

**OHIO STATE JOURNAL ON
DISPUTE RESOLUTION**

VOLUME 35
ISSUE 1

THE OHIO STATE UNIVERSITY MORITZ COLLEGE OF LAW

OFFICERS OF ADMINISTRATION

Michael V. Drake, B.A., M.D., *President of the University*
Bruce A. McPherson, B.S., M.S., Ph.D., *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*
Daniel P. Tokaji, A.B., J.D., *Assoc. Dean for Faculty, Charles W. Ebersold & Florence Whitcomb Ebersold Prof. of Constitutional Law, and Senior Fellow of Election Law at Moritz*
Kathy S. Northern, B.A., J.D., *Assoc. Dean for Diversity & Inclusion and Robert M. Duncan/Jones Day Designated Assoc. Prof. of Law*
Paul Rose, B.A., J.D., *Assoc. Dean for Academic Affairs, Robert J. Watkins/Procter & Gamble Professor of Law, and Executive Director of Law, Finance and Governance Prog.*
Laura Fernandez, B.S., J.D., *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 & 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.
Albert L. Clovis, B.A., M.A., LL.B.
Sharon L. Davies, B.A., J.D.
Joshua Dressler, B.A., J.D.
Howard P. Fink, B.A., LL.B.
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., LL.M.
Michael Kindred, B.A., J.D., M.C.L., D.E.S.
Joan M. Krauskopf, 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.
Joseph B. Stulberg, B.A., J.D., M.A., Ph.D.
Gregory M. Travaglio, B.A., J.D., LL.M.
Vincene F. Verdum, 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., *Assoc. Prof. of Law*
Douglas A. Berman, A.B., J.D., *Newton D. Baker-Baker & Hostetter 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 Darrell Dreher Chair in Pol. Commun. and Policy Thinking and Prof. of Law*
Cinnamon P. Carlane, B.A., B.C.L., M.S., J.D., *Alumni Society Designated Professor of Law*
Martha Chamallas, B.A., J.D., *Robert J. Lynn Chair in Law*
Bryan H. Choi, A.B., J.D., *Assist. Prof. of Law and Engineering*
Daniel C.K. Chow, B.A., J.D., *Frank E. & Virginia H. Bazler Chair in Business Law*
Holly Coats, B.A., J.D., *Visiting Assist. Prof. of Law*
Amy J. Cohen, B.A., J.D., *John C. Eilam/Vorys Sater Professor of Law*
Sarah Rudolph Cole, B.A., J.D., *John W. Bricker Prof. of Law and Director of Prog. on 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., *Assist. Clinical Prof. of Law*
Elizabeth Ilgen Cooke, B.A., J.D., *Clinical Prof. of Law*
Ellen E. Deason, B.A., M.S., J.D., *Joanne W. Murphy/Classes of 1965 and 1973 Prof. of Law*
Terri L. Ems, B.A., J.D., *Clinical Prof. of Law, Senior Fellow of Election Law at Moritz*
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*
Lary T. Garvin, B.A., B.S., M.S., J.D., *Lawrence D. Stanley Prof. of Law*
Art Clogower, B.A., J.D., LL.M., *Assist. 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., *Assist. Prof. of Law*
Dennis D. Hirsch, B.A., J.D., *Prof. of Law, Director of Prog. on Data and Governance*
Stephanie R. Hoffer, B.S., J.D., LL.M., *Prof. of Law*
Steven F. Huefner, A.B., J.D., *William O'Neill Professor in Law and Judicial Administration, Senior Fellow of Election Law at Moritz and Director of Clinical Prog.*
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.*
Katrina J. Lee, B.A., J.D., *Clinical Prof. of Law*
Deborah Jones Merritt, A.B., J.D., *John Deaver Drinko-Baker and Hostetter Chair in Law*
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., M.B.E., J.D., *Prof. of Law and Public Health*
Anne Ralph, B.A., J.D., *Clinical Prof. of Law*
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., *Assist. Prof. of Law*
Colleen Garry Settineri, B.S., B.A., J.D., *Assist. Clinical 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 & 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., *Prof. of Law, Director of Washington D.C. Summer Prog.*
Paige L. Wilson, B.A., J.D., *Assist. Clinical Prof. of Law*
Patricia J. Zettler, B.A., J.D., *Assist. Prof. of Law*

ADJUNCT FACULTY

Karim Ali
Elizabeth L. Anstaett
Susan Azyndar
David T. Ball
Christopher Ballard
Hubbard Barton
Jordan Berman
Allison Binkley
Amy Bittner
Ben Bodamer
Joseph Boeckman
Joseph M. Caliguri
Kwame Christian
Hon. R. Guy Cole Jr.
Erica L. Cook
Matt Cooper
Lorenzo Corte
Jonathan E. Coughlan
Samir Dahman
Josh Dityanni
Scott E. Failor
Laura Fernandez-Alvarez
Tod Friedman
Gates Garity-Rokous
Paul Gatz
Franz Geiger
Peter Glenn-Applegate
David W. Grauer
Christopher Hammond
Michael Hendershot
Robb Hem
Hon. John E. Hoffman Jr.
Melissa Jackson
Caryn Kaufman
Marya C. Kolman
James K. L. Lawrence
George Limbert
Emma MacGuidwin
Hon. Algenon L. Marbley
Susan Malloy
Greg Mathews
Patrick McCarthy
Hon. Stephen L. McIntosh
Richard M. Mescher
Robert J. Miller
Rebecca Monroe
Robert Oast
Ryan O'Rourke
Matt Palmer
Sarah Paxton
Matt Richardson
Michael Robertson
Dan D. Sandman
Hon. Edmund A. Sargus
Hon. Jennifer L. Sargus
Don Scheetz
Edward M. Segelken
Scott V. Simpson
Rob Solomon
Douglas Squires
Carter Stewart
Hon. Jeffrey S. Sutton
Justin Thompson
Katrina Thompson
Nikki Trautman-Baszynski
Hon. Chelsey M. Vascura
Bradley Walcut
Hon. Michael H. Watson
Robert Weiler
Terrence Wheeler
Suzanne Whisler
Stephen White
Megan White
Geoff Wilcox
Reid Wilson
Mary Beth Young
Stephanie Ziegler

OHIO STATE JOURNAL ON DISPUTE RESOLUTION

Volume 35

2019–2020

Issues I–IV

EDITOR-IN-CHIEF

Sara Sams

EXECUTIVE EDITOR

Claire McGagh

CHIEF MANAGING EDITOR

Hayley Kick

CHIEF ONLINE EDITOR

Brianna Soltys

CHIEF NOTE EDITOR

Hallie Israel

SYMPOSIUM EDITOR

Jamie Cardenas

BUSINESS EDITOR

Jack Myers

MARKETING EDITOR

Krystina Garabis

MEMBERSHIP EDITOR

Mitch Laing

EVENTS EDITOR

Ali Anderson

ARTICLES EDITORS

Anna Crisp

Katy Scruppi

Joseph Trammell

ONLINE EDITORS

Thomas Donadio

Anna Grushetsky

MANAGING EDITORS

Joshua Gmerek

Max Knudsen

Nicholas Pasquarello

Michael Stash

Michael Walsh

NOTE EDITORS

Dinu Godage

Jason Brown

Sarah Siewe

ASSOCIATE EDITORS

Zachary Maria

DyTiesha Dunson

STAFF EDITORS

Allison Hose

Yongxin Hou

Will Hudson

Benjamin Hurford

Julian Johnson

Zeynep Kart

Olivia Knestrict

Elizabeth Lewis

Brian Mashny

Clare Murphy

Mercedes Ramsey

LeRoy Ricksy

Rachel Riestenberg

Isabella Rocco

Ellen Steinmetz

Arianne Thomas

Rebecca Turnbull

Patrick Walsh

Erica Wellman

Monica Windholtz

FACULTY ADVISORS

Sarah Rudolph Cole and Katrina Lee

Published by Students at 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 three to 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 34 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. 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: 35 OHIO ST. J. ON DISP. RESOL. (2019).

COPYRIGHT INFORMATION: Copyright © 2019 by the *Ohio State Journal on Dispute Resolution*. Please direct copyright inquiries to Editorial and General Offices address listed above.