

Table of Contents

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



Part of the [Law Commons](#)

Recommended Citation

Table of Contents, 65 DePaul L. Rev. (2016)

Available at: <https://via.library.depaul.edu/law-review/vol65/iss3/1>

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 65

Spring 2016

Number 3

CONTENTS

ARTICLES

LGBT RIGHTS AND THE MINI RFRA:
A RETURN TO SEPARATE BUT EQUAL *Terri R. Day* 907
& Danielle Weatherby

AN EMPIRICAL CRITIQUE OF JCAR AND
THE LEGISLATIVE VETO IN ILLINOIS *Marc D. Falkoff* 949

THE FALSE PROMISE OF CUSTODY
IN DOMESTIC VIOLENCE
PROTECTION ORDERS *Laurie S. Kohn* 1001

COMMENTS

THEY DID IT BEFORE, THEY MUST HAVE
DONE IT AGAIN; THE SEVENTH CIRCUIT'S
PROPENSITY TO USE A NEW ANALYSIS
OF 404(B) EVIDENCE *Antonia M. Kopeć* 1055

WHERE ARE YOUR PAPERS?: THE FOURTH
AMENDMENT, THE STORED COMMUNICATIONS
ACT, THE THIRD-PARTY DOCTRINE, THE
CLOUD, AND ENCRYPTION *Wei Chen Lin* 1093

FIX ME BABY ONE MORE TIME:
A PERMANENT SOLUTION FOR
DAY CARES *Angela C. Oldham* 1139

Cite as 65 DEPAUL L. REV.
Copyright © 2016 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.

DePaul University is an equal-opportunity educator and employer.

DEPAUL LAW REVIEW

Volume 65

Spring 2016

Number 3

BOARD OF EDITORS

AMANDA K. ROENIUS
Editor in Chief

ANGELA C. OLDHAM
Executive Editor

ELIZABETH ATTARD
Managing Editor of Lead Articles

RIEBANA SACHS
Managing Editor of Notes and Comments

SEAN HENNESSY
Symposium Editor

ANTONIA M. KOPEC
Business Manager

JOSEPH GREGORIO
*Editor of Articles,
Notes and Comments*

MEAGAN M. PAGELS
*Editor of Articles,
Notes and Comments*

JENNIFER JAMES
*Editor of Articles,
Notes and Comments*

WEI CHEN LIN
*Editor of Articles
Notes and Comments*

ANASTASIA SOTIROPOULOS
*Editor of Articles,
Notes and Comments*

CAROLINE KANE
*Editor of Articles,
Notes and Comments*

TAYLOR VAN HOVE
*Editor of Articles,
Notes and Comments*

MEMBERS

DANIEL GAJDA

BRYCE NEWELL

SARAH WASHBURN

STAFF

AMANDA ALASASKAS
KATHRYN BROWN
LAUREN BURSEY
PATRICK DOYLE
MADALYN LAKE
GINA LEAHY

LIZL LEONARDO
GABRIELLA LEYHANE
VIRGINIA MACIAS
MALLORY MORGAN
LARK MULLIGAN
JULIA POTTS

NELLY ROSENBERG
FADYA SALEM
ERICA SPILDE
TERRIE SULLIVAN
ANDREA TORGRIMSON
CASEY WILLIAMS

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
MARTEN DENBOER., Provost
JEFFREY BETHKE, 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, C.P.A., Vice President for Information Services
ERIN MINNÉ, Senior Vice President for Advancement
JOSÉ D. PADILLA, J.D., Vice President and General Counsel
ELIZABETH F. ORTIZ, Ed.D. Vice President for Institutional Diversity & Equity
SHERRI SIDLER, Controller
STEPHANIE SMITH, Vice President for Human Resources
GENE ZDZIARSKI, Ph.D., Vice President for Student Affairs

LAW ADMINISTRATION

JENNIFER ROSATO PEREA, Dean
ALLISON BROWNELL TIRRES, Associate Dean for Academic Affairs
BARBARA B. BRESSLER, Associate Dean for Experiential Education
MARGIT LIVINGSTON, Associate Dean for Research and 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 Affairs
WILLIAM CHAMBERLAIN, Assistant Dean for Law Career Services
DEBORAH HOWARD, Assistant Dean for Institutional Effectiveness
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
STOBAN 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, Associate 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, Emeritus Associate Professor: B.A., North Central College; J.D., DePaul University

WENDY NETTER EPSTEIN, Associate 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

WAYNE K. LEWIS, Emeritus Professor of Law, 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

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, Associate 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

ZOË ROBINSON, 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
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 & 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