



**William S. Boyd School of Law,
University of Nevada Las Vegas**

Faculty Publications and Activities

December 2006

RECENT PUBLICATIONS

Raquel Aldana, *A Victim-Centered Reflection on Truth Commissions and Prosecutions as a Response to Mass Atrocities*, 5 J. HUM. RTS. 107 (2006).

Annette R. Appell, *Representing Children in Families – Foreword*, 6 NEV. L.J. 571 (2006) (with Bruce A. Green).

Annette R. Appell, *Children’s Voice and Justice: Lawyering for Children in the Twenty-First Century*, 6 NEV. L.J. 692 (2006).

Annette R. Appell, *National Experts to Assess Legal Representation of Children*, NEV. LAW., Apr. 2006, at 30.

Mary E. Berkheiser, *Justice Miriam Shearing: Nevada’s Trailblazing Minimalist*, 6 NEV. L.J. 156 (2005).

Bret C. Birdsong, *Justice Scalia’s Footprints on the Public Lands*, 83 U. DENVER L. REV. 259 (2005).

CHRISTOPHER L. BLAKESLEY, *TERRORISM AND ANTI-TERRORISM: A NORMATIVE AND PRACTICAL ASSESSMENT* (2006).

Christopher L. Blakesley, *Problems de Juridiction sur des Crimes d’Exploitation Sexuel des Enfants en Utilisant l’Internet*, in *LE DROIT CRIMINEL À L’AUBE DU XXIÈME SIÈCLE* (André Varinard ed. 2006).

Tom Boone & Bobbie Studwell, *The Latest in Smart Barcodes*, AALL SPECTRUM, Nov. 2006, at 18.

Richard L. Brown, *Undeserving Heirs? – The Case of the “Terminated” Parent*, 40 U. RICH. L. REV. 547 (2006).

Jay S. Bybee, *Judging the Tournament*, 32 FLA. ST. U.L. REV. 1055 (2005) (with Thomas J. Miles).

Jay S. Bybee & Tuan N. Samahon, *William Rehnquist, the Separation of Powers, and the Riddle of the Sphinx*, 58 STAN. L. REV. 1735 (2006).

Douglas L. Grant, *Two Models of Public Interest Review of Water Allocation in the West*, 9 U. DENV. WATER L. REV. 485 (2006).

Michael D. Guttentag, *An Argument for Imposing Disclosure Requirements on Public Companies*, 32 FLA. ST. U. L. REV. 123 (2004), *reprinted in* 38 SEC. L. REV. 66 (2006).

Lynne Henderson, *Walking a Gantlet: Neilsen's License to Harass*, 20 BERKELEY J. GENDER, L. & JUST. 269 (2005) (reviewing LAURA BETH NEILSEN, LICENSE TO HARASS: LAW, HIERARCHY, AND OFFENSIVE PUBLIC SPEECH (2004)).

Michael Higdon, *Teaching Students How to Receive an Assignment*, THE SECOND DRAFT, Aug. 2005, at 14.

STEVE R. JOHNSON, CIVIL TAX PROCEDURE (Supp. 2006) (with David M. Richardson & Jerome Borison).

Steve R. Johnson, *Swallows as It Might Have Been: Regulations Revising Case Law*, 112 TAX NOTES 773 (2006).

Steve R. Johnson, *Swallows Holding as It is: The Distortion of National Muffler*, 112 TAX NOTES 351 (2006).

Steve R. Johnson, *Using State Fraudulent Conveyance Law to Collect Federal Taxes*, NEV. LAW., June 2006, at 14.

Steve R. Johnson, *Tax Aspects of the 2005 Bankruptcy Act*, ABA SECTION OF TAX'N NEWS Q., Summer 2006, at 11 (with Rollin Thorley).

Steve R. Johnson, *Top 10 Tax Stories of 2005*, 110 TAX NOTES 169 (2006) (with Paul Caron et al.).

Katherine R. Kruse, *Standing in Babylon, Looking Toward Zion*, 6 NEV. L.J. 1315 (2006).

Katherine R. Kruse, *Instituting Innocence Reform: Wisconsin's New Governance Experiment*, 2006 WIS. L. REV. 645.

Katherine R. Kruse, *Fortress in the Sand: The Plural Values of Client-Centered Representation*, 12 CLINICAL L. REV. 369 (2006).

Katherine R. Kruse, *Lawyers, Justice, and the Challenge of Moral Pluralism*, 90 MINN. L. REV. 389 (2005).

MARY LAFRANCE, *INTELLECTUAL PROPERTY: CASES & MATERIALS* (2d ed. Supp. 2006) (with David L. Lange & Gary Myers).

MARY LAFRANCE, *UNDERSTANDING TRADEMARK LAW* (2005).

Mary LaFrance, *Steam Shovels and Lipstick: Trademarks, Greed, and the Public Domain*, 6 NEV. L.J. 447 (2005-06).

Mary LaFrance, *When You Wish Upon Dastar: Creative Provenance and the Lanham Act*, 23 CARDOZO ARTS & ENT. L.J. 197 (2005), *reprinted in* 38 INTELL. PROP. L. REV. 371 (2006).

Sylvia R. Lazos, *Race and the California Recall Election: A Top Ten List of Ironies*, 16 BERKELEY LA RAZA L.J. 11 (2005) (with Keith Aoki & Steven Bender).

Sylvia R. Lazos, *“Kulturkampf[s]” or “Fit[s] of Spite”?: Taking the Academic Culture Wars Seriously*, 35 SETON HALL L.J. 1309 (2005).

THOMAS B. MCAFFEE, *POWERS RESERVED FOR THE PEOPLE AND THE STATES* (2006) (with **Jay S. Bybee** & A. Christopher Bryant).

Thomas B. McAfee, *Courts Over Constitutions Revisited: Unwritten Constitutionalism in the States*, 2004 UTAH L. REV. 333 (with Nathan N. Frost & Rachel Beth Klein-Levine).

Ann C. McGinley, *Harassment of Sex(y) Workers: Applying Title VII to Sexualized Industries*, 18 YALE J.L. & FEMINISM 65 (2006).

Ann C. McGinley, *Discrimination in Our Midst: Law Schools’ Potential Liability for Employment Practices*, 14 UCLA WOMEN’S L.J. 1 (2005).

BRUCE A. MARKELL, *BANKRUPTCY: 21ST CENTURY DEBTOR-CREDITOR LAW (INCLUDING BAPCPA)* (2d ed. 2006) (with David G. Epstein, Steve Nickles & Elizabeth Perris).

BRUCE A. MARKELL, *MAKING AND DOING DEALS: CONTRACT AND RELATED LAW* (2d ed. 2006) (with David G. Epstein & Lawrence Ponoroff).

Bruce A. Markell, *Overview of Bankruptcy*, in 1 COLLIER ON BANKRUPTCY (Alan N. Resnick & Henry J. Sommers eds., 15th ed. rev. 2006).

Bruce A. Markell, *Property of the Estate*, in 7 COLLIER ON BANKRUPTCY (Alan N. Resnick & Henry J. Sommers eds., 15th ed. rev. 2005).

Richard J. Morgan, *Responsibility to the Client*, NEV. LAW., Oct. 2006, at 30.

Richard J. Morgan, *Conflicts of Interest: Judicial Selection*, NEV. LAW., Sept. 2006, at 42.

Richard J. Morgan, *Conflicts of Interest*, NEV. LAW., Aug. 2006, at 30.

Richard J. Morgan, *Professionalism*, NEV. LAW., July 2006, at 30.

Ngai L. Pindell, *Community Economic Development Under Protest*, 32 WM. MITCHELL L. REV. 1719 (2006) (reviewing ANNEISE ORLICK, *STORMING CAESARS PALACE: HOW BLACK MOTHERS FOUGHT THEIR OWN WAR ON POVERTY* (2005)).

Ngai L. Pindell, *Fear and Loathing: Combating Speculation in Local Communities*, 39 U. MICH. J.L. REFORM 543 (2006).

Ngai L. Pindell, *Finding a Right to the City: Exploring Property and Community in Brazil and in the United States*, 39 VAND. J. TRANSNAT'L L. 435 (2006).

Ngai L. Pindell, *Planning for Housing Requirements*, in THE LEGAL GUIDE TO AFFORDABLE HOUSING DEVELOPMENT 3 (Tim Iglesias & Rochelle E. Lento eds. 2005).

Terrill Pollman, *Scholarship by Legal Writing Professors: New Voices in the Legal Academy*, 11 LEGAL WRITING 3 (2005) (with Linda H. Edwards).

KEITH A. ROWLEY, *CONTRACTS: QUESTIONS & ANSWERS* (rev. 1st ed. 2006).

Keith A. Rowley, *To Err is Human*, 104 MICH. L. REV. 1407 (2006) (reviewing E. ALLAN FARNSWORTH, *ALLEVIATING MISTAKES: REVERSAL AND FORGIVENESS FOR FLAWED PERCEPTIONS* (2004)).

Keith A. Rowley, *Uniform Commercial Code Survey: Sales of Goods*, 61 BUS. LAW. 1545 (2006) (with Carolyn L. Dessin, Larry T. Garvin & Robyn L. Meadows).

Keith A. Rowley, *The Often Imitated, But Not Yet Duplicated, Revised Uniform Commercial Code Article 1*, 38 U.C.C. L.J. 195 (2006).

Keith A. Rowley, *Uniform Commercial Code Survey: Sales of Goods*, 60 BUS. LAW. 1639 (2005) (with Carolyn L. Dessin, Larry T. Garvin & Robyn L. Meadows).

Tuan N. Samahon, *The Judicial Vesting Option: Opting Out of Nomination and Advice and Consent*, 67 OHIO ST. L.J. 783 (2006).

ELAINE W. SHOBEN, *SELECTED EMPLOYMENT AND LABOR LAW STATUTES: 2006-2007* (with Mack A. Player & Elinor P. Schroeder).

ELAINE W. SHOBEN, *REMEDIES: CONCISE HORNBOOK SERIES* (2006) (with Russell B. Weaver & Michael L. Kelly).

ELAINE W. SHOBEN, *1 & 2 EMPLOYMENT LAW* (3d ed. Supp. 2006) (with Mark A. Rothstein, Charles B. Craver & Elinor P. Schroeder).

Elaine W. Shoben, *Let the Damages Fit the Wrong*, 39 AKRON L. REV. 101 (2006).

JEFFREY W. STEMPEL, *1 STEMPEL ON INSURANCE CONTRACTS* (3d ed. 2006 & Supp. 2007).

JEFFREY W. STEMPEL, *2 STEMPEL ON INSURANCE CONTRACTS* (3d ed. 2006 & Supp. 2007).

Jeffrey W. Stempel, *Class Actions and Limited Vision: Opportunities for Improvement Through a More Functional Approach to Class Treatment of Disputes*, 83 WASH. U. L.Q. 1127 (2005).

JEAN R. STERNLIGHT, *ARBITRATION IN AMERICA: A CRITICAL ASSESSMENT* (2006) (with Edward Brunet, Richard E. Speidel & Stephen H. Ware).

JEAN R. STERNLIGHT, *MATERIALS ON MEDIATION THEORY AND PRACTICE* (2d ed. 2006) (with James J. Alfini, Sharon B. Press & Joseph B. Stulberg).

David S. Tanenhaus, *Degrees of Discretion: The First Juvenile Court and the Problem of Difference in the Early Twentieth Century*, in *OUR CHILDREN, THEIR CHILDREN: CONFRONTING RACE AND ETHNIC DIFFERENCES IN AMERICAN JUVENILE JUSTICE* 105 (Darnell F. Hawkins & Kimberly Kempf-Leonard eds. 2005).

David B. Thronson, *Choiceless Choices: Deportation and the Parent-Child Relationship*, 6 NEV. L.J. 1165 (2006).

David B. Thronson, *Immigrants and the Family Courts*, NEV. LAW., Jan. 2006, at 30 (with Veronica Tobar Thronson).

David B. Thronson, *Of Borders and Best Interests: Examining the Experiences of Undocumented Immigrants in U.S. Family Courts*, 12 TEX. HISP. J. L. & POL'Y 45 (2005), reprinted in *BENDER'S IMMIGR. BULL.*, Jan. 1, 2006, at 2.

FACULTY NEWS

Congratulations to our colleagues Raquel Aldana, Bret Birdsong, and Ngai Pindell on their tenure, effective July 1, 2006. Welcome to our new colleagues **Peter Reilly**, who has joined us as Director of Training for the Saltman Center for Conflict Resolution; Visiting Professor of Law **Steven Bender**, who joins us from the University of Oregon School of Law, where he is the James and Ilene Hershner Professor of Law; Visiting Associate Professor of Law **Megan Chaney**, who joins us from Yale Law School, where she co-founded the Samuel and Anna Jacobs Criminal Justice Clinic; and Visiting Lawyering Process Professors **Kevin Doty**, **Sara Gordon**, and **George Mader**. We also welcome back our colleague **Lynne Henderson**, who taught at Santa Clara last year. We bid a fond au revoir to our former colleagues Bob Lawless (Illinois), Yolanda Vazquez (Villanova), and Dina Haynes (New England) but hope that our paths will cross again.

In January, the law school hosted a national invitational working conference on "Representing Children in Families: Exploring the Relationship Between Children's Advocacy and Justice Ten Years After Fordham." **Annette Appell** served on the conference's planning committee with Susan Brooks (Vanderbilt), Bernardine Dohrn (Northwestern), Bruce Green (Fordham), Marty Guggenheim (NYU), and Jean Koh Peters (Yale). Annette also gave the "Introduction and Charge" at the opening plenary and was a member of the working group on The Best Interests of the Child and the Role of the Attorney. **David Thronson** presented "Choiceless Choices: Deportation and the Parent-Child Relationship." **Kate Kruse** served as reporter for the working group on The Role of the Family. **Rebecca Nathanson** was a member of the working group on

The Role of Age and Stage of Development. Thomas & Mack Legal Clinic resident social worker Ina Dorman was a member of the working group on The Role of Race, Ethnicity, and Class. **David Tanenhaus** and David Thronson were members of the working group on The Lessons of International Law, Norms, and Practice. **Pam Mohr** was a member of the working group on Representing the Whole Child. **Mary Berkheiser** and **Leticia Saucedo** were members of the working group on Representing Children as Members of Communities. Earlier this fall, the *Nevada Law Journal* published an 850-page issue including the conference recommendations, working group reports, papers, and responses.

In April, UNLV awarded the law school a Planning Initiative Grant to examine and develop recommendations about how to institutionalize service learning as a part of our curriculum, further the law school's community service mission, and encourage students to explore public service career opportunities. The project's steering committee, comprised of **Raquel Aldana**, **Annette Appell**, **Mary Berkheiser**, **Marty Geer**, **Ray Patterson**, **Ngai Pindell**, **Leticia Saucedo**, Associate Dean Christine Smith, **David Thronson**, and **Jean Whitney**, is exploring collaborative efforts with other faculty at UNLV and UNR, community organizations, public law offices, and other law schools in the U.S. and abroad. Jane Aiken (Washington University) was the first of several speakers the committee has invited or will invite to discuss service learning programs with our faculty.

In May, the law school hosted the Immigration Law Teachers Workshop, which **David Thronson** brought to the law school. The Workshop provides a forum for exploring ideas for scholarship related to immigrants and getting feedback on works in progress. **Raquel Aldana** presented "Rethinking 'Global Economic Refugees': A Prescription for Revising the Refugee Definition and its Implementation."

In September, BSL's Weiner-Rogers Law Library hosted representatives of academic, law firm, and government libraries and other organizations from Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the U.S. Pacific Territories, and Western Canada, as well as other organizations outside the Pacific Northwest, at the 38th Annual Meeting of the Western Pacific Chapter of the American Association of Law Libraries (WestPac). **Bobbie Studwell**, **Tom Boone**, and Jennifer Fabbi (UNLV Lied Library) presented "Tag You're It: UNLV's Experience with RFID." Tom was also a panelist on "Web-based Legal Research Instruction: Does It Work?" and served on the Education Committee. **Ann McGinley** presented "The Sex Industry in Nevada." **Paula Doty** co-chaired the Local Arrangements Committee with Operations Manager Cindy Claus. **Jennifer Gross** arranged library tours for visiting librarians and also served on the Local Arrangements Committee with **Diana Gleason**, **Sean Saxon**, and **Matthew Wright**.

In October, the law school hosted the Fourth Annual LatCrit/SALT Junior Faculty Development Workshop and LatCrit XI, "Working and Living in the Global Playground: Frontstage and Backstage," which brought over 150 professors and students from all over the world to the UNLV campus to discuss issues of race and ethnic inclusion, globalization, poverty, and gender and sexual orientation. **Raquel Aldana** and **Sylvia Lazos** co-chaired LatCrit XI with visiting professor **Steven Bender**. Raquel introduced the annual keynote speaker, Roberto Lovato, and moderated a panel discussion on "Legal Issues Facing Immigrants in Nevada." Sylvia introduced the opening keynote speaker, Alejandro Portes (Princeton), moderated a panel

discussion on “The Face of Immigrants in Nevada: Research Findings,” and presented “The Demographics of Nevada’s Immigrant Population” with Kerie Francis (Ph.D. candidate, Sociology). **Joan Howarth** moderated the first LatCrit XI plenary roundtable on legal issues affecting immigrants and presented “Hyper-Heterosexualized Popular Culture in Las Vegas” as part of an all-Boyd panel on “The Construction of Gender & Relationships in Las Vegas,” which also featured **Annette Appell** presenting “‘Bad’ Mothers & Spanish-Speaking Caregivers” and **Ann McGinley** presenting “Selling Sex and Employment in Las Vegas.” **Elaine Shoben** moderated the panel. **Leticia Saucedo** presented “Labor and Employment Implications of the New Global City: The Las Vegas Market” as part of a plenary session that Steven Bender moderated. **David Thronson** presented “Immigrants in Nevada’s Family Courts” as part of the panel on “Legal Issues Facing Immigrants in Nevada.” Raquel, Sylvia, Leticia, and David Thronson also organized a concurrent companion conference, designed to serve local researchers and community leaders, entitled “Las Vegas as a Global Gateway: New Challenges, New Perspectives.”

In November, the law school hosted the Mountain West Regional Clinical Conference. **Ngai Pindell** moderated the opening panel, “Understanding the Trends in Our Region,” which included a presentation by **Sylvia Lazos** on “Ballot Initiatives and the Political Culture of the New Versus Old West.” **Megan Chaney** moderated and **Rebecca Nathanson** served on a panel discussing “Interdisciplinarity and Policy Responses to Children and Families.” **Kate Kruse** moderated a panel on “Responding to Community Needs.” **Joan Howarth** moderated the closing session on “Opportunities for Collaboration.”

Raquel Aldana spent the spring 2006 semester in Guatemala City on a Fulbright fellowship, teaching undergraduate and graduate international human rights courses at the Universidad Rafael Landivar and coaching their Jessup international moot court team. In April, Raquel presented “The Illusion of Transformative Conflict Resolution: Mediating Domestic Violence in Nicaragua” at NYU Law School. She presented on the same topic last fall at LatCrit X, in San Juan, Puerto Rico, and at St. John’s School of Law in New York. In September, Raquel moderated a panel on “Immigration Law’s Effect on Academic Freedom Post 9/11,” at the Society of American Law Teachers (SALT) Teaching Conference, held this year at Suffolk Law School, in Boston. (Boyd hosted last year’s SALT Teaching Conference.) Raquel serves on SALT’s Board of Governors. In October, Raquel moderated a panel discussion at Boyd on “Lawyers’ Ethics and the War On Terror,” featuring **Chris Blakesley**, **Lynne Henderson**, **Joan Howarth**, and **Kate Kruse**. The panel followed a nationally-simulcast teach-in on Guantánamo detention. Raquel’s article, “The Constitution, Citizenship and Aliens,” is forthcoming in the *Wayne Law Review*.

Annette Appell’s “Legal Issues in Lesbian and Gay Adoption” and “Child Custody and Foster Care” are forthcoming, respectively, in *Lesbian and Gay Adoption: A New American Reality* (David Brodzinsky, Adam Pertman & Diane Kunz eds., Oxford U. Press 2007), and the *Encyclopedia of American Civil Liberties* (Paul Finkelman ed., Routledge 2006). Annette’s article “Protecting Children or Punishing Mothers: Gender, Race and Class in Child Protection Proceedings,” 48 S.C. L. REV. 577 (1997), and “Parental Rights Doctrine Creating and Maintaining Maternal Value,” based on a presentation Annette made at the Cornell Law School Feminism and Legal Theory Project and University of Buffalo Baldy Center for Law & Social Policy Workshop on Feminism & Child Protection: Tensions & Possibilities in 2002, are to be

included in a forthcoming book, *Competing Paradigms: Children, Religion, and Human Rights*, which Emory's Martha Fineman and Karen Worthington are editing. In July, Annette presented "Lawyering for Children: The Roles of Children's Attorneys in Replicating and Challenging Legal Norms," and commented on Jennifer Reich's book, *Fixing Families*, at the Law and Society Association's Annual Meeting in Baltimore. In September, Annette presented "Ethical Legal Representation of Pre-verbal Children" at a Clark County Legal Services and Clark County Bar Association training session on Representing Infant Victims of Abuse & Neglect. In November, Annette presented "Ethical Issues in the Representation of Children," at the University of Colorado's symposium on "Voices of Youth in the Courtroom: Is it Time for a Change?" and presented "How Federal Laws Impact Minority Children and Families" as part of a panel at the 2006 Child Welfare Symposium on "The Legal and Social Impact of Disproportionality in Child Protection Cases," hosted by the W.W. Caruth, Jr. Child Advocacy Clinic at Southern Methodist University's Dedman School of Law. Annette was appointed earlier this year to the Nevada Supreme Court's Commission on Access to Justice and to Nevada's delegation to the National Conference of Commissioners on Uniform State Laws (NCCUSL). Annette continues to serve as a member of the Board of Directors of the National Coalition for Child Protection Reform, the Family Defense Center's National Advisory Board, the *Adoption Quarterly's* editorial board, and the Nevada Department of Human Resources, Division of Child and Family Services' Child Protective Services Citizen Review Panel.

Mary Berkheiser presented "*Roper v. Simmons*: Limited Impact or a Brave New World?" at September's Nevada Juvenile Defender Summit, which Mary organized with Phyllis Subin (National Legal Aid & Defender Association) and Susan Roske (Clark County Public Defenders Office), and the Boyd School of Law hosted and co-sponsored with the National Juvenile Defender Center, the Clark County Public Defenders Office, the Nevada Juvenile Justice Commission, Nevada Attorneys for Criminal Justice, Nevada Disability Law Center, and the Family Court Judges of the Eighth Judicial District.

Bret Birdsong's casebook, *Natural Resources Law: A Place-Based Book of Problems and Cases* (2005), which he wrote with Christine Klein (Florida) and Fred Cheever (Denver), was reviewed – along with other "new generation" environmental law casebooks – at the AALS conference in January.

Chris Blakesley continues work on the sixth edition of *The International Legal System*, with Gunter Handl (Tulane), Mary Ellen O'Connell (Notre Dame), Richard F. Scott (Thomas Jefferson) & Sharon A. Williams (Osgoode Hall), which Foundation Press will publish in 2007; *The Most Dangerous Branch: Why the Constitution Gave the War Power to Congress and Not to Rogue Presidents*, with **Tom McAfee** and Edwin B. Firmage (Utah), which is forthcoming from the University of Illinois Press; and *Global Issues in Criminal Law*, with Linda Carter (McGeorge) and Peter Henning (Wayne State), which is part of West's new Global Issues series of free-standing casebook supplements addressing international and comparative aspects of traditionally domestic law school subjects; and "Jurisdiction *Ratione Personae* or The Personal Reach of the Court's Jurisdiction," which will appear in *The Legal Regime of the International Criminal Court: Essays in Honor of Professor Igor Pavlovich Blischenko*, forthcoming from Martinus Nijhoff Publishers. Last year, the dissent in *U.S. v. Martinelli*, 62 M.J. 52 (C.A.A.F. 2005), relied heavily on Chris's and co-author Dan Stigall's article, *Wings for Talons: The Case for the Extraterritorial Jurisdiction Over Sexual Exploitation of Children Through Cyberspace*,

50 WAYNE L. REV. 109 (2004). Chris and Dan Stigall have written a follow-up article, “The Myopia of *U.S. v. Martinelli*,” which is forthcoming in the *George Washington International Law Review*. In March, Chris participated in a roundtable discussion and resource session on Globalizing the Law Curriculum, at the Centennial Meeting of the American Society of International Law, in Washington, D.C.

Rick Brown’s article, “The Holograph Problem: The Case Against Holographic Wills,” is forthcoming in the *Tennessee Law Review*.

Marty Geer spent five weeks in the Republic of Georgia this summer working with the ABA Central European and Eurasian Legal Initiative (CEELI). In early July, Marty conducted an “Experiential Legal Education” seminar for faculty members from Tbilisi State University, Georgian American University, and Georgian Technical University. The seminar acquainted the participants with externships and live-client clinics, allowed them to discuss the rationale behind experiential legal education, and culminated in a team exercise preparing and presenting a syllabus for a clinic. Later in July, CEELI hosted a conference on “New Approaches to Legal Education” at Batumi State University, in which Marty and other CEELI experts discussed legal education goals, new teaching methods, and experiential learning with deans and other representatives of law faculties from throughout Georgia. In April, Marty spoke at that Global Alliance for Justice Education North American Conference, at Fordham University. In November, Marty, **Raquel Aldana**, and two Nicaraguan colleagues – Fabiola Pena of the Legal Clinic of the University of Central America, and Grethel Sequeira, the Director of the Maria Luisa Ortiz Cooperative – presented “Theory and Practice: The Illusion of Transformative Conflict Resolution: Mediating Domestic Violence in Nicaragua,” at the Global Alliance for Justice Education Biennial Conference in Cordoba, Argentina. Their presentation discussed collaborative efforts by UNLV, the Maria Luisa Ortiz Cooperative, and the University of Central America to address domestic violence in Mulukuku, Nicaragua. Marty also served on a panel with Liz Ryan Cole (Vermont), Peggy Maisal (Florida International), Belinda Clifford (New College), and Chilean lawyer Arturo Brandt discussing “Integrating Law Students Into Lawyers’ Work For Social Justice Across Legal Culture.” Marty’s article, “Student Assessment in the Clinical Setting: A Multi-Cultural Review,” co-authored with Margaret Martin Barry (Catholic), Catherine F. Klein (Catholic), and Ved Kumari (U. of Delhi), is forthcoming in the *Fordham International Law Journal*. Marty was recently elected to the Board of Directors of the Rocky Mountain Innocence Center, based in Salt Lake City, which provides legal assistance to incarcerated persons from Utah, Nevada, and Colorado who have credible claims of innocence.

Doug Grant continues to serve as the reporter on Nevada water law developments for the Rocky Mountain Mineral Law Foundation’s *Water Law Newsletter*. Doug spoke on “Water Law in Southern Nevada” at the Lifelong Learning Center in Sun City Anthem. His article “ESA Reductions in Reclamation Water Contracts: A Fifth Amendment Taking of Property” is forthcoming in *Environmental Law*.

Mike Guttentag presented “Sarbanes Oxley in the Laboratory: Using Experimental Economics to Study Fraud Prevention” at the 2006 American Association of Law and Economics Annual Meeting in May and “Brandeis’ Policeman: Results from an Experiment on How to Prevent Corporate Fraud” at the 2006 Canadian Association of Law and Economics Annual Meeting in October.

Michael Higdon received the Student Bar Association's 2005-06 Professor of the Year Award. In March, Michael presented a session on using pop culture to teach difficult concepts in legal writing at the Rocky Mountain Legal Writing Conference. In June, he presented "Judges Using the Internet?!? How to Teach Students to Effectively Find and Integrate Nonlegal, Internet Sources" at the Legal Writing Institute's Twelfth Biennial Conference in Atlanta. This fall, Michael was chosen as one of eight legal writing professors around the country to serve on the planning committee for the 2008 Legal Writing Institute Conference. Michael's article, "Using DVD Covers to Teach Weight of Authority, is forthcoming in *Perspectives*.

Joan Howarth continues to serve on the Board of Governors of the Society of American Law Teachers (SALT) and to chair SALT's Nominations Committee. In March 2006, Joan was the AALS Reporter on an ABA/AALS site visit of the Vermont School of Law. She continues to serve with the AALS Resource Corps. In August, she spoke to new UNLV faculty about academic freedom.

Steve Johnson wrote three entries on commercial speech issues for the forthcoming *Encyclopedia of American Civil Liberties*: "Bolger v. Youngs Drug Corp.," "Bowen v. American Hospital Association," and "Virginia State Board of Pharmacy v. Virginia." Also forthcoming, as part of LexisNexis's Federal Tax Library, is "Contributions to Charities." In January, Steve was a panelist on "Federal Tax Liens" at State Bar of Nevada CLE programs in Las Vegas and Reno and spoke on "Federal Tax Collection Issues and Developments" to the Internal Revenue Service SB/SE Field Compliance Training Program for Revenue Officers in Reno. In February, Steve served as a panelist on "Advanced Liens and Levies" at the ABA Section on Taxation's Low Income Taxpayer Clinics Workshop in San Diego.

Kay Kindred has been appointed to the NCCUSL Drafting Committee for the Relocation of Children Act, which will be drafted over the next two years. Kay joined Nevada's NCCUSL delegation last fall. She continues to serve on the Nevada Advisory Committee to the United States Commission on Civil Rights, Western Regional Office, and to work on her reader, *Selected Problems of Children and Society*, which West will publish. Kay recently completed a pre-publication review of *Relocation Issues in Child Custody Cases* (Philip M. Stahl & Leslie M. Drozd eds., Haworth Press forthcoming).

Kate Kruse presented "New Ethical Challenges for Juvenile Advocates" at September's Nevada Juvenile Defender Summit (see **Mary Berkheiser**'s entry for more detail about the Summit). In October, Kate was a panelist on "Teaching Interviewing and Counseling in Live-Client Clinics" at the UCLA/BYU-sponsored conference on The Pedagogy of Interviewing and Counseling: Models, Techniques and Technology. In November, she spoke on "Ethical Challenges for the Gaming Practitioner" at the 2006 State Bar of Nevada Gaming Law Conference. Last fall, Kate presented "Instituting Innocence Reform" at a conference on Preventing Wrongful Convictions: Reexamining Fundamental Principles of Criminal Law to Protect the Innocent, at the University of Wisconsin, and "Fortress in the Sand" at the Sixth International UCLA/IALS Conference on Enriching Clinical Education at Lake Arrowhead, California. She also served on two panels on Interdisciplinary Clinics and Curricular Issues at the 2005 Rocky Mountain Regional Clinical Conference. Kate continues to serve as co-editor-in-chief of the *Clinical Law Review* and as co-chair of the AALS Section on Clinical Legal Education's Scholarship Committee. She also serves on the planning committee for the 2007 AALS Workshop on Clinical Legal Education

and on the AALS Section on Clinical Legal Education's Task Force on Clinicians and the Academy. At the recent National Juvenile Defender Summit in Washington, D.C., Kate was appointed co-director, along with Clark County Juvenile Public Defender Susan Roske, of the Western Regional Juvenile Defender Center, which will relocate from Seattle to Las Vegas.

Mary LaFrance was recently selected to lead a new authoring team on patent law for the Center for Computer-Assisted Legal Instruction (CALI). She previously served on CALI's trademark law authoring team. In August, Mary presented "Who is an Author?" at the 2006 Ethics, Creativity & Copyright Conference in Banff, Canada. Her essay of the same title is forthcoming in *Intellectual Property and Information Wealth*, which Peter Yu (Michigan State) is editing for Praeger/Greenwood Press. In October, Mary was interviewed in a CALI podcast (available at www.cali.org) discussing controversial patent litigation involving course-management software. Mary is visiting this semester at the William S. Richardson School of Law, University of Hawai'i at Manoa.

Sylvia Lazos and UNLV Social Work Professor Vicki Albert are co-principal investigators of a study titled "Planning for Immigration Growth." Funded through a UNLV Planning Initiative Award, the research focuses on the impact of immigration growth on Clark County, Nevada, and involves a number of other UNLV faculty members, including Boyd faculty members **Raquel Aldana**, **Leticia Saucedo**, and **David Thronson**. In March, Sylvia presented "Immigration in Rural Areas and Urban Gateways: The Role of Law in Shaping the Context of Reception" at the University of Tennessee as part of a conference on "The New Latino Immigration to Tennessee: Opportunities and Challenges." In June, she lectured on critical race education to Education Leadership graduate students at UNLV's College of Education. In August, Sylvia spoke on "What the Legal Perspective Teaches Us About Diversity" to the Diversity Professionals Network of Southern Nevada. In September, she was part of a University-wide panel discussing "The Twenty-First Century Constitution." **David Tanenhaus** moderated the discussion. In March, then-UNLV President Carol Harter appointed Sylvia as co-chair of the President's Task Force on Diversity and Equity and charged the task force with examining and evaluating UNLV's commitment to, action toward, and results in creating a diverse intellectual campus climate. New UNLV President David Ashley has reconstituted the task force as an Advisory Committee and asked Sylvia to continue to serve as co-chair through 2007. Sylvia has been working with various community group on issues of Latina/o youth education in Southern Nevada. She is a member of the Latin Chamber of Commerce Education Committee and a board member of Si Se Puede, a non-profit group headed by Boyd alumna Chelsie Campbell. Sylvia is also a co-founder and executive board member of the Association for the Advancement of Latinas/os and Chicanas/os in Higher Education (AALCHE), which focuses on Latina/os and Higher Education in Nevada.

Tom McAfee is currently advising a State Bar of Nevada committee on lawyer advertising and has "Restoring the Lost World of Classical Legal Thought: The Presumption in Favor of Liberty Over Law and the Court Over the Constitution" forthcoming in the *University of Cincinnati Law Review*.

Ann McGinley's "Harassing 'Girls' at the Hard Rock: Masculinities in Sexualized Environments" is forthcoming in the *University of Illinois Law Review*. In October, Ann presented "Babes and Beefcake: Exclusive Hiring Arrangements and Sexy Dress Codes," as part

of a Symposium on Makeup, Identity, Performance and Discrimination sponsored by the *Duke Journal of Gender, Law, and Policy*, and “Recent Trends in Employment Law,” as part of a State Bar of Nevada CLE Seminar on Labor and Employment Law.

Judge **Bruce Markell**’s article, “The *Sub Rosa* Subchapter: Individual Debtors in Chapter 11 After BAPCPA,” is forthcoming in the *University of Illinois Law Review*.

Dean **Dick Morgan** addressed the National Conference of Bar Examiners at their recent meeting in Las Vegas. Dick currently serves on the board of the National Judicial College and chairs its Governance Committee. He also chairs the ABA Section on Legal Education and Admissions to the Bar’s Standards Committee.

Ray Patterson was a panelist on dispute resolution and the police at a January symposium at Ohio State University’s Moritz College of Law on Listening to the World: New Ideas for Resolving Identity-Based Conflict.” Ray’s subsequent article, “Resolving Civilian-Police Complaints in New York City: Reflections on Mediation in the Real World,” is forthcoming in the *Ohio State Journal of Dispute Resolution*.

Terry Pollman is President-Elect of the Association of Legal Writing Directors, serves on the Board of Directors for the Legal Writing Institute, and chairs the Legal Writing Institute’s Teacher Exchange Visitor Committee. This spring, Terry served as Program Co-Chair of the Rocky Mountain Legal Writing Conference at the University of Arizona. In May, she and **Mary Berkheiser** appeared on a panel discussing “Collaboration Across Law School Programs” at the 2006 AALS Clinical Legal Education Conference in New York. In June, Terry led a working group on “What Do You Want to Get from the Peak Years Track?” at the Legal Writing Institute’s Twelfth Biennial Conference in Atlanta.

Peter Reilly recently spoke on “Negotiation: A Core Skill for Business and Life” as part of the UNLV College of Business’s Wells Fargo Distinguished Speaker Series.

Keith Rowley, Andrea Björklund (UC-Davis), Louis F. Del Duca (Penn State-Dickinson), Michael Malloy (McGeorge), and Andy Spanogle (GWU) have written *Global Issues in Contract Law*, which West will publish in the coming weeks. Keith also has two chapters – “The U.N. Convention on Contracts for the International Sale of Goods” and “Electronic Contracts” – forthcoming in Howard O. Hunter’s *Modern Law of Contracts* and reviews of Charles Ross, *Elizabethan Literature and the Law of Fraudulent Conveyance: Sidney, Spenser, and Shakespeare* (2003), and F.H. Buckley, *Just Exchange: A Theory of Contract* (2005) forthcoming in the *Law and History Review* and *Modern Law Review*, respectively. Keith continues work on the volume of the Revised Edition of *Corbin on Contracts* dealing with breach and anticipatory repudiation and is also writing *Questions & Answers: Sales, Leases & Electronic Contracts*. LexisNexis will publish both books in 2007. In January, Keith was elected to the Executive Board of the AALS Section on Contracts and re-elected to a second term on the Executive Board of the AALS Section on Commercial and Related Consumer Law. He continues to serve as co-chair of the Sale of Goods Subcommittee of the ABA Business Law Section’s Uniform Commercial Code Committee and as a contributing editor of the AALS Section on Contracts’s blog (http://lawprofessors.typepad.com/contractsprof_blog/). In February, Keith moderated and served as commentator for a panel on “Boundaries of Contract

Law” at the International Contracts Conference, at Texas Wesleyan University School of Law. In March, he moderated the Sale of Goods Subcommittee’s program on “Consumer Psychology and Consumer Warranties” at the ABA Business Law Section’s Spring Meeting in Tampa. In August, he was a panelist discussing “Uniform Commercial Code Developments” at the ABA Annual Meeting in Honolulu.

Tuan Samahon presented “Opting Out of Advice and Consent” at the University of Missouri, Columbia School of Law in October.

Leticia Saucedo’s article, “The Employer Preference for the Subservient Worker and the Making of the Brown Collar Workplace,” is forthcoming in the *Ohio State Law Journal*. Earlier this year, Leticia and former Visiting Associate Professor Dina Haynes supervised a group of Boyd students who secured asylum for a Chinese trafficking victim who had been sold into marriage and feared retribution from the traffickers who brought her to the United States should she be returned to China. In March 24, the Nevada State AFL-CIO recognized the Immigration Clinic’s contributions to the community by presenting Leticia and **David Thronson** and with its Friend of Working Families Award.

Rebecca Scharf presented “Problem-Based Learning in a Lawyering Process Class Setting,” on which she and **Terry Pollman** collaborated, at June’s Legal Writing Institute’s Twelfth Biennial Conference. Rebecca was recently elected to LWI’s Committee on Cooperation Among Clinical, Pro Bono, and Legal Writing Faculty. Earlier this year, Rebecca and **Jean Sternlight** coached the law school’s Interviewing and Counseling team, which won the Regional Competition held at the Boyd School of Law in February, and went on to place third at the ABA National Finals in March.

Elaine Shoben serves on the Executive Committee of the AALS Section on Remedies and on the editorial board of LSN Educator: Courses, Materials, and Teaching.

Jean Sternlight’s article, “Is ADR Consistent with the Rule of Law?,” is forthcoming in the *DePaul Law Review*. Jean’s article arose from a presentation she made earlier this year at DePaul on “ADR and the Rule of Law: Lessons from Abroad.” This spring, Jean also spoke on “Arbitration and Class Actions” and “Justice and ADR” to the American Bar Association Section of Dispute Resolution, in Atlanta. Jean was quoted in a March article in the *Wall Street Journal* regarding Cintas Corp.’s efforts to block a class action by hundreds of employees claiming that Cintas owed them unpaid overtime and force each worker to arbitrate his or her individual claim.

Bobbie Studwell taught a special weekend workshop titled “A Comparison of Local and State Regulatory Information Access” and participated in a panel discussion at the UNLV/IMLS University of North Texas library student cohort group on Government Information held at UNLV’s Lied Library in January. She read and judged two papers this spring for the Nathan Burkan Copyright Competition and spoke at the Nevada Library Association meeting in August on “Those Pesky Legal Resources: When to Make a Referral and Some Privacy Concerns in Law Libraries.” Bobbie continues to serve as editor for the American Association of Law Libraries’ *Briefs in Law Librarianship* series, in which capacity she worked through the spring and summer months with three authors writing new volumes. Bobbie also continues to serve as Coordinator

for the Desert States Law Library Directors Group, and is leading that group's work on a joint collection development program. Last fall, Bobbie led a discussion group on Libraries and Patriot Act issues during the UNLV Academic Freedom Conference and planned, hosted, and led the Law Library Director's discussion group at the Desert States Law Library Consortium Meeting held at the law school.

David Tanenhaus continues serving as editor-in-chief of the *Law and History Review*. He was also recently named editor-in-chief of the *Encyclopedia of the Supreme Court of the United States*, a five-volume tome slated for publication in 2008. **Kay Kindred** has also been appointed to the *Encyclopedia's* editorial board. David's essay, "Childhood in History, Literature, and Law: Confronting Authority, Illegitimacy, Myth, and Rights," and his review of Stephen Robertson, *Crimes Against Children: Sexual Violence and Legal Culture in New York City, 1880-1960* (2005), will appear, respectively, in the *Journal of Women's History* and the *Journal of Interdisciplinary History*. Last fall, Oxford University Press published a paperback edition of David's well-received book, *Juvenile Justice in the Making* (2004).

David Thronson's article, "You Can't Get Here From Here: Toward A More Child-Centered Immigration Law," which arose from his keynote presentation at March's "Welcome to America: How Immigration Experiences and Policies Affect Children and Families" conference at the University of Virginia School of Law, is forthcoming in the *Virginia Journal of Social Policy and Law*. In January, David presented "Always in Custody" at an AALS Annual Meeting session entitled "Law and Policy Affecting Immigrant & Refugee Children." In March, he participated in a national Family and Immigration Law Roundtable coordinated by Legal Momentum, in Washington, DC. Also in March, David and **Leticia Saucedo** hosted the Nevada Immigrant Coalition Community Symposium at the law school. In April, David presented "Obtaining Special Immigrant Juvenile Status" at "Non-Citizen Children on Their Own: Binational Conference on Procedures, Protections and Due Process for Unaccompanied Children" in El Paso, Texas. In September, he was a Constitution Day speaker at Truckee Meadows Community College in Reno. Throughout the year, David has been quoted in a number of articles in the *Las Vegas Review-Journal* and other media outlets on a variety of immigration and immigration reform issues, including the relatively low rate of citizenship in Nevada (which is second only to California in non-U.S. citizens as a percentage of the total known population).

Jean Whitney served as Chair of the Elections Committee for the Association of Legal Writing Directors's spring 2006 elections. She was recently named to the advisory board for UNLV's Teaching and Learning Center.

Pavel Wonsowicz continues to serve on the Executive Board of the AALS Section on Academic Support, where he is planning regional and national conferences focusing on academic support issues. Earlier this year, he attended a conference in Madison, Wisconsin, sponsored by the National Conference of Bar Examiners that focused on testing methodologies.

BSL FACULTY NEWS is compiled and edited by Professor Keith A. Rowley and produced periodically by the William S. Boyd School of Law, University of Nevada Las Vegas. If you have any questions about the contents of this issue of *BSL FACULTY NEWS*, you may contact Professor Rowley by e-mail at keith.rowley@unlv.edu.