

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, 67 DePaul L. Rev. (2018)

Available at: <https://via.library.depaul.edu/law-review/vol67/iss2/1>

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.

DEPAUL LAW REVIEW

Volume 67

Winter 2018

Number 2

CONTENTS

TWENTY-THIRD ANNUAL CLIFFORD SYMPOSIUM ON TORT LAW AND SOCIAL POLICY

THE IMPACT OF DARK MONEY ON JUDICIAL ELECTIONS AND JUDICIAL BEHAVIOR

ARTICLES

- JUDICIAL ELECTIONS
AFTER *CITIZENS UNITED* *Alicia Bannon* 169
- IS THERE A SILVER LINING?
DARK MONEY AND SUPPORT
FOR STATE COURTS *Michael J. Nelson* 187
- THE AGNOSTIC'S GUIDE TO
JUDICIAL SELECTION *James Sample* 219
- CAMPAIGN CONTRIBUTIONS AND
RISK-AVOIDANCE RULES IN
JUDICIAL ETHICS *W. Bradley Wendel* 255
- THE SUPREME COURT, JUDICIAL
ELECTIONS, AND DARK MONEY *Richard Briffault* 281
- THE CHAMBER IN THE CHAMBERS:
THE MAKING OF A BIG-BUSINESS
JUDICIAL MONEY MACHINE *Alyssa Katz* 319
- JUDICIAL SELECTION AND THE
SEARCH FOR MIDDLE GROUND *Charles Gardner Geyh* 333
- THE OTHER COSTS OF
JUDICIAL ELECTIONS *Penny J. White* 369
- JUDICIAL ELECTIONS IN THE 2010s *Herbert M. Kritzer* 387

Cite as 67 DEPAUL L. REV.
Copyright © 2018 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 timely 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., 2350 North Forest Road, Getzville, New York 14068. 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* (20th ed. 2015), copyright by the *Columbia, Harvard, and University of Pennsylvania Law Reviews* and the *Yale Law Journal*. Manuscripts may be submitted through either ExpressO or Scholastica.

LAW REVIEW WEBSITE: For more information, visit our website at <http://via.library.depaul.edu/law-review/>.

DePaul University is an equal-opportunity educator and employer.

DEPAUL LAW REVIEW

Volume 67

Winter 2018

Number 2

BOARD OF EDITORS

NOLAN LEUTHAUSER
Editor in Chief

COLIN RATHE
Executive Editor

KELLY RICE
Executive Editor

CAMERON CUSTARD
*Managing Editor of
Notes and Comments*

JOSEPH HEINZ
*Managing Editor of
Lead Articles*

DANIELLE O'NEAL
*Managing Editor of
Notes and Comments*

EMILY STEINERT
Symposium Editor

TYLER SMITH
Assistant Executive Editor

JAMES DEIOTTE, JR.
Business Manager

HENRY CALDWELL
*Editor of Articles,
Notes and Comments*

JOSEPH CARLSON
*Editor of Articles,
Notes and Comments*

KAYLA FOLEY
*Editor of Articles,
Notes and Comments*

ARIEL HENDERSON
*Editor of Articles,
Notes and Comments*

MARIA MAREK
*Editor of Articles,
Notes and Comments*

COLLEEN MULLANE
*Editor of Articles,
Notes and Comments*

DAVID MYERS
*Editor of Articles,
Notes and Comments*

ELIZABETH OLIVERA
*Editor of Articles,
Notes and Comments*

DIAMOND SMITH
*Editor of Articles,
Notes and Comments*

CANDACE WATKINS
*Editor of Articles,
Notes and Comments*

MEMBERS

AUSTIN FAVORY
MONA GHOGOMU

MICHELLE NOVELLI
LATERIA RAYFORD
KATHERINE WELZ

NATALIE TOMES
MARISA REONGPONGDIT

STAFF

PATRICIA ANTONAKOS
COCO ARIMA
COLLEEN CAVANAGH
ABIGAIL FLORES
VALERIE GALASSINI
MAXWELL GAWLEY

ASHLEE GERMANY
LINDA GREENE
MELANIE HAYWOOD
AMANADA INSALACO
DEREK KEENAN
SARAH KING

JOANNA KLUZOWSKA
MATYAS KRESZ
RANDI LEATH

MEREDITH MITTELBRUN
SOPHIA MONTI
MANDI MORELAND
CHELSEA MURRAY
SAMANTHA PHILLIPS
JACQUELINE RESNICK

JACK RUBIN
RACHEL SHIRLEY
ARIS SUAREZ
HANNAH THAYER
BRITTANY VALENTE
BRITTANY WHITFIELD

FACULTY ADVISORY COMMITTEE

MAX HELVESTON, *Chairperson*

GREGORY MARK, *Faculty Advisor*

ANDREW GOLD

MICHAEL GRYNBERG

ALLEN MOYE

MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS

DEPAUL UNIVERSITY COLLEGE OF LAW

GENERAL ADMINISTRATION

A. GABRIEL ESTEBAN, President
MARTEN DENBOER., Provost
JEFFREY BETHKE, Executive Vice President
REV. EDWARD R. UDOVIC, Secretary of the University
ERIN ARCHER, Treasurer of the University
JAY BRAATZ, Ed.D., Vice President for Planning & Presidential Administration
ROBERT JANIS, Vice President, Facilities Operations
DAVID H. KALSBECK, Ph.D., Senior Vice President for Enrollment Management & Marketing
LINDA BLAKLEY, Vice President of Public Relations & Communications
BOB McCORMICK, Vice President for Information Services
ERIN MINN., Senior Vice President for Advancement
JOS_ 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
KIMBERLY CAMPBELL, Communications Director
DEBORAH A. LAGIOIA, Assistant Dean for Institutional Effectiveness
MARGIT LIVINGSTON, Associate Dean for Research and Faculty Professional Development
ALLISON I. ORTLIEB, Associate Dean for Academic Affairs
MAX N. HELVESTON, Associate Dean for Academic Affairs and Strategic Initiatives
ALLEN MOYE, Associate Dean for Information Technology and Library Services
MICHAEL S. BURNS, Associate Dean for Student Affairs
SHANNON SCHAAB, Assistant Dean and Director of Law Career Services
AMANDA NOASCONO, Assistant Dean and Director of Law Admissions
ERIKA RODITIS, Director of Business Administration and Operations
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, 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
LEONARD L. CAVISE, Emeritus Professor of Law, 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, 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
REBECCA FEINBERG, Lecturer in Law: B.A., Yeshiva University; J.D., MBIoethic University of Pennsylvania; MBIotech Johns Hopkins University
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

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

VALERIE GUTMANN KOCH, Visiting Fellow: A.B., Princeton University; J.D., Harvard University

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

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

STEPHAN LANDSMAN, Emeritus Professor of Law: B.A., Kenyon College; J.D., Harvard University

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

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

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, 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

ANA SANTOS RUTSCHMAN, Jaharis Faculty Fellow: S.J.D., Duke University; Law Degree, LL.M., UCP Law School, Portugal

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

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

JAMES BROWNRIDGE, Stack Manager, Circulation Assistant

KIM GAINEY, Interlibrary Loan and Circulation Assistant

MARK GIANGRANDE, Reference Librarian, Faculty Services

HEATHER HUMMONS, Head of Access Services

KRISTY LEUSHEN, Reserves Coordinator, Circulation Assistant

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