



Cite as 83 OHIO ST. L.J. ____ (2022)

Copyright © 2022 by The Ohio State University

The *Ohio State Law Journal* (ISSN 0048-1572) is published six times a year in Columbus, Ohio. The *Journal* Editorial and General Offices are located at 55 West 12th Avenue, Columbus, Ohio 43210-1391.

Subscriptions: Domestic, \$45.00 per volume; \$9.00 per regular issue; \$10.00 per symposium issue. Foreign, \$55.00 per volume; \$10.00 per regular issue; \$11.00 per symposium issue. Please enclose check with order. For further information, see mortizlaw.osu.edu/oslj. Back stock, reprint, and microform editions of the *Journal* are available through William S. Hein & Co., Inc., 1285 Main St., Buffalo, N.Y. 14209-1987. Back issues of the *Journal* may also be obtained through HeinOnline at <http://www.heinonline.org>.

The *Journal* assumes that each subscriber desires to renew its subscription unless the subscriber notifies the *Journal* otherwise before the subscription expires. Change of address notice should be received at least thirty days prior to the date of the issue with which that change is to take effect.

The *Journal* welcomes the submission of unsolicited manuscripts through Scholastica for possible publication in print or online. The text and footnotes of all manuscripts should be double spaced, with the text and footnotes on the same page. For further information, see mortizlaw.osu.edu/oslj.

Postmaster: Please send address changes to the Ohio State Law Journal, 55 West 12th Avenue, Columbus, Ohio 43210-1391.

OHIO STATE LAW JOURNAL

2022–2023

EDITOR-IN-CHIEF

Noelle Suarez-Murias

EXECUTIVE EDITOR

Victoria Melillo

CHIEF ONLINE EDITOR

Luke Klage

CHIEF MANAGING EDITOR

Elena C. Shepherd

CHIEF ARTICLES EDITOR

Michael T. Fahy

NOTE EDITORS

Chris Deucher

CHIEF NOTE EDITOR

Logan Householder

EXECUTIVE ARTICLES EDITORS

Jonathan T. Abele

Melissa A. Hammer

MEMBERSHIP & EVENTS EDITOR

Katie Potrzeboski

MANAGING EDITORS

Anthony E. Adams

Anna Armao

Jessica Bainbridge

Sarah Charlton

Jasmine C. Corrie

Jordan L. Elliott

Rachel E. Gherke

Lauren E. Greene

Jordan E. Headings

Matt Hohman

Garrett K. Rethman

Addison Schroeder

Allison Thurwanger

Jason R. Wilhelm

ARTICLES EDITORS

Jordan Bernas

Jon Michael Hilsheimer

James M. Hinton

Meredith E. Schwager

Kiera A. Zacher

ONLINE EDITORS

Madison K. Brown

Alexa R. Civittolo

Conner H. Judson

Amanda M. Spangler

SYMPOSIUM EDITOR

Spencer N. Kluth

SOURCE EDITORS

Tyler B. McVan

Natalie Reidling

SIXTH CIRCUIT REVIEW

Patrick A. Stevens

ASSOCIATE EDITORS

Eric Andrews

Ashton Marr

Mason Patrick

John W. Ryan

BUSINESS EDITOR

Gregory L. Seymour

STAFF EDITORS

Peyton J. Hall

Margo L. Hertzler

J'Niah L. Johnston

Dan W. Keller

Mitchell C. Kramer

Hannah G. Laubach

Matthew N. Leder

Zach Love

Ranjit S. Mavi

Brendan W. McNamara

Aditya Medicherla

Grant T. Mellott

Daniela R. Milan

Kendal C. Nininger

Sophia Palumbo

Colin D. Pender

Derek Potts

Nicholas Provenzano

Andrew M. Robie

Jennifer L. Route

Heath P. Schintler

Jacob Semus

Louis M. Shaheen

Caitlyn K. Skavdahl

Caroline R. Smith

Adam M. Taylor

Heather V. Van Hull

Eleanor A. F. Vorys

Ian C. Welsch

Rachel A. Wilson

Casey Aguinaga

Erin J. Ahern

Joe Batchelor

Katherine E. Bauman

Celina J. Bontigao

Alexa N. Breitenstine

Brooke B. Chambers

Abigail M. Counts

Caroline P. Cox

Nathan R. Dahlstrom

Sarah E. Fornshell

Michael N. Fussell

Ellen C. Geyer

Helen M. Gianakopoulos

Kevin S. Glomski

FACULTY ADVISORS

Anne E. Ralph

Margaret B. Kwoka

THE OHIO STATE UNIVERSITY MORITZ COLLEGE OF LAW

OFFICERS OF ADMINISTRATION

Kristina M. Johnson, PhD, *President of the University*
Melissa L. Gilliam, MD, MPH, *Executive Vice President and Provost of the University*
Lincoln L. Davies, B.S., J.D., *Dean of the College and Frank R. Strong Chair in Law*
Cinnamon P. Carlame, B.A., B.C.L., M.S., J.D., *Assoc. Dean for Faculty & Intellectual Life, Robert J. Lynn Chair in Law*
Kathy S. Northern, B.A., J.D., *Assoc. Dean for Diversity & Inclusion and Robert M. Duncan/Jones Day Designated Assoc. Prof. of Law*
Anne E. Ralph, B.A., J.D., *Assoc. Dean for Academic Affairs & Morgan E. Shipman Prof. in Law*
Paul Rose, B.A., J.D., *Assoc. Dean for Strategic Initiatives & Robert J. Watkins/Procter & Gamble Prof. of Law*
Exec. Director, Law, Finance & Governance at Ohio State, and J. Gilbert Reese Chair in Contract Law
Tra Pham, PhD, *Assist. Dean for International and Graduate Affairs and Adjunct Prof.*
Sara A. Sampson, B.S., M.S., J.D., *Assist. Dean for Information Services, Director of Law Library, and Senior Lecturer*
Darren Nealy, B.A., J.D., *Assist. Dean for Academic Affairs and Adjunct Prof.*
Gregory Roseboro, B.A., J.D., *Assist. Dean for Admissions, Financial Aid and Diversity Initiatives*

FACULTY EMERITI

Mary Beth Beazley, B.A., J.D.
Michael Braunstein, B.A., J.D.
Sanford N. Caust-Ellenbogen, M.C.R.P., J.D.
Martha Chamallas, B.A., J.D.
Albert L. Clovis, B.A., M.A., LL.B.
Sharon L. Davies, B.A., J.D.
Ellen E. Deason, B.A., M.S., J.D.
Joshua Dressler, B.A., J.D.
Gordon E. Gee, B.A., Ed.D., J.D.
David A. Goldberger, B.A., J.D.
Arthur F. Greenbaum, B.A., J.D.
Louis A. Jacobs, A.B., J.D., LL.M.
Bruce S. Johnson, B.A., J.D., M.L.S.
Michael Kindred, B.A., J.D., M.C.L., D.E.S.
Joan M. Krauskopf, A.B., J.D.
Deborah Jones Merritt, A.B., J.D.
Dale A. Oesterle, B.A., M.P.P., J.D.
John B. Quigley, A.B., M.A., LL.B.
Rhonda R. Rivera, B.A., M.P.A., J.D.
Nancy H. Rogers, B.A., J.D.
Michael D. Rose, B.A., J.D., LL.M.
Allan J. Samansky, B.A., M.A., J.D.
Peter M. Shane, A.B., J.D.
Joseph B. Stulberg, B.A., J.D., M.A., Ph.D.
Gregory M. Travlio, B.A., J.D., LL.M.
Vincene F. Verdun, B.A., J.D.
Douglas J. Whaley, B.A., J.D.
Charles E. Wilson, B.S., J.D.

FACULTY

Amna Akbar, B.A., J.D., *Charles W. Ebersold and Florence Whitcomb Ebersold Professorship*
Douglas A. Berman, A.B., J.D., *Newton D. Baker-Baker & Hostetler Chair in Law*
Micah Berman, B.A., J.D., *Assoc. Prof. of Public Health and Law*
Emily Brown, B.A., J.D., *Visiting Assist. Clinical Prof.*
Gregory A. Caldeira, B.A., A.M., Ph.D., *Distinguished Univ. Prof., Ann and Darrell Dreher Chair in Pol. Commun. and Policy Thinkang and Prof. of Law*
Felix Chang, B.A., J.D., *Visiting Prof. of Law*
Bryan H. Choi, B.A., J.D., *Assoc. Prof. of Law and Engineering*
Daniel C.K. Chow, B.A., J.D., *Frank E. & Virginia H. Bazler Chair in Business Law*
Sarah Rudolph Cole, B.A., J.D., *Michael E. Moritz Chair in Alternative Dispute Resolution*
Ruth Colker, A.B., J.D., *Distinguished Univ. Prof. and Grace Fern Heck Faust Chair in Constitutional Law*
Olwyn Conway, B.A., J.D., *Assoc. Clinical Prof. of Law*
Elizabeth Igen Cooke, B.A., J.D., *Frank C. Woodside III Clinical Prof. in Trial Advocacy*
Terri L. Eims, B.A., J.D., *James W. Shocknessy Professor of Law, Clinical Professor of Law, Senior Fellow, Election Law at Ohio State*
Katherine Hunt Federle, B.A., J.D., LL.M., *Joseph S. Platt-Porter Wright Morris & Arthur 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 Constitutional Law and Director of Election Law at Moritz*
William Froehlich, B.A., J.D., *Langdon Fellow in Dispute Resolution*
César Cuauhtémoc García Hernández, A.B., J.D., *Gregory Williams Chair in Civil Rights & Civil Liberties*
Larry T. Garvin, B.A., B.S., M.S., J.D., *Lawrence D. Stanley Prof. of Law*
Hallé Hara, B.A., J.D., *Senior Lecturer and Externship Director*
L. Camille Hébert, B.A., J.D., *Carter C. Kissell Prof. of Law*
Mohamed S. Helal, B.A., M.A., LL.B., LL.M., S.J.D., *Assoc. Prof. of Law*
Sean Hill, A.B., J.D., *Assist. Prof. of Law*
Dennis D. Hirsch, B.A., J.D., *Prof. of Law, Director of Prog. on Data and Governance*
Steven F. Huefner, A.B., J.D., *C. William O'Neill Prof. in Law and Judicial Administration, Senior Fellow of Election Law at Moritz and Director of Clinical Prof.*
Creola Johnson, B.S., J.D., *President's Club Prof. of Law*
Kimberly Jordan, B.S., J.D., *Clinical Prof. of Law and Director of Justice for Children Project*
Katherine S. Kelly, B.A., M.A., J.D., *Clinical Prof. of Law*
Margaret B. Kwoka, A.B., J.D., *Lawrence Herman Prof. in Law*
Katrina J. Lee, B.A., J.D., *John C. Elam/Vorys Sater Prof. in Law; Director, Program on Dispute Resolution*
Alan C. Michaels, A.B., J.D., *Dean Emeritus and Edwin M. Cooperman Chair in Law*
Efthimos Parasidis, B.A., MBE, J.D., *Chief Justice Thomas J. Moyer Professorship for the Administration of Justice and Rule of Law*
Patrick Perkins, B.A., J.D., *Jeff & Cynthia Harris Fellow*
Courtlyn Roser-Jones, B.A., J.D., LL.M., *Assist. Prof. of Law*
Guy A. Rub, B.A., LL.B., M.A., LL.M., S.J.D., *Joanne Wharton Murphy/Class of 1963 and 1973 Professorship in Law*
Dakota Rudesill, B.A., J.D., *Assoc. Prof. of Law*
Amy Schmitz, B.A., J.D., *John Deaver Drinko-Baker & Hostetler Chair in Law*
Colleen Garrity Settineri, B.S., B.A., J.D., *Assoc. Clinical Prof. of Law*
Ric Simmons, B.A., M.A., J.D., *Jacob E. Davis and Jacob E. Davis II Chair in Law*
Monte Smith, B.A., J.D., *Assist. Clinical Prof. of Law*
Marc S. Spindelmann, B.A., J.D., *Isadore & Ida Topper Prof. of Law*
Todd A. Starker, B.A., M.B.A., J.D., *Clinical Prof. of Law*
David Stebbins, B.A., M.A., J.D., Ph.D., *Prof. of History and Law*
Paige L. Wilson, B.A., J.D., *Assoc. Clinical Prof. of Law*
Rebecca Wolitz, B.A., J.D., *Assist. Prof. of Law*
Ruqaiyah Yearby, J.D., MPH., *Kara J. Trott Prof. in Health Law*
Patricia J. Zettler, B.A., J.D., *Assoc. Prof. of Law*

ADJUNCT FACULTY

Claudia Andre
Zaki Anwar
Elizabeth L. Anstaett
David T. Ball
Nikki Baszynski
Allison Binkley
Matthew Birkhold
Amy Bittner
Rachel Bloomekatz
Ben Bodamer
Joseph Boeckman
Joseph M. Caliguri
Sophia Chang
Kwame Christian
Erica L. Cook
Daniel Conway
Matt Cooper
Lorenzo Corte
Jonathan E. Coughlan
Dave DeVillers
Marjorie Duffy
Marjorie Duffy
Scott E. Failor
Laura Fernandez-Alvarez
Rebecca Fordon
Gates Gamby-Rokous
Henrique Geigel
Francis Geiger
Chris Glaros
David W. Grauer
Christopher Hagale
Christopher Hammond
Michael Hendershot
Robb Hem
Hon. John E. Hoffman Jr.
Barton Hubbard
Caryn Kaufman
Marya C. Kolman
Michael Kolsen
Natasha Landon
Jonathan Leiken
George Limbert
Emma MacGuidwin
Susan Malloy
Hon. Algonon L. Marbley
Patrick McCarthy
Richard M. Mescher
Anne Miles
Caitlin Miller
Robert J. Miller
John Mills
Maria Mone
Robert Moomann
Martha Motley
Norman Nadorff
Caroline O'Connell
Matt Palmer
Kinal Patel
Frank Ray
Matthew Richardson
John Rockenbach
Blake Rohrbacher
Dan Sabol
Dan D. Sandman
Hon. Edmund A. Sargus
Hon. Jennifer L. Sargus
Jim Sawwell
Donald Scheetz
Edward M. Segelken
Amy Sellars
Andrea Shemberg
Scott V. Simpson
Carl Smallwood
Lindsay Karas Stencel
Bob Stinson
Hon. Jeffrey S. Sutton
James Thomas
Jessica Tobias
Hon. Chelsey M. Vascura
Jonathon Vinocur
Laura Vlieg
Bradley Walent
Robert Ward
Hon. Michael H. Watson
Robert Weiler
Terrence Wheeler
Megan Whited
Hannah Wilson
Mary Beth Young
Stephanie Ziegler