



Boyd Briefs: October 2, 2014

From Dean Dan

This week we are celebrating the 15th anniversary of the Thomas & Mack Legal Clinic with a very special celebration honoring Joyce Mack and Professor Mary Berkheiser, who will be installed as our inaugural Joyce Mack Professor of Law. Many of you know Professor Berkheiser, who was founding faculty and started the clinical program, directs the Juvenile Justice Clinic, and teaches and writes about criminal law and procedure. The event also will feature a conversation on juvenile justice with special guest Patricia Puritz, Executive Director of the National Juvenile Defender Center, and commentary from Professor Berkheiser; David Tanenhaus, James E. Rogers Professor of Law and History; and Assemblyman Jason Frierson, Boyd class of 2001.

Dan

Dean & Richard J. Morgan Professor of Law
daniel.hamilton@unlv.edu
[facebook.com/DeanDanHamilton](https://www.facebook.com/DeanDanHamilton)



FACULTY SPOTLIGHT: Lori Johnson

Should lawyers still draft contracts using terms of art such as "time is of the essence" or should they instead heed the call of the plain language movement, which encourages drafters to modernize, clarify and reduce needless ambiguity in their drafting? And who is the important audience for contract language: the parties who are expected to follow it, or the court, who in the statistically unlikely event of litigation may be asked to interpret it? Professor Lori Johnson tackles these and similar questions in a theoretical and sophisticated paper titled "Say the Magic Word: A Rhetorical Analysis of Contract Drafting Choices." Johnson concludes that, on one hand, the plain language movement should be commended for its efforts to purge certain arcane formalistic jargon from our legal writing, including contracts. But on the other hand, she argues that the plain language movement often goes too far when it comes to contract drafting. Johnson uses rhetorical theory to defend the use of certain terms of art, such as "time is of the essence," in contract drafting even when such terms could be expressed with words that are more accessible to a layperson. In particular, she assails the position that the use of terms of art is the product of mere habit or laziness on the part of lawyers. She argues that these terms can serve as a means of lending credibility and persuading audiences within an established discourse community. The article is a useful illustration of how practice informs theory, and how theory can inform practice.

It should not surprise that Professor Johnson's work is an elegant blend of

theory and practice. With respect to theory, she is a magna cum laude graduate of the University of Notre Dame and a cum laude graduate of Northwestern University School of Law. And with respect to practice, after graduating from law school she worked for a large law firm in Chicago before practicing at Snell & Wilmer LLP in Las Vegas from 2006-2010. She has also enjoyed unusual access to a remarkable mentor: she is part of William Boyd's extended family and, according to Johnson, she has learned so much about professionalism, legal practice, and business ethics from him.

Professor Johnson teaches legal writing and research, transactional drafting, and professional responsibility. She teaches in our nationally recognized [Lawyering Process Program](#).



STUDENT SPOTLIGHT: Kostan Lathouris

"My maternal grandmother introduced me to the Chemehuevi Tribe, our tribe, and for that I have always been thankful. The best memories of my childhood are those of the carefree, yet adventurous, weekends on our tribal reservation. For me it was that place where one road was the only road needed to get anywhere." And for Kostan Lathouris, the road to his ultimate goal of serving the members of his tribe led him to the Boyd School of Law.

This is not to say that Kostan is waiting to complete his law degree to assist his tribe. Indeed, Kostan's efforts to help the Chemehuevi date back many years and are ongoing. "I ran for Tribal Council as soon as I was allowed," Kostan recounts. "I lost, but received, through my campaign and participation at meetings, exposure as a new potential political force within the community. The Chemehuevi Tribal Gaming Commission, the regulatory enforcing body of our tribe's casino, asked me to be a commissioner in 2009. I accepted." Kostan currently serves as the commission chairman.

While fulfilling his tribal responsibilities, Kostan has served as co-chairman of Boyd's Native American Law Students Association and vice president of our Child Advocacy Law Association. This past summer, Kostan gained valuable experience as an intern for the Division of Indian Affairs at the United States Department of the Interior, Office of the Solicitor.

In this, his final year of law school, Kostan remains steadfast in his purpose. "My objective is not to become a lawyer; it is to be an advocate for my people. To me, the realm of law represents the best and most effective way for equal opportunity in productive analysis and discussion for the future." In keeping with his commitment to service, Kostan plans a second run for tribal council next April.

ALUMNI SPOTLIGHT: Christal (Ellis) Dixon '02

[Christal \(Ellis\) Dixon '02](#) is the Central Team Chief at the Legal Aid Center of Southern Nevada's Children's Attorneys Project. As a native Nevadan, she was excited that a law school was finally coming to Las Vegas and eager to start after spending a year teaching severely emotionally challenged students in a self-contained classroom at a local middle school. Boyd provided her the opportunity to share her passion for children and helping those who are underprivileged. She was a founding member of the Public Interest Law Association, Minority Law Students Association,



and served as the Student Bar Association President; however, what really drove her during law school was the [Juvenile Justice Clinic](#). Christal continued to work on her delinquency cases long after the semester ended.

Christal married First Sergeant Patrick Dixon shortly after law school and spent several years in New Jersey volunteering as a Court Appointed Special Advocate (CASA). Upon returning to Las Vegas, she knew it was meant to be when she saw the posting for the Children's Attorneys Project position. Today she is happy to work with Boyd graduates (Amy Honodel '01, Jennifer McDonald '03, and Denise Mariscales '13) and the numerous other alumni who are also employed at Legal Aid Center. The wonderful teaching staff and opportunities to get involved at Boyd really exemplified the community involvement she wanted to achieve. As an attorney for children in foster care, she continues to work with juvenile delinquent clients and recently taught a CLE on Representing Dual Jurisdiction Clients.

Christal and her family love travel and are working on visiting the New Seven Wonders of the World.