



Boyd Briefs: April 23, 2015

## From Dean Dan

The William S. Boyd School of Law is proud to host the **17th Annual Moot Court Competition** this Friday and Saturday, April 24-25, in the Thomas & Mack Moot Court.

The final round will be judged by Justice [Kristina Pickering](#), Nevada Supreme Court; Judge [Jennifer Dorsey](#), United States District Court, District of Nevada; and Judge [Richard Boulware](#), United States District Court, District of Nevada. This competition is a partnership between the [Clark County Bar Association](#) and Boyd's [Society of Advocates](#).

I'd like to give special thanks to our event sponsors, [Bank of Nevada](#) and [BARBRI](#), as well as to our final round judges: I would also like to recognize the local attorneys who volunteered their time to serve as judges during the two-day competition.

### 17th Annual Moot Court Competition

Final Round: Saturday, April 25, 1:30-3:00 p.m.  
Thomas & Mack Moot Court

Another event we look forward to hosting at Boyd is a CLE program titled **Beyond Medicine – The Legal Implications of Medical Marijuana in Nevada**. The program will feature panels of experts exploring Nevada's current law and the legal implications of medical marijuana in Nevada. Mark your calendar and register for this informative session. Special thanks to Nevada Attorneys for Criminal Justice for co-sponsoring this event.

### CLE: Beyond Medicine – The Legal Implications of Medical Marijuana in Nevada

Friday, May 8, 1:00-5:00 p.m.  
Thomas & Mack Moot Court

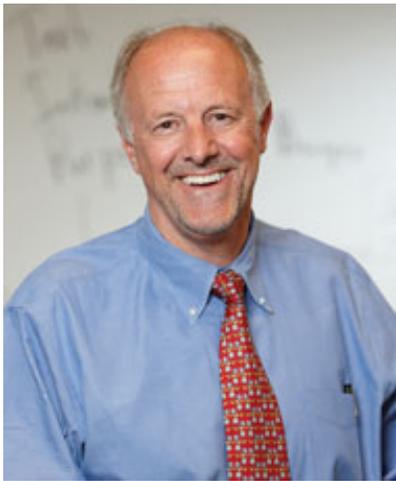
This event has been approved for 4 CLE credits

Dan

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## FACULTY SPOTLIGHT: Jeffrey Stempel

When [Jeff Stempel](#) talks, people listen. Of course, students and colleagues benefit from his brilliant intellect, sharp wit, and creative genius. But Stempel's audiences extend well beyond the walls of Boyd. For example, Stempel is an influential voice in the American Law Institute (ALI), a prominent organization of judges, lawyers and academics dedicated to



improving law. The ALI is most famous for its Restatements of the Law, a staple of first-year Contracts and Tort courses. Beyond merely summarizing law, the Restatements also frequently attempt to resolve conflicts among case precedent by advocating for use of the "better" rule of law or innovative legal approaches.

Professor Stempel's most recent ALI project is the *Restatement (Third) of the Law of Liability Insurance*. This draft Restatement has drawn fire from insurers for advocating a minority rule that it finds to be the better rule: when a liability insurer breaches its duty to defend, the insurer loses the right to contest its responsibility to provide coverage for a resulting reasonable settlement or judgment. (The majority rule requires a breaching insurer to reimburse the policyholder for defense expenses but allows the insurer to challenge coverage.) The minority rule incentivizes insurers to defend their insured unless it is very clear that no defense obligation is owed.

In his forthcoming article, "Enhancing the Socially Instrumental Role of Insurance: The Opportunity and Challenge Presented by the ALI Restatement Position on Breach of the Duty to Defend," Professor Stempel defends the Restatement position and reveals certain identities of insurance policies that extend beyond these policies' status as contracts. He demonstrates how these contracts operate like products, how the regime effectively creates private legislation, and how these policies are purposive instruments designed to accomplish particular functions in the real world. In addition, Professor Stempel makes a powerful doctrinal contractual rationale for the ALI position. This contract argument stems from the proposition that breach of the duty to defend is a material breach of the insurance policy: because termination of the contract by the non-breaching party is unrealistic under these unique circumstances, forfeiting the right to contest coverage is an appropriate consequence for breach of the insurer's duty to defend.

Boyd is fortunate to have this extraordinarily distinguished scholar as a member of our faculty and community.



## STUDENT SPOTLIGHT: Haley Lewis

A funny/serendipitous thing happened to second-year student Haley Lewis during her recent spring break. A little background is probably in order.

First, Haley took part in Boyd's Alternative Spring Break, wherein students head to Carson City and other points in Nevada north of Las Vegas to tour the State Supreme Court; meet judges, attorneys, and lobbyists; observe a legislative session; and/or volunteer with rural attorneys (needless to say, it is a far more productive adventure than the spring break excursions that tend to garner more pop culture attention). Second, Haley has been active in Boyd's chapter of Phi Alpha Delta (PAD) legal fraternity since she arrived here; she served this year as the chapter's vice-justice.

That background set forth, let's let Haley tell the story.

"On the second day of Alternative Spring Break, our group ate lunch with three Boyd alums who work with the Office of the Nevada Attorney General in Carson City. I struck up a conversation with Senior Deputy Attorney General [Heather Procter](#) (Boyd '03) about my involvement with Phi Alpha Delta. She asked me questions about PAD's recent Gaming Law Symposium and told me that she helped form Boyd's PAD chapter. Because we got along so well, I decided to ask her about internship opportunities with the AG's office and specifically opportunities working

with her in the Bureau of Litigation - Appellate Division. Ms. Procter asked me to send her my resume, and three days later I accepted an internship with her office for the summer."

Sounds like a great summer, Haley – should nicely complement your externship last summer with United States Magistrate Judge Valerie Cooke.

It's great to see current Boyd students taking initiative in seeking experiential opportunities and to see Boyd alums like Heather Procter so often in position to provide such opportunities.

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## ALUMNI SPOTLIGHT: Katie Fellows '06

Katie Fellows '06 serves as the vice president and general counsel for the Hard Rock Hotel & Casino Las Vegas. Managing the legal affairs on a day-to-day basis keeps her busy with everything from gaming regulatory matters and litigation management to intellectual property matters. "I love that each and every day I am involved with varying areas of practice and the fast-paced nature of the gaming and hospitality industry." Prior to her time with the Hard Rock Hotel & Casino, Katie served as senior corporate counsel for Caesars Entertainment, and she began her career in private practice with the firm Jones Vargas.

Katie is proud of the community focus that Boyd instills in its students and believes the law school only enhances the quality of life in Nevada. "We moved to Las Vegas in 2003 through my husband's military service, but we quickly fell in love with the Las Vegas community and have strived to give back to the community ever since."

Katie continues her community focus as the current chairman of the board for the American Red Cross, Southern Nevada Chapter; a graduate of Leadership Las Vegas class of 2008; a member of the Yale Alumni Schools Committee; and most recently, a member of the Las Vegas Founding 75 dedicated to bringing an NHL team to Las Vegas.

Prior to going to law school, Katie earned her B.A. in Political Science from Yale University, where she was captain of the Yale Women's Ice Hockey Team. Katie is married to Sean Fellows and they enjoy traveling, playing golf and spending time with their Cavalier King Charles Spaniels Lord Stanley and Ryder.

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