

WISCONSIN LAW REVIEW*Published by the University of Wisconsin Law School***Articles**

Due Care in a Conservative Court <i>Hila Keren</i>	1
Interpreting Congress <i>Joshua Ulan Galperin</i>	89
Venue Diversion <i>Rosa Hayes</i>	147
AI and Probabilistic Dispute Resolution <i>Zachary Henderson</i>	215
Failure To Supervise as Municipal Custom <i>Nancy Leong & Allyson Harris</i>	261

**Forthcoming in
WISCONSIN LAW REVIEW
Volume 2025, Number 2**

Essays

Residual State Power To Regulate Presidential Qualifications in the
Wake of *Trump v. Anderson* and *Moore v. Harper*
Vikram David Amar

History, Tradition, and Voter Registration
Joshua A. Douglas

“The Real Preference of Voters”:
Madison’s Idea of a Top Three Election and the
Present Necessity of Reform
Edward B. Foley

Voter Harassment and the Limits of State and Federal Power
Ellen D. Katz

Coups and Punishment in the Constitutional Order
Anthony Michael Kreis

Comments by a Cantankerous Crank on “Constitutional Theory,” the
Supreme Court, and the Legal Academy
Sanford Levinson

The Regulation of Presidential Elections
Lori A. Ringhand

“Quite Literally, Our Job”: *Moore v. Harper* and the Fragility of
Judicial Federalism
Jane S. Schacter

Ranked-List Proportional Representation
Nicholas O. Stephanopoulos

State Executive Branches Under *Moore v. Harper*
Quinn Yeargain



WISCONSIN LAW REVIEW

Editorial Board

JULIET M. JACQUES
Editor-in-Chief

ZACHARY T. RENIER
Senior Managing Editor

AUGUST RICE
Senior Managing Editor

BENJAMIN SEVART
Senior Managing Editor

MITCHELL MULLER
Senior Articles Editor

SUMNER PITT
Senior Online Editor

EMMERSON A. MIRUS
Senior Note & Comment Editor

JULIE SEUNGYEON KIM
Symposium Editor

NATHAN LOAYZA
Business Editor

MIKAELA STECKELIS
Symposium Editor

Articles Editors

MICHELLE BEGLIN
LUKAS BIENEMAN
MELISSA L. BRAUNSTEIN
RYAN E. GOODING
HANNAH GRUEN
ZACHARY MILLER
DANIEL PAUL NERENHAUSEN

Managing Editors

ALISON BUZZA
RILEY M. CALOQUETTE
CONNOR LORENZO CRUZ
NOAH DREGNE
MADELINE EHLINGER
RACHEL FERRERA
DURANYA FREEMAN
JAMIE KANCHANAKHIN
RILEY KENNEDY
NOAH KOLESKE
REBECCA KRASITY
AMBER R. LARSON
NATHAN LOAYZA
AMANI M. OMARI
SABRINA POWELL
FREDDY ROBERTS
ALEXANDRA SCHROEDER
MANINDERJIT SINGH
FREDERICK YATES

Note & Comment Editors

ALEXANDRA BENSEN
ALEXIS CASHMAN
OLIVIA PHELAN HEISER
JULIA S. HOFF
GABRIELLE LITTLE
ANTHONY C. MOLINA
COURTNEY PELLETT
ANNEKE P. VERMAAK
PETE WEBER

Diversity Committee

MANINDERJIT SINGH, *Chair*
MELISSA L. BRAUNSTEIN
DURANYA FREEMAN
ANTHONY C. MOLINA

Malt & Barley Editors

ALEXANDRA BENSEN
OLIVIA PHELAN HEISER
ZACHARY MILLER
DANIEL PAUL NERENHAUSEN
BENJAMIN SEVART

Associates

SAVANNAH V. AHLUWALIA
HARRY D. BRODERICK
AVA J. BROGAN
GARRET BUECHLER
ETHAN K. CLOUSER
SHANE MCALLISTER CONLEY
AUGUST DARROW
MICHAEL E. DELEERS
EMMA DZWIERZYNSKI
GERON P. EATHERLY
IRENE L. EVANS
HANNAH FLEMKE
GREER C. GENTGES
JOSHUA GIENAPP

LINDSEY A. GOVAN
JESSICA S. JURCEK
JACOB JOSEPH KRUCHTEN
CLAIRE N. MANTHE
EMILY MARCH
MORGAN C. MURCHISON
SHANNON MYERS
MAXWELL C. MYRHUM
CASEY H. NEEDHAM
PATRICIA NEEDHAM
COLEMAN M. NEWSOM
REGAN M. NORTON

MADISON H. POLACK
ANDREW REED
SOPHIA E. SIEBERT
STEPHANIE C. SIMON
BEETA IRANI SIWIK
AARON SNYDER
KAITLYN SPIEGL
TAYLOR SUNKE
ALEXANDRA P. THOMAS
GRACE C. WEAVER
MICHAEL WEINRIB
DEMARCUS L. WILLIAMS
BENJAMIN S. WILLSTEIN
COLIN J. YANDAM

Faculty Advisor
JASON YACKEE

With gratitude to the friends, families, and partners who share their loved ones with the Law Review.

COPYRIGHT 2025
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\$55.00 per year to all domestic addresses (including territories); US\$65.00 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.

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

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 in the spring and fall 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 2025 WIS. L. REV. ####