

## University of Baltimore Law Review

Volume 52 | Issue 3 Article 1

5-1-2023

# University of Baltimore Law Review, Volume 52, Issue 3, Summer 2023

Follow this and additional works at: https://scholarworks.law.ubalt.edu/ublr

#### **Recommended Citation**

(2023) "University of Baltimore Law Review, Volume 52, Issue 3, Summer 2023," *University of Baltimore Law Review*: Vol. 52: Iss. 3, Article 1.

Available at: https://scholarworks.law.ubalt.edu/ublr/vol52/iss3/1

This Article is brought to you for free and open access by ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in University of Baltimore Law Review by an authorized editor of ScholarWorks@University of Baltimore School of Law. For more information, please contact slong@ubalt.edu.

# UNIVERSITY OF BALTIMORE LAW REVIEW



## **ARTICLES**

To Hear or Not to Hear?—Resolving a Federal Court's Obligation to Hear a Case Involving Both Legal and Declaratory Judgment Claims

Katherine A. Gustafson

ACorporation, Inc.: Corporate Form as Art Project and Advocacy

Chad Erpelding, Ruth Jebe & Jeff Lingwall

When Justice Depends on It: The Need for Professional Standards for Mitigation Development in All Criminal Cases

Elizabeth S. Vartkessian, Thea Posel, Anthony Ginez & Lela Hubbard

## **COMMENTS**

Caring for Those Who Care for Us: A Call for Greater Legislative Protections for Foreign-Educated Nurses

Rebecca Odelius

Reasonable for Whom? A Consideration of the Appropriate Reasonableness Standard Where Battered Woman Syndrome Evidence is Relevant to a Duress Defense

Samantha Stephey

**VOLUME FIFTY-TWO** 

**SUMMER 2023** 

**NUMBER THREE** 

# UNIVERSITY OF BALTIMORE LAW REVIEW



The University of Baltimore comprises: (1) the Yale Gordon College of Arts and Sciences, which awards the B.A., B.S., M.A., M.S., M.F.A., and D.Sc. degrees in addition to graduate certificates; (2) the College of Public Affairs, which awards the B.A., B.S., M.A., M.S., M.P.A., and D.P.A. degrees in addition to undergraduate and graduate certificates; (3) the Merrick School of Business, which awards the B.S., M.B.A., and M.S. degrees, as well as undergraduate and graduate certificates; and (4) the School of Law, which awards the J.D., LL.M. in Taxation, and Certificate in Estate Planning. The University's classrooms, libraries, and social and administrative buildings are located in Midtown Baltimore.

The University of Baltimore and its School of Law opened in 1925. On September 1, 1970, the University of Baltimore School of Law merged with and acquired what was previously known as the Mount Vernon School of Law of Eastern College, founded in 1935.

The University of Baltimore School of Law has a day and an evening division. The day division offers a full-time, three-year program leading to the J.D. upon satisfactory completion of eighty-seven semester hours of work. The evening division has a four-year J.D. program also requiring satisfactory completion of eighty-seven semester hours.

The University of Baltimore is regionally accredited by the Middle States Association of Colleges and Schools. The School of Law is accredited by the American Bar Association and holds membership in the Association of American Law Schools.

In the winter term of 1971, the School of Law created the *University of Baltimore Law Review*. Editor-in-Chief Richard H. Mosse and Managing Editor Larry M. Polsky led a staff of nine founding members: Joseph L. Bocchini Jr., Vaughn C. Brennan, John P. Coale, Bruce W. Haupt, Michael J. Kananack, Gerald B. Lascher, Keith E. Mathews, Claudette A. Pelletier, and Paul W. Rosenbaum.

Today the *University of Baltimore Law Review* is an established scholarly legal journal, edited and published by students at the University of Baltimore School of Law under the direction of a student Editorial Board. The *University of Baltimore Law Review* has published fifty-one volumes to date.

Communications concerning subscriptions, business matters, and permission to reprint materials contained in the *Law Review* should be addressed to *University of Baltimore Law Review*, University of Baltimore School of Law, 1420 N. Charles Street, Baltimore, Maryland 21201-5779; 410-837-4489; or UBLawReview@ubalt.edu.

Back issues in electronic format can be found at the *Law Review*'s ScholarWorks page, https://scholarworks.law.ubalt.edu/ublr/ and are also available in electronic format through HeinOnline, http://heinonline.org.

The Law Review invites the submission of articles. To submit an article for review, please email your article, cover letter, and curriculum vitae or resume to UBLawReview@ubalt.edu. Manuscripts submitted for publication should conform to *The Bluebook*, A Uniform System of Citation (21st ed. 2020).

The views expressed in this volume are those of the authors and do not necessarily reflect the policies or opinions of the *Law Review*, its editors and staff, or the University of Baltimore.

#### ATTENTION LAW REVIEW ALUMNI

In an ongoing effort to increase and facilitate communication between *University of Baltimore Law Review* alumni and current members of the journal, we ask that all alumni contact the *University of Baltimore Law Review* at UBLawReview@ubalt.edu and provide the following information: name, year(s) on *Law Review*, address, phone number, email address, and current employment.

Copyright © 2023 by the *University of Baltimore Law Review*. All rights reserved.

#### SCHOOL OF LAW

#### Administrative Officers

Kurt L. Schmoke, President, University of Baltimore, B.A., J.D. Ronald Weich, Dean, School of Law, B.A., J.D. Victoria Schultz, Associate Dean for Administration, B.A., J.D.

Colin Starger, Associate Dean of Academic Affairs, B.A., J.D. Harvey Morrell, Library Director, B.A., J.D.,

M.L.S.

Brian O'Connell, Senior Business Manager, B.S., M.B.A.

#### Faculty

Professor José F. Anderson, B.A., J.D. Clinical Fellow Ashlyn Anderson-Keelin, B.A.,

Professor Emerita Barbara A. Babb, B.S., M.S., J.D.

Professor Marta Baffy, B.A., M.A., J.D., Ph.D. Professor John Bessler, B.A., J.D., M.F.A. M.St. Professor Fred B. Brown, B.S., J.D., LL.M. Professor Emeritus Philip J. Closius, B.A., J.D. Professor Gilda Daniels, B.A., J.D. Professor Emeritus Eugene J. Davidson, J.D.

Clinical Fellow Jessica Den Houter, B.S., M.S.W., J.D., LL.M.

Assoc. Professor J. Amy Dillard, B.A., J.D. Assoc. Professor Gregory Dolin, B.A., M.A., M.D., J.D.

Professor Emeritus Eric Easton, B.S., J.D., Ph.D. Professor Emeritus Garrett Epps, B.A., M.A.,

Professor Emeritus William Fryer, J.D. Professor Emerita Wendy Gerzog, B.A., M.A., J.D., LL.M

Professor Emerita Michelle Gilligan, J.D. Venable Professor Michele E. Gilman, B.A., J.D.; Director, Saul Ewing Civil Advocacy Clinic

Ass't. Professor Valeria Gomez, B.B.A, J.D.; Director, Immigrant Rights Clinic Professor Emeritus Robin W. Goodenough, J.D. Clinical Fellow Sarah Gottlieb, B.A., J.D. Professor Nienke Grossman, B.A., J.D., LL.M. Professor Emeritus Steven P. Grossman, B.A., J.D., LL.M.

Professor Daniel L. Hatcher, B.B.A., J.D. Assoc. Professor Michael Hayes, B.S., J.D. Joseph Curtis Professor of Law F. Michael Higginbotham, A.B., J.D., LL.M. Professor William Hubbard, B.A., J.D. Professor David Jaros, B.A., J.D., M.P.P.

Professor Margaret Johnson, B.A., J.D.; Director, Bronfein Family Law Clinic

Professor Emeritus Laurence M. Katz, J.D. Professor Neal Kempler, B.A., J.D.

Clinical Fellow Jonathan Kerr, LL.M, LL.B. Professor Elizabeth Keyes, B.A., M.P.A., J.D.

Clinical Fellow Jay Knight, B.A., J.D. Assoc. Professor Robert Knowles, B.A., J.D.

Professor Dionne L. Koller, B.A., M.A., J.D. Professor Emerita Rebecca Korzec, B.A., J.D.

Ass't. Professor Katie Kronick, B.A., J.D., LL.M.; Director, Criminal Defense and Advocacy Clinic

Professor Neha Lall, B.A., J.D.

Venable Professor Emeritus Robert H. Lande, B.A., J.D., M.P.P.

Professor Emeritus Kenneth Lasson, A.B., J.D., M.A.

Assoc. Professor Jaime Alison Lee, B.A., J.D.; Director, Community Development Clinic Assoc. Professor Matthew Lindsay, B.A., M.A., LD.

Assoc. Professor Sheldon Bernard Lyke, A.B., J.D. Ph. D.

Professor John A. Lynch, Jr., B.A., J.D., LL.M. Ass't. Professor Zina Makar, B.A., J.D., LL.M. Professor Emeritus James Maxeiner, B.A., J.D., LL.M., Dr. iur.

Assoc. Professor Hugh McClean, B.A., J.D., LL.M.; Director, The Bob Parsons Veterans Advocacy Clinic

Dean Julius Isaacson Professor Audrey McFarlane, A.B., J.D.

Dean Joseph Curtis Professor Emerita Lynn McLain, B.A., J.D.

DLA Piper Professor Michael I. Meyerson, B.A.,

Professor Nancy M. Modesitt, B.A., J.D. Professor Emerita Jane C. Murphy, B.A., J.D. Assoc. Professor Odeana R. Neal, A.B., J.D.

Clinical Fellow Peter Norman, B.A., J.D. Professor Max Oppenheimer, B.S., J.D.

Clinical Fellow Emily Poor, B.A., J.D. Professor Emeritus Walter Rafalko, J.D.

Professor Emeritus Arnold Rochvarg, B.A., J.D.

Gilbert A. Holmes Professor Robert Rubinson, B.A., J.D.; Director, Mediation Clinic for Families

Professor Emerita Elizabeth J. Samuels, A.B., J.D.

Professor Emeritus Eric Schneider, J.D. Professor Walter D. Schwidetzky, B.A., M.B.A., J.D., LL.M.

Professor Emeritus John A. Sebert, J.D. University of Maryland Regents Professor Mortimer Sellers, A.B., J.D., B.C.L., D.Phil.

Professor Emeritus Stephen J. Shapiro, B.A., J.D. Professor Janice Shih, B.A., M.D., J.D.; Director,

Low-Income Taxpayer Clinic Professor Emeritus Ezra Siff, J.D.

Ass't Professor Matthew Sipe, B.A., J.D. Dean Julius Isaacson Professor Amy E. Sloan, B.J., J.D.

Judge-in-Residence Professor Frederic N. Smalkin, B.A., J.D.

Professor Emeritus Donald H. Stone, B.A., J.D. Professor Erica J. Suter, B.A., M.A., J.D.;

Director, Innocence Project Clinic

Professor Charles Tiefer, B.A., J.D.

Ass't. Professor Shanta Trivedi, B.A., J.D. Professor Angela M. Vallario, B.S., J.D., LL.M.

Professor Emeritus Howard E. Wallin, J.D.

Professor Kimberly Wehle, B.A., J.D.

Professor Barbara Ann White, B.A., M.A., Ph.D.,

Ass't Professor Sonya Ziaja, B.A., J.D., Ph.D.

#### Adjunct Faculty

Richard C. Loeb, B.A., J.D. Laura Abelson, A.B., J.D. Hon. Steven Adler, B.A., J.D. Hon. Lynn Stewart Mays, B.A., J.D. Adina N. Amith, B.A., J.D. Robert S. McCord, B.A., J.D. James B. Astrachan, B.S., J.D., LL.M. Jeremy M. McCoy, B.A., J.D. Praveen Ayyagari, B.A., J.D. Hon. Rachel T. McGuckian, B.A., J.D. Andre J. Barnett, B.S., J.D., LL.M. Patricia McLane, B.A., M.A., J.D. Benjamin Beasley, B.M., J.D. Adam Meehan, J.D. Michael Belsky, B.A., J.D. Michelle Mendez, B.A., J.D. Michael W. Bender, J.D., LL.M. Sameerah Mickey, B.A., J.D. E. Todd Bennett, B.A., J.D. Judith Moran, B.S., J.D. Laurie Bennett, J.D. Gregg. H. Mosson, B.A., J.D. Michael Berman, B.A., M.A., J.D. Pierce Murphy, B.A., J.D. Jeffrey Bernstein, B.A., J.D. Renee Nacrelli, J.D. Leslie Billman, B.A., J.D. Alan Nemeth, B.S., J.D. Carol A. Bittner, B.A., J.D. Errol R. Patterson, B.S., J.D. H. Allen Black, III, B.S., J.D. Bradford Peabody, B.A., J.D. Jerry Bodman, B.A., J.D. Linda T. Penn, B.S., J.D. Ashley Bond, B.A., J.D. Jason Z. Qu, J.D. Raymond E. Brown, B.S., J.D. Christopher Rahl, B.A., J.D. Jennifer L. Burroughs, B.A., J.D. Ira Rainess, B.A., J.D. Russell P. Butler, B.A., J.D. Stacey Rice, B.A., J.D. Ronald M. Cherry, B.A., J.D. Stuart Rombro, B.A., J.D. Drew Chlan, B.A., J.D. Delegate Samuel I. Rosenberg, B.A., J.D. Caroline D. Ciraolo, J.D. Brian Saccenti, J.D. Martin J. Clarke, B.A., J.D. Mercedes Salvania, A.A., LL.B., LL.M. Kaitlin Corey, B.A., J.D. Tamara D. Sanders, B.A., J.D. Stephen Cornelius, B.S., J.D. Christopher Schoen, J.D. Paul Cucuzzella, B.S.B.A., J.D. Hon. Mark F. Scurti, B.A., M.B.A., J.D. Robin Denick, J.D., LL.M. Ren Serey, J.D. Jason Eisenberg, B.S., J.D. Hon. Stephen Sfekas, B.S.F.S., M.A., J.D. Sean Elavia, B.B.A., J.D. Marc E. Shach, B.S., M.B.A., J.D. Itta Englander, B.A., J.D. Denise Oakes Shaffer, B.A., J.D. Alicia Shelton, B.A., J.D. Samuel Feder, B.A., J.D. Daniel Shemer, J.D. Hon. Karen A. Ferretti, B.A., J.D Hon. Lawrence Fletcher-Hill, A.B., J.D. Daryl J. Sidle, J.D. David Forrer, A.B., J.D., LL.M. Ephraim R. Siff, J.D. Nancy Forster, B.A., J.D. Charles L. Simmons, Jr., B.S., J.D. Steve Gevarter, B.A., J.D., LL.M. Andrew Sindler, B.A., J.D. Diane Glauber, B.A., M.P.A., J.D. John Singer, B.A., M.A., J.D. Lydie Glynn, B.A., J.D. Andrew G. Slutkin, B.S., J.D. Elizabeth Green, J.D. Norman L. Smith, J.D. Bonnie Greenberg, J.D. Patricia Smith, B.A., M.A., J.D. Lawrence S. Greenberg, B.A., J.D. Frank Spector, B.A., J.D. Hon. Paul Grimm, J.D., LL.M. Donna Star-Deelen, B.A., J.D., L.L.M. Randy Hardock, B.A., J.D. Andrew T. Stephenson, J.D. Hadrian N. Hatfield, J.D. H. Mark Stichel, B.A., J.D. Jermaine D. Haughton, B.A., J.D. Larry Strauss, B.A., J.D., LL.M. Hon. Stephen Swift, B.A., J.D. Richard Heinecke, J.D. Karen T. Syrylo, B.A., CPA Hon. John Alvin Henderson, B.A., J.D., LL.M. Jeffrey C. Herwig, B.A., J.D. Mark Talty, J.D. Shelly Hettleman, B.A. Nicole Taylor, A.A., B.S., J.D. David Indek, B.S., B.A., J.D. Hon. Robert Taylor, Jr., J.D. Jamaal W. Thomas, B.A., J.D. Jeffrey Jacobson, J.D. Donald Jodrey, B.A., M.P.A., J.D. Hon. Hope Tipton, B.A., J.D. William W. Kanwisher, B.A., J.D. Jeffrey C. Toppe, J.D. Andrew Katzenberg, B.A., J.D. Michael Torres, B.A., J.D. Jay Knight, B.A., J.D. Judith Tortora, B.A., J.D. David Koelsch, B.A., J.D. Marie Vasbinder, J.D. Ari Kodeck, B.S., J.D. Ryan Walburn, B.A., J.D. Julia Kovacs, B.A., J.D. Jer Welter, B.A., J.D. James Paul Krawczyk, Jr., B.S., J.D. Cheri P. Wendt-Taczak, B.A., J.D. Jeremy Krum, J.D. Nicole M. Whitaker, B.A., J.D. Adam Landy, B.S., M.S., J.D., LL.M. M. Hamilton Whitman, Jr., B.A., J.D. Carrie J. Williams, J.D. Sheldon H. Laskin, B.A., J.D., LL.M. Gregory Lawrence, B.S., J.D. Michelle Wilson, B.A., J.D. Alan Lazerow, B.A., J.D. Mildeen G. Worrell, B.A., J.D., LL.M. Cheri Levin, A.B., J.D. Daria Zane, B.S., J.D. Haley Licha, B.A., J.D. Alex Zarzecki, B.S., J.D. Robert Lidston, A.B., M.A., Ph.D., J.D. Carlo Zayas, J.D., LL.M Adam Lippe, J.D. Aaron S.J. Zelinsky, J.D. Joan Little, B.A., J.D. Renia Zervos, B.S., J.D.

#### GRADUATE TAX PROGRAM

#### Governance Council for the Graduate Tax Program

Ronald Weich, Dean, School of Law, B.A., J.D. Fred B. Brown, Director, Graduate Tax Program, Professor of Law, B.S., J.D.,

LL.M.

Murray Dalziel, M.A., Ph.D., Dean, Robert G. Merrick School of Business Phillip J. Korb, B.S., M.B.A., M.S., Chair, Department of Accounting, Finance and Economics, Merrick School of Business, Associate Professor of Accounting Walter Schwidetzky, Professor of Law, B.A.,J.D.,

#### Faculty

LL.M.

Professor Fred B. Brown, B.S., J.D., LL.M. Professor Walter D. Schwidetzky, B.A., M.B.A., J.D., LL.M. Professor Janice Shih, Director, Low Income Tax Clinic, B.A., M.D., J.D.

#### Adjunct Faculty

Michale Bailiff, J.D.
Caroline D. Ciraolo, J.D.
Robin Denick, B.A., J.D., LL.M.
Sean Kushro Elavia, J.D.
Arturo Estrada, J.D.
Hon. Maurice B. Foley, B.A., J.D., LL.M.
David R. Forrer, A.B., J.D., LL.M.
Steve Gevarter, J.D.
Randolf Hardock, J.D.
Richard Heinecke, J.D.
David Indek, J.D.

Jeffrey Jacobson, J.D.
Andrew Katzenberg,
Maurice LaBrie, J.D.
Hon. Adam Landy, J.D.
Jessica Frase Marine, J.D.
Adam Meehan, J.D.
Bradley C. Plovan, J.D.
Larry Strauss, J.D., M.S.T.
Karen Syrylo, B.A., CPA
Mildeen G. Worrell, B.A., J.D., LL.M.

## LL.M. IN THE LAW OF THE UNITED STATES

#### International Legal Education Committee

Chair, Professor Mortimer Sellers, A.B., J.D., B.C.L., D.Phil.

Professor Nienke Grossman, B.A., J.D., LL.M.

Professor James Maxeiner, B.A., J.D., LL.M., Dr. jur.

Professor Max Oppenheimer, B.S., J.D. Professor Barbara Ann White, B.A., Ph.D., J.D.

# UNIVERSITY OF BALTIMORE LAW REVIEW

VOL. FIFTY-TWO 2022–2023

#### **EXECUTIVE BOARD**

Editor-in-Chief Alexandra Becnel

Managing Editor Torra Hausmann

**Production Editors** 

Ashli Glatfelter Darnisha Mitchell Alina Pargamanik Bradley Rosen

Assistant Managing Editor Articles Editor Executive Editor
Faith Zellman Jeffrey Neuman Victoria Skinner

Comments Editor Symposium Editor Publications Editor Samantha Stephey Kaitlin O'Dowd Joseph Canner

#### ASSOCIATE EDITORS

Sara Braniecki Mandee Heinl Meriam Mossad Mitchell Dolman Vidhi Kumar Peri Schuster

#### STAFF EDITORS

Iyana Arrington	Adam Fetian	Natalie Murphy
Nicholas Balzano	Renee Gast	Hanna Nilles
Anna Bennett	Chase Hoffberger	Rebecca Odelius
Paige Boyer	Brenda Hurford	Ryan Ricketts
Qiara Butler	Nathan Jahnigen	Zachary Seidel
Cherie Correlli	Devyn King	Sarah Steinberg
Anastasia Couch	Hannah Krehely	Erin Turvey
Louis Di Filippo	David Marshall	Kenneth Wyatt II
James Duffy	Kristine Martinez	

Faculty Advisors
Professor Matthew Lindsay
Assistant Dean Claudia Diamond

Faculty Advisor Emeritus
Professor Emeritus Eugene J. Davidson

Administrative Assistant Shavaun O'Brien

# UNIVERSITY OF BALTIMORE LAW REVIEW

VOL. FIFTY-TWO

**SUMMER 2023** 

NUMBER THREE

## **ARTICLES**

To Hear or Not to Hear?—Resolving a Federal Court's Obligation to Hear a Case Involving Both Legal and Declaratory Judgment Claims

Katherine A. Gustafson 383

ACorporation, Inc.: Corporate Form as Art

Project and Advocacy

Chad Erpelding, Ruth Jebe & Jeff Lingwall 419

When Justice Depends on It: The Need for Professional Standards for Mitigation Development in All Criminal Cases

Elizabeth S. Vartkessian,
Thea Posel,
Anthony Ginez &
Lela Hubbard 449

## **COMMENTS**

Caring for Those Who Care for Us: A Call for Greater Legislative Protections for Foreign-Educated Nurses

Rebecca Odelius 489

507

Reasonable for Whom? A Consideration of the Appropriate Reasonableness Standard Where Battered Woman Syndrome Evidence is Relevant to a Duress Defense

Samantha Stephey