

NEVADA LAW JOURNAL

Volume 9

Winter 2009

Number 2

ARTICLES

Awaking Rip Van Winkle: Has the National Labor Relations Act Reached a Turning Point?
 William R. Corbett 247

Do We Need a Right to Housing?
 Kristen David Adams 275

Nevada Alimony: An Important Policy in Need of a Coherent Policy Purpose
 The Honorable David A. Hardy 325

Are You a Boy or a Girl? Show Me Your REAL ID
 James McGrath 368

NOTES

Rob Once, Serve Twice?: Punishment Under Both the Federal Bank Robbery Act and the Hobbs Act Violates the Double Jeopardy Clause
 Jamie Zimmerman 407

Restoring Sanity to Subrogation After *Sereboff*
 Holly Ludwig 431

Golan v. Gonzales: An Opportunity to Reexamine the Relationship Between First Amendment Rights and Copyright Protection
 Krystal Joy Gallagher 453

To Pay or Not To Pay: The Nevada Slayer Statute and the Insurance Companies' Dilemma
 Alissa Macomber 475

NEVADA LAW JOURNAL

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

BOARD OF EDITORS

Editor-in-Chief
BARBARA MCDONALD

Managing Editor
M. MAGALI CALDERON

Articles Editors
KATHY CLEERE
KRISTINA ESCAMILLA
JOSHUA P. GILMORE

Lead Articles Editor
JAMIE ZIMMERMAN

Articles Editors
WILLIAM MILLER
CHARLES PETERSON
DIANE WELCH

Notes Editors
KRYSTAL J. GALLAGHER
TANYA GAYLORD
ALISSA L. MACOMBER

Business Editor
JARED CHRISTENSEN

Nevada Law Editors
TYLER URE
TYLER WATSON

SENIOR STAFF

PHILIP ERWIN
AIRENE HAZE
MEREDITH HOLMES
HOLLY LUDWIG

KATIE M. WEBER
CANDACE ORANGES
EMILY B. REED

MATTHEW SEATON
DANIELLE TARMU
JERALD VAN RHYN
BARBRA ZESS

STAFF

MICHELLE ALARIE
HOLLY CHEONG
JAMES CONWAY
KENDAL DAVIS
LINDSAY DEMAREE
JULIAN GREGORY
IAN HOUSTON
BRIANNA ISSURDUTT
BRANDON JOHANSSON
MOOREA KATZ

JENNIFER KOONCE
TIMOTHY KOVAL
MIRANDA MAHE
RICHARD MANHATTAN
KAREEMA MITCHELL
TURNER
JOANNA MYERS
MATTHEW ORME

CASEY G. PERKINS
ELENA ROBERTS
CRISTINA RODRIGUEZ
ELHAM ROOHANI
SHANNON ROWE
STEPHEN SCHOFIELD
KELLY STOUT
KRISTOPHER ZEPPENFELD
TARA ZIMMERMAN

FACULTY GOVERNING BOARD

PROFESSOR RAQUEL ALDANA
PROFESSOR THOMAS B. MCAFFEE
PROFESSOR NANCY 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
2008-2009**

ADMINISTRATIVE OFFICERS

John V. White, Dean, William S. Boyd School of Law
David Thronson, Associate Dean for Clinical Studies
Frank Durand, Dean for Student Advancement
Kay P. Kindred, Associate Dean for Academic Affairs
Steve Johnson, Associate Dean for Faculty Development and Research
Christine Smith, Associate Dean for Administration and Student Affairs

LAW FACULTY

Raquel Aldana, J.D., Harvard Law School, *Professor of Law*
Rachel 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 College of Law, *Professor of Law*
Bret C. Birdsong, J.D., University of California, Hastings College of the Law, *Professor of Law*
Christopher Blakesley, J.S.D., Columbia Law School; 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*
Jay S. Bybee, J.D., Brigham Young University, *Senior Fellow in Constitutional Law*
Ann Cammett, J.D., City University of New York School of Law, *Associate Professor of Law*
Robert I. Correales, 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, *Visiting 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 L. Grant, J.D., University of Colorado School of Law, *Cord Foundation Professor of Law*
Lynne Henderson, J.D., Stanford Law School, *Professor of Law*
Michael Higdon, J.D., University of Nevada Las Vegas, William S. Boyd School of Law, *Lawyering Process Professor*
Steve R. Johnson, J.D., New York University School of Law, *E.L. Wiegand Professor of Law and Associate Dean for Faculty Development and Research.*
Kay P. Kindred, J.D., Columbia Law School, *Professor of Law and Associate Dean for Academic Affairs*
Katherine R. Kruse, J.D., University of Wisconsin Law School, *Associate 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*
George Mader, J.D., University of Minnesota Law School, *Lawyering Process Professor of Law*

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

Thomas B. McAfee, J.D., University of Utah Law School, *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, 1986, *William S. Boyd Professor of Law*

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, *Associate Professor of Law*

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

Jeanne Price, J.D., University of Texas, 1982, *Director of the Wiener-Rogers Law Library, Associate Professor of Law*

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

Peter Reilly, LL.M. Georgetown University Law Center; J.D., Harvard Law School, *Director of Training at the Saltman Center for Conflict Resolution*

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

Tuan Samahon, J.D., Georgetown University Law Center, *Associate Professor of Law*

Leticia Saucedo, J.D., Harvard Law School, *Associate 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*

David Thronson, J.D., Harvard Law School, *Associate Professor of Law and Associate Dean for Clinical studies.*

Anne Traum, J.D., University of California, Hastings College of Law, *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 LAW FACULTY

Matthew J. Christian, J.D., William S. Boyd School of Law

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

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

Paul C. Feinberg, J.D., University of Texas School of Law

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

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

C. Stanley Hunterton, J.D., Syracuse University School of Law

Dennis Kennedy, J.D., University of Washington School of Law

Honorable James C. Mahan, J.D., Vanderbilt University Law School

Lara Nelson, J.D., University of California, Hastings College of Law

Stanford Owen, J.D., Stanford Law School

Thomas Pitaro, J.D., University of California at Los Angeles School of Law

Richard A. Rawson, J.D., University of Nevada Las Vegas, William S. Boyd School
of Law

David P. Schwartz, J.D., Brooklyn Law School

JoNell Thomas, J.D., University of Utah College of Law

Rollin George Thorley, LL.M., George Washington University; J.D., Brigham Young
University

Veronica Thronson, J.D., City University of New York Law School at Queens
College

Mark Tratos, J.D., Lewis and Clark Law School

Rene Valladares, J.D., University of Florida, Levin College of Law

Roger W. Wenthe, J.D., Northwestern School of Law