OKLAHOMA LAW REVIEW

ARTICLES

“Importing” Restrictions from One Federal Rule of Evidence Provision to Another: The Limits of Legitimate Contextual Interpretation in the Age of Statutes
Edward J. Imwinkelried

Jury Trial Disparities Between Class Actions and Shareholder Derivative Actions in State Courts
Ann M. Scarlett

Is Barrios the Death Knell of Bosh Claims? The Sovereign Immunity Battle Between the Oklahoma Supreme Court and Legislature over Constitutional Torts
Hayley Stillwell

COMMENTS

Into the Weeds of the Newest Field in Employment Law: The Oklahoma Medical Marijuana Act
Brennan T. Barger

Winning the Waiting Game: How Oklahoma Can Rectify the Discrepancy Between Its No-Impeachment Rule and Peña-Rodríguez v. Colorado
Ryan D. Brown

Growing Pains: Using Racketeering Law to Protect Property Rights from State-Sanctioned Marijuana Operations
Marci J. Gracey

Title VII’s Deficiencies Affect #MeToo: A Look at Three Ways Title VII Continues to Fail America’s Workforce
Taylor J. Freeman Peshehonoft
Except as otherwise expressly provided, the author of each article in this volume has granted permission for copies of that article to be made and used by nonprofit educational institutions, provided that the author and the Oklahoma Law Review are identified and that proper notice of the copyright is affixed to each copy. In all other cases, the author and the Oklahoma Law Review should be contacted directly.

Cite as: 72 OKLA. L. REV. ____ (2020).
UNIVERSITY OF OKLAHOMA COLLEGE OF LAW

ADMINISTRATION

Kathleen Guzman, B.A., J.D., LL.M., Interim Dean of the College of Law, Interim Director of the Law Center, Earl Sneed Centennial Professor, MAPCO/Williams Presidential Professor, and Professor of Law.

Andrew M. Coats, B.A., J.D., Dean Emeritus, Director Emeritus, Samuel Roberts Noble Foundation Presidential Professor, Arch B. & Joanne Gilbert Professor, and Professor of Law.

Darin K. Fox, B.A., M.S., J.D., Associate Dean, Director of the Law Library, and Professor of Law.

Megan Wischmeier Shaner, B.S., J.D., Associate Dean for Research and Scholarship, and Professor of Law.

C. Brent Dishman, B.S., J.D., Assistant Dean of Student Affairs.

Stanley L. Evans, B.B.A., M.B.A., J.D., Assistant Dean.

Gail Mullins, B.S., J.D., Assistant Dean of Experiential Learning, Director of Legal Writing, and Assistant Professor of Law.

Laura Palk, B.A., J.D., Assistant Dean of Development and Alumni Affairs, Adjunct Professor of Law.


Melissa Caperton, B.A., Director of Communications.

Alicia Currin-Moore, B.A., J.D., Director, Office of Career Development.

David W. Dye, B.A., J.D., M.L.I.S., Director, Graduate and International Programs.

Brian Griffith, A.A.S., Director of Information Technology.

Rebecca K. Hamrin, B.A., J.D., Director, Master of Legal Studies Healthcare Law Program and Oil, Gas, and Energy Law Program.

Peter C. Kraemer, B.A., M.A., M.A., Director of Faculty Support.

Autumn Lockett, B.A., Director of Admissions.

Lisa Monsour Millington, B.A., J.D., Executive Director, Graduate & International Programs.

Camel Pennington, B.A., J.D., Director of Annual Giving.

Stacey Reynolds, B.A., Director of Continuing Legal Education and Events.

Sunny Rowland, B.S., J.D., Director of Academic and Bar Support, and Director of Legal Assistant Education.

Connie S. Smothermon, B.A., J.D., Director of Competitions, Director of Externships, and Assistant Director of Competitions, Director of Legal Research & Writing.

Joel Wegener, B.A., J.D., M.L.I.S., Deputy Director of the Law Library and Adjunct Professor of Law.

Lizanne Carlson, B.A., J.D., Associate Director of Admissions.

Maddie Farris, B.A., J.D., Associate Director of Admissions.

Kayla Doiron, B.S., M.B.A., J.D., Associate Director of Career Development.

Alyssa Wilken, B.A., J.D., Associate Director of Admissions.

Elaine B. Bradshaw, B.M., M.A., M.L.I.S., Assistant Director for Collections and Digital Products.

Rachel Egli, B.A., Editor, Sooner Lawyer, and Communications and Events Coordinator.

Rebecca J. Lucas, Registrar and Study Abroad Coordinator.

Lisa Ross, Executive Assistant to the Dean.

FACULTY

Owen L. Anderson, B.A., J.D., Eugene Kuntz Chair in Law in Oil, Gas and Natural Resources Emeritus, George Lynn Cross Research Professor Emeritus, and Professor of Law Emeritus.

Carolina Arlota, LL.M., J.S.D., Visiting Assistant Professor of Law.

Evelyn Aswad, BSFS, J.D., Visiting Assistant Professor of Law.

Mary Sue Backus, B.A., M.A.T., J.D., Robert Glenn Rapp Foundation Presidential Professor of Law.

Brenda H. Barnes, B.A., J.D., Assistant Professor of Clinical Legal Education.

Donald T. Bogan, A.B., J.D., Thomas P. Hester Presidential Professor, and Frank Elkouri and Edna Asper Elkouri Professor in Law.

Todd Buchwald, B.A., J.D., Visiting Professor of International Law.

Sarah Burstein, B.A., J.D., Professor of Law.

Steven J. Cleveland, B.A., J.D., Thomas P. Hester Presidential Professor, and Professor of Law.

Andrew M. Coats, B.A., J.D., Dean Emeritus, Director Emeritus, Samuel Roberts Noble Foundation Presidential Professor, Arch B. & Joanne Gilbert Professor Emeritus, and Professor of Law.

Monika U. Ehrman, B.S, J.D., LL.M., Faculty Director, Oil & Gas, Natural Resources, and, Energy Center, and Associate Professor of Law.

Jonathan Forman, B.A., M.A., J.D., Kenneth E. McAfee Centennial Chair in Law.

Darin Fox, B.A., M.S., J.D., Associate Dean, Director of the Law Library, and Professor of Law.

Steven S. Gensler, B.S., J.D., Gene and Elaine Edwards Family Chair in Law, and President’s Associates Presidential Professor.

Mark R. Gillett, B.A., J.D., LL.M., Professor of Law Emeritus.

Katie Griffin, B.B.A., J.D., Visiting Professor of Legal Research and Writing.

Kathleen Guzman, B.A., J.D., LL.M., Interim Dean of the College of Law, Interim Director of the Law Center, Earl Sneed Centennial Professor, MAPCO/Williams Presidential Professor, and Professor of Law.

Joseph Harroz, Jr., B.A., J.D., Interim President of the University of Oklahoma, Fenelon Boesche Chair in Law, and Professor of Law.

Taiawagi Helton, B.A., J.D., LL.M., W. DeVier Pierson Professor of Law, and Professor of Law.

Stephen E. Henderson, B.S., J.D., Judge Haskell A. Holloman Professor of Law.

Eric E. Johnson, B.A., J.D., Associate Professor of Law.

Kit Johnson, B.A., J.D., Associate Professor of Law.

F. Stephen Knippenberg, B.A., J.D., LL.M., Floyd H. and Martha Norris Chair in Law, and Professor of Law.

Maria T. Kolar, B.A., M.A., J.D., Visiting Assistant Professor of Law.

Peter F. Krug, B.A., M.S., Ph.D., J.D., Herman G. Kaiser Foundation Chair in International Law Emeritus, and Professor of Law Emeritus.

Peter B Kutner, A.B., J.D., Hugh Roff Professor of Law.

Lubomir P. Litov, B.S., M.S., Ph.D., Affiliate Associate Professor of Law.

Brian McCall, B.A., M.A., J.D., Orpha & Maurice Merrill Professor in Law.

William J. McNichols, A.B., J.D., Professor of Law Emeritus.

Erin Means DeWalt, B.S., J.D., Assistant Professor of Legal Research and Writing.

Roger Michalski, B.A., J.D., Ph.D., Associate Professor of Law.

Frederick H. Miller, A.B., J.D., Professor of Law Emeritus.

Melissa Mortazavi, B.A., J.D., Associate Professor of Law.

Gail Mullins, B.S., J.D., Assistant Dean of Experiential Learning, Director of Legal Writing, and Assistant Professor of Law.

Daniel Nicholson, B.A., J.D., Assistant Professor of Legal Research and Writing.

Christopher Odinet, B.A., J.D., Affiliate Associate Professor in Entrepreneurship, and Associate Professor of Law.

Joyce Palomar, B.S., M.A., J.D., Kenneth E. McAfee Chair in Law Emeritus, and Ada Lois Sipuel Fisher Presidential Professor of Law.

Amy Pepper, B.A., J.D., Assistant Professor of Clinical Education.

Osborne M. Reynolds, B.A., J.D., LL.M., S.J.D., Professor of Law Emeritus.

Robert L. Richardson, B.A., J.D., LL.M., Professor of Law Emeritus.

Lisa Richter, B.S., J.D., William J. Alley Professor of Law and Thomas P. Hester Presidential Professor of Law.
Theodore Roberts, B.S., J.D., Edith Kinney Gaylord Presidential Professor of Law, and Professor of Law Emeritus.
Lindsay G. Robertson, A.B., M.A., Ph.D., J.D., Faculty Director, Center for the Study of American Indian Law and Policy, Chickasaw Nation Endowed Chair in Native American Law, Sam K. Vierson Jr. Family Foundation Presidential Professor, and Professor of Law.
Michael A. Scaperlanda, B.A., J.D., Professor of Law Emeritus.
Zachary M. Schmook, B.S., J.D., Assistant Professor of Legal Research and Writing.
Megan Wischmeier Shaner, B.S., J.D., Associate Dean for Research and Scholarship, and Professor of Law.
Erin Sheley, A.B., J.D., Ph.D., Professor of Law.
Connie S. Smothermon, B.A., J.D., Director of Competitions, Director of Externships, and Assistant Director and Assistant Professor of Legal Research & Writing.
Robert G. Spector, B.S., J.D., Glenn R. Watson Centennial Chair in Law, and Professor of Law Emeritus.
Rennard Strickland, B.A., M.A., J.D., S.J.D., Senior Scholar in Residence.
David Swank, B.A., J.D., Dean Emeritus, and David Ross Boyd Professor of Law Emeritus.
Murray Tabb, B.A., M.A., J.D., LL.M., Judge Fred A. Daugherty Chair in Law, and David Ross Boyd Professor of Law.
Rebekah C. Taylor, B.A., J.D., Assistant Professor of Clinical Legal Education.
Rick Tepker, B.A., J.D., Floyd & Irma Calvert Chair of Law and Liberty, and Professor of Law.
Joseph T. Thai, A.B., J.D., Presidential Professor of Law, Glenn R. Watson Centennial Chair in Law, and Professor of Law.

This publication is issued online by the University of Oklahoma College of Law as authorized by Interim Dean Kathleene Guzman. It is available by subscription via Westlaw, Lexis, and HeinOnline, and at no charge via Digital Commons and the College of Law website.
OKLAHOMA LAW REVIEW

EDITED AND COMPILED AT THE COLLEGE OF LAW OF THE UNIVERSITY OF OKLAHOMA
AND PUBLISHED QUARTERLY
© Oklahoma Law Review, 2019

JONATHAN L. ROGERS
Editor-in-Chief

TAYLOR FREEMAN PESHEHONOFF
Managing Editor

BAILEY BETZ
Executive Articles Editor

JACOB P. BLACK
COURTNEY D. KEELEING
NICK MARR
Note & Comment Editors

CONNOR LANE BALLINGER
EVAN J. CRUMPLEY
MATTHEW NIEHAN
MEGAN MURDOCK
REED C. TRECHTER
GRAYSON POWELL WALKER
ALLYSON WILCOX
Assistant Articles Editors

SIERRA L. WHITE
Research Editor & Candidate Mentor

EVAN J. CRUMPLEY
GRANT SCOWDEN
AUSTIN SHEEHY
Judiciary Committee

RYAN D. BROWN
JACOB M. DOWNS
KARSON J. KATZ
Articles Editors

BRENNAN T. BARGER
COOPER E. EPPES
MARCI J. GRACEY
JUSTIN MAI
HEATHER SWINBURNE TALLEY
ISAAC Z. TREADAWAY
Assistant Managing Editors

JD WEISS
Symposium Editor

REED C. TRECHTER
Topic Editor & Candidate Mentor

NATALIE M. JESTER
AUSTIN SHEEHY
Staff Editors

CANDIDATES FOR MEMBERSHIP

STEVEN P. AMREIN
SYDNEY BARRETT
SAMUEL BLACK
DIANE DOH
AMANDA FINCH
CAROLINE FAITH GRAHAM
LAUREL “TRAEE” HAVENS III
HAMMONS P. HEPNER
TANNER HERRMANN
KAITLYN HUELSKAMP
HEATHER N. HUFF
ARRON M. KIDDER
MAEVE P. LINDSEY
WYATT ALLEN MCGUIRE

ANNA MCNEIL
JENNIE M. MOOK
NICHOLAS A. MUNOZ
ANAMAYAN NARENDRAIN
MOTAHAREH NICKEL
AUSTIN TAYLOR RAY
KYLE REATHER
ALLYSON SHUMAKER
ANGELA SORESEN
GATLIN SQUIRES
JORDAN STROH
LAUREN SWINNEY
MORGAN E. VASTAG
WILLIAM WHITEHURST
ARTICLES

“Importing” Restrictions from One Federal Rule of Evidence Provision to Another: The Limits of Legitimate Contextual Interpretation in the Age of Statutes
Edward J. Imwinkelried 231

Jury Trial Disparities Between Class Actions and Shareholder Derivative Actions in State Courts
Ann M. Scarlett 283

Is Barrios the Death Knell of Bosh Claims? The Sovereign Immunity Battle Between the Oklahoma Supreme Court and Legislature over Constitutional Torts
Hayley Stillwell 341

COMMENTS

Into the Weeds of the Newest Field in Employment Law: The Oklahoma Medical Marijuana Act
Brennan T. Barger 373

Winning the Waiting Game: How Oklahoma Can Rectify the Discrepancy Between Its No-Impeachment Rule and Peña-Rodriguez v. Colorado
Ryan D. Brown 403

Growing Pains: Using Racketeering Law to Protect Property Rights from State-Sanctioned Marijuana Operations
Marci J. Gracey 441

Title VII’s Deficiencies Affect #MeToo: A Look at Three Ways Title VII Continues to Fail America’s Workforce
Taylor J. Freeman Peshehonoff 479