

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 October 5, Professor Abramson conducted a training program on the role of attorneys in mediation for the Center for Dispute Resolution at DePaul University College of Law in Chicago, Illinois. Participants included senior attorneys and attorneys early in their careers who mediate disputes or represent clients in mediation. On October 17, Professor Abramson led a faculty enrichment program at Boyd School of Law entitled, “Cultural Competence for Attorneys and Mediators.”

PROFESSOR RACHEL ANDERSON. Professor Anderson and Claytee White, Director of the Oral History Research Center at UNLV Libraries, published “Black Enfranchisement, Politics, Politicians & Civic Engagement in Nevada: Two Essays and a Series of Interviews” in the October issue of the *National Bar Association Magazine*.

PROFESSOR IAN BARTRUM. On October 1, Professor Bartrum discussed the Supreme Court’s opinion addressing the constitutionality of the health care reform bill during a “Patient Protection & Affordable Care Act: What’s Next and Why You Should Care” program sponsored by the American Constitution Society, The Federalist Society, and the Health Law Society at Boyd School of Law. On October 5, Professor Bartrum gave a talk, “Modern Originalist Ideology,” that was sponsored by the American Constitution Society at Drake Law School in Des Moines, Iowa.

PROFESSOR LINDA BERGER. Professor Berger placed her latest law review article, “A Revised View of the Judicial Hunch: Intuitive Decision Making and Judicial Problem Solving,” in volume 10 of *Legal Communication & Rhetoric: J. ALWD*.

PROFESSOR MARY BERKHEISER. On October 5 and 6, Professor Berkheiser attended the 2012 Mountain West Regional Clinical Conference at the University of New Mexico School of Law in Albuquerque, New Mexico. At the conference, Professor Berkheiser led a break-out session addressing collaboration among disciplines in a clinical setting. On October 25 through 28, Professor Berkheiser attended the invitation-only Juvenile Defender Leadership Summit as a member of the National Advisory Board of the National Juvenile Defender Center. During the summit, and in her capacity as co-director of the Western Region, Professor Berkheiser led a

caucus session of Western Region attendees. Also in October, Professor Berkheiser was named to *Desert Companion's* List of Top Lawyers for 2012. Specifically named as a Top Appellate Practice Attorney, Professor Berkheiser was nominated by LexisNexis Martindale-Hubbell following a request for a list of local lawyers who had reached the highest levels of ethical standards and professional excellence.

PROFESSOR BRET BIRDSONG. On October 26 through 28, Professor Birdsong participated in a conference entitled, "Water: Conserving our Most Precious Natural Resource." The conference, sponsored by the Ditchley Foundation (UK), convened invited policymakers and academics from around the world to discuss challenges in managing the world's water in the face of climate change and increasing population.

PROFESSOR CHRISTOPHER BLAKESLEY. Professor Blakesley placed one of his new articles, "Law, Language, Crime, and Culture: The Value and Risks of Comparative Law," in volume 49 of the *Criminal Law Bulletin*. The *Criminal Law Bulletin* is the number two ranked peer-reviewed journal in the area of comparative and international criminal law according to the Washington and Lee University School of Law Journal Rankings.

PROFESSOR ANN CAMMETT. On October 11, Professor Cammett presented her paper, "Shadow Citizens: Felony Disenfranchisement and the Criminalization of Debt," at the University of Maryland Francis Carey King School of Law as part of a UNLV-Maryland Junior Faculty Exchange. On October 26 and 27, Professor Cammett presented her paper, "Deadbeat Dads and Welfare Queens: How Metaphor Shapes Poverty Law," at a Social Justice Feminism Conference at the University of Cincinnati College of Law in Cincinnati, Ohio.

PROFESSOR RUBEN GARCIA. On October 2, Professor Garcia participated in a Latino Heritage Month panel discussion ("Election 2012: What's at Stake for Latino Workers?") at AFL-CIO Headquarters in Washington, D.C., with AFL-CIO President Richard Trumka, National Council of La Raza (NCLR) President and CEO Janet Murguia, and other Latino leaders. The discussion took place the day before the first Obama-Romney debate, and a synthesis of the discussion was sent to both campaigns before the debate. At the discussion, Professor Garcia gave Trumka a copy of his new book, *Marginal Workers: How Legal Fault Lines Divide Workers and Leave Them without Protection* (NYU Press 2012), which the AFL-CIO president said he "looks forward to reading." On October 11 through 13, Professor Garcia attended the Association of American Law School's Faculty Recruitment Conference in Washington, D.C., in his capacity as Chair of Boyd's Faculty Appointments Committee.

PROFESSOR LESLIE GRIFFIN. On October 3, Professor Griffin joined Father Thomas Reese of Georgetown University for a presentation entitled, "Election 2012: The Values Behind the Issues," at the Woodstock Forum at LeMoyne College in Syracuse, New York. Also on

October 3, *Las Vegas City Life* published a lengthy interview with Professor Griffin. Entitled, “A Local Law School Prof Is at the Forefront of the Debate over Contraception Insurance and Religion,” the interview focused on a letter authored by Professor Griffin that was signed by 170 law professors across the country and entered into the *Congressional Record* on August 1, 2012. In the letter, which defends free contraception coverage under the Affordable Care Act (ACA), Professor Griffin contends that ACA protects women’s rights and does not infringe on religious freedom. On October 11, Professor Griffin spoke on a panel (“European and American Models of Religious Freedom: The Future of Religious Autonomy”) at a conference (“Which Model, Whose Liberty?: Differences between the U.S. and European Approaches to Religious Freedom”) held at Georgetown University in Washington, D.C. The conference, which was co-sponsored by the Religious Freedom Project at Georgetown University’s Berkley Center for Religion, Peace, and World Affairs and the International Center for Law and Religious Studies at Brigham Young University’s J. Reuben Clark Law School, featured four panels combining U.S. and international scholars and lawyers comparing and contrasting religious freedom around the world.

PROFESSOR JENNIFER GROSS. On October 18 through 20, Professor Gross attended the Western Pacific Chapter of the American Association of Law Libraries (WestPac) Annual Meeting in Salt Lake City, Utah. Professor Gross, who currently serves as Vice President and President-Elect of WestPac, as well as Chair of the Education Committee, arranged the program for the Annual Meeting.

PROFESSOR MICHAEL KAGAN. On October 11 through 13, Professor Kagan attended the Association of American Law School’s Faculty Recruitment Conference in Washington, D.C., in his capacity as a member of Boyd’s Faculty Appointments Committee.

PROFESSOR MARY LAFRANCE. On October 10 through 12, Professor LaFrance attended the Trademarks in Transactions Conference in Chicago, Illinois. She will use information from the conference to enhance her spring 2013 IP Licensing Practicum teaching materials and writing assignments.

PROFESSOR FRANCINE LIPMAN. On October 25, Professor Lipman participated in a Webinar entitled, “Protecting Identity and Encouraging Taxpayer Compliance - Can the IRS Do Both?” The webinar provided an overview of the Internal Revenue Service’s current policy and approach to identity theft - employment-related and refund-related - and what that means for practitioners and taxpayers.

PROFESSOR ELIZABETH L. MACDOWELL. On October 5, Professor MacDowell presented her work-in-progress entitled, “Theorizing from Particularity: Perpetrators, Performance, & Intersectionality Theory about Domestic Violence” at the Feminist Legal Theory

Collaborative Research Network Conference, hosted by the University of Baltimore School of Law in Baltimore, Maryland. She also served as lead commentator for a work-in-progress by Joan Meier, Professor of Law at George Washington University School of Law. On October 6, Professor MacDowell made a presentation on the use of critical feminist theory in clinical teaching on a panel entitled, “Teaching Justice through Innovative Techniques that Create Curious Minds” at the Society of American Law Teachers (SALT) Teaching Conference hosted by the University of Maryland Francis King Carey School of Law. On October 25 through 27, Professor MacDowell attended the Social Justice Feminism Conference at the University of Cincinnati College of Law, where she moderated a panel entitled, “Social Justice Feminism and Pedagogy.”

PROFESSOR THOM MAIN. Professor Main placed his latest law review article, “The Word Commons and Foreign Laws,” in a forthcoming issue of the *Cornell International Law Journal*. On October 22, Professor Main debated Ilya Shapiro, Senior Fellow in Constitutional Studies of the CATO Institute, on “The Role of Foreign Law in Constitutional Interpretation” at Boyd School of Law. The debate was sponsored by The Federalist Society.

PROFESSOR FATMA MAROUF. On October 6, Professor Marouf attended the 2012 Mountain West Regional Clinical Conference at the University of New Mexico School of Law in Albuquerque, New Mexico. On October 19 and 20, Professor Marouf participated in the Bellow Scholars Workshop. The Workshop, which was organized by the AALS Section on Clinical Legal Education’s Committee on Lawyering in the Public Interest, addressed the use of empirical research to further social justice advocacy. On October 25, Professor Marouf was referenced in a Hugo Balta *Fox News Latino* piece entitled, “Human Beings Are Not Illegal,” for her participation in an earlier National Association of Hispanic Journalists panel that addressed the use of the term “illegal immigrants.” According to Professor Marouf, “[i]llegal’ is an adjective that describes an act, not a person.”

PROFESSOR DAVID MCCLURE. On October 18 through 20, Professor McClure attended the Annual Meeting of the Western Pacific Chapter of the American Association of Law Libraries (WestPac) in Salt Lake City, Utah. Professor McClure serves as co-editor of the WestPac Newsletter and an ex-officio member of the WestPac Executive Board.

PROFESSOR ANN C. MCGINLEY. On October 4, Professor McGinley and Suffolk University Law School Professor Frank Rudy Cooper spoke to the faculty of Seattle University School of Law as part of an “Influential Voices” faculty enrichment series. Their talk, “What’s Masculinity Got to Do with It?: Gender, Pop Culture, and Law,” was based on their co-edited book, *Masculinities and the Law: A Multidimensional Approach*, recently published by NYU Press. On October 12 and 13, Professor McGinley attended a conference, “Evaluating Claims about ‘The End of Men’: Legal and Other Perspectives,” at Boston University School of Law.

At the conference, Professor McGinley gave a talk entitled, “The End of Men in Las Vegas.” Finally, Professor McGinley was recently quoted in an article in *Sanlian Life Weekly Magazine* about First Lady Michelle Obama. *Sanlian Life*, a Beijing-based magazine published only in Chinese, has a weekly readership of 200,000.

VISITING PROFESSOR ANGELA MORRISON. On October 5 through 6, Professor Morrison attended the 2012 Mountain West Regional Clinical Conference at the University of New Mexico School of Law in Albuquerque, New Mexico.

PROFESSOR REBECCA NATHANSON. On October 5 through 8, Professor Nathanson attended the 2012 Mountain West Regional Clinical Conference at the University of New Mexico School of Law in Albuquerque, New Mexico. At the conference, Professor Nathanson participated in group discussions focusing on clinical legal education and, in particular, multidisciplinary legal education.

ASSOCIATE DEAN AND PROFESSOR NGAI PINDELL. On October 3 through 6, Dean Pindell attended and presented at the Society of American Law Teachers (SALT) Teaching Conference and SALT/LatCrit Faculty Development Workshop at the University of Maryland Francis King Carey School of Law in Baltimore, Maryland. On October 12, Dean Pindell gave a continuing legal education (CLE) presentation, “The Power of Eminent Domain to Address the Local Mortgage Crisis,” as part of a Hot Topics CLE held in conjunction with the 2002 and 2007 Reunions at Boyd School of Law. On October 26, Dean Pindell hosted SALT’s B.A. to J.D. Pipeline Program (“Pre-Law Advisors as Gatekeepers: Strategies for Diversifying the Legal Profession”) at Florida International University College of Law in Miami, Florida.

PROFESSOR TERRY POLLMAN. On October 11 through 13, Professor Pollman attended the Association of American Law School’s Faculty Recruitment Conference in Washington, D.C., in her capacity as a member of Boyd’s Faculty Appointments Committee.

PROFESSOR JEANNE PRICE. On October 5, Professor Price spoke on KNPR’s State of Nevada about censorship issues in the news today. On October 6, Professor Price served as a panelist in an “Uncensored Voices: Celebrating Literary Freedom” program hosted by the ACLU of Nevada, the Las Vegas Clark County Library District, UNLV’s Black Mountain Institute, Nevada Humanities, and the *Las Vegas Review-Journal*. The program marked the celebration of Banned Books Week in Las Vegas and focused on censorship’s past, present, and future.

INTERIM DEAN AND PROFESSOR NANCY RAPOPORT. On October 12, Dean Rapoport gave a continuing legal education (CLE) presentation entitled, “The Ten Commandments: Avoiding Judicial Wrath for Practitioners,” as part of a Hot Topics CLE held in conjunction with the 2002 and 2007 Reunions at Boyd School of Law. On October 24, Dean Rapoport spoke on a

panel, “The Ethical Issues in Pro Bono Representation: Spotting the Issues, Solving the Problems,” at the 86th Annual Meeting of the National Conference of Bankruptcy Judges in San Diego, California. Dean Rapoport also spoke on a second panel, “The Ethics of Organizers – Ethical Challenges in Forming Official and Unofficial Committees,” as well as a third panel, “Pre-Bankruptcy Ethics – How to Avoid the Minefields before the Combat Begins,” at the same meeting. Finally, Dean Rapoport’s latest essay, “Analysis and the Arts,” is forthcoming in *The Arts and the Legal Academy: Beyond Text in Legal Education* (Zenon Bankowski, Maksymilian Del Mar & Paul Maharg eds., Ashgate Press 2012).

THE SALTMAN CENTER FOR CONFLICT RESOLUTION. The Saltman Center for Conflict Resolution, directed by Professor Jean Sternlight, presented a Peace in the Desert film screening and panel discussion of *Streetball Hafla* on October 23. Panelists Sasha Nizgoda, Gilad Berman, Mohammad Naserddin, Ricky Sobers, Tom Jackovic, and Michael Saltman discussed how basketball can foster harmonious relationships between Jews and Arabs in Israel.

PROFESSOR ELAINE SHOBEN. Professor Shoben published the 2012 Teacher’s Manual for the fifth edition of Shoben, Tabb & Janutis, *Cases and Materials on Remedies* with Foundation Press.

PROFESSOR JEFF STEMPEL. On October 8, Professor Stempel was quoted by columnist Heidi Kyser in a *Desert Companion* piece, “Lawyering Up,” examining Nevada’s shifting legal landscape and the current demand for attorneys. Professor Stempel also was quoted by columnist Steve Sebelius in a *Las Vegas Review-Journal* piece, “Don’t Rush to Judgment in Sands Email Case,” regarding an attorney’s duty to correct a false statement under the American Bar Association’s Model Rules of Professional Conduct.

PROFESSOR JEAN STERNLIGHT. Professor Sternlight participated in an amicus brief filed in the Ninth Circuit’s en banc rehearing of *Kilgore v. Keybank*, 673 F.3d 947 (9th Cir. 2012). The brief argues that the Supreme Court’s decision in *AT&T Mobility LLC v. Concepcion* does not preclude courts from striking down arbitration clauses on the ground that they violate public policy.

PROFESSOR STACEY TOVINO. Professor Tovino placed her latest law review article, “Gone Too Far: Federal Regulation of Health Care Attorneys,” in volume 91 of the *Oregon Law Review*. On October 1, Professor Tovino gave a talk on the health care reform bill’s essential health benefits requirement as part of a “Patient Protection & Affordable Care Act: What’s Next and Why You Should Care” program sponsored by the American Constitution Society, The Federalist Society, and the Health Law Society at Boyd School of Law. On October 12, Professor Tovino gave a continuing legal education (CLE) presentation about the HIPAA Privacy Rule and its application to outside health care counsel as part of a Hot Topics CLE held

in conjunction with the 2002 and 2007 Reunions at Boyd School of Law. Finally, on October 24, Professor Tovino gave a guest lecture addressing Medicare and Medicaid coverage of elder health care in an Elder Law course at Boyd School of Law.

PROFESSOR ANNE TRAUM. On October 25 and 26, Professor Traum attended the Fifth Annual Fall Institute in Washington, D.C., where she was invited to workshop her draft, “Using Outcomes to Reframe Guilty Plea Adjudication,” at the Criminal Justice Legal Educators Colloquium.

PROFESSOR MARKETIA TRIMBLE. On October 24, Professor Trimble guest blogged on Eric Goldman’s *Technology & Marketing Law Blog*. Entitled, “Does the Supreme Court Have a Free Policy Choice in *Wiley v. Kirtsaeng?*,” Professor Trimble’s blog post offered a template for an interpretation of the Copyright Act that ignores the place of manufacture and provides a free choice between the principles of international and national exhaustion. The following day, SCOTUSblog referenced Professor Trimble’s blog post in a preview of then-forthcoming Supreme Court oral arguments. Also on October 25, Professor Trimble wrote a new blog post entitled, “Twitter’s Country-Specific Content Blocking Raises Questions about the Efficacy of Geolocation.”

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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