

NEVADA LAW JOURNAL

Volume 11

Fall 2010

Number 1

ARTICLES

Masculinities, Post-racialism and the Gates Controversy: The False Equivalence between Officer and Civilian Frank Rudy Cooper	1
Space Age Love Song: The Mix Tape in a Digital Universe Megan M. Carpenter	44
Abraham Lincoln as a Legal Writer Judith D. Fischer	82
Free Speech and the Military Recruiter: Reaffirming the Marketplace of Ideas Major Charles G. Kels, USAF	92
Ending Surprise Liens on Real Property Chad J. Pomeroy	139

BOOK REVIEW

The Knowledge Guild: The Legal Profession in an Age of Technological Change Paul F. Kirgis	184
---	-----

NOTES

A Guy Walks into a Bar: Gender Discriminatory Pricing and Admission Policies in Las Vegas Establishments Shana S. Brouwers	201
Broadening Access to Justice in Nevada by Defining the Practice of Law Karlee M. Phelps	224
Animal Law in Nevada: All Bark and No Bite Kathleen Wilde	254
Court-Annexed Arbitration and Nevada's Unique Penalty Provisions: Introducing an Arbitrator's Findings at a Trial De Novo Paul C. Williams	282

NEVADA LAW JOURNAL

Published by the
William S. Boyd School of Law
University of Nevada, Las Vegas

BOARD OF EDITORS

Editor-in-Chief
MARK HESIAK

Managing Editor
KARLEE PHELPS

Articles Editors
SHANA BROUWERS
STEPHANIE BUNTIN
JACK BURNS
JOEY MOTT
TENESA S. SCATURRO
PAUL WILLIAMS

Lead Articles Editor
DERRICK HARRIS

Symposium Editor
JOEY MOTT

Nevada Law Editors
NICK PORTZ
KATHLEEN WILDE

Notes Editors
KIMBERLY DUQUE
AMY MA

Business Editor
KEITH PICKARD

Special Projects Editor
KATHLEEN WILDE

SENIOR STAFF

AMMON FRANCOM
AMANDA HOEGEG
AMY KOMINSKY
DAVID KRAWCZYK

ZACHARY LOWE
RYAN MCINERNEY
KRISTOPHER MILICEVIC
THOMAS PILKINGTON
DANIEL RYAN

ANTHONY SASSI
JENNIFER SHRUM
JASON VANMEETREN
JOHN WARD

STAFF

CHRISTIAN BALDUCCI	MICHAEL GIANELLONI	ROBERT OPDYKE
BRIAN BLAYLOCK	RYAN HENRY	MARISSA PENSABENE
CHELSEY BOSWORTH	DANIEL HILL	KAMMI RENCHER
FLORESTO CABIAS	RYAN JOHNSON	MICHAEL ROCHE
CHRISTOPHER CONNELL	YAN XIONG (MICHAEL) LI	JUSTIN SHIROFF
JENNIFER DELCARMEN	BRACKEN LONGHURST	MEREDITH STILL
ERIN ELLIOTT	SEAN MCDONALD	CRISTEN THAYER
NICHOLE GARCIA	TIM MOTT	JONATHAN WINN
CHARLES GIANELLONI	ASHLEY NIKKEL	CAYLA WITTY

FACULTY GOVERNING BOARD

PROFESSOR RACHEL J. ANDERSON
PROFESSOR STEVE JOHNSON
PROFESSOR THOMAS B. MCAFFEE
PROFESSOR NANCY B. RAPOPORT
PROFESSOR ELAINE SHOBN

Editorial Office

4505 Maryland Parkway, Las Vegas, NV 89154-1003 • TEL: 702.895.2435 • FAX: 702.895.2321

**William S. Boyd School of Law – Faculty and Administration for
2010-2011**

ADMINISTRATIVE OFFICERS

John V. White, Dean, William S. Boyd School of Law
Frank Durand, Dean for Student Advancement
Kay P. Kindred, Associate Dean for Academic Affairs
Francis J. Mootz, Associate Dean for Faculty Development and Research
Christine Smith, Associate Dean for Administration and Student Affairs

LAW FACULTY

Rachel J. Anderson, J.D., University of California, Berkeley School of Law,
Associate Professor of Law
Peter Brandon Bayer, LL.M., Harvard Law School; J.D., New York University Law
School, *Lawyering Process Professor of Law*
Mary E. Berkheiser, J.D., University of Arizona, James E. Rogers College of Law,
Professor of Law
Bret C. Birdsong, J.D., University of California, Hastings College of Law, *Professor
of Law*
Christopher L. Blakesley, J.S.D., Columbia University School of Law; LL.M.,
Columbia University School of Law; J.D., University of Utah Law School,
Cobeaga Law Firm Professor of Law
Richard L. Brown, J.D., Indiana University School of Law, *Professor of Law
(Emeritus)*
Honorable Jay S. Bybee, J.D., Brigham Young University, J. Reuben Clark Law
School, *Senior Fellow in Constitutional Law*
Ann Cammett, J.D., City University of New York School of Law, *Associate
Professor of Law*
Jennifer Carr, J.D., University of Nevada, Las Vegas William S. Boyd School of
Law, *Director of the Academic Success Program*
Robert I. Corrales, LL.M., Georgetown University; J.D., University of Kansas
School of Law, *Assistant Professor of Law*
Linda Edwards, J.D., University of Tennessee College of Law, *Professor of Law*
Martin Geer, LL.M., Columbia Law School; J.D., Wayne State University Law
School, *Director of Externship Program*
Sara Gordon, J.D., University of Arizona, James E. Rogers College of Law,
Lawyering Process Professor of Law
Douglas Grant, J.D., University of Colorado, *Professor of Law (Emeritus)*
Lynne Henderson, J.D., Stanford Law School, *Professor of Law (Emerita)*
Lori D. Johnson, J.D., Northwestern University School of Law, *Lawyering Process
Professor of Law*
Steve R. Johnson, J.D., New York University School of Law, *E.L. Wiegand
Professor of Law*
Kay P. Kindred, J.D., Columbia University School of Law, *Professor of Law and
Associate Dean for Academic Affairs*
Katherine R. Kruse, J.D., University of Wisconsin Law School, *Professor of Law*
Mary LaFrance, J.D., Duke University School of Law, *William S. Boyd Professor of
Law*
Sylvia Lazos, J.D., University of Michigan School of Law, *Justice Myron Leavitt
Professor of Law*
Elizabeth L. MacDowell, J.D., University of California, Berkeley School of Law,
Associate Professor of Law

George Mader, J.D., University of Minnesota Law School, *Lawyering Process Professor of Law*

Honorable Bruce A. Markell, J.D., University of California, Davis School of Law, *Senior Fellow in Bankruptcy and Commercial Law*

Fatma Marouf, J.D., Harvard Law School, *Associate Professor of Law*

Thomas B. McAfee, J.D., University of Utah, S.J. Quinney College of Law, *Professor of Law*

Ann C. McGinley, J.D., University of Pennsylvania Law School, *William S. Boyd Professor of Law*

Francis J. Mootz III, J.D., Duke University School of Law, *William S. Boyd Professor of Law and Associate Dean for Faculty Development and Research*

Richard J. Morgan, J.D., University of California, Los Angeles School of Law (*Dean Emeritus*)

Rebecca Nathanson, Ph.D, University of California, Santa Barbara, *James E. Rogers Professor of Education and Law*

Raymond W. Patterson, J.D., Benjamin N. Cardozo School of Law, *Associate Director of the Saltman Center for Conflict Resolution*

Ngai L. Pindell, J.D., Harvard Law School, *Professor of Law*

Terrill Pollman, J.D., University of Arizona, James E. Rogers College of Law, *Director of the Lawyering Process Program and Ralph Denton Professor of Law*

Jeanne Price, J.D., University of Texas, *Director of the Wiener-Rogers Law Library and Associate Professor of Law*

Nancy B. Rapoport, J.D., Stanford Law School, *Gordon Silver Professor of Law*

Keith A. Rowley, J.D., University of Texas School of Law, *William S. Boyd Professor of Law*

Rebecca Scharf, J.D., Harvard Law School, *Lawyering Process Professor*

Elaine Shoben, J.D., University of California, Hastings College of Law, *Judge Jack and Lulu Lehman Professor of Law*

Jeffrey W. Stempel, J.D., Yale Law School, *Doris S. and Theodore B. Lee Professor of Law*

Jean Sternlight, J.D., Harvard Law School, *Director of the Saltman Center for Conflict Resolution and Michael and Sonja Saltman Professor of Law*

David Tanenhaus, Ph.D, University of Chicago, *James E. Rogers Professor of History and Law*

Stacey Tovino, J.D., University of Houston Law Center, *Professor of Law*

Anne Traum, J.D., University of California, Hastings College of Law, *Associate Professor of Law*

Marketa Trimble, J.S.D., Stanford Law School, *Associate Professor of Law*

John V. White, J.D., Yale Law School, *Dean and Professor of Law*

Jean M. Whitney, J.D., William Mitchell College of Law, *Associate Director of the Lawyering Process Program and Ralph Denton Professor of Law*

ADJUNCT & VISITING LAW FACULTY

Lisa Bingham, J.D., University of Connecticut, *Visiting Professor of Law*

Matthew J. Christian, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

Douglas M. Edwards, J.D., University of San Francisco School of Law

Robert D. Faiss, J.D., American University, Washington College of Law

Franny Forsman, J.D., Notre Dame Law School

John Garman, J.D., University of LaVerne, California

Gregory Gemignani, J.D., University of Wisconsin Law School

Dominic P. Gentile, J.D., DePaul University College of Law

Honorable James C. Mahan, J.D., Vanderbilt University Law School
Stanford B. Owen, J.D., Stanford Law School
Jennifer Roberts, J.D., University of Utah College of Law
David P. Schwartz, J.D., Brooklyn Law School
Layke Stolberg, J.D., Boston University School of Law
Mark Tratos, J.D., Lewis and Clark Law School