

Faculty News – January 14, 2008

- **AALS Annual Meeting in NYC**

A sizable group of faculty members attended the AALS Annual Meeting which took place from January 3-6, 2008 in New York City. Our faculty members gave a number of presentations, and were involved in planning a number of programs. They were also honored at a number of book receptions, presented papers before the Federalist Society and for the Cover Workshop. Finally, a number of our colleagues were selected to serve on the Executive Committees of AALS Sections.

- Presentations at AALS

Annette Appell presented “*Critical Reflections on Lawyering For Children*,” Panel on Class, Gender and Children, Workshop on *Gender and Class: Voices from the Collective*.

Raquel Aldana presented “*State Immigration Crimes: Federalism and Rights*” on a panel entitled “Crimmigration,” which was part of the AALS Special Program on Federalism, Local Government and Immigration.

Mary LaFrance presented “*SHIVRRs: The Art of CALI Lessons*,” at CALI Fellows Meeting, AALS, New York (January 3, 2008). This was part of the orientation program for newly appointed CALI Fellows.

Ann McGinley, an organizer of the all day extended workshop, *Gender and Class: Voices from the Collective*, moderated the plenary session and a panel on Criminalization. She also presented a paper entitled *Reproducing Gender on Law School Faculties* on a panel co-sponsored by the Sections on Women in Legal Education, Legal Writing, Research and Analysis and Clinical Legal Education.

Tuan Samahon presented his paper on bankruptcy judges to the Federalist Society.

Lety Saucedo presented her research on brown collar workers for the Globalization panel for the Gender and Class extended day workshop.

Elaine Shoben made a presentation on a panel co-sponsored by the Sections on Employment Discrimination and Remedies at which she discussed the possible use of injunctions by the courts to prevent harassment in the workplace. Her title was “*Title VII Harassment: Teeth and Tethers.*”

Jeff Stempel, the outgoing president of the AALS Section of Insurance Law, participated on a panel in which he talked about liability of intermediaries in insurance disputes.

- **Salt Cover Workshop at AALS**

Lety Saucedo and **Raquel Aldana** presented papers for the SALT Cover Workshop, "Humanizing Immigration." Lety's paper was entitled, *A New "U": Organizing Victims and Protecting Immigrant Workers*. Raquel's paper was entitled, *A Civil Rights Response to Local Immigration Ordinances: State Immigration Crimes: Federalism and Rights*

- **Faculty Members Honored at Book Receptions**

Keith Rowley and **Chris Blakesley** were honored by Thomson-West as authors of the Global Issues Series at a reception in NYC.

LexisNexis held a reception at The Rainbow Room at Rockefeller Center where it recognized book authors. Among those honored on our faculty are authors **Keith Rowley**, **Mary LaFrance** and **Jeff Stempel**.

- **Colleagues Elected to AALS Committees**

Kay Kindred -- has been elected to the Executive Committee of the Family Law Section of AALS for 2008.

Ann McGinley was elected to the Executive Committee of the Labor and Employment Law Section of the AALS.

Keith Rowley was reelected to the executive committees of the Section on Contracts and the Section on Commercial and Related Consumer Law, making him the only person for three years running to serve on the executive committees of both sections and also the longest-serving non-ex officio member of the Section on Commercial and Related Consumer Law's executive committee.

Pavel Wonsowicz was elected to serve as chair of AALS Section on Academic Support, beginning 2009.

- **Publications, Presentations and Honors**

Our faculty has been publishing extensively.

Raquel Aldana has a book and three articles coming out in 2008:

EVERYDAY LAW FOR LATINOS, with Steve Bender and Gilbert Carrasco (Part of Everyday Law Series) (Paradigm Publisher, Jan. 2008).

Silent Victims No More?: Moral Indignation and the Potential for Latino Political Mobilization in Defense of Immigrants, __ HOUS. L. REV. __ (2008).

Of Katz and "Aliens": Privacy Expectations and the Immigration Raids, ____ U.C. DAVIS L. REV. ____ (2008).

Raquel and **Lety Saucedo** have coauthored, *The Illusion of Transformative Conflict Resolution: Mediation Domestic Violence Cases in Nicaragua*, ____ BUFF. L. REV. ____ (2008).

Annette Appell recently published *Bad Mothers and Spanish-Speaking Caregivers*, 7 Nev. L. J. 759 (2007). Her article, *Representing Children Representing What?: Child Advocacy & Norm Enforcement*, 39 Columbia Human Rights Law Rev. __ (forthcoming 2008), is in press. She has had a third article accepted for publication, *Endurance of Biological Connection: Traversing Old and New Family Values through Open Adoption*, B.Y.U.J. Pub. L. (forthcoming 2008).

Annette Appell has a number of book chapters that are forthcoming:

Creating and Maintaining Maternal Value through the Parental Rights Doctrine, in *What is Right for Children: The Competing Paradigms of Religion and Human Rights* (Martha Fineman & Karen Worthington, eds.) (forthcoming, Ashford Press).

Legal Issues in Lesbian and Gay Adoption, in *Lesbian and Gay Adoption: A New American Reality* (David Brodzinsky, Adam Pertman & Diane Kunz, eds.) (forthcoming, Oxford U. Press).

Palmore v. Sidoti, 466 U.S. 429 (1984), in *Encyclopedia of the Supreme Court of the United States* (David Tanenhaus, ed.) (in press).

Santosky v. Kramer, 455 U.S. 745 (1982), in *Encyclopedia of the Supreme Court of the United States* (David Tanenhaus, ed.) (in press).

Rob Correales's article, "*Don't Ask, Don't Tell: A Dying Policy on the Precipice*," was accepted by the *California Western Law Review* and will come out this Spring.

Doug Grant has just put the finishing touches on his article, "*Collaborative Solutions to Colorado River Water Shortages: The Basin States' Proposal and Beyond*."

Mike Guttentag who spent his first semester visiting at Emory, has returned and will be on research assignment this semester. In the Fall, he gave presentations at Emory, the University of Illinois and Loyola Los Angeles.

Steve Johnson published the second edition of his *Civil Tax Procedure* book (LexisNexis; coauthored). He also published the second edition of the Teacher's Manual to that book. He also completed and sent to the publisher the manuscript for another book: *Tax Crimes and Tax Fraud* (LexisNexis; coauthored). It will be out in 2008. He finished an article entitled, "*The Selective Enforcement Defense in Civil and Criminal Tax Cases*," 27/2 ABA SECTION OF TAXATION NEWSQUARTERLY – (forthcoming Winter 2008).

Mary LaFrance has done expert commentaries for LexisNexis Expert Commentaries: (forthcoming at LEXIS online):

Mary LaFrance on the Availability of Injunctive Relief for Intellectual Property Infringement after eBay, Inc. v. MercExchange, L.L.C., 126 S.Ct. 1837 (2006).

Mary LaFrance on Software as a “Component” of a Patented Invention under Section 271(f): Microsoft Corp. v. AT&T Corp., 127 S.Ct. 1746, 167 L.Ed.2d 737, 2007 U.S. LEXIS 4744 (2007).

Mary LaFrance on Identifying the Ordinary Observer for Purposes of Determining Design Patent Infringement: Arminak v. Saint-Gobain Calmar, 501 F.3d 1314 (Fed. Cir. 2007).

Mary LaFrance on the TTAB’s Precedential Ruling on the 1993 “Grandfather Clause” for Registration of Primarily Geographically Deceptively Misdescriptive Marks: In re Beaverton Foods Inc., 2007 TTAB LEXIS 76, 84 U.S.P.Q.2d (BNA) 1253 (TTAB Aug. 13, 2007).

Tom McAfee published *Restoring the Lost World of Classical Legal Thought: The Presumption in Favor of Liberty Over Law and the Court Over the Constitution*, 75 U. CINC. L. REV. 1499 (2007).

Ann McGinley’s *Creating Masculine Identities: Bullying and Harassment “Because of Sex”* was accepted for publication by the *Colorado Law Review*.

She also published *Harassing “Girls” at the Hard Rock: Masculinities in Sexualized Environments*, 2007 U. ILL L. REV. 1229 (2007).

Rebecca Nathanson published *Enhancing the oral narratives of children with learning disabilities*. READING AND WRITING QUARTERLY, 23(4), 315-331.

Ngai Pindell presented "*Cities, Property, and Exclusion*" at the Affordable Housing and Public/Private Partnerships: The Intersection of Housing, Property, and Real Estate Workshop hosted by the University of Colorado School of Law in October, 2007.

Keith Rowley, the Charles E. Tweedy, Jr. Visiting Chairholder at the University of Alabama School of Law, published *Uniform Commercial Code Survey: Sales*, 62 Bus. Law. 1559 (2007), which he co-authored with Carolyn L. Dessin (Akron), Larry T. Garvin (Ohio State) & Robyn L. Meadows (Weidner), and edited the final page proofs for a colloquy in which he, Mark Gergen (Texas), Victor Goldberg (Columbia), and Stewart Macaulay (Wisconsin) discussed Victor Goldberg, *Framing Contract Law: An Economic Perspective* (2006). The colloquy arose from a panel discussion of Goldberg's book last spring's Third International Contracts Conference, hosted by South Texas College of Law, and is forthcoming imminently in the *South Texas Law Review*.

Elaine Shoben published "*Evidentiary Wisdom and Blinders in Perspective: Thoughts on Misjudging*," 7 NEV. L.J. 500 (2007).

She also published the fourth edition of her casebook on Remedies: Elaine W. Shoben, William Murray Tabb & Rachel M. Janutis, *REMEDIES: CASES AND PROBLEMS*, THOMSON WEST FOUNDATION PRESS (2007).

Jeff Stempel published the 2008 Supplement to *Stempel on Insurance Contracts*. He says it has been shipped to its "many" subscribers, who "will be meeting in a phone booth next month at their annual convention."

Stempel continues to be a consultant author on Chapters 30 (Depositions) and 56 (Summary Judgment) of *Moore's Federal Practice* and has been asked to join the LexisNexis Board of Advisors for its Insurance Law Center website as well as to become a regular "expert commentator" on the website.

Jean Sternlight published "Placing the Reality of Employment Discrimination Cases in a Comparative Context," 11 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY J. 204 (2007).

David Tanenhaus published *Toward a History of Children as Witnesses*, 82 INDIANA LAW JOURNAL 1060 (Fall 2007)(with William Bush).

The LatCrit Symposium Issue of the **Nevada Law Journal** came out in late December. It includes articles written by **Sylvia Lazos**, **Lety Saucedo** and **Raquel Aldana**, as well as articles of specialists in critical Latino theory from across the country.

- **Publication of Online Journal**

The Boyd School of Law published the inaugural edition of its online journal through the Social Science Research Network. It is the Legal Scholarship Network: Legal Studies Research Paper Series, University of Nevada Las Vegas, William S. Boyd School of Law, Vol. 1. No. 1, Dec. 12, 2007. The first edition of the journal, which is edited by Professors **Henderson, Rapoport** and **Rowley**, included articles written by law school professors **Aldana, Guttentag, McGinley, Rapoport, Rowley** and **Saucedo**. The second edition will include the work of other members of the law school faculty.

- **Education of Legal Practitioners and Judges.**

Boyd Law Faculty members spoke at various venues to legal practitioners and judges. **Kate Kruse, Jeff Stempel, Ann McGinley, Ray Patterson** and **Peter Reilly** spoke in Continuing Legal Education (“CLE”) programs for the State Bar of Nevada and/or the law firm of Lionel, Sawyers and Collins. **Jean Whitney, Jeff Stempel** and **Kate Kruse** presented an ethics CLE for Boyd alumni and current students. **David Thronson** gave a CLE for Clark County Legal Services on the intersection of immigration and family law and a CLE for Clark County Public Defender, Juvenile Division, on immigration issues in juvenile court. Professors **Kruse** and **Chaney** planned and coordinated the Western Juvenile Defender Center one-day trial skills college for juvenile public defenders in Portland Oregon.

- **Saltman Center**

The Saltman Center hosted the Collaboration on the Colorado River. This conference brought together legal academics and environmental experts as well as administrative law experts to present a symposium on the future of the Colorado River. **Jean Sternlight, Doug Grant** and **Bret Birdsong** participated in the program by presenting papers and commenting on papers of the outside experts.

- **Connections to UNLV and Public.**

Jean Whitney, Lety Saucedo and Raquel Aldana presented service learning projects to the UNLV Community and the Public, entitled “*Colloquium on Service Learning and Critically Engaged Scholarship.*”

Law School professor **Ann McGinley** and Sociology professor **Barb Brents** created the Feminist Reading Group. This group includes professors from Law, Women’s Studies, Criminology and Sociology. If anyone is interested in joining the group, please contact Ann McGinley.

David Thronson and the Thomas & Mack Legal Clinic organized and participated in a day-long Roundtable with the National Center on Immigrant Policy, entitled, “*Improving Educational Outcomes of Immigrant Children of Nevada.*”

The **Thomas & Mack Legal Clinic** represented clients in 47 separate legal matters during this time period. Nevada Institute for Children's Research and Policy (NICRP), in the School of Public Health at UNLV, UNLV School of Social Work and the William S. Boyd School of Law were awarded a federal contract to conduct performance audits of the child welfare agencies in Nevada pursuant to Assembly Bill 629 of the 74th Legislative Session.

Ann McGinley was a guest lecturer at the UNLV Engineering Department, *Employment Law*, November, 2007. She was also a guest lecturer at the UNLV Dental School, *Informed Consent*, November 2007.

Presentations

The faculty has been very busy presenting their work in various locales across the country.

Raquel Aldana presented Frankel Lecture, Response to Kevin R. Johnson, *Silent Victims No More?: Moral Indignation and the Potential for Latino Political Mobilization in Defense of Immigrants*, University of Houston, November 2007.

She was *the Keynote Speaker, Responding to Femicide in Guatemala: An Assessment of Strategies*, Hispanic Heritage Month, Swarthmore College, October 2007.

She also presented *State Criminalization of Noncitizens, Criminalizing Immigration: The Intersection of Criminal Justice and Immigration*, North East

People of Color Conference, Southern New England School of Law, September 2007.

Rachel Anderson presented “*Market Failure on Law Review*,” at the Twelfth Annual LatCrit Conference, critical localities: Epistemic Communities, Rooted Cosmopolitans, New Hegemonies, and Knowledge Processes, October 4-6, 2007.

Annette Appell made numerous presentations this Fall:

“*Representing Children Representing What?*” Feminist Legal Theory Conference on Vulnerability and Dependency, Emory University Law School, Atlanta, Georgia, November 30-December 1, 2007.

“*The Endurance of Biological Connection: Traversing Old and New Family Values through Open Adoption*,” Symposium on Same-Sex Marriage and Gay Adoption: Inclusion, Compromise, Protection and Consequences, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, November 2, 2007.

“*Protecting the Rights of Vulnerable Parents*,” Evan B. Donaldson Adoption Institute Conference on Ethics and Adoption, Washington, D.C., October 15, 2007.

The New Blended Families: Legal, Blood and Fictive Kin Networks in Open Adoption,” Encountering New Worlds of Adoption, 2nd International Conference on Adoption and Culture, University of Pittsburgh, Pennsylvania, October 13, 2007.

Coffee Talk, “*Emerging Legal Norms & Issues In Lesbian & Gay Adoption*,” Loyola University Law School, Chicago, Illinois, Sept. 26, 2007.

Keynote Speaker, “*Principle and Principal of Representing Children’s Best Interests*,” Child Representative Continuing Legal Education Seminar: When Interests Diverge: How to Make Sure the Child is Always Ethically Protected When Interests Diverge, State of Illinois, Circuit Court of Cook County, Chicago, Illinois, September 25, 2007.

Rob Correales presented “*The Role of Plaintiffs’ Lawyers in the Enforcement of Laws Designed to Protect the Public Against Police Brutality*,” at a symposium honoring Johnny Cochran at Thurgood

Marshall Law School, November 2, 2007.

Doug Grant spoke at a continuing education program for engineers on the proposed federal guidelines for managing the Colorado River. The program was entitled, *Nevada Land Law for Civil Engineers* and it took place on November 16, 2007.

Joan Howarth presented *Academic Deaning*, Deanship Workshop, Seattle University School of Law, Seattle, Sept. 28, 2007.

Mary La France presented "Identical Cousins? Dilution by Blurring and the Right of Publicity," *Trademark Dilution: Theoretical and Empirical Inquiries*, High Tech Law Institute, Santa Clara University School of Law (October 5, 2007) (article forthcoming in symposium issue of law review in early 2008).

Sylvia Lazos presented "A Black Marble Ceiling for minority women judges?: *Judicial Diversity, Judicial Performance Evaluations & Unexamined Bias*," National Association of Women Judges, Southwest Regional Conference August 24-26, 2007.

Ann McGinley presented "Creating Masculine Identities: Bullying and Harassment "Because of Sex," at the Labor and Employment Law Scholars' Colloquium, in October 2007 in Denver and Boulder, Colorado. The article was selected by the *Colorado Law Review* for publication and will be forthcoming in Fall 2008.

She also presented "2006-07 Federal and State Employment Law Update" for the State Bar of Nevada, Labor & Employment Law Seminar, November 2007.

Ray Patterson spoke to lawyer-arbitrators at a State Bar of Nevada annual arbitrator training program on December 6, 2007. His topic was arbitrator ethics.

Nancy Rapoport was on the plenary panel that presented the American Bankruptcy Institute Chapter 11 bankruptcy study of professional fees; She also participated in a meeting w/the advisory committee for the Library of Congress for the "Birth of the Dot-Com Era" project.

Keith Rowley and Jeff Dodds, a senior partner at the Houston-based Andrews & Kurth, presented a nationwide CLE teleseminar on recent developments in

Uniform Commercial Code Articles 1 & 2, recent Article 2 case law, and legal and practical issues involved in electronic sales of goods, December 2007.

Jeff Stempel made a number of presentations this Fall:

Ghost-Lawyering (Nevada Legal Services 25th Anniversary Symposium, October 17, 2007, Las Vegas).

Ethical Challenges for New Practitioners (Boyd School of Law Alumni CLE Symposium, November 2, 2007, Las Vegas).

Legal Ethics in Nevada: The Year in Review (State Bar of Nevada, Nov. 16, 2007, Las Vegas and Nov. 30, 2007, Reno).

Insurance Bad Faith and Public Policy: Campbell v. State Farm and the Evolving American Law of Punitive Damages (Nov. 19, 2007)(Osher Lifelong Learning Institute, Las Vegas).

Recent Developments in Nevada Legal Ethics (Lionel Sawyer & Collins Continuing Legal Education, Nov. 28, 2007, Las Vegas).

- **Honors and Appointments**

A number of our faculty members have been appointed to important positions within the academy and the legal community.

Steve Johnson became the General Editor of *Nevada Practice Insights*, an on-line multi-item project involving Nevada taxation, which will become available through LexisNexis in early 2008.

Doug Grant is the Nevada Reporter for the Rocky Mountain Mineral Law Foundation's Water Law Newsletter. It is published three times a year.

Kay Kindred has been appointed by the National Conference of Commissioners on Uniform State Laws (or "Uniform Laws Commission (ULC) ") to its Committee on Other Related Organizations. This is the liaison committee that works with counterparts at the AALS, ABA, etc. This appointment is in addition to her

current appointments to the ULC's Standby Committee to Amend the Uniform Interstate Family Support Act (UIFSA), and to the Drafting Committee on a Relocation of Children Act.

Mary LaFrance was the Team Leader, Patent Law Authoring Team, Computer Assisted Legal Instruction (CALI), February 2007 – January 2008. This project is nearing completion. She has led a group of 4 patent professors in authoring a total of 12 CALI lessons on patent law. CALI will publish the lessons in 2008, but several of them were made available to students in beta versions for Fall 2007 exam preparation.

Sylvia Lazos was selected as co-chair of the UNLV Research Center for the Study of Race, Class and Social Justice. The Center's primary purpose is to promote research efforts of UNLV faculty.

Nancy Rapoport was sworn into the Nevada Bar on January 9.

Lety Saucedo has been appointed a "Scholar in Residence" at the Chief Justice Earl Warren Institute of Race, Ethnicity and Diversity at the University of California at Berkeley.

Terry Pollman was named President of the American Association of Legal Writing Directors. She has been busy in that position. One of her projects was to organize a two day retreat for legal writing directors in Phoenix last November.

David Tanenhaus continues as the editor of the *Law and History Review*.

- **Looking Forward**

Rachel Anderson will present "*Revisiting the Imperial Scholar: Market Failure on Law Review*" at Seattle University School of Law, January 28, 2008.

Sylvia Lazos has been invited to participate in the 2008 Mid-Atlantic People of Color Legal Scholarship Conference in late January. Sylvia will speak on a panel entitled, 21st Century Challenges to Minority Representation.

Nancy Rapoport is doing two presentations this month: one at the South Texas College of Law (Images of Lawyers in the Movies--an ethics CLE), and one for

ACLEA (CLE for law firm professional development professionals on leadership issues for upcoming generations.

What Are Boyd Faculty Working on Now?

The faculty is engaged in many different types of work. This section describes the work of three faculty members.

Jeff Stempel has been finishing his *Campbell v. State Farm* book manuscript and working on a draft of an article concerning the liability of insurance intermediaries which he presented at the 2008 AALS Annual Meeting in New York. He has also continued to work on bringing to publication a health law symposium in the *Connecticut Insurance Law Journal* based on the 2007 AALS Insurance Law Section Annual Meeting Program that he chaired and organized as well as working on brief written commentary for the published symposium.

David Tanenhaus is working hard as editor of the *Encyclopedia of the Supreme Court of the United States* which will be published by Macmillan Reference in 2008. A number of other faculty members have contributed to the Encyclopedia.

Pavel Wonsowicz is working on a textbook whose preliminary title is *Learning Evidence* for Carolina Academic Press. Pavel's book will be one of a series of "Learning" books which focuses on using pedagogical theory to guide the teaching of the law.

Faculty in the News

Jean Sternlight was quoted extensively by the *Las Vegas Review-Journal* in an article, "Trend Among Cases Criticized," December 16, 2007, which dealt with the sealing of cases in Nevada courts.

Link to PDF of Faculty Scholarship. Click here to see a list of faculty scholarship that was updated mid-November.