

UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 35

WINTER 2010

NUMBER 2

COMMENTS

- OLIVER V. NCAA*: THROWING A CONTRACTUAL
CURVEBALL AT THE NCAA’S “VEIL OF
AMATEURISM” *T. MATTHEW LOCKHART* 175
- STRICT LIABILITY OR RECKLESSNESS: UNTANGLING THE
WEB OF CONFUSION CREATED BY OHIO REVISED CODE
SECTION 2901.21(B) *FELICIA I. PHIPPS* 199
- NOTHING BUT TROUBLE*: THE OHIO LEGISLATURE’S
FAILED ATTEMPTS TO ABOLISH
MAYOR’S COURTS *PAUL REVELSON* 223
- COLVIN V. BRUNNER*: THE SHIFTING DEFINITION OF
“QUALIFIED ELECTOR” AND VOTER FRAUD IN
OHIO *STEPHEN E. SCHILLING* 247
- CHALLENGING OHIO’S ADAM WALSH ACT:
SENATE BILL 10 BLURS THE LINE BETWEEN
PUNISHMENT AND REMEDIAL TREATMENT OF
SEX OFFENDERS *DANIEL J. SCHUBERT* 277

UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 35

WINTER 2010

NUMBER 2

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 *The Bluebook: A Uniform System of Citation* (3rd ed. 2006). Where the *Bluebook* fails to supply a rule on point, the Law Review conforms to *ALWD Citation Manual* (3d ed. 2006).

COPYRIGHT

Copyright © 2010 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
(937) 229-3642 (phone)
(937) 229-4950 (facsimile)
udlawreview@notes.udayton.edu

Website: <http://www.law.udayton.edu/lawreview>

UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 35

WINTER 2010

NUMBER 2

ADMINISTRATION

LISA A. KLOPPENBERG, B.A., J.D., *Dean and Professor of Law*
RICHARD P. PERNA, B.A., J.D., *Associate Dean for Academic Affairs and Professor of Law*
LORI E. SHAW, B.S., J.D., *Assistant Dean for Student Affairs and Professor of Lawyering Skills*
THOMAS L. HANLEY, A.B., J.D., M.S.L.S., *Director of Law Library*
TIMOTHY G. SWENSEN, B.A., M.S., J.D., *Assistant Dean and Director of Career Services*
JANET L. HEIN, B.A., *Assistant Dean and Director of Admissions and Financial Aid*
TIMOTHY P. STONECASH, B.A., *Assistant Dean of External Relations*
STACI RUCKER, B.A., J.D., *Director of Academic Support*
SISTER MARY LOUISE FOLEY, F.M.I., *Campus Ministry*
KELLY HENRICI, B.S., J.D., *Executive Director, Program in Law and Technology*
LINDA L. COLE, *Registrar*
DRUSILLA A. BRUNS, *Business Manager*

FACULTY

MAUREEN H. ANDERSON, B.A., J.D., LL.M., M.L.S., *Assistant Professor and Reference Librarian*
SUSAN W. BRENNER, B.A., M.A., J.D., *Professor of Law and NCR Distinguished Professor of Law & Technology*
ERIC CHAFFEE, B.A., J.D., *Assistant Professor of Law*
REBECCA A. COCHRAN, B.A., M.A., J.D., *Professor of Law*
FRANCIS J. CONTE, B.A., J.D., *Professor of Law*
JEANNETTE COX, B.A., J.D., *Assistant Professor of Law*
MARIA P. CRIST, B.A., J.D., *Professor of Lawyering Skills and Director of the Legal Profession Program*
KELVIN H. DICKINSON, B.A., LL.B., *Professor Emeritus*
JAMES GEOFFREY DURHAM, A.B., J.D., *Professor of Law*
SUSAN NEWHART ELLIOTT, B.A., M.Ed., J.D., M.L.S., *Assistant Professor and Assistant Director of Law Library*
HARRY S. GERLA, B.A., M.A., J.D., *Professor of Law*
KENNETH B. GERMAIN, A.B., J.D., *Distinguished Professorial Practitioner in Residence*
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., *Assistant Professor of Law*
COOLEY R. HOWARTH, JR., B.A., J.D., *Professor of Law and Director of Graduate Studies*
J. BANNING JASIUNAS, A.B., J.D., *Assistant Professor of Lawyering Skills*
DENISE PLATFOOT LACEY, B.A., J.D., *Externship Supervisor*
MONIQUE B. LAMPKE, B.A., J.D., *Externship Supervisor*
PAMELA LAUFER-UCHELES, B.A., J.D., *Assistant Professor of Law*
ROBERT R. LECH, B.S., J.D., *Visiting Assistant Professor of Law*
SHEILA F. MILLER, B.A., J.D., *Assistant Professor of Lawyering Skills*
JEFFREY W. MORRIS, B.A., J.D., *Samuel A. McCray Chair and Professor of Law*

UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 35

WINTER 2010

NUMBER 2

RICHARD P. PERNA, B.A., J.D., *Professor of Law*
VERNELLIA R. RANDALL, B.S., M.S., J.D., *Professor of Law*
TRACY REILLY, B.A., J.D., *Assistant Professor of Law*
KRISTIN SAFIER, B.A., J.D., *Assistant Professor of Lawyering Skills*
RICHARD B. SAPHIRE, B.A., J.D., LL.M., *Professor of Law*
E. DALE SEARCY, B.S., J.D., LL.M., *Professor of Law*
ANDREA M. SEIELSTAD, A.B., J.D., *Professor of Law*
DENNIS J. TURNER, B.A., J.D., *Professor of Law*
VICTORIA L. VANZANDT, B.A., J.D., *Assistant Professor of Lawyering Skills*
PAUL VENARD, B.A., J.D., M.L.I.S., *Assistant 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*
JENIFER L. WILHELM, B.S., J.D., *Visiting Assistant Professor of Law*
JULIE ZINK, A.A.S., B.A., J.D., *Assistant Professor of Lawyering Skills*

ADJUNCT FACULTY

JOHN R. ACKERMANN, B.A., J.D.
BRANDON M. ALLEN, J.D.
MATTHEW ARNTZ, J.D.
ROBERT A. BOSTICK, B.A., LL.B., J.D.
JOHANNA M. BRACIAK, J.D.
STEPHEN D. BRANDT, B.A., J.D.
CHRISTOPHER M. BROWN, B.A., J.D.
CHARLES PATRICK DENIER, B.S., J.D.
CHRISTOPHER EPLEY, B.A., J.D.
HONORABLE JEFFREY E. FROELICH, B.A., J.D.
HONORABLE BARBARA P. GORMAN, B.A., M.A., J.D.
SHA HINDS-GLICK, B.A., J.D.
GERALD H. GREEN, B.A., J.D.
HONORABLE KIMBERLY K. HARSHBURGER, B.A., J.D.
MARGARET A. HOENIGMAN, B.S., J.D.
JONATHAN HOLLINSWORTH, B.A., J.D.
JENNIFER D. HOSIER, B.A., J.D.
HONORABLE MARY KATHERINE HUFFMAN, B.A., J.D.
KIRK JOHNSEN, B.A., M.A., J.D.
SCOTT JONES, B.A., J.D.
JAMES W. KELLEHER, B.A., J.D.
HONORABLE JOHN W. KESSLER, B.A., J.D.
DANIEL N. KOSANOVICH, B.A., J.D.
JAMES R. LEVINSON, B.A., J.D.
DENNIS A. LIEBERMAN, B.A., J.D.
ERICA LITTLEJOHN-BURNETTE, B.A., J.D.
JOHN LOHBECK, B.S.
JOHN M. MCCANN, B.A., J.D.
TINA MCFALL, B.S., J.D.
HONORABLE MICHAEL MERZ, A.B., J.D.
PAUL F. MOKE B.A., M.A., J.D., PH.D.
ERIN B. MOORE, B.A., J.D.
MARY ANNE NARDIELLO, B.A., J.D.
HONORABLE SHARON OVINGTON, B.A., J.D.
VIPAL J. PATEL, B.A., J.D.

UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 35

WINTER 2010

NUMBER 2

PATRICIA PICKEREL, B.A., J.D.
RACHAEL L. RODMAN, B.A., J.D.
DAVID P. PIERCE, B.A., J.D.
CHARLES J. RUSSO, B.A., M.Div., J.D., Ed.D.
ROBIN D. RYAN, B.A., J.D.
ALAN SCHAEFFER, B.A., J.D.
STEVEN SCHWARTZ, B.S., M.B.A., J.D.
CARL SHERRETS, J.D.
SUSAN SOLLE, B.A., J.D.
DONNA TWEEL, B.A., J.D.
SASHA ALEXA VANDEGRIFT, B.A., J.D.
THOMAS P. WHELLEY II, A.B., M.A., J.D.
MERLE WILDBERDING, B.A., J.D., LL.M., M.B.A.
HONORABLE MARY WISEMAN, B.S., J.D.
JASON A. YOSS, B.A., J.D.

UNIVERSITY OF DAYTON LAW REVIEW

VOLUME 35

WINTER 2010

NUMBER 2

EDITORIAL BOARD

EDITOR IN CHIEF

PAUL R. REVELSON

MANAGING EDITOR

FELICIA I. PHIPPS

BUSINESS EDITOR

MARIA IRACKI

OUTSIDE ARTICLES EDITOR

MARGARET ANDERSON

MANAGING PUBLICATION EDITOR

STEPHEN SCHILLING

RESEARCH EDITOR

APRIL E. WARD

EXECUTIVE EDITORS FOR

COMMENTS

REBECCA GREENDYKE

JOSHUA M. KIN

ANNA K. NERENG

BRIAN SULLIVAN

EXECUTIVE EDITORS FOR

PUBLICATION

TIM BUCKLEY

BRENT JOHNSON

EMILY SCHLATER

STAFF WRITERS

COREY ARTIM

REBECCA BARRON

KELLIE CLARK

SAMUEL CONRAD

MICHAEL J. FREEMAN

ALISON C. GAUGHENBAUGH

PAUL HARKLEROAD

WALTER CARY HERIN III

ANDREW JACK

DAVID P. MARVIGLIA

SEAN MCCORMICK

SCOTT MILLER

KRYSTAL M. MOORE

JOSEPH MULLIGAN

MARK E. MUNSON

PATRICIA NIDIFFER

JONATHAN OSBORNE

KATLIN E. PEVERALL

LAUREN RIESINGER

CHARLES RITTENHOUSE

ANDREW SCHOENLING

CHRISTOPHER M. SETTLES

MATTHEW T. TIPTON

TOM WHALEN

FACULTY ADVISORS

SUSAN ELLIOTT

&

ERIC CHAFFEE

