

# University of Dayton Law Review

---

Volume 39 | Number 1

Article 1

---

10-1-2013

## Front Matter

University of Dayton

Follow this and additional works at: <https://ecommons.udayton.edu/udlr>



Part of the [Law Commons](#)

---

### Recommended Citation

University of Dayton (2013) "Front Matter," *University of Dayton Law Review*. Vol. 39: No. 1, Article 1.  
Available at: <https://ecommons.udayton.edu/udlr/vol39/iss1/1>

This Front Matter is brought to you for free and open access by the School of Law at eCommons. It has been accepted for inclusion in University of Dayton Law Review by an authorized editor of eCommons. For more information, please contact [mschlangen1@udayton.edu](mailto:mschlangen1@udayton.edu), [ecommons@udayton.edu](mailto:ecommons@udayton.edu).

# UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 39

FALL 2013

NUMBER 1

## ARTICLES

- OTHER PEOPLE'S VOLATILITY: A CALL FOR RULES THAT MORE  
EQUITABLY STABILIZE THE STOCK MARKET  
*J. SCOTT COLESANTI* 1
- TAMING A DRAGON: LEGISLATIVE HISTORY IN LEGAL ANALYSIS  
*MARK DEFORREST* 37
- PARALLEL INVESTIGATIONS BETWEEN ADMINISTRATIVE AND LAW  
ENFORCEMENT AGENCIES: A QUESTION OF CIVIL LIBERTIES  
*SHIV NARAYAN PERSAUD* 77

## COMMENTS

- BLURRING THE BOUNDARIES: HOW THE ADDITIONAL GROUNDS FOR POST-  
GRANT REVIEW IN THE AMERICA INVENTS ACT RAISE ISSUES WITH  
SEPARATION OF POWERS AND THE ADMINISTRATIVE PROCEDURE ACT  
*BENJAMIN J. CHRISTOFF* 111
- CONTRACEPTION AND CORPORATE PERSONHOOD: DOES THE FREE  
EXERCISE CLAUSE OF THE FIRST AMENDMENT PROTECT FOR-PROFIT  
CORPORATIONS THAT OPPOSE THE EMPLOYER MANDATE?  
*JOHN LYLE* 137
- SHIELDS AND KIRPANS: HOW RFRA PROMOTES "IRRATIONAL-BASIS"  
REVIEW AS FOR-PROFIT COMPANIES CHALLENGE THE AFFORDABLE CARE  
ACT'S WOMEN'S HEALTH AMENDMENT  
*EMILY URCH* 173

# UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 39

FALL 2013

NUMBER 1

## GENERAL INFORMATION

The University of Dayton Law Review (ISSN 0162-9174) is published 2-4 times per year by students at the University of Dayton School of Law. Views expressed in this issue are those of the authors and do not reflect the policies or opinions of the trustees, faculty, or administration of the University of Dayton School of Law or the University of Dayton, the Law Review, or its editors or staff.

The Law Review is indexed in Current Law Index, Index to Legal Periodicals, and Legal Resource Index. Beginning with Volume 17, Issue 1, the Law Review is available on LEXIS. Beginning with Volume 9, Issue 1, selected articles appear on WESTLAW and beginning with Volume 19, Issue 2, full coverage of the Law Review is available on WESTLAW. The Law Review is a member of the National Conference of Law Reviews. The Law Review is printed by Western Newspaper Publishing Co., Inc., 537 East Ohio Street, Indianapolis, Indiana 46204.

## SUBSCRIPTIONS

The subscription rate is \$30.00 per volume. Single issues are available for \$17.50 per issue. Subscriptions are automatically renewed unless written notice of cancellation is received prior to shipment of the issue. Please notify the Law Review, in writing, of any change of address and include name, new address and old address or mailing label. Direct all correspondence regarding subscriptions to the attention of the Business Editor. Back issues may be obtained from William S. Hein & Co., 1285 Main Street, Buffalo, New York 14209; 1-800-828-7571.

## ARTICLE SUBMISSIONS

The Law Review invites submission of manuscripts in all areas of current legal interest. Please direct manuscripts to the attention of the Articles Editor. The Law Review will not return unsolicited manuscripts unless postage is provided.

## CITATION MANUAL

The Law Review substantially conforms to *The Bluebook: A Uniform System of Citation* (19th ed. 2010). Where the Bluebook fails to supply a rule on point, the Law Review conforms to *ALWD Citation Manual* (4th ed. 2010).

## COPYRIGHT

Copyright © 2013 by the University of Dayton Law Review. Please direct requests for excerpts or reprints to the contact information provided below.

## CONTACT INFORMATION

University of Dayton Law Review  
300 College Park  
Dayton, Ohio 45469-2772  
udlawreview@udayton.edu

Website: [http://www.udayton.edu/law/academics/law\\_review/](http://www.udayton.edu/law/academics/law_review/)

# UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 39

FALL 2013

NUMBER 1

## ADMINISTRATION

PAUL E. MCGREAL, B.A., J.D., LL.M., *Dean and Professor of Law*  
MARIA P. CRIST, B.A., J.D., *Associate Dean of Academic Affairs and Professor of Lawyering Skills*  
LORI E. SHAW, B.S., J.D., *Title IX Coordinator and Professor of Lawyering Skills*  
TIMOTHY G. SWENSEN, B.A., M.S., J.D., *Assistant Dean and Director of Career Services*  
CLAIRE SCHRADER, B.A., M.S., *Assistant Dean and Executive Director of Enrollment Management and Marketing*  
STACI RUCKER, B.A., J.D., *Assistant Dean of Student Affairs and Lecturer of Law*  
JOHN TERZANO, B.A., J.D., LL.M., *Interim Director of Academic Success*  
MELINDA M. WARTHMAN, B.A., M.A., J.D., *Interim Director of Bar Passage*  
SHANNON R. PENN, B.A., M.ED., *Registrar*  
MARGARET WILSON, B.B.A., *Director of Operations and Finance*

## FACULTY

MAUREEN H. ANDERSON, B.A., J.D., LL.M., M.L.S., *Associate Professor and Assistant Director for Public Services*  
SUSAN W. BRENNER, B.A., M.A., J.D., *Samuel A. McCray Chair and Professor of Law and NCR Distinguished Professor of Law & Technology*  
JEANNETTE COX, B.A., J.D., *Professor of Law*  
MARIA P. CRIST, B.A., J.D., *Associate Dean of Academic Affairs and Professor of Lawyering Skills*  
JAMES GEOFFREY DURHAM, A.B., J.D., *Professor of Law*  
SUSAN NEWHART ELLIOTT, B.A., M.ED., J.D., M.L.S., *Associate Professor and Associate Director of Law Library*  
HARRY S. GERLA, B.A., M.A., J.D., *Professor of Law*  
FREDERICK DENNIS GREENE, B.A., M.ED., J.D., *Professor of Law*  
THOMAS L. HAGEL, B.S., J.D., LL.M., *Professor of Law*  
CHARLES G. HALLINAN, B.A., J.D., LL.M., *Professor of Law*  
THADDEUS HOFFMEISTER, B.A., J.D., LL.M., *Professor of Law*  
COOLEY R. HOWARTH, JR., B.A., J.D., *Professor of Law*  
DENISE PLATFOOT LACEY, B.A., J.D., *Lecturer of Law and Externship Faculty*  
MONIQUE B. LAMPKE, B.A., J.D., *Lecturer of Law and Externship Faculty*  
PAMELA LAUFER-UKELES, B.A., J.D., *Professor of Law*  
PAUL E. MCGREAL, B.A., J.D., LL.M., *Dean and Professor of Law*  
SHEILA F. MILLER, B.A., J.D., *Professor of Lawyering Skills*  
RICHARD P. PERNA, B.A., J.D., *Professor of Law*  
VERNELLIA R. RANDALL, B.S., M.S., J.D., *Professor Emeritus*  
TRACY REILLY, B.A., J.D., *Professor of Law*  
ANDREA M. SEIELSTAD, A.B., J.D., *Professor of Law*  
LORI E. SHAW, B.S., J.D., *Title IX Coordinator and Professor of Lawyering Skills*  
ADAM TODD, B.A., J.D., *Associate Professor of Lawyering Skills*  
DENNIS J. TURNER, B.A., J.D., *Professor Emeritus*  
VICTORIA L. VANZANDT, B.A., J.D., *Professor of Lawyering Skills*  
PAUL VENARD, B.A., J.D., M.L.I.S., *Professor and Reference Librarian*  
BLAKE A. WATSON, B.A., J.D., *Professor of Law*  
SUSAN C. WAWROSE, B.A., M.A., J.D., *Professor of Lawyering Skills and Director of Graduate Studies*  
JULIE ZINK, A.A.S., B.A., J.D., *Professor of Lawyering Skills*

# UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 39

FALL 2013

NUMBER 1

## ADJUNCT FACULTY

BRANDON M. ALLEN, B.S., J.D.  
ADAM ARMSTRONG, B.A., J.D.  
MATTHEW R. ARNTZ, B.A., J.D.  
BRETT BISSONNETTE, J.D.  
DERRICK R. BOLEN, J.D.  
ROBERT A. BOSTICK, B.A., LL.B., J.D.  
KAREN BRADLEY, B.A., J.D.  
JENNIFER BRILL, B.A., J.D.  
LAWRENCE T. BURICK, B.A., J.D.  
CHAD BURTON, B.A., J.D.  
TODD B. CARVER, B.A., J.D.  
CHRISTOPHER EPLEY, B.A., J.D.  
JOHN FISCHER, B.A., J.D.  
HONORABLE JEFFREY FROELICH, J.D.  
HONORABLE BARBARA P. GORMAN, B.A., M.A., J.D.  
JAMES GOTTMAN, B.S.E.E, J.D.  
KIMBERLY HARSHBARGER, B.A., M.S., J.D.  
JONATHAN HOLLINGSWORTH, B.A., J.D.  
JENNA HOSIER, B.A., J.D.  
HONORABLE MARY KATHERINE HUFFMAN, B.A., J.D.  
PABLO IANNELLO, J.D., LL.M.  
VALERIE INMAN, B.A., J.D.  
MICHAEL A. JACOBS, B.A., J.D., LL.M.  
KIRK JOHNSON, J.D.  
JAMES KELLEHER, B.A., J.D.  
JOHN W. KESSLER, B.A., J.D.  
STEPHANIE KIMBRO, B.A., M.A., J.D.  
HONORABLE DENNIS LANGER, B.A., J.D.  
DAVID LARSON, B.A., M.P.A., J.D.  
ROBERT LECH, B.S., J.D.  
DENNIS LIEBERMAN, B.A., J.D.  
IRA MICKENBERG, J.D.  
PAUL F. MOKE, B.A., M.A., J.D., PH.D.  
ERIN B. MOORE, J.D.  
ANNIE NERENG, B.A., J.D.  
TIM NEVIUS, B.A., J.D., LL.M.  
SUSAN OILER, B.A., B.S., M.A., J.D.  
HONORABLE SHARON L. OVINGTON, B.A., J.D.  
VIPAL J. PATEL, J.D.  
DAVID P. PIERCE, B.A., J.D.  
CHARLES J. RUSSO, B.A., M.Div., J.D., Ed.D.  
MICHAEL SANDNER, B.A., J.D.  
RIA FARRELL SCHALNAT, B.S., J.D.  
MARK SEDOR, B.S., J.D.  
CARL SHERRETS, B.B.A., J.D.  
SUSAN SOLLE, B.A., J.D.  
BRENT TABACCHI, J.D.  
SASHA VANDEGRIFT, B.A., J.D.  
THOMAS P. WHELLEY II, A.B., M.A., J.D.  
MATTHEW WHITLOW, B.S., J.D.

UNIVERSITY OF DAYTON LAW REVIEW  
VOLUME 39 FALL 2013 NUMBER 1

JENIFER WILHELM, J.D.  
MATHEW WILLENBRINK, B.S., J.D.

# UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 39

FALL 2013

NUMBER 1

## EDITORIAL BOARD

### EDITOR IN CHIEF

JOHN B. HEMENWAY II

### MANAGING EDITOR

ELIZABETH SCHULER

### BUSINESS EDITOR

JOSEPHINE K. BROUSSARD

### EXECUTIVE PUBLICATION EDITOR

LAUREN COOPER

### OUTSIDE ARTICLES EDITOR

EHREN D. LOHSE

### RESEARCH EDITOR

CHRISTINA SPENCER

### COMMENT EDITORS

MEGAN GASKIN

SONJA N.Y. KAWASAKI

GABRIELLE R. NEAL

JENNIFER R. ROBERTS

### PUBLICATION EDITORS

JESSICA BROCKMAN

CHRISTIAN CAVALIER

JOHN LYLE

### STAFF WRITERS

DEANNA ARIVETT

SAMANTHA G. BRINKER

SAMUEL R.S. COFFEY

GRANT O. COOPER

ROBERT A. DRUMMOND

EMILY FERGUSON

JACOB GEBELLE

AMY GIVENS

KELLI HAYES

AARON HESKETT

MARCIE HUNNICUTT

ANNE M. JAGIELSKI

ROBERT LAND

ELIZABETH L.H. OTIS

REBECCA RAINES

TESSIE SMITH

JONATHON "YOGI" SNIDER

MACHELLE STIEHL

KATHLEEN VAN SCHAIK

### FACULTY ADVISORS

SUSAN ELLIOTT

&

JEANNETTE COX