

BOYD *Briefs* provides monthly information regarding the scholarly and other activities of the faculty of the William S. Boyd School of Law at the University of Nevada, Las Vegas.

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VISITING PROFESSOR HAL ABRAMSON. On September 12, Professor Abramson participated in a committee meeting of the International Mediation Committee of the International Law Section of the American Bar Association. Professor Abramson assisted the committee in planning a program on handling intercultural disputes. Professor Abramson also finished chairing an international task force on designing criteria for certifying intercultural mediators.

PROFESSOR IAN BARTRUM. Professor Bartrum's article, "Originalist Ideology and the Rule of Law," was published in volume 15 of the *University of Pennsylvania Journal of Constitutional Law*.

PROFESSOR PETER BAYER. Professor Bayer placed his latest law review article, "The Due Process Legality of the Individual Mandate: A Kantian Analysis, and Why It Matters," in volume 45 of the *Loyola University Chicago Law Journal*.

PROFESSOR MARY BERKHEISER. Professor Berkheiser accepted an invitation to publish her article, "Developmental Detour: How the Minimalism of *Miller v. Alabama* Led the Court's 'Kids Are Different' Eighth Amendment Jurisprudence Down a Blind Alley," in the Criminal Law Symposium issue of volume 46 of the *Akron Law Review*. Professor Berkheiser's article critiques the Supreme Court's May 2012 decision that mandatory life without parole for homicides committed by juveniles is unconstitutional, but that life without parole imposed after a hearing that considers mitigating factors is not an Eighth Amendment violation. Professor Berkheiser argues that the Court should have ruled out all life without parole for juveniles.

PROFESSOR BRET BIRDSONG. Professor Birdsong edited the third edition of his casebook, *Natural Resources Law: A Place-Based Book of Problems and Cases* (Aspen) (co-authored with Christine Klein and Federico Cheever). His contributions include five chapters on administrative law, federal land and natural resources, and Indian resources. The book is used in courses at a number of leading law schools, including Harvard, Berkeley, and Georgetown.

PROFESSOR ANN CAMMETT. Professor Cammett served as a featured speaker at the Fourth Annual Domestic Violence Symposium, “Intersections, Insights & Interventions,” in Seattle, Washington, on September 6 and 7. At the symposium, Professor Cammett moderated a discussion of the award-winning film “Crime After Crime,” which focuses on the plight of incarcerated survivors of domestic violence. The film and plenary were followed by Professor Cammett’s talk and interdisciplinary workshop entitled, “Collateral Consequences: Mapping Interventions for Survivors of Violence Hindered by Criminal Convictions.” On September 14, Professor Cammett led a roundtable discussion regarding the collateral consequences of criminal convictions during the Second Annual Public Interest Law Film Festival at Boyd School of Law.

PROFESSOR ROB CORREALES. Professor Correales was appointed by the UNLV Faculty Senate to serve as Chair of the UNLV Committee on Academic Freedom and Ethics. Professor Correales also assisted Western Nevada College in a collective bargaining campaign.

PROFESSOR RUBEN GARCIA. Professor Garcia spoke to the American Constitution Society at Boyd at its first meeting on September 7 in his capacity as one of its advisors. Professor Garcia attended the Seventh Annual Colloquium on Current Scholarship in Labor and Employment Law at Northwestern University School of Law and Loyola University Chicago School of Law in Chicago, Illinois, on September 14 and 15. At the colloquium, he presented “The Problematic Place of Anonymity in Workplace Law.” Professor Garcia also commented on a panel on “Hispanics in Nevada Law” conducted by the La Voz student group at Boyd on September 27. Together with other law professors from UC Davis School of Law, Pacific McGeorge School of Law, Willamette University School of Law, and the Cornell School of Industrial and Labor Relations, Professor Garcia submitted an amicus curiae brief to the Supreme Court of California in support of petitioner and appellant Vicente Salas in *Salas v. Sierra Chemical Company*. In *Salas*, the defendant employer argued that the plaintiff’s undocumented immigration status meant that he was not able to bring a disability discrimination case against the employer. Professor Garcia and his co-amici argued that the lower court decision could not be squared either with California statutory or common law. Professor Garcia’s article, “Against Litigation: *Garcetti v. Ceballos* and the Paradox of Statutory Protection for Public Employees,” 7 *First Amend. L. Rev.* 22 (2008), was cited in *Ozols v. Town of Madison*, 2012 WL 3595130 (D.Conn. 2012). The citation referenced Professor Garcia’s detailed analysis of the failure of statutory protections for government whistleblowers. Finally, Professor Garcia’s article, “Ten Years After *Hoffman Plastic Compounds Inc. v. NLRB*: The Power of a Labor Law Symbol,” was requested as part of the materials in a CLE conducted by the National Lawyers Guild in Chicago.

PROFESSOR SARA GORDON. Professor Gordon placed her new law review article, “Through the Eyes of Jurors: The Use of Cognitive Psychology in the Application of ‘Plain Language’ Jury Instructions,” in volume 64 of the *Hastings Law Journal*. Professor Gordon also was named to the position of Lead Articles Editor of *Legal Communication & Rhetoric: JALWD* by the Association of Legal Writing Directors.

PROFESSOR LORI JOHNSON. Professor Johnson completed an essay entitled “Using Real Cases to Teach Contract Drafting Principles and Skills,” which she either will submit to legal writing focused publications or use as a basis for a more formal article concerning strategies for avoiding ambiguity in drafting.

PROFESSOR MICHAEL KAGAN. On September 29, Professor Kagan attended the Clinical Writer’s Workshop at NYU School of Law. At the workshop, Professor Kagan presented his paper “Justice on the Fly: Stays of Removal after *Nken v. Holder*” (with Fatma Marouf).

PROFESSOR KAY KINDRED. Professor Kindred signed a publishing agreement with Cognella Academic Press to produce a family law casebook.

PROFESSOR SYLVIA LAZOS. On September 17, Professor Lazos debated Villanova Law School Professor Tuan Samahon in a Constitutional Law Day Debate entitled, “The Case for and Against the 17th Amendment Direct Election of Senators,” sponsored by the American Constitution Society and The Federalist Society. On September 18, Professor Lazos gave a keynote presentation (“What is the Value of Diversity? Using Science to Make the Case”) for Hispanic Heritage Month at the Bureau of Reclamation in Boulder City, Nevada. On September 27, Professor Lazos participated in a Hispanic Heritage Law Panel, “Hispanic Legal Pioneers in Nevada,” co-sponsored by La Voz and the Latin Chamber of Commerce. In addition, Professor Lazos and UNLV Political Science Professor Rebecca Gill submitted their article, “Implicit Gender Bias in Performance Evaluations” to the peer-reviewed *Political Science Journal*. Professor Lazos’s book chapter on student evaluations (“Are Student Teaching Evaluations Holding Back Women and Minorities: The Perils of Doing Gender and Race in the Classroom”) was just published in *Presumed Incompetent: The Intersections of Race and Class for Women in Academia* (Gabriella Gutiérrez y Muhs et al. eds.) by Utah State University Press. Finally, Professor Lazos attended meetings of the Clark County School District (CCSD) Superintendent’s Equal Opportunity Advisory Committee, charged with reviewing disproportionate racial representation in disciplinary actions in CCSD, and the Superintendent’s English Language Learners Review Committee, charged with providing recommendations to the CCSD on improving instruction and closing the achievement gap of English Language Learner (ELL) students at CCSD.

PROFESSOR FRANCINE LIPMAN. On September 21, on behalf of Nevada Legal Services (NLS), Professor Lipman provided a two hour continuing legal education (CLE) presentation on Tax Procedure in Reno, Nevada, to local members of the Nevada bar. The CLE was designed to train lawyers generally for the new Tax Court Calendar Call program supervised and implemented by NLS. The Tax Court is scheduled in Reno once a year on October 1 and in Las Vegas three times a year.

PROFESSOR ELIZABETH L. MACDOWELL. On September 14, Professor MacDowell led a discussion regarding the use of media in litigation during the Second Annual Public Interest Law Film Festival at Boyd School of Law.

PROFESSOR FATMA MAROUF. Professor Marouf served as a commentator at the Fourth Annual Southwest Criminal Law Conference at Boyd School of Law on September 6 through 8. On September 29, Professor Marouf attended the Clinical Writer's Workshop at NYU School of Law. At the workshop, Professor Marouf presented her paper "Justice on the Fly: Stays of Removal after *Nken v. Holder*" (with Michael Kagan).

PROFESSOR TOM MCAFFEE. Professor McAfee served as a commentator at the Fourth Annual Southwest Criminal Law Conference at Boyd School of Law on September 6 through 8.

PROFESSOR ANN C. MCGINLEY. Professor McGinley placed her latest law review article, "Beyond the Water Cooler: Speech and the Workplace in an Era of Social Media" (with Ryan P. McGinley-Stempel) in volume 60 of the *Hofstra Labor and Employment Law Journal*. Professor McGinley also attended the Seventh Annual Colloquium on Current Scholarship in Labor and Employment Law at Northwestern University School of Law and Loyola University Chicago School of Law in Chicago, Illinois, on September 14 and 15. At the colloquium, Professor McGinley presented her paper entitled, "Because of Sex."

VISITING PROFESSOR ANGELA MORRISON. On September 14, Professor Morrison facilitated discussion regarding the movie *abUSed: The Postville Raid* at the Second Annual Public Interest Law Film Festival at Boyd School of Law.

ASSOCIATE DEAN AND PROFESSOR NGAI PINDELL. On September 20 and 21, Dean Pindell attended a conference of local government scholars at Marquette University Law School in Milwaukee, Wisconsin. At the conference, Dean Pindell presented "Local Governments, Mortgages, and Eminent Domain."

PROFESSOR JEANNE PRICE. Professor Price placed her new law review article, "Wagging, Not Barking: Statutory Definitions," in volume 59 of the *Cleveland State Law Review*.

INTERIM DEAN AND PROFESSOR NANCY RAPOPORT. Dean Rapoport placed her latest article, “Managing U.S. News & World Report—The Enron Way,” in volume 48 of the *Gonzaga Law Review* (forthcoming 2013). Dean Rapoport also completed a solicited book review for the *Law & Society Review* examining Brian Tamanaha’s *Failing Law Schools*. Finally, Dean Rapoport was quoted by Reuters in a September 19 article, “Lawyers under Fire for Boosting Fees on Bankrupt Companies.”

PROFESSOR ADDIE ROLNICK. On September 6 through 8, Professor Rolnick attended the Fourth Annual Southwest Criminal Law Conference at Boyd School of Law and presented her paper, “The Accidental Federal Juvenile Justice System.” On September 24, Professor Rolnick moderated a panel entitled, “Nevada’s Death Penalty: Can We Live Without It?” at Boyd School of Law. On September 27 and 28, Professor Rolnick attended the 2012 Rocky Mountain Junior Scholars Forum at the University of Utah’s S.J. Quinney College of Law in Salt Lake City, Utah, where she presented her paper, “On ‘Non-Member Indians.’” Also in September, Professor Rolnick attended the “Heeding Frickey’s Call: Doing Justice in Indian Country Symposium” at UC Berkeley School of Law in Berkeley, California.

PROFESSOR KEITH ROWLEY. On September 14, Professor Rowley attended the American Law Institute Members Consultative Group for the Principles of the Law of Liability Insurance in Philadelphia, Pennsylvania.

PROFESSOR ELAINE SHOBEN. On September 14, Professor Shoben facilitated a discussion regarding the movie *Hot Coffee* during the Second Annual Public Interest Law Film Festival at Boyd School of Law.

PROFESSOR JEFF STEMPEL. On September 14 and 15, Professor Stempel attended the American Law Institute (ALI) Principles of Liability Insurance Project Advisers Meeting in Philadelphia, Pennsylvania. At the meeting, Professor Stempel participated in the discussion and revision of a draft of the ALI Principles of Liability Insurance.

PROFESSOR JEAN STERNLIGHT. Professor Sternlight attended the National Roundtable on Employment Dispute Resolution at Penn State Dickinson School of Law on September 6 through 8. Professor Sternlight is one of several experts who was invited to attend this brainstorming session which gathered thoughtful informed persons in an attempt to consider how employment disputes might best be resolved. The session built on an earlier similar session focused on consumer disputes, which Sternlight also attended.

PROFESSOR DAVID TANENHAUS. Professor Tanenhaus served as a commentator at the Fourth Annual Southwest Criminal Law Conference at Boyd School of Law on September 6 through 8.

PROFESSOR STACEY TOVINO. Professor Tovino placed her latest law review article, “Conflicts of Interest in Health Care and Health Law,” in volume 117 of the *Penn State Law Review*. Professor Tovino attended the Fourth Annual Aspiring Law Professors Conference at the Arizona State University Sandra Day O’Connor College of Law in Tempe, Arizona, on September 14 and 15. At the conference, Professor Tovino provided information to aspiring law professors with traditional and non-traditional backgrounds regarding the law school faculty recruitment process. Together with representatives of the State Bar of Nevada and the Nevada State Medical Association, Professor Tovino participated in several planning meetings for a forthcoming “Health Care Reform: Next Steps for Nevada” continuing legal education (CLE) and continuing medical education (CME) program to be held at the Smith Center in Las Vegas.

PROFESSOR ANNE TRAUM. Professor Traum’s article, “Constitutionalizing Immigration Law on its Own Path,” 33 *Cardozo L. Rev.* 491 (2011), was selected to be reprinted in *Immigration and Nationality Law Review*, an annual publication that features seminal law review articles on immigration law from the past year. On September 6 through 8, Professor Traum hosted the Fourth Annual Southwest Criminal Law Conference at Boyd School of Law, which she organized. The conference gathered criminal law scholars from law schools around the southwestern United States, including the law schools of Arizona State University, Brigham Young University, Denver University, Texas Tech University, UC Davis, UC Irvine, Western State University, and Willamette. At the conference, Professor Traum presented her paper, “Using Outcomes to Reframe Guilty Plea Adjudication.”

PROFESSOR MARKETIA TRIMBLE. Professor Trimble placed her latest article, “GAT, Solvay, and the Centralization of Patent Litigation in Europe,” in the *Emory International Law Review*.

PROFESSOR JEAN WHITNEY. On September 27 through 29, Professor Whitney attended the Development of Professional Identity in Legal Education: Rethinking Learning and Assessment Conference at The University of Denver Sturm College of Law in Denver, Colorado. The conference was sponsored by Educating Tomorrow’s Lawyers (ETL), a consortium of law schools committed to innovation in the spirit of the Carnegie Report. At the conference, Professor Whitney attended a pre-conference luncheon for ETL fellows.

PROFESSOR MATTHEW WRIGHT. On September 13 and 14, Professor Wright, together with the Public Interest Law Film Festival Committee that he chaired, hosted the Second Annual Public Interest Law Film Festival at Boyd School of Law. The films screened at the festival included *Crime After Crime*, *Hot Coffee*, and *abUSed: The Postville Raid*. On September 30 through October 2, Professor Wright attended the National Media Market in Las Vegas, Nevada. The National Media Market is an annual conference of media librarians and educators.

WILLIAM S. BOYD SCHOOL OF LAW FULL-TIME FACULTY (FALL 2012)

Rachel J. Anderson
Ian C. Bartrum
Peter Brandon Bayer
Linda L. Berger
Mary Berkheiser
Bret Birdsong
Christopher L. Blakesley
Ann Cammett
Jennifer Carr
Robert Corrales
Linda Edwards
Ruben J. Garcia
Sara Gordon
Leslie C. Griffin
Jennifer L. Gross
Lori D. Johnson
Michael Kagan
Kay Kindred
Mary LaFrance
Sylvia Lazos
Francine J. Lipman
Elizabeth L. MacDowell
Thomas Main
Fatma Marouf

Thomas McAfee
David McClure
Ann C. McGinley
Rebecca Nathanson
Raymond W. Patterson
Ngai Pindell
Terrill Pollman
Jeanne Price
Nancy B. Rapoport
Addie C. Rolnick
Keith A. Rowley
Sean Saxon
Chad Schatzle
Rebecca Scharf
Elaine Shoben
Jeffrey Stempel
Jean Sternlight
David Tanenhaus
Stacey Tovino
Anne Traum
Marketa Trimble
Jean M. Whitney
Matthew Wright