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Boyd Briefs
April 27, 2018



From Dean Dan

On April 20, the Nevada Law Journal (NLJ) published its third annual White Paper, analyzing the Nevada's Regulation and Taxation of Marijuana Act in 2016. It is a ninety-page comprehensive analysis and overview of some of the most important legal issues surrounding consumption of recreational marijuana in Nevada. The White Paper includes appendices and an inclusive, easy to reference table of all the nationwide bills on the same issue. Perhaps most importantly, the White Paper includes two proposed bills for consideration in Nevada's upcoming legislative session. An Executive Summary can be found [here](#) , and includes a link to the full White Paper.

I would like to thank Editor-in-Chief Stephanie Glantz and NLJ Editors Brent Resh, Alysa Grimes, and Beatriz Aguirre. The law school would also like to thank Supreme Court Justices James Hardesty and Michael Cherry for their support and guidance on this project; as well as Deonne Contine, former director of the Nevada Department of Taxation; Senator Tick Segerblom; Clark County Commission Chairman Steve Sisolak; Assemblyman Steve Yeager; Professor Sam Kamin at University of Denver Sturm College of Law; and finally Professors Ruben Garcia and Francine Lipman.

I'd also like to congratulate the winners of this year's Clark County Bar Association Moot Court Competition:

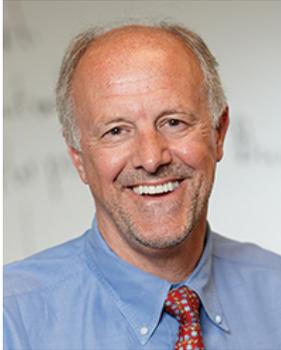
- First Place: Adrianna Guida
- Second Place: Eden Bernstein
- Third Place: Daniel Brady
- Fourth Place: Miriam Shumway

Thank you to our final round judges: California Supreme Court Justice Goodwin Liu, Nevada Supreme Court Justice Kristina Pickering, and U.S. District Court Judge Andrew Gordon. I'd also like to extend thanks to UNLV Law faculty and staff who helped coordinate a fantastic event: Lena Rieke, Nakia Jackson-Hale, Kelly Boan, Sunny Halstead, and all of our Lawyering Process faculty for their support in coordinating the competition. And, thank you to the lawyers and judges who volunteered to judge the preliminary and semifinal rounds.

Best,

Dan
Dean & Richard J. Morgan Professor of Law
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Faculty Spotlight: Jeffrey Stempel



Jeffrey Stempel is the Doris S. and Theodore B. Lee Professor of Law with expertise in Civil Procedure, Legal Ethics, and ADR.

What's the most important thing you are working on right now?

I recoil a little bit at this question. Although it's important to try to prioritize and categorize your work, I think it's closer to the truth to say that we can't predict the impact of the books, articles, or talks we work on as professors.

One example. When the Law School first started, I attended my first State Bar of Nevada Annual Meeting and participated in a program on construction defect litigation, which I really had not known much about until moving here. It got me motivated to add a new section on the issue to my insurance treatise. The section was favorably cited by the Wisconsin Supreme Court on a question that was relatively unsettled at the time and the decision (which was in accord with my analysis in the treatise) had influence on other courts. Now, the precedent on the issue is pretty much in accord with the treatise analysis.

So this is but one example of something I didn't initially think of as "important" but turned into something where my writing actually has some impact in the real world, on an issue affecting hundreds of millions of dollars and thousands of people – which is about the best you can hope for when writing something. But it started by participating in a panel program that, while I enjoyed, was not something I initially regarded a major project.

Does that mean everything you do – or any law professor does – is a shot in the dark?

Not exactly, but there's an aspect of unpredictability whenever you do research and writing. I think of it as similar to the distinction between "pure" and "applied" research, which is better known in the STEM (science, technology, engineering, medicine) disciplines. But law, even though it is something of a "liberal arts" discipline, has aspects of both pure and applied research.

Sometimes legal scholarship is like directed hard science research. You might be criticizing a judicial opinion or statute with the express hope that the case will be reversed or the law amended or repealed. Other times, you're exploring an issue because you just want to find out more about it, understand it, or clarify it. This is similar to something like a scientist in the lab trying to locate a particular gene or explain a decrease in insect population. The research may or may not be picked up by others and may or may not result in changes in doctrine or policy. You just can't predict.

Does that bother you?

Not at all – except to the extent that it can be frustrating that this is not well understood among the general public and is sometimes exploited by critics of education who want to see fewer resources devoted to scholarship or only to scholarship that is more self-consciously directed at tangible results. Because things are unpredictable, scholars need a certain freedom to spend time on things that may or may not pan out. That goes for legal research as well as for lab work.

That said, what is the most important thing you're working on right now?

I've got roughly a half-dozen articles or treatise chapters in various stages of completion. I hope the manuscript arguing for a more comprehensive approach to construing insurance policies (and contracts generally) will get noticed when published. But it might not get much attention. Instead it might be the forthcoming paper on insuring cyber risks or the one about sanctions for discovery violations in civil litigation. Maybe all of them will go unnoticed in terms of the reactions of other scholars, courts, lawyers, and

policymakers. But maybe one will be deemed useful and have a positive impact. Not every project is a hit, but that doesn't mean you don't keep trying.

Student Spotlight: Katie Fox



As a child, you moved from the UK to the USA. What are your memories of that transition?

My strongest memory is being very annoyed when I was marked down for "mis"spelling *colour* on a spelling test. I felt the teacher should not have taken points when I was right. I also got very tired of being asked if I knew the Spice Girls. England might be smaller than many US states, but it is not that small.

And from a chemical engineering degree at the University of Nevada, Reno to law study at Boyd...describe that transition.

It was a challenging change because I never expected to go into law. However, studying engineering teaches a logical way of approaching problems that corresponds well to the analytical requirements of law. On the other hand, the learning style of reading and lectures was completely new to me.

How have you enjoyed your intellectual property law studies with Professors Mary LaFrance and Marketa Trimble here at Boyd?

The IP program has been the star attraction of my time at Boyd. Both Professor LaFrance and Professor Trimble care so much about their students and their subject. I have taken every IP class I could and I regret that I can't stay to take more.

Beyond the immediate celebratory festivities, what do you have planned following graduation this May?

In the short term, I am hoping for a judicial clerkship with a state judge. In the long term, I am aiming to add one more to the short list of patent attorneys in Nevada. I am also planning a post-bar trip back to England to see family and introduce my boyfriend to some of my favorite places.

Alumni Spotlight : Alfonso T. Nunez '06



Alfonso is a Partner at RSM US LLP in San Francisco.

Tell me about your decision to attend UNLV Law.

My original intention was to attend law school right after graduating from Arizona State University. However, I lacked the resources at that time to pursue a law degree. So, I went in to public accounting in Phoenix. After a few years in the public sector, a head-hunter called with an opportunity in private industry in Las Vegas. After discussion with my wife, we decided a change of scenery would be nice. If early pioneers could travel thousands of miles by covered wagon in search of a better life, certainly we could travel 350 miles by U-Haul to pursue our opportunity. However, after working in private industry for a period of time, I was ready to return to public accounting. Fortunately, I learned of Boyd through other CPAs who were attending the night program before I made that change. Taking the time to earn my J.D. instead of returning to public accounting was the best decision I ever made.

How has the promotion to partner challenged you?

RSM US LLP is a limited liability partnership, the U.S. member firm of RSM International, a global network of independent audit, tax and consulting firms. I have been a partner at RSM for five years now and it is life-changing. I mainly deal with cross-border

transactions. Being able to marshal resources worldwide provides a great feeling of confidence when meeting new clients and helping them tackle expansion plans or address issues arising from the past. Approximately fifty percent of our work is looking back in time to fix issues retrospectively. This is the more challenging of the two situations because you are only able to deal with the historical facts as they are. But it is a great feeling of satisfaction when you can get the result the client wants in both the U.S. and in non-U.S. jurisdictions. This work has also made me much more aware how self-centric the U.S. perspective can be. Now, I try to avoid saying "foreign" and use "non-U.S.," because it makes clients feel more at ease that you recognize the world does not revolve around the U.S.

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