

WISCONSIN LAW REVIEW*Published by the University of Wisconsin Law School***Special Issue: Public Law in the States**

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Foreword <i>Allie Boldt, Miriam Seifter & Robert Yablon</i> | 1485 |
| Is Limiting Abortion a Pretext for Oligarchy? Abortion and the Quest to Limit Citizen-Initiated Ballot Rights in Ohio <i>Jennifer Brunner</i> | 1493 |
| Public Law Litigation and Electoral Time <i>Zachary D. Clopton & Katherine Shaw</i> | 1513 |
| Family Court as Problem Solving? <i>Tonya L. Brito & Daanika Gordon</i> | 1537 |
| <i>Dobbs</i> , Democracy, and Dysfunction <i>David Landau & Rosalind Dixon</i> | 1569 |
| From Rights Arguments to Structure Arguments: The Next Stage of the New Judicial Federalism <i>Robert F. Williams</i> | 1615 |
| States of Emergency: COVID-19 and Separation of Powers in the States <i>Richard Briffault</i> | 1633 |
| The (Local) Prosecutor <i>Carissa Byrne Hessick & Rick Su</i> | 1669 |
| Constitutional Accountability through State Tort Law <i>Nancy Leong</i> | 1707 |
| Home Rulings <i>Nestor M. Davidson</i> | 1735 |
| Election Administration as a Licensed Profession <i>Ganesh Sitaraman & Kevin M. Stack</i> | 1759 |
| Our Federalism and Our National Democracy: Complements or Foes? <i>Aziz Z. Huq</i> | 1793 |

**Forthcoming in
WISCONSIN LAW REVIEW
Volume 2023, Number 6**

Articles

Unconstitutional Police Pretexts
Nadia Banteka

Can't Get It Out of My Head: Trade Secrets Liability for Remembered
Information
Timothy Murphy

Reining in Recusals
Justin C. Van Orsdol

Comments

If It Walks Like a Duck: Revisiting the National Labor Relations
Board's Political Subdivision Teest
John Chick

Cleaning up the Opioid Crisis: Emerging Public Nuisance Liability in
Opioid Litigation
Stephen Goettsche

Disrupting the Jail-to-Deportation Pipeline in Wisconsin
Ben Levey

Note

Imperfect Precedent: Applying the Proper Perspective to Copyright
James M. Twieg



WISCONSIN LAW REVIEW

Editorial Board

T. J. CLARK
Editor-in-Chief

SARAH CANNON
Senior Managing Editor

CHARLOTTE MELTZER
Senior Managing Editor

JAMES MOES
Senior Managing Editor

NICHOLAS SURPRISE
Senior Articles Editor

CLAYTON GOETZ
Senior Online Editor

SARAH ROSS
Senior Note & Comment Editor

JESSICA BIGGOTT
Symposium Editor

JAMES M. TWIEG
Business Editor

BRADEN KUNDERT
Symposium Editor

Articles Editors

JASMINE T. CHEN
JOHN CHICK
NICHOLAS GEORGE
SHANE HARDY
TONY ISAAC
NICHOLAS KRAM MENDELSON
TRACY LU

Managing Editors

THOMAS BARALDI
SYDNEY BAUMEISTER
JOHN BEST
OMAR CANCIO
ALEX CASTRO
ABIGAIL CLEMONS
AMBAR CORNELIO
COLLIN CROSSWHITE
MACIEJ CZERLONKO
WILL FOX

Note & Comment Editors

MORGAN BLOCH
JARED BRUTTIG
JIMMY CIMERMANCIC
MATT GULLICKSON
TAYLOR A. HATRIDGE
BENJAMIN LEVEY
MERSADIE MURRAY
MICHAELA WIESE
ALEXANDER WITZ

Diversity Committee

CLAYTON GOETZ, *Chair*
JESSICA BIGGOTT
AMBAR CORNELIO
NICHOLAS KRAM MENDELSON

ALEXANDER FRIEDRICH
STEPHEN GOETTSCHKE
DON KOH
DENISE MA
CARTER MICKELSON
DANIELLE ORIE
DIEDRE SURI
JAMES M. TWIEG
OLIVIA VANDE HEI
LEIGHA H. VILEN

Malt & Barley Editors

ABIGAIL CLEMONS
NICHOLAS GEORGE
CLAYTON GOETZ
MICHAELA WIESE

Associates

MICHELLE BEGLIN
ALEXANDRA BENSEN
LUKAS BIENEMAN
MELISSA L. BRAUNSTEIN
ALISON BUZZA
RILEY M. CALOUPETTE
ALEXIS CASHMAN
CONNOR LORENZO CRUZ
NOAH DREGNE
MADELINE EHLINGER
RACHEL FERRERA
DURANYA FREEMAN
RYAN E. GOODING
HANNAH GRUEN
OLIVIA PHELAN HEISER

JULIA S. HOFF
JULIET M. JACQUES
JAMIE KANCHANAKHIN
RILEY P. KENNEDY
JULIE SEUNGYEON KIM
NOAH S. KOLESKE
REBECCA KRASITY
AMBER LARSON
GABRIELLE LITTLE
NATHAN LOAYZA
ZACHARY MILLER
EMMERSON A. MIRUS
ANTHONY C. MOLINA
MITCHELL MULLER

DANIEL NERENHAUSEN
AMANI M. OMARI
COURTNEY PELLETT
SUMNER PITT
SABRINA POWELL
ZACH RENIER
AUGUST RICE
FRED ROBERTS
ALEXANDRA SCHROEDER
BENJAMIN SEVART
MANINDERJIT SINGH
MIKAELA STECKELIS
ANNEKE P. VERMAAK
PETE WEBER
FREDERICK YATES

Faculty Advisor
JASON YACKEE

A special thank you to Professor Miriam Seifter, Professor Robert Yablon, and the State Democracy Research Initiative for their innovative research and valued partnership in this annual Special Issue.

COPYRIGHT 2023
BY THE BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN
SYSTEM

The *Wisconsin Law Review* (ISSN 1943-1120) is published six times a year at the University of Wisconsin Law School, 975 Bascom Mall, Madison, Wisconsin 53706-1399. Issues are sent to print in March, April, May, October, November, and December. Periodicals postage paid at Madison, Wisconsin, and additional offices. POSTMASTER: Send address changes to *Wisconsin Law Review*, University of Wisconsin Law School, 975 Bascom Mall, Madison, Wisconsin 53706-1399.

Subscription Price: US\$40.00 per year to all domestic addresses (including territories); US\$45.00 per year to all foreign addresses. Subscription prices are for the current year only. For the subscriber to receive a complete volume at subscription price, the *Wisconsin Law Review* must receive payment by January 15th of the volume year. Subscribers paying after that date will not receive issues that have already been published. Any back issues for the current volume are available for US\$10.00 each to all domestic addresses (including territories) and US\$11.00 each to all foreign addresses. Beginning in 2024, subscription prices will be US\$55.00 per year to all domestic addresses (including territories); US\$65.00 per year to all foreign addresses.

Back volumes (from Volume 2005) are US\$50.00 each. Single copies (both current and back issues) are US\$15.00 each. Please send prepayment in U.S. dollars for all orders. Starting in 2024, back volumes will be US\$65.00 and single copies will be US\$25.00.

Back issues and back volumes through Volume 2005, inclusive, can be obtained from William S. Hein & Co., Inc., 2350 North Forest Rd., Getzville, New York 14068. Microform reproductions are available from William S. Hein & Co., Inc. and University Microfilms, Inc., 300 North Zeeb Road, Ann Arbor, Michigan 48106-1346.

Claims for nonreceipt of *Wisconsin Law Review* issues will be filled at no charge only if the claim is made within six months of the claimed issue's publication date. Otherwise, the claimant will be charged the price of a single issue.

Wisconsin Law Review articles in which the University of Wisconsin holds copyright may be duplicated for classroom use provided that (1) each copy is distributed at or below cost, (2) the author and the *Wisconsin Law Review* are identified, (3) proper notice of copyright is affixed to each copy, and (4) the *Wisconsin Law Review* is promptly notified of the use.

Manuscript submissions are accepted year-round via Scholastica (<http://www.scholasticahq.com/>). Text and citations must conform to *The Bluebook: A Uniform System of Citation* (21st ed. 2020) and *The Chicago Manual of Style* (17th ed. 2017). Manuscripts of 30,000 words or less (including text and footnotes) are given preference.

For more information, please visit our website at <https://www.wlr.law.wisc.edu>

CITE AS 2023 WIS. L. REV. ####