

Introduction to Issue Four

Welcome to Volume 52, Issue Four, of the *Loyola University Chicago Law Journal*. Issue Four of the *Loyola Law Journal* has historically emphasized Illinois and Illinois law. In addition, Issue Four is used as a showcase for articles written by current student members of the Journal. The articles in this Issue focus not only on Illinois and Illinois law, but explore topics that are relevant to the modern legal landscape.

Our first article, written by Professor Thomas Russell, focuses on Judge Milton Shadur, who spent thirty-seven years as a judge of the United States District Court for the Northern District of Illinois. This article builds on Professor Russell's previous article, *Frivolous Defenses*, 69 CLEV. ST. L. REV. (forthcoming June 2021). Professor Russell examines how Judge Shadur demanded that defense lawyers properly plead affirmative defenses by supporting them with facts in accordance with Federal Rule of Civil Procedure 8. The article advocates for more judges to adopt Judge Shadur's approach in order to reduce the ineffective pleading of "frivolous defenses."

Professor Steven A. Ramirez authors the next article which examines hate crimes and racially motivated violence in the United States. Professor Ramirez examines the events of January 6, 2021, at the Capitol, arguing they and other racially motivated violence are the results of the perpetuation of America's racial hierarchy. He proposes embracing the 1952 Supreme Court case *Beauharnais v. Illinois*, as a means to strengthen group libel sanctions and to begin the healing of a divided America.

In the next article, the Honorable James A. Shapiro and Professor Karl T. Muth examine the "beyond a reasonable doubt" standard required in criminal trials and its history in American law. The focus of the article is on the definition of "reasonable doubt" and the way that different jurisdictions explain this standard to juries. The authors posit that instructing juries instead to consider whether they are convinced to a moral certainty would reduce jury error and prevent the extraordinary error of wrongful conviction.

In the final article, James Naughton encourages educational advocates to utilize the Illinois Freedom of Information Act to identify and combat racial disparities in schools. The author uses a case study in Illinois where he requested racial and disciplinary information for a school district and used the information to expose inequities and drive change. In addition,

he offers a step-by-step guide on how others can utilize FOIA in the same way.

The first student piece in Issue Four is written by Lauren Schneider. This article focuses on the federal trust doctrine developed out of the legal relationship between the United States Government and Native American tribes. The article focuses on divergent approaches in the Eighth and Ninth Circuit Courts of Appeals regarding the judicial enforceability of federal trust obligations under the IHCA. The author argues that there should be broader interpretation of judicially enforceable trust obligations inherent in statutes like the IHCA as this would be more faithful to original common law principles, align with human rights principles of indigenous peoples under international law, and initiate a long overdue process of restorative justice toward American Indian tribes.

The second student piece, authored by Hannah May, focuses on the upcoming Central District of Illinois case *Gay v. Baldwin*, which will directly address the intersection of solitary confinement and mental illness. She suggests that the Seventh Circuit should hold that the use of solitary confinement as punishment for prisoners with serious mental illness under any circumstances constitutes a deliberate indifference for the prisoner's health, for which prison officials may be held liable as a violation of the Eighth Amendment. The trial has a tentative October 2022 trial date where the court will have an opportunity to move in a progressive direction regarding an increase of restrictions on the practice of solitary confinement.

The *Law Journal* would like to thank our authors for sharing their works with our publication, especially in light of the challenges the last year has brought. The Executive Board would also like to thank our staff members for their work, without them we would not be able to publish this Issue. I am grateful for the opportunity to work on Issue Four and am indebted to our authors and staff members for their contributions throughout this process.

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