Presidential Administration  
BONNIE FRANKEL, C.P.A., Vice President for Finance  
ROBERT JANIS, Vice President, Facilities Operations  
DAVID H. KALSBECK, Ph.D., Senior Vice President for Enrollment Management & Marketing  
CYNTHIA LAWSON, Vice President of Public Relations & Communications  
BOB McCORMICK, Vice President for Information Services  
ERIN MINNÉ, Senior Vice President for Advancement  
JOSÉ D. PADILLA, J.D., Vice President and General Counsel  
JOSÉ PERALES, Interim Assistant Vice President for Institutional Diversity & Equality  
SHERRI SIDLER, Controller  
STEPHANIE SMITH, Vice President for Human Resources  
GENE ZDZIARSKI, Ph.D., Vice President for Student Affairs

## LAW ADMINISTRATION

BRUCE L. OTTLEY, Dean  
ALLISON BROWNELL TIRRES, Associate Dean for Academic Affairs  
DAVID L. FRANKLIN, Associate Dean for Accreditation  
BARBARA B. BRESSLER, Associate Dean for Experiential Education  
MARGIT LIVINGSTON, Associate Dean for Faculty Development  
NANCY HERSHFELD, Dean, Development & Alumni Relations  
ALLEN MOYE, Associate Dean for Information Technology and Library Services  
BRIAN F. HAVEL, Associate Dean for International Studies  
MICHAEL BURNS, Associate Dean for Student Services  
WILLIAM CHAMBERLAIN, Assistant Dean for Law Career Services  
NANCY HERSHFELD, Assistant Dean for Development and Alumni Relations  
DEBORAH HOWARD, Assistant Dean for Institutional Planning, Strategy, and Research  
FRANCINE SOLIUNAS, Assistant Dean for Strategic and Community Alliances  
ERIKA RODITIS, Director of Business Administration and Operations  
KORTNEY MOORE, Director of Communications  
NICOLE PINKEY, Director of Events and CLE

## LAW FACULTY

BENJAMIN E. ALBA, Director, Academic Support, Student Advising & Bar Passage: B.S., DePaul University; J.D., Loyola University of Chicago  
SIOBAN ALBIOL, Clinical Instructor: B.A., University of Texas; J.D., Loyola University of Chicago  
SUSAN BANDES, Centennial Distinguished Professor: B.A., State University of New York at Buffalo; J.D., University of Michigan  
M. CHERIF BASSIOUNI, Distinguished Research Professor Emeritus: J.D., Indiana University; LL.M., John Marshall Law School  
MONU BEDI, Assistant Professor: B.A., Dartmouth College; M.Phil, University of Cambridge, U.K.; J.D., Harvard  
BARBARA B. BRESSLER, Associate Dean for Experiential Education; Associate Professor: B.S., University of Minnesota; J.D., DePaul University  
PATRICK F. CASSIDY, Clinical Instructor: B.A., University of Illinois; J.D., Chicago-Kent College of Law  
EMILY CAUBLE, Associate Professor: B.B.A., University of Notre Dame; J.D., University of Michigan  
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  
JOHN CONROY, Senior Lecturer: B.A., University of Illinois  
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

DENIS EDWARDS, Visiting Professor: B.A., University of Glasgow; LL.M., Osgoode Hall Law School

WENDY NETTER EPSTEIN, Assistant Professor: B.A., University of Illinois at Urbana; J.D. Harvard

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., J.S.M., Stanford Law School; LL.M. Chicago-Kent College of Law; M.B.A. University of Chicago

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

ANDREW GOLD, 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

SUSAN HADDAD, Family Law Clinic Director: B.A.,

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

MAX HELVESTON, Associate 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, Distinguished Research 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

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

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

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

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

GREGORY MARK, Professor: 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

JOHN Q. MULLIGAN, Resident Research Fellow: B.A., University of Wisconsin-Madison; J.D., College of William & Mary

MARLENE NICHOLSON, Professor Emeritus: 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, Associate Director, Legal Analysis, Research & Communication: B.A., University of Notre Dame; J.D., DePaul University

JODY RAPHAEL, Visiting Professor: B.A., Bryn Mawr College; J.D., University of Chicago

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

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

ZO' 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

JEFFREY SHAMAN, Vincent de Paul Professor of Law: B.A., Pennsylvania State University; J.D., University of Southern California; LL.M., Georgetown 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  
SUSAN E. THROWER, Associate Professor: B.A., University of Virginia; J.D., Wake Forest University  
ALLISON BROWNELL TIRRES, Associate Professor: B.A., Princeton University; M.A., J.D., Ph.D.,  
Harvard University  
VINCENT VITULLO, Professor Emeritus: A.B., J.D., Loyola University of Chicago; LL.M., Yale  
University  
ANTHONY G. VOLINI, Senior 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  
LAURA A. WEILER, Adjunct Professor: B.A., J.D., University of Notre Dame  
JUDGE WARREN D. WOLFSON, Distinguished Visiting Professor of Law: B.S., University of Illinois at  
Chicago; LL.B., University of Illinois

### **VINCENT G. RINN LAW LIBRARY**

ALLEN R. MOYE, Associate Dean for Information Technology & Library Services  
MICHAEL SCHIFFER, Associate Director for Computing Services  
WALLIE BRACKETT, Billing and Circulation Assistant  
SAMANTHA CHARLINO, Circulation Assistant  
DRUSILLA DILLARD, Circulation Assistant  
KIM GAINEY, Interlibrary Loan and Circulation Assistant  
MARK GIANGRANDE, Reference Librarian, Faculty Services  
HEATHER HUMMONS, Head of Access Services  
MARIA WILLMER, Legal Research Specialist  
LENORE BOEHM, Acquisitions Manager  
DENISE GLYNN, Associate Director for Technical Services & Processing  
JACK GORMAN, Government Documents & Information Librarian  
DAVID LABNO, Cataloging Assistant  
ELIZABETH SHIVERS, Serials Coordinator  
DANIEL URSINI, Acquisitions Assistant