Vermont Law Review is published four times each academic year: Fall, Winter, Spring, and Summer. *Vermont Law Review*'s mailing address is: *Vermont Law Review*, Vermont Law School, P.O. Box 96, South Royalton, VT 05068. *Vermont Law Review* can be found on the web at http://lawreview.vermontlaw.edu. E-mail:lawreview@vermontlaw.edu.

Subscriptions: Subscriptions are \$35.00 (domestic) and \$40.00 (foreign) per year, payable in advance. All subscriptions will be renewed automatically unless the subscriber provides timely notice of cancellation. Address changes must be made at least one month before the publication date to ensure proper delivery. Please provide the account number, the old address, and the new address, including zip codes. Please address all correspondence regarding address changes or other requests for subscription information to the Business Manager at lawreview@vermontlaw.edu.

Single and Back Issues: Books from current volumes can be purchased for \$10.00 from *Vermont Law Review*. For back issues, contact *Vermont Law Review* or William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987. For an inclusive index of prior volumes, please contact *Vermont Law Review*.

Manuscripts: *Vermont Law Review* welcomes the submission of unsolicited articles, comments, essays, and book reviews. Submissions may be submitted through the mail or electronically. Manuscripts cannot be returned unless accompanied by a self-addressed, stamped, postage-paid envelope.

Copyright: © 2022 by Vermont Law School. The copyright in each article is owned by the respective author. All rights reserved. Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that: (1) copies are distributed at or below cost; (2) the author and *Vermont Law Review* are identified on the copied materials; (3) each copy bears the proper notice of copyright; and (4) *Vermont Law Review* is notified in writing of the use of the material(s).

Production: *Vermont Law Review* is printed in Times New Roman scalable font by The Sheridan Press, 450 Fame Avenue, Hanover, PA 17331.

VERMONT LAW REVIEW

Volume 47 Number 1 Fall 2022

Editor-in-Chief SARA C. BABCOCK

Senior Managing Editor HEIDI E. JOHNSON

Senior Articles Editor EMILY A. DAVIS Senior Notes Editor MORGAN ZIELINSKI

Business Manager MASON FAGOTTI

Managing Editors BROOKE CATALANO CLELIA CASCIOLA NINA VANDERZANDEN Articles Editors CAITLIN CARROLL LUIZ GONZALEZ STEPHANIE NHAM DAVID OLSON LINDSAY ROSTRON Head Notes Editors
JAMES BRIEN
BROOKE CHMURA
ERIN MCCLELLAND

Vermont Editor KAELIN ELIZABETH MACKEY Symposium Editors MADISON GAFFNEY ELSA LARSEN Alumni Editor ISABELLA MONTOYA

Technology Editor SARAH LOTTMAN

Production Coordinator JORDAN M. BARKER

ERIN BEIDLER
MAYLEE S. CARBAJAL
SARAH V. CHRISTOPHERSON
NOAH L. CORBETT
ELIZABETH FRYE
VERONICA GASSERT
GRAYSON HARBURY
PHOEBE HOWE
HANNAH KONIAR

Staff Editors
NATALIE MAY
ALEXIS MCCULLOUGH
IAN MCDONALD
MARIBEL MOSES
SERENA A. NELSON
KATHERINE POTTER
THEODORE M. PUPULLA

GRETA RASER
KYLA SCHWEBER
VERONICA SHAFIK
CALLISTA SMITH
TAYLOR SMITH
RYAN STERLING
COLEMAN O. THOMAS
AMY VEDDER
MAIA YOUNG

Faculty Advisor PROF. CATHERINE FREGOSI

VERMONT LAW SCHOOL

2022-2023

ADMINISTRATION

Rodney A. Smolla, President and Professor of Law Beth McCormack, Dean and Professor Cynthia Lewis, Vice Dean for Faculty and Professor

Joseph Brennan, Vice Dean for Students and Professor
Shirley Jefferson, Vice President for Community Engagement and Government Affairs and Associate
Professor

Jennifer Rushlow, Interim Graduate School Dean, Dean Vermont School for the Environment, Director of the Environmental Law Center and Professor

FACULTY

Matthew Bernstein, Assistant Professor

Laurie Beyranevand, Director for the Center for Agriculture and Food Systems and Professor
Gary Brooks, Director for the General Practice Program and Assistant Professor
Jessica Brown, Associate Director for the Center of Justice Reform and Assistant Professor Genevieve

Byrne, Assistant Professor Jared Carter, Associate Professor

Jenny Carter, Assistant Professor

Stephanie Clark, Director of the Center for Justice Reform and Professor

Anna Connolly, Assistant Professor

Christophe Couchesne, Assistant Professor and Staff Attorney at the Environmental Advocacy Clinic Michelle Donnelly, Professor

Jessica Durkis-Stokes, Director of the Academic Success Program and Assistant Professor

Jeannette Eicks, Research Professor

David Firestone, Professor

Laura Fox, Douglas M. Costle Chair in Environmental Law, Director of the Farmed Animal Advocacy

Clinic and Visiting Professor

Catherine Fregosi, Professor

Clara Gimenez, Associate Professor Oliver Goodenough, Research Professor

Michael Harris, Associate Professor and Director of the Environmental Advocacy Clinic

Donald Hayes, Director of the General Practice Program and Professor

Hillary Hoffmann, Professor

Greg Johnson, Director for the Legal Writing Program and Professor

Kevin Jones, Director for the Institute for Energy and the Environment and Professor

Nicole Killoran, Professor

Stephanie Kupferman, Assistant Professor

Siu Tip Lam, Director for the U.S. Asia Partnerships for Environmental Law and Associate Professor Yanmei Lin, Deputy Director of the U.S. Asia Partnership for Environmental Law and Senior Research Professor

Beth Locker, Associate Dean of Experiential Learning, Director for the JD Externship Program and Professor

Reed Loder, Professor

Jill Martin Diaz, Assistant Professor

Janet Milne, Director for the Environmental Tax Policy Institute and Professor

Jeannie Oliver, Professor

Margaret Olnek, Assistant Professor

Mason Overstreet, Assistant Professor

Lindsey Pointer, Assistant Professor

Kenneth Rumelt, Senior Staff Attorney and Professor

Christine Ryan, Associate Professor

Lisa Ryan, Associate Dean for Diversity, Equity and Inclusion

Richard Sala, Faculty Director of the Hybrid JD and Online Learning Program and Professor Robert Sand, Founding Director of the Center for Justice Reform and Professor Jennifer Sekula, Assistant Professor Dayna Smith, Assistant Director Academic Success Program and Assistant Professor
Emily Spiegel, Professor
Peter Teachout, Professor
Benjamin Varadi, Assistant Professor
Pamela Vesilind, Assistant Professor
Joan Vogel, Professor
Stephanie Willbanks, Professor
Delcianna Winders, Animal Law Program Director and Associate Professor
Jane Woldow, Director of the Julien and Virginia Cornell Library and Professor
Margaret York, Assistant Professor

In Memoriam Don Baur, Adjunct Professor

VERMONT LAW SCHOOL

BOARD OF TRUSTEES 2022–2023

OFFICERS

President Rodney A. Smolla Dean Beth McCormack

Chair Glenn Berger '78 Vice-Chair
Constance J. Neary '89

Secretary Sheppard A. Guryan

Treasurer
Scott M. Cullen '97

MEMBERS

Stephen F.W. Ball, Jr. '07
Caryn J. Clayman '83
Amy M. Davenport
Charles E. DiLeva '78
Brian S. Dunkiel '96
J.B. Kittredge
Susan Lacoste
Catherine MacKenzie
Marion McCollom Hampton
Elizabeth Miller
Jessica L. Olson '07
Jacob B. Perkinson '95
Jill Pfenning '07
Mark Sciarrotta '96

Alumni Trustees
Richard A. Johnson '97
J. Patrick Kennedy '93

Student Trustees
James Brien '23
Chase Ford '24

Faculty Representative Laurie Beyranevand '03

Staff Representative
Katie Merrill

Trustees Emeriti
J. Scott Cameron '80
Ann T. Debevoise
Rick Shafer '77



VERMONT LAW REVIEW

SUBSCRIPTIONS

Vermont Law Review is published quarterly each academic year: Fall, Winter, Spring, and Summer. If you wish to order a yearly subscription to Vermont Law Review, please complete and mail the form below or call Vermont Law Review at (802) - 831-1253.

Vermont Law Review
Subscription Order Form

Mail subscription to:	
Name (firm or individual)	
Address	
Check (payable to Vermont Law)	School) enclosed for:
	\$35.00 (domestic)
	\$40.00 (foreign)

Vermont Law Review
Vermont Law School
P.O. Box 96
South Royalton, Vermont 05068



VERMONT LAW REVIEW

CALL FOR ARTICLES

Vermont Law Review seeks articles, commentaries, essays, and book reviews concerning recent developments in state, federal, Native American, or international law. Interested authors are encouraged to forward their submissions to:

Vermont Law Review
Vermont Law School
Attn: Senior Articles Editor
P.O. Box 96
South Royalton, Vermont 05068

For electronic submissions or submissions questions, please e-mail our Senior Articles Editor for 2022–2023, Emily Davis, at VLRSeniorArticlesEditor@vermontlaw.edu, or call the *Vermont Law Review* at (802)-831-1253. *Vermont Law Review* encourages double-sided printing of submissions when possible.