OHIO STATE JOURNAL ON DISPUTE RESOLUTION

VOLUME 30
ISSUE 1
OFFICERS OF ADMINISTRATION

Michael V. Drake, B.A., M.D., President of the University
Joseph E. Steinmetz, B.A., M.A., Ph.D., Executive Vice President and Provost of the University
Alan C. Michaels, A.B., J.D., Dean of the College and Edwin M. Cooperman Prof. of Law
Gary W. Jenkins, B.A., M.P., J.D., Assoc. Dean for Academic Affairs and John C. Elam/Verys Sater Prof of Law
Christopher F. Fauman, B.A., J.D., Assoc. Dean for Faculty and C. William O'Neill Prof in Law and Judicial Administration

Kathy S. Northern, B.A., J.D., Assoc. Dean for Admissions and Assoc. Prof. of Law
Laura Fernandez, B.S., J.D., Assist. Dean for International and Graduate Affairs and Adjunct Prof.
Sam S. Stempelman, B.S., M.S., J.D., Assist. Dean for Information Services, Director of Law Library, and Senior Lecturer
Monte Smith, B.A., J.D., Assist. Dean for Academic Affairs and Adjunct Prof.
Robert L. Solomon, II, B.A., J.D., Assist. Dean for Admissions & Financial Aid, Director of Minority Affairs and Adjunct Prof.

FACULTY OF LAW

E. Albert Clovis, B.A.,
Michael Braunstein, B.A.,
Francis X. Beytagh, B.A.,
Robert L. Solomon,
Monte Smith, B.A.,
Laura Fernandez, B.S.,
Christopher M. Fairman, B.A.,
Garry W. Jenkins, B.A., M.P.P.,
Alan Joseph

OFFICERS OF ADMINISTRATION

THE OHIO STATE UNIVERSITY

Amy Lasz, B.A.,
Gregory Akbar, B.A.,
Sheldon W. Halpem,
Howard P. Fink, B.A., LL.B.

FACULTY OF LAW

Amna Akbar, B.A., J.D., Assist. Prof. of Law
Michelle Alexander, B.A., J.D., Assoc. Prof. of Law
Eri Arinarn, B.A., J.D., Langdon Fellow in Dispute Resolution
Mary Beth Beazley, B.A., J.D., Prof. of Law and Director of Legal Writing
Douglas A. Berman, A.B., J.D., Robert J. Watkins/Proctor & Gamble Prof of Law
Micah Berman, B.A., J.D., Assoc. Prof. of Public Health and Assist. Prof. of Law
Gregory A. Caldeira, B.A., A.M., Ph.D., Distinguished Univ. Prof. and Prof of Law
Cinnamon Carline, B.A., B.C.L., M.S., J.D., Assoc. Prof. of Law
Sanford N. Caset-Ellenbogen, B.A., M.C.R.P., J.D., Assoc. Prof of Law
Martha Charnillas, B.A., J.D., Robert D. Lynn Chair in Law
David C. Chow, B.A., J.D., Joseph S. Platt-Porter Wright Morris & Arthur Prof of Law
Amy J. Cohen, B.A., J.D., Prof. of Law
Sarah Rudolph Cole, B.A., J.D., John W. Bricker Prof. of Law and Director of Proj. on Dispute Resolution
Ruth Colker, A.B., J.D., Distinguished Univ. Prof and Grace Farn Hack Feisch in Constitutional Law
Elizabeth Ilene Cooke, B.A., J.D., Clinical Prof of Law
Richard C. Daley, B.A., J.D., Senior Lecturer in Law
Sharon L. Davies, B.A., J.D., Gregory H. Williams Chair in Civil Rights and Liberties and Executive Director of the William E. Kirwan Institute for the Study of Race and Ethnicity
Ellen E. Deason, B.A., J.D., Joanne W. Murphy/Classes of 1965 and 1972 Prof of Law
Joshua Dressler, B.A., J.D., Distinguished Univ. Prof. and Frank R. Strong Chair in Law
Terri L. Emms, B.A., J.D., Clinical Prof. of Law
Katherine Hunt Federle, B.A., J.D., LL.M., Prof. of Law and Director of the Center for Interdisciplinary Law and Policy Studies
Edward B. Foley, B.A., J.D., Charles W. Ebersold & Florence Whitcomb Ebersold Chair in Law
Larry T. Garvan, B.A., B.S., M.S., J.D., Lawrence D. Stanley Prof of Law

ADJUNCT FACULTY

Sandra J. Anderson
Elizabeth L. Anstett
Susan Arzynar
David S. Bloomfield
Joseph M. Caliguri
Hon. William B. Chandler
Ron. R. Gaye Cole
Daniel R. Conway
Matt Cooper
Mark Corotto
Jonathan E. Coughlan
James E. Davidson
Hon. Gregory Frost
Gates Garry-Rokous
Todd G. Guitman
David W. Hardymon

Michael D. Rose, B.A., J.D., LL.M.
Allan J. Samansky, B.A., M.A., J.D.
Philip C. Sorensen, B.S., J.D.
Gregory M. Travalio, B.A., J.D.
Vince F. Verdun, B.A., J.D.
Douglas J. Whaley, B.A., J.D.
Charles E. Wilson, B.S., J.D.

Advisory Board

Arthur F. Greenbaum, B.A., J.D., James W. Shacknessy Prof. of Law
L. Camille Hibel, B.A., J.D., Carter C. Kessell Prof. of Law
Stephanie R. Hoffer, B.S., J.D., LL.M., Assoc. Prof. of Law
Steven F. Huefner, B.A., J.D., Alumni Society Designated Prof. of Law and Director of Clinical Prof.
Creola Johnson, B.S., J.D., President's Club Prof of Law
Kimberly Jordan, B.S., J.D., Assist. Clinical Prof. of Law
Margot E. Kaminski, B.A., J.D., Assist. Prof. of Law
Katherine S. Kelly, B.A., M.A., J.D., Assist. Clinical Prof. of Law
Robert M. Krivoshey, B.A., M.A., J.D., Clinical Prof. of Law
Kathia J. Lee, B.A., J.D., Assistant Clinical Prof. of Law
Deborah Jones Merritt, A.B., J.D., John Deaver Drinko
Baker and Hostler Chair in Law
Dale A. Oesterling, B.A., M.F.P., J.D., Gilbert Reese Chair in Contract Law
Ethelmos Paradis, B.A., M.B.E, J.D., Assoc. Prof. of Law and Assoc. Prof. of Public Health
Anne Ralph, B.A., J.D., Assist. Clinical Prof. of Law
Paul Rose, B.A., J.D., Prof of Law
Guy A. Rub, B.S., M.A., J.D., Assist. Prof of Law
Dakota Ruudis, B.A., J.D., Assist. Prof of Law
Peter M. Shane, A.B., J.D., Jacob E. Davis & Jacob E. Davis II Chair in Law
Ric Simmons, B.A., M.A., J.D., Chief Justice Thomas J. Moyer Prof for the Administration of Justice and the Rule of Law
Marc S. Spindelman, B.A., J.D., Isadore and Ida Topper Prof of Law
Todd A. Starker, B.A., M.B.A., J.D., Assist. Clinical Prof. of Law
David Stebbins, B.A., J.D., Ph.D., Prof. of History and Prof. of Law
Joseph B. Stulberg, B.A., J.D., M.A., Michael E. Moritz Chair in Alternative Dispute Resolution
C. Lee Thomason, B.A., J.D., Assist. Clinical Prof. of Law
Daniel P. Tokaji, A.B., J.D., Charles W. Ebersold & Florence Whitcomb Ebersold Prof of Law
Christopher J. Walker, B.A., M.P.P., J.D., Assist. Prof of Law

Adjunct Faculty

Sandra J. Anderson
Elizabeth L. Anstett
Susan Arzynar
David S. Bloomfield
Joseph M. Caliguri
Hon. William B. Chandler
Ron. R. Gaye Cole
Daniel R. Conway
Matt Cooper
Mark Corotto
Jonathan E. Coughlan
James E. Davidson
Hon. Gregory Frost
Gates Garry-Rokous
Todd G. Guitman
David W. Hardymon

Gail Block Harris
Patricia Hatler
Kimberly Weber Herthly
John E. Hoffman Jr.
Barton Hubbard
James Johnson
Shawn Judge
Jeff Kaplan
Hon. Terrence P. Kemp
Hon. Norah McCann King
Greg Kirstein
Mary C. Kolman
James K.L. Lawrence
Sherri B. Lazear
Hon. Algonen Marbley
Joyce M. Martin
Ingrid Mattson
Hon. Patricia McIntosh
Richard M. Mescher
Robert J. Miller
Karen M. Moore
Tanya J. Potech
Douglas Rogers
Gregory D. Russell
Dan D. Sandman
Hon. Edmund A. Sargus
Hon. Jennifer Sargus
Edward M. Seigel
Elizabeth Sherowski
Kimberly Shumate
Scott V. Simpson
Delaney Smith, M.D.
Douglas Squires
Bob Stimson
Hon. Jeffrey S. Sutton
Jonathan T. Tyack
Mark R. Weaver
Robert Weller
Reid Wilson
Stephanie Ziegler
# OHIO STATE JOURNAL ON
# DISPUTE RESOLUTION

### Volume 30 2014-2015 Issues I-IV

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EDITOR-IN-CHIEF</strong></td>
<td>Yaima Seigley</td>
</tr>
<tr>
<td><strong>EXECUTIVE EDITOR</strong></td>
<td>Christopher Hawley</td>
</tr>
<tr>
<td><strong>CHIEF MANAGING EDITOR</strong></td>
<td>Elizabeth Sams</td>
</tr>
<tr>
<td><strong>BUSINESS EDITOR</strong></td>
<td>Liliana Vasquez</td>
</tr>
<tr>
<td><strong>ARTICLES EDITORS</strong></td>
<td>Alison Swift</td>
</tr>
<tr>
<td></td>
<td>Lauren Madonia</td>
</tr>
<tr>
<td><strong>NOTE &amp; COMMENT EDITORS</strong></td>
<td>Stephanie Taylor</td>
</tr>
<tr>
<td></td>
<td>Kayla Callahan</td>
</tr>
<tr>
<td><strong>BIBLIOGRAPHY EDITOR</strong></td>
<td>Suzanne Van Horn</td>
</tr>
<tr>
<td><strong>MARKETING EDITOR</strong></td>
<td>Tyler Puhl</td>
</tr>
<tr>
<td><strong>SYMPOSIUM EDITORS</strong></td>
<td>Trevor Johnson</td>
</tr>
<tr>
<td></td>
<td>Demetrice Allen</td>
</tr>
<tr>
<td><strong>TECHNOLOGY EDITOR</strong></td>
<td>Kevin Hidas</td>
</tr>
<tr>
<td><strong>MAYHEW-HITE EDITOR</strong></td>
<td>Delaney Marsco</td>
</tr>
<tr>
<td><strong>MANAGING EDITORS</strong></td>
<td></td>
</tr>
<tr>
<td>Matthew Aumann</td>
<td>Matthew Doney</td>
</tr>
<tr>
<td>Michael Benza</td>
<td>Zach Horton</td>
</tr>
<tr>
<td>Jocelyn Coney</td>
<td></td>
</tr>
<tr>
<td><strong>ASSOCIATE EDITOR</strong></td>
<td>Kaleb McHale</td>
</tr>
<tr>
<td><strong>STAFF</strong></td>
<td></td>
</tr>
<tr>
<td>Kelli Jo Amador</td>
<td>Howard Harcha IV</td>
</tr>
<tr>
<td>Hailey Akah</td>
<td>Aaron Hessler</td>
</tr>
<tr>
<td>Alex Benson</td>
<td>Michael Koslen</td>
</tr>
<tr>
<td>Jordan Croucher</td>
<td>Cory Martinson</td>
</tr>
<tr>
<td>Daniel Dubow</td>
<td>Carlisha Powell</td>
</tr>
<tr>
<td><strong>FACULTY ADVISORS</strong></td>
<td></td>
</tr>
<tr>
<td>Sarah Rudolph Cole &amp; Joseph B. Stulberg</td>
<td></td>
</tr>
</tbody>
</table>

*Published Four Times a Year by Students of The Ohio State University Moritz College of Law*
The *Ohio State Journal on Dispute Resolution (JDR)* is the official law journal of the American Bar Association Section of Dispute Resolution. The *JDR*, which is published four times a year, serves as an exchange of information between scholars, who develop and comment upon theoretical models of dispute resolution, and practitioners, who are involved in implementing models as actual arbitrators, mediators, and judges. The opinions and conclusions of the articles published in this issue are those of the authors and do not necessarily reflect the position of the *JDR* or The Ohio State University.

EDITORIAL AND GENERAL OFFICES: Located at 55 West 12th Avenue, Columbus, Ohio 43210-1391. The *JDR* can be contacted by phone at (614) 292-7170, by facsimile at (614) 292-3442, and by email at osu-jdr@osu.edu. Information may also be obtained online at http://moritzlaw.osu.edu/jdr.

SUBSCRIPTIONS: Domestic, $50.00 per volume; $15 per regular issue. Foreign, $60.00 per volume; $20.00 per regular issue. Members of the ABA Section of Dispute Resolution receive a special discounted rate of 50% off the standard subscription price. Please enclose check with order made payable to the *Ohio State Journal on Dispute Resolution*. All subscriptions are for the volume year and will be renewed automatically unless the subscriber provides timely notice of cancellation. All business or subscription inquiries, and changes of address should be directed to the Business Editor, *Ohio State Journal on Dispute Resolution*, 55 West 12th Avenue, Columbus, Ohio 43210-1391.

SINGLE ISSUES: Issues in the current volume and Volume 29 are available from the *JDR* for $15.00 domestic and $20.00 international. Back stock, reprint, and microform editions of the *JDR* are available through William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York, 14209-1987. The William S. Hein & Co. can be contacted by phone at (800) 828-7571 or by facsimile at (716) 883-8100.

SUBMISSIONS: The *JDR* welcomes the submission of unsolicited manuscripts, articles, and book reviews for possible publication. The text and footnotes of all manuscripts should be double-spaced and conform to THE BLUEBOOK. Please send submissions in hard copy to *Ohio State Journal on Dispute Resolution*, 55 West 12th Avenue, Columbus, Ohio 43210-1391 or electronically in MS Word format to osu-jdr@osu.edu. Manuscripts will not be returned.

CITATION: Please cite to the *JDR* as follows: 30 OHIO ST. J. ON DISP. RESOL. (2014).

COPYRIGHT INFORMATION: Copyright © 2014 by the *Ohio State Journal on Dispute Resolution*. Please direct copyright inquiries to Editorial and General Offices address listed above.