

DePaul Business & Commercial Law Journal

Volume 22 Number 1 *1 Spring 2024*

Article 1

Front Matter

Follow this and additional works at: https://via.library.depaul.edu/bclj

Part of the Accounting Law Commons, Administrative Law Commons, Antitrust and Trade Regulation Commons, Banking and Finance Law Commons, Bankruptcy Law Commons, Business Organizations Law Commons, Civil Law Commons, Commercial Law Commons, Comparative and Foreign Law Commons, Computer Law Commons, Conflict of Laws Commons, Constitutional Law Commons, Construction Law Commons, Consumer Protection Law Commons, Contracts Commons, Disability Law Commons, Dispute Resolution and Arbitration Commons, Estates and Trusts Commons, First Amendment Commons, Government Contracts Commons, Housing Law Commons, Human Rights Law Commons, Intellectual Property Law Commons, International Law Commons, International Trade Law Commons, Internet Law Commons, Labor and Employment Law Commons, Law and Economics Commons, Law and Politics Commons, Law and Psychology Commons, Legal Ethics and Professional Responsibility Commons, Legal Profession Commons, Nonprofit Organizations Law Commons, Oil, Gas, and Mineral Law Commons, Organizations Law Commons, Property Law and Real Estate Commons, Retirement Security Law Commons, Second Amendment Commons, Secured Transactions Commons, Securities Law Commons, State and Local Government Law Commons, Supreme Court of the United States Commons, Taxation-Federal Commons, Taxation-Federal Estate and Gift Commons, Taxation-State and Local Commons, Taxation-Transnational Commons, Tax Law Commons, Transportation Law Commons, and the Workers' **Compensation Law Commons**

Recommended Citation

Front Matter, 22 DePaul Bus. & Com. L.J. (2024)

Available at: https://via.library.depaul.edu/bclj/vol22/iss1/1

This Front Matter is brought to you for free and open access by the College of Law at Digital Commons@DePaul. It has been accepted for inclusion in DePaul Business & Commercial Law Journal by an authorized editor of Digital Commons@DePaul. For more information, please contact digitalservices@depaul.edu.

DEPAUL BUSINESS & COMMERCIAL LAW JOURNAL

Number 1 Volume 22 *Spring 2024* ARTICLE THE REAL PERSONS ARE THE CORPORATIONS WE MADE Along the Way Leonard Brahin 1 CORPORATE GOVERNANCE AND COMPELLED SPEECH: Do State-Imposed Board Diversity Mandates VIOLATE FREE SPEECH?..... Salar Ghahramani 33 SURVEY EVIDENCE IN TRADEMARK Actions..... Ioana Vasiu and Lucian Vasiu 57 Money is Morphing - Cryptocurrency can Morph to be an Environmentally AND FINANCIALLY SUSTAINABLE ALTERNATIVE **NOTE** DOL FIDUCIARY RULE 3.0 STRIKEOUT, BASE KNOCK, OR HOME RUN? Antolin Reiber 151

Cite as 22 DePaul Bus. & Com. L.J.

Except as otherwise provided, DePaul Business & Commercial Law Journal permits any individual or organization to photocopy any article, comment, note, or other piece in this publication, provided that: (1) copies are distributed at or below cost; (2) the author and the Journal are prominently identified on the first page; (3) proper notice of copyright is affixed to each copy; and (4) all other applicable laws and regulations are followed. DePaul Business & Commercial Law Journal reserves all other rights.

DePaul Business & Commercial Law Journal (ISSN: #1542-2763) is published biannually by DePaul University College of Law, 25 East Jackson Boulevard, Chicago, Illinois 60604-2219.

The DePaul Business & Commercial Law Journal welcomes the submission of articles written by admitted members of the bar and by other professionals and notes and comments written by students at accredited law schools. Manuscripts by candidates for graduate degrees in law (e.g., LL.M. or M.L.T.) will be considered articles if the author is admitted to the bar at the time of submission and will be considered as student notes if the author is not admitted to the bar. Although the utmost care will be given to material submitted, the Journal cannot accept responsibility for unsolicited manuscripts. Authors should mail manuscripts to DePaul Business & Commercial Law Journal, 25 East Jackson Boulevard, Room 226, Chicago, IL 60604-2219.

The text and citations of the Journal conform to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Harv. L. Rev. F., 21st ed. 2020).

Although the DePaul Business & Commercial Law Journal generally grants great deference to an author's work, the Journal retains the right to determine the final published form of every article.

The views expressed in published material are those of the authors and do not necessarily reflect the policies or opinions of the DePaul Business & Commercial Law Journal, its editors and staff, or DePaul University College of Law.

DEPAUL BUSINESS & COMMERCIAL LAW JOURNAL

Volume 22 Fall 2023 Number 1

2023-2024 EXECUTIVE EDITORIAL BOARD

RYLEY KING Editor-in-Chief

KAITLIN STANFIELD Executive Editors

AUSTIN MUNROE MARY ROBINSON

Managing Editor of Managing Editor of

Lead Articles Notes and Comments

James Blasius Madalynne Kowalik Symposium Editor Business Manager

FALL 2023 MEMBERS

Niaja Funches Antolin Reiber

FALL 2023 RESEARCH STAFF

Murtaza Akhtar Hira Khan Jaxon Bumbaugh
Julia DeMovic Dhara Patel Sayeed Mohammed
Betsy Pisabaj Austin Sulejmani
Amanda Svoboda Johana Teneqexhi

FACULTY ADVISOR

MAX HELVESTON

Member, National Conference of Law Reviews

DEPAUL BUSINESS & COMMERCIAL LAW JOURNAL

Volume 22 Spring 2024 Number 1

2023-2024 EXECUTIVE EDITORIAL BOARD

RYLEY KING Editor-in-Chief

KAITLIN STANFIELD Executive Editors

Austin Munroe Managing Editor of Lead Articles MARY ROBINSON
MANAGING EDITOR OF
Notes and Comments

James Blasius Symposium Editor Madalynne Kowalik
Business Manager

SPRING 2024 MEMBERS

ANTOLIN REIBER

SPRING 2024 RESEARCH STAFF

JAXON BUMBAUGH HIRA KHAN DHARA PATEL AUSTIN SULEJMANI Julia DeMovic Sayeed Mohammed Betsy Pisabaj Johana Teneqexhi

FACULTY ADVISOR

MAX HELVESTON

Member, National Conference of Law Reviews

DePaul University College of Law

GENERAL ADMINISTRATION

ROBERT L. MANUEL, Ph.D., President

SALMA GHANEM, Ph.D., Provost

SHERRI SIDLER, Executive Vice President

KATHRYN STIEBER, Vice President, General Counsel & Secretary of the University

DAVID AVDUL, Interim Vice President, Human Resources

BRIAN SULLIVAN, Treasurer of the University

Jo Sмітн. Controller

ELIZABETH CLEMENTS, Associate Vice President, Senior Advisor, University Communications

ROBERT WILTSE, Vice President, Facilities Operations

SOUMITRA GHOSH, Ph.D., Vice President for Enrollment Management

ARBIN SMITH, Vice President Planning & Chief of Staff

BOB McCormick, Vice President for Information Services

KATIE FRAUMANN, Senior Vice President, Advancement and External Affairs

Jose Perales, Interim Vice President for Institutional Diversity & Equity

GENE ZDZIARSKI, Ph.D., Vice President for Student Affairss

REV. GUILLERMO CAMPUZANO, C.M., Vice President, Mission & Ministry

Peter Coffey, Associate Vice President, Community and Government Relations

DEWAYNE PEEVY, Vice President and Director, Athletics

LAW ADMINISTRATION

JENNIFER ROSATO PEREA, Dean and Professor of Law

DEBORAH A. LAGIOIA, Assistant Dean, Compliance & Communication.

WENDY NETTER EPSTEIN, Assistant Dean of Research and Faculty Professional Development; Professor of Law

ALLISON I. ORTLIEB, Assistant Dean for Academic Operations

ALLISON BROWNELL TIRRES, Associate Dean for Academic Affairs and Strategic Initiatives; Associate Professor of Law

ALLEN MOYE, Associate Dean for Information Technology and Library Services MARIA VERTUNO, Assistant Dean of Student Affairs

KATHRYN LISS, Assistant Dean and Director, Law Career Services;

Executive Director, Schiller DuCanto & Fleck Family Law Center

AMANDA NOASCONO, Assistant Dean and Director of Law Admissions

NICOLE PINKEY, Director of Events and CLE

BENJAMIN ALBA, Director of Academic Success

JAMIE KLEPPETSCH, Director of Bar Passage

MARTHA PAGLIARI, Assistant Dean for Experiential Learning, Senior Professional Lecturer

Jody Marcucci, Co-Director of Legal Analysis, Research, and Communication, Senior Professional Lecturer

MICHELLE Brown Cue, Co-Director of Legal Analysis, Research, and Communication, Senior Professional Lecturer

LAW FACULTY

- BENJAMIN E. Alba, Director, Academic Support, Student Advising & Bar Passage: B.S., DePaul University; J.D., Loyola University of Chicago
- SIOBAN ALBIOL, Clinical Instructor: B.A., University of Texas; J.D., Loyola University of Chicago
- Susan Bandes, Centennial Distinguished Professor: B.A., State University of New York at Buffalo; J.D., University of Michigan
- Monu Bedi, Professor: B.A., Dartmouth College; M.Phil., University of Cambridge, U.K.; J.D., Harvard
- LEONARD L. CAVISE, Emeritus Professor of Law: B.A., Hamilton College; J.D., Georgetown University
- Jesse Chang, Assistant Professor of Law: A.B., Princeton University; J.D., Harvard University; Ph.D., University of California, Irvine
- Alberto R. Coll, Professor: B.A., Princeton University; J.D., Ph.D., University of Virginia
- MICHELLE BROWN CUE, Co-Director, Legal Analysis, Research & Communication, Senior Professional Lecturer: B.A., University of Illinois; J.D., University of Illinois
- JOHN F. DECKER, Professor Emeritus: B.A., University of Iowa; J.D., Creighton University; LL.M., New York University; J.S.D., New York University
- KATHERYN M. DUTENHAVER, Emeritus Associate Professor: B.A., North Central College; J.D., DePaul University
- WENDY NETTER EPSTEIN, Professor: B.A., University of Illinois at Urbana; J.D., Harvard University
- DAVID L. FRANKLIN, Associate Professor: B.A., Yale College; J.D., University of Chicago
- JEROLD A. FRIEDLAND, Professor: B.A., M.A., New York University; J.D., Brooklyn Law School; LL.M., Georgetown University
- PATTY GERSTENBLITH, Distinguished Research Professor: A.B., Bryn Mawr College; Ph.D., Harvard University; J.D., Northwestern University
- STEVEN R. GREENBERGER, Associate Professor: B.A., University of Illinois; J.D., Yale University
- MICHAEL GRYNBERG, Associate Dean of Research and Faculty Professional Development, Professor: B.A., Carleton College: J.D. University of Virginia School of Law
- MAX HELVESTON, Professor: B.A., University of Michigan; J.D., Yale University Donald H.J. Hermann, Professor: A.B., Stanford University; M.A., Northwestern University; J.D., Columbia University; LL.M., Harvard University; Ph.D., Northwestern University; M.A.A.H., Art Institute of Chicago
- BARRY KELLMAN, Professor: B.A., University of Chicago; J.D., Yale University ROBERTA R. KWALL, Raymond P. Niro Professor of Intellectual Property: A.B., Brown University; J.D., University of Pennsylvania
- STEPHAN LANDSMAN, Emeritus Professor of Law: B.A., Kenyon College; J.D., Harvard University
- Julie D. Lawton, Professor of Law; Founder, Business Law Clinic: B.S., Florida A&M University; J.D., Howard University; LL.M., Georgetown University
- WAYNE K. LEWIS, Emeritus Professor of Law: B.A., Rutgers University; J.D., Cornell University
- MARGIT LIVINGSTON, Professor: B.A., Augsburg College; M.A., J.D., University of Minnesota; LL.M., University of Illinois

- KARL LOCKHART, Assistant Professor of Law: B.A., Boston College; J.D., University of Virginia
- JODY MARCUCCI, Co-Director, Legal Analysis, Research & Communication, Senior Professional Lecturer: B.A., University of Wisconsin; J.D., DePaul University
- GREGORY MARK, Professor: B.A., Butler University; J.D., University of Chicago; M.A., Harvard University
- Manoj Mate, Assistant Professor of Law; Faculty Director, Racial Justice Initiative: B.A., University of California, Berkeley; J.D., Harvard University; Ph.D., University of California, Berkeley
- MARK MOLLER, Professor: B.A., Duke University; J.D., University of Chicago Law School; LL.M., University of Cambridge
- ALLEN MOYE, Associate Dean for Information Technology and Library Services; Director, Rinn Law Library; Associate Professor of Law: B.A., Howard University; J.D., University of Richmond; M.L.S., Catholic University
- MARLENE NICHOLSON, Professor Emeritus: B.A., J.D., University of California at Los Angeles
- ALLISON I. ORTLIEB, Associate Dean for Academic Operations; Senior Professional Lecturer: B.A., J.D., University of Chicago
- BRUCE L. OTTLEY, Professor: B.A., University of Missouri; M.A., University of Iowa; J.D., University of Iowa; LL.M., Columbia University
- MARTHA PAGLIARI, Assistant Dean of Experiential Learning, Senior Professional Lecturer: B.A., University of Notre Dame; J.D., DePaul University
- STEVEN RESNICOFF, Professor: B.A., Princeton University; J.D., Yale University JOHN C. ROBERTS, Professor Emeritus: B.S., Northwestern University; LL.B., Yale University
- DAVID RODRIGUEZ, Faculty Director, Third Year in Practice Program (3YP) and Field Placement Program; Clinical Instructor, Civil Litigation Clinic; Senior Professional Lecturer: B.S., University of Illinois; J.D., University of Michigan
- Jane Rutherford, Professor: A.B., University of Chicago; J.D., University of Michigan
- JOSHUA D. SARNOFF, Professor: B.S., Massachusetts Institute of Technology; J.D., Stanford University
- JEFFREY SHAMAN, Vincent de Paul Professor of Law; Professor Emeritus: B.A., Pennsylvania State University; J.D., University of Southern California; LL.M., Georgetown University
- STEPHEN A. SIEGEL, Distinguished Research Professor; Professor Emeritus: B.A., Columbia University; J.D., LL.M., Harvard University
- Allison Brownell Tirres, Associate Dean for Academic Affairs and Strategic Initiatives: B.A., Princeton University; M.A., J.D., Ph.D., Harvard University
- VINCENT VITULLO, Professor Emeritus: A.B., J.D., Loyola University of Chicago; LL.M., Yale University
- Anthony G. Volini, Senior Instructor: B.S., Benedictine University; J.D., Loyola University of Chicago
- MARK C. Weber, Vincent de Paul Professor of Law: B.A., Columbia University; J.D., Yale University
- JUDGE WARREN D. WOLFSON, Distinguished Visiting Professor of Law: B.S., University of Illinois at Chicago; LL.B., University of Illinois

VINCENT G. RINN LAW LIBRARY

ALLEN R. MOYE, Associate Dean for Information Technology & Library Services MICHAEL SCHIFFER, Director IT & Digital Resources KIM GAINEY, Manager, Access Services ANNE HUDSON, Reference Librarian, Faculty Services JACK GORMAN, Government Documents & Information Librarian DAVID LABNO, Cataloging Assistant DANIEL URSINI, Acquisitions Assistant