DePaul Law Review

Volume 62

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, 62 DePaul L. Rev. (2013)
Available at: https://via.library.depaul.edu/law-review/vol62/iss3/1

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.
CONTENTS

SYMPOSIUM
CLASS ACTION ROLLBACK?
WAL-MART v. DUKES AND THE FUTURE OF CLASS
ACTION LITIGATION

TWENTY-SECOND ANNUAL DEPAUL LAW REVIEW SYMPOSIUM

INTRODUCTION .................... Christopher S. Burrichter 653

ARTICLES

THE POWER AND PROMISE OF PROCEDURE:
EXAMINING THE CLASS ACTION LANDSCAPE
AFTER WAL-MART v. DUKES............ Suzette M. Malveaux 659

DOOMSDAY DELAYED: HOW THE COURT’S
PARTY-NEUTRAL CLARIFICATION OF CLASS
CERTIFICATION STANDARDS IN WAL-MART
v. DUKES ACTUALLY HELPS PLAINTIFFS .... Anthony F. Fata 675

OPTIMAL CLASS SIZE, DUKES, AND THE
FUNNY THING ABOUT SHADY GROVE .. William H.J. Hubbard 693

IMPLAUSIBLE INJURIES: WAL-MART v.
DUKES AND THE FUTURE OF CLASS
ACTIONS AND EMPLOYMENT
DISCRIMINATION CASES ...............Marcia L. McCormick 711

ISSUE CERTIFICATION UNDER RULE 23(c)(4):
A REAPPRAISAL ......................... Mark A. Perry 733
“CARVING AT THE JOINT”: THE PRECISE FUNCTION OF RULE 23(c)(4) ................. Patricia Bronte 745 George Robot Darin M. Williams

THE FAMILY AND THE MARKET AT WAL-MART................................ Naomi Schoenbaum 759

REACTIONS TO WAL-MART v. DUKES: LITIGATION STRATEGY AND LEGAL CHANGE .................. Andrew J. Trask 791

EXTRALEGAL WHITEWASHES...................... Lesley Wexler 817

COMMENTS

DEPARTMENT OF JUSTICE NOT DEFENDING THE DEFENSE OF MARRIAGE ACT: POLITICALLY SIGNIFICANT, LEGALLY IRRELEVANT? ............. Angelo DiBartolomeo 857

MAJOR LEAGUE SOCCER SCORES AN OWN GOAL: A SUCCESSFUL JOINT VENTURE ATTAINS MARKET POWER IN AN INTERNATIONAL SPORT ............. Mark W. Lenihan 881
DEPaul University College of Law

General Administration

Rev. Dennis H. Holtzschneider, C.M., Ed.D., President
Rev. John T. Richardson, C.M., Chancellor
Patricia D. O'Donoghue, Interim 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, Controller
Robert Janis, Vice President for Facilities Operations
David H. Kalsbeek, 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
Steven R. Greenberger, Dean of Faculty
Brian F. Havel, Dean for Administration
Nancy Hershfield, Dean, Development & Alumni Relations
Deborah Howard, Dean of Institutional Strategy, Planning
Angela Lilly, Chief of Staff & Operations
Andrea D. Lyon, Dean of Clinical Programs
Kortney Moore, Director, Marketing & Communications
Howard M. Rubin, Dean for Lawyering Skills
Francine Soulinas, Dean, 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 Bassioumi, Distinguished Research Professor: J.D., Indiana University; LL.M., John Marshall Law School; S.J.D., George Washington University
Mary Becker, Distinguished Research 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
Graeme B. Denwood, Visiting Professor: L.B. Glasgow University; LL.M., Harvard Law School; J.S.D. Columbia Law School
Kathryn M. Dutenhaver, Associate Professor: B.A., North Central College; J.D., DePaul University
Freeman L. Farr, 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
Jerald 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 Grynsberg, Associate Professor: B.A., Carleton College; J.D. University of Virginia School of Law
Raymond J. Grzebelski, 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, 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
Sandra Kupelian, Instructor: B.A., University of Wisconsin; J.D., DePaul University
Roberta R. Kwall, 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
Margaret 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
Paul S. Miller, Instructor: M.F.A., Temple University Tyler School of Art; J.D., Fordham University
Mark Moller, Assistant 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. Oltlief, 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 Reissicoff, Professor: B.A., Princeton University; J.D., Yale University
John C. Roberts, Professor: B.S., Northwestern University; LL.B., Yale University
ZOE ROBINSON, Assistant 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. SIGEL, Distinguished Research Professor: B.A., Columbia University; J.D., LL.M., Harvard University

ROBERT SMITH, Visiting Professor: B.A., University of California; J.D., 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, Emeritus Professor: 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.
MICHAEL BERGMANN, J.D.
STEVE BRANSTEDT, J.D.
CATHERINE BREMER, J.D.
HON. MARY M. BROSNAHAN, J.D.
VINCENT BROWNE, J.D.
PATRICK BRUKS, J.D.
HON. ANTHONY CALABRESE, J.D.
ZACHARY CALO, J.D.
MARY ANNE CAPRON, J.D.
NATALIE CARLOMANGO, J.D.
CHRISTOPHER CARMICHAEL, J.D.
PATRICK CASSIDY, J.D.
JAMES CLARK, J.D.
MICHAEL CLARK, J.D.
ZACHARY CLOPTON, J.D.
BRAD EBNER, J.D.
KEVIN NOONAN, J.D.
BRADLEY ERENS, J.D.
HON. ANTHONY CALABRESE, J.D.
PAUL FINE, J.D.
LAWRENCE FOX, J.D.
ROBERT GEVIRTZ, J.D.
HON. DANIEL GILLESPIE, J.D.
LEONARD GOODMAN, J.D.
ELLEN GUTIERTO, J.D.
SUZAN HADDAD, J.D.

MARCIA HARRIS, J.D.
TIMOTHY HOFFMANN, J.D.
HON. JAY HYNES, J.D.
THOMAS JUDGE, J.D.
LILLIANA KALIN, J.D.
SUSAN L. KENNEDY, J.D.
BRENT KIDWELL, J.D.
HON. JOHN KIRBY, J.D.
KENNETH KRAUS, J.D.
MICHAEL KEZAK, J.D.
ROBERT LABATE, J.D.
LESLIE LANDES, J.D.
VALERIE LOEPOLO, J.D.
LISA LEVINE, J.D.
IRVING LEVINSON, J.D.
BRIAN LEWIS, J.D.
O. GREGORY LEWIS, J.D.
KATY LEWIS, J.D.
ROBERT LOEB, J.D.
MARY RITA LUECKE, J.D.
TERRENCE MACCARTHY, J.D.
SCOTT MAIN, J.D.
CRYSTAL MARCHIGIANI, J.D.
SIMY MEDJE, J.D.
ALAN MILLS, J.D.
JOEY MUGUL, J.D.
SANDY MORRIS, J.D.
MICHAEL MORRISSEY, J.D.
ANDREW MOBSHER, J.D.
CRAIG MOUSIN, J.D.
LAURENCE MRAZ, J.D.
JOHN MULLIGAN, J.D.
BRIAN NACH, J.D.
PETER NEWTON, J.D.
JENNIFER NIEMEC DUNN, J.D.
KEVIN NOONAN, J.D.
KEVIN PAK, J.D.
JOHN PANIAUGAS, J.D.
DEBORAH PERGAMET, J.D.
JAY READEY, J.D.
TIMO REBROCK, J.D.
TRISH RICH, J.D.
SUSAN SCHERL SULLIVAN, J.D.
JOHN SCHMIDT, J.D.
KATHERINE SCHOSTOK, J.D.
HELENE SHAP, J.D.
SAM SHIM, J.D.
JOEL SIMBERG, J.D.
JAMES SIMON, J.D.
ELIZABETH SIMON, J.D.
JULIE LIVERGOOD SIMPSON, J.D.
STANLEY SKLAR, J.D.
BARRY SPECTOR, J.D.