

Faculty News – February 4, 2008

News from the Associate Dean of Faculty Development and Research

"Friday Law Talks"

This semester, we have begun a new speakers' series which we are calling, "Friday Law Talks." These talks, which members of the BSL faculty will give for the law school community, the undergraduate community, and our alumni, will take place on five Friday afternoons this Spring semester in the **Thomas & Mack Moot Court Facility at 2:00 PM**. The purpose of the talks is to present faculty scholarship on important public issues in a way that makes it accessible to the public, lawyer and non-lawyer, to encourage communication among the various constituencies of the law school, and to give undergraduates who are contemplating law school a "bird's eye view" of the relevance of law in the real world. The schedule for the five "Friday Law Talks" is:

- Friday, February 22 **Jean Sternlight**, "Mandatory Binding Arbitration: Panacea or Corporate Tool?"
- Friday, March 28 **David Thronson**, "Immigration Law and Family Integrity"
- Friday, April 18 **Tom McAfee**, "Professor Yoo's Advocacy of an Unabridged Executive War Power: Declaring War on History, the Rule of Law, and the Separation of Powers"
- Friday, April 25 **Nancy Rapoport**, "Images of Lawyers on Film"
- Friday, May 2 **Rebecca Nathanson**, "Kids' Court School: Implications for Reducing Court-Related Stress in Child Witnesses"

Publications

Marty Geer has a book chapter upcoming: "Clinical Education and the Externship Opportunity" in *Clinical Legal Education*, N.R. Menon, ed. (forthcoming 2008).

He also has an article upcoming: *Justice Education and the Evaluation Process: Crossing Borders*, 28 Wash. U. J. Law & Pol'y (forthcoming 2008).

Doug Grant published the 2007 Cumulative Supplement (pocket part) for the treatise, *Waters and Water Rights*, to which he is a contributing author.

Mike Guttentag published his article on disclosure regulation in late December: "Accuracy Enhancement, Agency Costs, and Disclosure Regulation, *Review of Law & Economics*: Vol. 3, Iss. 2, Article 15. See <http://www.bepress.com/rle/vol3/iss2/art15/>

Michael Higdon's article, *When Informal Adoption Meets Intestate Succession: The Cultural Myopia of the Equitable Adoption Doctrine*, is forthcoming in the *Wake Forest Law Review*.

Sylvia Lazos published *Forward, Emerging Latino/a Nation and the Anti-Immigrant Backlash*, 7 Nev. L. J. 685 (2007) and *The Immigrant Rights Marches (Las Marchas): Did the "Gigante" (Giant) Wake up or Does it Still Sleep Tonight?*, 7 Nev. L. J. 780 (2007).

Lazos' article, "Who Cares Whether Judges Look 'Like America' if, Because of Politics, a 'Voice of Color' Has Become a 'Whisper of Color?'" will be published in the *Indiana Law Journal* this Spring.

Tom McAfee's article, *Overcoming Lochner in the Twenty-first Century: Taking Both Rights and Popular Sovereignty Seriously as We Seek to Secure Equal Citizenship and Promote the Public Good*, 42 U. Rich. L. Rev. 597 (2008), has just come out.

2007 BSL Judicial Externs, **Ofelia Monje** and **Tammy Counts**, under the supervision of **Marty Geer** and Judges Cedric Kerns and Bert Brown produced the 2008 Limited Jurisdiction Courts Bench Book, which was published in January 2008. The Bench Book includes updates from the 2007 Legislative Session and is available in looseleaf form or in CD version.

The Saltman Center for Conflict Resolution

The Saltman Center for Conflict Resolution will host as part of its Peace in the Desert series, John Paul Lederach, Professor of International Peacebuilding, University of Notre Dame. Professor Lederach will speak on "The Moral Imagination: The Art and Soul of Building Peace." The lecture takes place in the Thomas & Mack Moot Court Facility at 7:30, Friday, February 8.

The Saltman Center also hosts on February 4 Laura Nader (UC, Berkeley Professor of Social Cultural Anthropology) "Conflict Resolution and the Anti-Law Movement -- A Global Effort?"

Society of Advocates

Boyd Students attended the National Moot Court Competition in the end of January. The BSL team earned a right to compete with a very strong performance at the Regional competition in New York City, where our team won the award for the Best Brief. At the National Competition, our team, coached by **Peter Bayer** and consisting of **Michael Hammer**, **Alina Shell** and **Hetty Wong**, did very well, beating a team from Cardozo Law School.

Connections to UNLV

The Feminist Reading Group meets on Thursday, February 7 from 2:00-4:00 PM in the Dean's Conference Room. The Group is reading **Venturi, Robert, Steven Izenour, Denise Scott Brown, "Learning from Las Vegas"** and one of the following: **Powell, Jim, illustrated by Joe Lee, "Postmodernism for Beginners"** or **"Palmer, Structuralism and Post Structuralism for Beginners."** This group includes professors from Law, Women's Studies, Criminology and Sociology. If anyone is interested in joining the group, please contact Ann McGinley at 52436.

Presentations

Marty Geer was one of nine invited participants in the "New Directions in Clinical Education" Scholarship Development Roundtable at Washington University Law School on November 8-9, 2007.

He also presented at the Fourth Northern Regional Training of Teachers Workshop on Clinical Education, December 15-17, 2007 at the Indira Ghandi School of Law, New Delhi, India and the Fifth Regional Training of Teachers Workshop, December 18-20, 2007 at the National University of Juridical Sciences, Kolkata, India. He discussed Teaching Ethics in the Clinical Setting, Externship Program Development, and Teaching Writing Across the Law School Curriculum. This program was a training program for over 60 law teachers from the Northern and Bengali regions of India.

Mike Guttentag presented "The Law Instinct: An Evolutionary Perspective on the Origins of Legal Systems" at Boston University School of Law on January 31.

Lynne Henderson participated in a conference sponsored by the Stanford Law School Criminal Justice Center. The conference, "Rights, Needs, Power: The Victim

in Criminal Justice," took place on January 25. Lynne spoke on the panel on "Victims Rights Law" along with co-panelists Doug Beloof and Marc Dubber.

Sylvia Lazos participated in the 2008 Mid-Atlantic People of Color Legal Scholarship Conference. She spoke on a panel entitled, "21st Century Challenges to Minority Representation." The conference took place at the University of Maryland, January 25-26 and was co-sponsored by the Maryland Journal of Race, Religion, Gender and Class.

Nancy Rapoport presented at the mid-year meeting of the Association for Continuing Legal Education on "Leadership and the Emerging Generations." **Scott Burnham**, who was in attendance stated, "You will not be surprised to hear that she did an excellent job!"

Nancy also presented at the South Texas College of Law's Texas Insurance law Symposium on January 25.

Peter Reilly has conducted negotiation trainings for Lionel, Sawyer & Collins, the Nevada Women in Higher Education, the Rotary Club of Las Vegas Central, the Rotaracts Club of Southern Nevada, the Las Vegas Chamber of Commerce, the Southern Nevada Management Assistance Partnership, the Las Vegas New Visions Forum and the City of Las Vegas.

Keith Rowley reprised his CLE Teleseminar with Jeff Dodd on January 23.

Dean John White was the keynote speaker at the Black History Breakfast at the Venetian Hotel on February 1, to celebrate the beginning of Black History Month. The event is a fundraiser for the College of Southern Nevada, UNLV and Nevada State College to raise money for scholarships for students with financial hardships.

Junior Scholar Exchange

Rachel Anderson presented "Revisiting the Imperial Scholar: Market Failure on Law Review" at Seattle University School of Law on January 28. Her presentation was part of a newly established junior exchange program between Boyd School of Law and Seattle. For this exchange program one junior member of each faculty visits the other school to present a paper. After the presentation, the presenter meets with a smaller group of the faculty who have read her draft and who mentor her about how to improve her draft. Rachel found her workshop and mentoring, in her words, "INCREDIBLY helpful."

Next month, on Friday, February 29, Natasha Martin, of Seattle, will visit Boyd as part of the exchange program. We hope to give her as positive an experience as Rachel had at Seattle.

SEALS (South Eastern Association of Law Schools) Junior Scholars Program

Leticia Saucedo and **Tuan Samahon** have been selected by SEALS Junior Scholars Program to attend the conference and present papers in July. As part of this program, they will be appointed mentors to help them improve their papers.

Honors and Appointments

Marty Geer was appointed as a Fulbright Senior Specialist administered by the Council for the International Exchange of Scholars. (CIES). He was also appointed to the Board of Directors of the Rocky Mountain Innocence Project.

Ann McGinley was elected to the Executive Committee of the AALS Section on Employment Discrimination Law.

The Executive Director of Pace Law School's Institute of International Commercial Law has invited **Keith Rowley** to become a contributing author/editor for the institute's website (<http://www.cisg.law.pace.edu/>) -- the leading U.S.-based resource for academics, judges, practitioners and students interested in the U.N. Convention on Contracts for the International Sale of Goods.

Leticia Saucedo, who has been appointed a scholar in residence at the Earl Warren Institute at Berkeley attended a day long session on the Institute's immigration policy initiative at the end of January. She will be writing an issues and research brief for the Institute on relationships between African Americans and immigrants in the United States.

Looking Forward

Marty Geer has been invited to present "Assessing the Justice Mission of Law Schools," at the International Conference on the Future of Legal Education, February 20-23, 2008, at Georgia State University in Atlanta. Over 150 law professors from around the world will attend.

Keith Rowley will present on February 8 "*The 'Black Sox' Scandal: Lessons from and for Contract Law*," as part of a panel on "*Contract Stories*" at the Fourth International

Contracts Conference, hosted by the University of the Pacific, McGeorge College of Law.

Lety Saucedo will be participating as a panelist in an immigration symposium sponsored by St. Mary's Law School on February 21.

The Ninth Circuit Court of Appeals will be in residence hearing appeals on **Wednesday, February 27, 2008**. Chief Judge Alex Kozinski (Pasadena), Judge Marsha Berzon (San Francisco), and Judge Jay Bybee (Las Vegas) will sit on the panel. The panel will hear the following three cases:

06-10544 *United States v. Kincaid-Chauncey*

Mary Kincaid-Chauncey, a former Clark County Commissioner, appeals her jury conviction of one count of conspiracy, nine counts of wire fraud, three counts of extortion under color of official right, and aiding and abetting, arising out of a bribery scheme.

06-17007 *Borodkin v. Omni Air Int'l*

The plaintiff appeals the federal district court's grant of summary judgment in favor of the defendant. The plaintiff was an employee of the defendant who alleged Nevada state law claims for wrongful discharge in violation of public policy, defamation and intentional infliction of emotional distress. The case arises out of the termination of the plaintiff from his employment as a pilot for Omni as a result of his testing positive for alcohol on an FAA random alcohol test and Omni's reporting of the positive test results to prospective employers. The plaintiff bases his claim of violation of public policy on the fact that the random alcohol testing violated the FAA testing regulations, and violated the Pilot Records Improvement Act. The lower court granted summary judgment, and found that under Nevada law there is no tortious discharge claim based on off-duty alcohol consumption because Nevada supports employers' testing employees for drug or alcohol use.

07-10138 *United States v Flaherty*

Diana Lee Flaherty appeals her jury conviction and sentence for conspiracy to commit securities fraud, mail fraud and wire fraud and conspiracy to commit money laundering, arising out of a fraudulent scheme to persuade investors that she and her co-conspirators had proprietary technology to extract precious metals from volcanic cinders.

The arguments will be held in the **Thomas and Mack Moot Court Facility beginning at 10 a.m.** The arguments will be followed by a Q & A session.

What Are Boyd Faculty Working on Now?

The faculty is engaged in many different types of work. This section will describe the work of one or more faculty members each edition. Please send me information about what you are working on.

Michael Higdon is putting the finishing touches on his article, "Queer Youth and Legislative Bullies: The Invidious and Cruel Discrimination Behind Homophobic Statutory Rape Laws."

Keith Rowley is writing a lesson for CALI on the CISG's applicability and key provisions.

In the News

The Las Vegas Review-Journal featured **Bill Boyd**, the school's major donor and namesake, in a profile published on January 27.

Marty Geer was quoted extensively in the Las Vegas Review-Journal on January 27 in an article concerning the ethics of the "heavy hitter" Glen Lerner's failure to show up for his client's murder trial. Marty did not mince words. He stated, "It's an outrageous thing to do."

Nancy Rapoport was quoted in an article published in Bloomberg Press online about a bankruptcy proceeding by the creditors in the Enron case. Creditors are arguing that Citigroup assisted Enron in the e-mail fraud and that it should be forced to pay the remaining debt to creditors. Unfortunately, Citigroup reported the largest loss in its history on January 15 when it stated that it had lost \$9.83 billion for the fourth quarter of 2007. Nancy stated, "Everyone is looking at Citi to see the kind of pocket it has left. Citi has a lot to be worried about." Stay tuned.

[Link to PDF of Faculty Scholarship](#). Click **[here](#)** to see a list of faculty scholarship that was updated mid-November.

BSL Faculty News

BSL FACULTY NEWS is produced periodically by the University of Nevada, Las Vegas, William S. Boyd School of Law, and is compiled and edited by Associate Dean for Faculty Development and Research **[Ann McGinley](#)**.

If you have any questions about the contents of BSL FACULTY NEWS, you may contact Professor McGinley at **ann.mcginley@unlv.edu**.

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