



Boyd Briefs: September 12, 2013

This week at Boyd we are thrilled to bring to our campus leaders in higher education and public service coming from around the city and the state to recognize the law school, and to install the new guy (that's me). For the Installation on Sept. 12, we are grateful to welcome John Valery White, UNLV Executive Vice President & Provost; William C. Horne (Boyd Class of 2002), Majority Leader, Nevada Assembly; Catherine Cortez Masto, Nevada Attorney General; Kevin J. Page, Chairman, NSHE Board of Regents; and Neal J. Smatresk, the President of UNLV. This extraordinary line-up points to the important role the law school plays in this region, and we are very much looking forward to seeing so many great friends of the school, who have been instrumental to our success — past, present and future. Past deans of the law school — Dick Morgan, John Valery White, and Nancy Rapoport — will be there, and this event is of course primarily about them and all those who have worked so hard to make Boyd what it is and what we aspire to be.

Dan

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FACULTY SPOTLIGHT: Stacey Tovino

Stacey Tovino is one of the Boyd School of Law's most prolific scholars and most popular teachers. She is a leading expert in health law, bioethics, and the medical humanities.

Among her dozen publications since 2012 is *A "Common" Proposal*, an article about the regulation of human subjects research involving adults with impaired decision-making capacity. The set of federal regulations generally governing this type of research, a set of rules referred to as the Common Rule, includes additional protections for certain vulnerable research subjects. But conspicuously absent from the list of protected groups are those with neurological, psychiatric, or developmental conditions that may impair decision-making.

Professor Tovino tackles the question who, if anyone, should be permitted to consent to research on behalf of these individuals. Lacking federal guidance on this issue, a problematic patchwork of different state approaches has filled the void. More recently, the Department of Health and Human Services has issued an Advance Notice of Proposed Rulemaking seeking input on several areas and posing dozens of specific questions. With a Ph.D. in the Medical Humanities and extensive experience both as a lawyer and scholar in health law, Professor Tovino lends her expertise.

Professor Tovino examines the pertinent issues at length, including a particularly interesting discussion of the conflation by some states of the paradigms of treatment and research. As she explains, treatment and research are fundamentally distinct endeavors — with different purposes, strategies and relationships. Accordingly, it is a serious problem when states use the treatment paradigm to resolve research paradigm questions.

The article concludes with a proposal that contains a new subpart that Professor Tovino urges the Department of Health and Human Services to add to the Common Rule.

This article is a terrific example of scholarship with impact. With work that other scholars recognize and engage, and with work that drives the discussion of public policy, Boyd leads.



STUDENT SPOTLIGHT: Carlos Morales

At our incoming student orientation last month, it became a matter of discussion that Student Bar Association president Carlos Morales has been at the Boyd School of Law an uncommonly long time.

Born in Guatemala and having served in the United States Army, Carlos arrived in Las Vegas in 2006 and set out to acquire an undergraduate education at UNLV and to pay his own way throughout the endeavor. He quickly landed a job at Boyd's Thomas & Mack Legal Clinic, providing support to faculty and students working their cases. It was the kind of exposure to a law school and its workings that either sends one fleeing to other endeavors or convinces one that he/she is in the right place. Fortunately, for all involved, Carlos found it to be the latter.

Since transitioning from staff to student at Boyd, Carlos has been a dynamo, assuming prominent roles among his peers formally and informally. As a second-year student, he served both as Justice (that's the top job, for those unfamiliar) of our vibrant Phi Alpha Delta chapter and as a class representative on the Student Bar Association Board of Governors. And most importantly that year, Carlos and his wife Lindsey (Boyd '09) became parents to Helena Soledad Morales.

So now Carlos is SBA president. He and this year's talented Board of Governors staged a fabulous welcome barbecue for the Boyd community to cap off new student orientation and to kick off the new academic year. The event featured a rare Las Vegas cloudburst which absolutely failed to dampen the esprit de corps among the gathered students, alumni, faculty and staff. It was a great time... the first of many we anticipate from our SBA under the leadership of Boyd long-timer Carlos Morales.



ALUMNI SPOTLIGHT: Nathan N. Frost '01

Nathan N. Frost '01, of Tokyo, is the U.S. Secretary for the U.S.-Japan Joint Committee. Nathan earned a B.A. in Japanese from Brigham Young University in 1998 and was a member of the William S. Boyd School of Law charter class that fall.

Nathan's first job following law school was as an active duty U.S. Air Force JAG, where he principally prosecuted and defended in courts-martial and — along with most of the U.S. Air Force JAG Corps — dabbled in a smattering of other legal matters facing military personnel. He left active duty for a career in civil service in 2009 (although he remains in the Air Force Reserves) and assumed his current position in 2011.

The U.S.-Japan Joint Committee administers the U.S.- Japan Status of Forces Agreement under which the United States military has operated in Japan since the occupation ended in 1952. Joined with colleagues from the Department of State and respective military service representatives, the Joint Committee is the principal vehicle for consultations between the United States and Japan in matters relating to the U.S. military with U.S.-Japan bilateral ripple effects on regional security and stability.

Nathan teaches as an adjunct professor of law at Temple University-Japan campus in the areas of Criminal Law, Evidence, and Criminal Procedure. During the spring 2014 semester, Nathan will be teaching Introduction to Japanese Law, where he regularly provides internships to interested students.

Nathan credits Boyd professors and administrative staff for an excellent legal education that prepared him to work in the often murky and intertwined legal and policy realms surrounding bilateral and multilateral agreements and international laws and customs. He lives in Tokyo with his much smarter spouse and children and enjoys triathlon sports, music, and (almost) all things Japanese.