



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

2021–2022

EDITOR-IN-CHIEF

Timothy D. Lanzendorfer

EXECUTIVE EDITOR

Taylor Lovejoy

CHIEF ONLINE EDITOR

Nicholas V. Sgroi

CHIEF MANAGING EDITOR

Brian Schultz

CHIEF ARTICLES EDITOR

Brooke N. Zentmeyer

SYMPOSIUM EDITOR

Natalie L. Engel

CHIEF NOTE EDITOR

Zachery A. Hunter

EXECUTIVE

ARTICLES EDITORS

Meg Lloyd

Carly D. Sinclair

MEMBERSHIP EDITOR

Helen Fite

MANAGING EDITORS

Lindsey M. Adams

Jessica Akerman

Tristan T. Akers

Benny Friedman

Justin Hill

Sarah L. Mader

Meghan E. McDonnell

Madison McDowell

Zachary Nallen

Steven Nosco

Jacob A. Sandstrom

Nathan Steinberg

William Tomlinson

ARTICLES EDITORS

Annamarie L. Beckmeyer

Alexander J. Calnon

Kyle A. Dipre

Jacob J. Farrell

Taylor G. MacDonald

Chip Skambis

Peter W. Stoecklein

BUSINESS EDITOR

A. Riley Grant

NOTE EDITORS

Nathaniel G. Ecker

Hannah Muller

SOURCE EDITORS

Caroline Carroll

Pearle M. Lipinski

ONLINE EDITORS

Samuel DeWitt

Ryland A. Doerr

Jamie Feyko

Raegan Hudson

Alex Q. Jacobs

Bailey Sanders

Daniel W. Tiley

ASSOCIATE EDITORS

Victoria K. Baker

Rachel M. Tollefsrud

STAFF EDITORS

Jonathan T. Abele

Anthony E. Adams

Eric Andrews

Anna Armao

Jessica Bainbridge

Jordan Bemas

Madison K. Brown

Sarah Charlton

Alexa R. Civittolo

Jasmine C. Corrie

Chris Deucher

Jordan L. Elliott

Michael T. Fahy

Rachel E. Gherke

Lauren E. Greene

Melissa A. Hammer

Samuel J. Harrison

Jordan E. Headings

Jon Michael Hilsheimer

James M. Hinton

Matt Hohman

Logan Householder

Conner H. Judson

Luke M. Klage

Spencer N. Kluth

Lydia M. Kotowski

Ashton Marr

Tyler B. McVan

Victoria Melillo

Megan Parker

Mason Patrick

Katie Potrzeboski

Natalie Reidling

Garrett K. Rethman

John W. Ryan

Addison Schroeder

Meredith E. Schwager

Gregory L. Seymour

Elena C. Shepherd

Amanda M. Spangler

Patrick A. Stevens

Noelle Suarez-Murias

Allison Thurwanger

Jason R. Wilhelm

Kiera A. Zacher

FACULTY ADVISORS

Anne E. Ralph

Christopher J. Walker

Published Six Times a Year by the Students of The Ohio State University Moritz College of Law

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. Davis, B.S., J.D., *Dean of the College and Frank R. Strong Chair in Law*
Cinnamon P. Carfame, B.A., B.C.L., M.S., J.D., *Assoc. Dean for Faculty & Intellectual Life and Alumni Society Designated Professor of 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., *Associate Dean for Academic Affairs and Clinical Professor of Law*
Paul Rose, B.A., J.D., *Associate Dean for Strategic Initiatives and Robert J. Watkins/Procter & Gamble Professor of Law*
Executive Director, Law, Finance & Governance @ Ohio State
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.*
Michael States, B.A., J.D., *Assist. Dean for Admissions and Financial Aid*

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.
Marina Charnallas, 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. Goldberg, B.A., J.D.
Lawrence R. Herman, A.B., LL.B.
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.
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. Travallo, B.A., J.D., LL.M.
Vincene F. Verclun, 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., *Prof. of Law*
Laura A. Barrera, B.A., J.D., *Visiting Assistant Clinical Professor of Law*
Douglas A. Berman, A.B., J.D., *Newton D. Baker-Baker and Hostetler Chair in Law*
Micah Berman, B.A., J.D., *Assoc. Prof. of Public Health and Law*
Gregory A. Caldeira, B.A., A.M., Ph.D., *Distinguished Univ. Prof., Ann and Durrell Dreher Chair in Pol. Comm. and Policy Thinking and Prof. of Law*
Bryan H. Choi, A.B., J.D., *Assoc. Prof. of Law and Computer Science 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 Heck Faust Memorial Chair in Constitutional Law*
Ohwyn Conway, B.A., J.D., *Assoc. Clinical Prof. of Law*
Elizabeth Ilgen Cooke, B.A., J.D., *Clinical Prof. of Law*
Terri L. Enns, B.A., J.D., *Clinical Prof. of Law, Senior Fellow of Election Law at Ohio State*
Kathenne 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 Ohio State*
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*
Ari Glogower, B.A., J.D., LL.M., *Assoc. Prof. of Law*
Arthur F. Greenbaum, B.A., J.D., *James W. Shocknessy Prof. of Law*
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, J.D., A.B., *Assist. Prof. of Law*
Dennis D. Hirsch, B.A., J.D., *Prof. of Law and Director of Prog. on Data and Governance*
Steven F. Huefner, A.B., J.D., *C. William O'Neill Professor in Law and Judicial Administration and Director of Clinical Programs*
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 and Director of Academic Support Prog.*
Margaret B. Kwoka, A.B., J.D., *Lawrence Herman Professor in Law*
Katrina J. Lee, B.A., J.D., *Clinical Prof. of Law and Director of Prog. on Dispute Resolution*
Alan C. Michaels, A.B., J.D., *Dean Emeritus and Edwin M. Cooperman Chair in Law*
Dale A. Oesterle, B.A., M.P.P., J.D., *J. Gilbert Reese Chair in Contract Law*
Efthimos Parasidis, B.A., MBE, J.D., *Prof. of Law and Public Health*
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., *Prof. of 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., *Assist. Clinical Prof. of Law*
Sara Brady Siff, B.A., Ph.D., *Visiting Assistant Professor*
Ric Simmons, B.A., M.A., J.D., *Chief Justice Thomas J. Moyer Prof. for the Administration of Justice and the Rule of Law*
Monte Smith, B.A., J.D., *Assistant Clinical Professor of Law*
Marc S. Spindelman, 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 Stebenne, B.A., M.A., J.D., Ph.D., *Prof. of History and Law*
Christopher J. Walker, B.A., M.P.P., J.D., *John W. Bricker Professor of Law and Director of Washington D.C. Summer Prog.*
Paige L. Wilson, B.A., J.D., *Assist. Clinical Prof. of Law*
Rebecca Wolitz, B.A., J.D., *Assist. Professor of Law*
Patricia J. Zettler, B.A., J.D., *Assoc. Prof. of Law*
Michael Zuckerman, A.B., J.D., *Visiting Assistant Professor 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
Dave DeVillers
Marjorie Duffy
Jonathan E. Coughlan
Marjorie Duffy
Scott E. Failor
Laura Fernandez-Alvarez
Christopher Galanos
Gates Garrity-Rokous
Henrique Geigel
Fran Geisger
Chris Galanos
Chris Glaros
David W. Grauer
Christopher Hagale
Christopher Hammond
Michael Hendershot
Robb Hern
Hon. John E. Hoffman Jr.
Barton Hubbard
John Rockenbach
Caryn Kaufman
Marya C. Kolman
Michael Kolsen
Jonathan Leiken
George Lambert
Emma MacGuidwin
Susan Malloy
Hon. Algenon L. Marbley
Patrick McCarthy
Richard M. Mescher
Anne Miles
Caitlin Miller
Robert J. Miller
John Mills
Mana Mone
Martha Motley
Norman Nadroff
Caroline O'Connell
Matt Palmer
Kinal Patel
Frank Ray
Matthew Richardson
Robert Moormann
Robert Ward
Blake Rohbacher
Dan Sabol
Dan D. Sandman
Hon. Edmund A. Sargus
Hon. Jennifer L. Sargus
Jim Saywell
Donald Scheetz
Edward M. Segelken
Amy Sellars
Andrea Shemberg
Scott V. Simpson
Cari Smallwood
Lindsay Karas Stence
Bob Stinson
Hon. Jeffrey S. Sutton
James Thomas
Jessica Tobias
Hon. Chelsey M. Vascura
Jonathon Vinocur
Bradley Walent
Hon. Michael H. Watson
Robert Weiler
Terrence Wheeler
Megan White
Hannah Wilson
Mary Beth Young
Stephanie Ziegler