NEVADA LAW JOURNAL

Volume 22 Number 2 Spring 2022 ARTICLES Ruth Bader Ginsburg's Copyright Jurisprudence Ryan Vacca & Ann Bartow......431 The Supreme Court's Chief Justice of Intellectual Property Law Automating Repossession More Cowbell: Freeing Insider-Trading Liability for Mere-Thieves from the Supreme Court's Twentieth-Century Devotion to the Cult of Common-Law Doctrinal Analysis The Power of a Good Story: How Narrative Techniques Can Make Transactional Documents More Persuasive Modeling the Caselaw Access Project: Lessons for Market Power and the Antitrust-Regulation Balance Endogenous and Dangerous Against Political Speech

NOTES

Fear, Insanity, and Loathing in Nevada	
Alexandra Mateo	

NEVADA LAW JOURNAL

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

BOARD OF EDITORS

Editor-in-Chief MADELEINE COLES

Executive Managing Editors WENDY ANTEBI CAITLIN PYATT

> **Executive Editors** NINA HEBIBOVICH ALINA KRAUFF CHAPMAN NOAM

Lead Articles Editor JOSHUA NELSON

Symposium Editor ALEXANDRA MATEO Articles Editors

> ELI BERGIDA CONNOR BODIN

BRENDON N. BRANDÃO

VICTOR KANG

Forum Editor THERESA TRENHOLM

Notes Editors KELSEY DELOZIER RACHAEL T. GONZALES

JESSICA PHIPPS ALEXANDRA RUSSELL ASHLEY SCHOBERT **Business Editor**

CRISTINA PHIPPS SENIOR STAFF

KILEY HARRISON

MIA BACHER

BRADY BATHKE CECILIA DIAZ MAGGIE ANN DIFEDERICO SAMANTHA GOETT

KASSANDRA ACOSTA

KALEB BAILEY JADEN BRAUNAGEL ROLAND JAY BRUNNER NAZO DEMIRDJIAN ANNA DREIBELBIS COLLEEN C. FREEDMAN TALI FREY KATELYN GOLDER ALIX GOLDSTEIN MICHAEL GOUTSALIOUK

> PROFESSOR JEFFREY STEMPEL PROFESSOR JOSEPH REGALIA

YOOSUN JUN ALLISON MANN MICHAEL MCGRADY LUIS MONTANEZ JUAREZ HOLLY PARR

JUNIOR STAFF

SAMUEL HOLT

VALARIE KUSCHEL **R.J. LEMUS** ANNE-GREYSON LONG MOLLY MARIAS SERVANDO MARTINEZ CANDACE MAYS KAITLIN MCCORMICK-HUHN CAITLAN MCMASTERS KALIN OLSON ADAM POND FACULTY GOVERNING BOARD

CHIRINOS JULIA STANDISH GREER SULLIVAN KRISTIN WILDE SULLIVAN WINESETT

DIANNA SAUCEDA-

JESSICA RECAREY-VALENZUELA ALYSSA ROGAN BRANDON RUSK TERRA SHEPARD COURTNEY SINAGRA KIM STRAUSS SARAH VOEHL BRENNA IRVING ALYSSA WILLIAMS WINNIE WU

MADISON WEDDERSPOON

PROFESSOR KEITH ROWLEY

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

Nevada Law Editors

TANNER CASTRO JORGE "COCO" PADILLA

William S. Boyd School of Law, UNLV Faculty and Administration for 2021-2022

ADMINISTRATION

Sara Gordon, Interim Dean; William S. Boyd Professor of Law

Ian C. Bartrum, Associate Dean for Faculty Development and Research; Professor of Law Angie Doran, Assistant Dean of Finance

Nikki Harris, Acting Assistant Dean of Career Development

Cameron Lue-Sang, Interim Assistant Dean of Admissions and Financial Aid

Jeanne Frazier Price, Associate Dean for Academic Affairs; Louis Wiener, Jr. Law Library Professor of Law; Director, Wiener-Rogers Law Library

Christine Smith, Associate Dean for Public Service, Compliance and Administration

Anne Traum, Associate Dean for Experiential Legal Education; Director, Appellate Clinic; Co-Director, Misdemeanor Clinic; Professor of Law

Brian Wall, Associate Dean for Student Affairs

LAW FACULTY

Rachel J. Anderson, J.D., University of California, Berkeley, School of Law, Professor of Law

Ian C. Bartrum, LL.M., Yale Law School; J.D., Vermont Law School, Associate Dean for Faculty Development and Research; Professor of Law

- Mary Beth Beazley, J.D., University of Notre Dame Law School, Professor of Law
- Bret C. Birdsong, J.D., University of California, Hastings College of the Law, *Professor of Law*

Stewart Chang, J.D., Georgetown University Law Center, Professor of Law

Frank Rudy Cooper, J.D., Duke Law School, Director, Program on Race, Gender, and Policing; William S. Boyd Professor of Law

Robert I. Correales, LL.M., Georgetown University Law Center; J.D., University of Kansas School of Law, *Professor of Law*

- Benjamin Edwards, J.D., Columbia Law School, Director, Public Policy Clinic; Associate Professor of Law
- Ruben J. Garcia, LL.M., University of Wisconsin Law School; J.D., University of California, Los Angeles, School of Law, *Co-Director, UNLV Workplace Law Program; Professor* of Law
- Sara Gordon, J.D., University of Arizona College of Law, Interim Dean, William S. Boyd Professor of Law
- Leslie C. Griffin, M.A., M. Phil., Ph.D., Yale University, J.D., Stanford Law School, *William* S. Boyd Professor of Law
- Eve Hanan, J.D., University of Michigan Law School, Co-Director, Misdemeanor Clinic, Associate Professor of Law
- Joan Howarth, J.D., University of Southern California, *Distinguished Visiting Professor;* Dean Emerita, Michigan State University College of Law
- Lori D. Johnson, J.D., Northwestern University School of Law, Associate Professor of Law
- Michael Kagan, J.D., University of Michigan Law School, Director, UNLV Immigration Clinic; Joyce Mack Professor of Law
- Kay P. Kindred, J.D., Columbia University School of Law, Professor of Law
- Mary LaFrance, J.D., Duke University School of Law, *IGT Professor of Intellectual Property* Law
- Sylvia Lazos, J.D., University of Michigan Law School, Justice Myron Leavitt Professor of Law
- Francine J. Lipman, LL.M., New York University School of Law; J.D., University of California, Davis, School of Law, *William S. Boyd Professor of Law*
- Sydney Lisy, J.D., Valparaiso University, Director of the Academic Success Program, Assistant Professor in Residence
- Elizabeth L. MacDowell, J.D., University of California, Berkeley, School of Law, Director, Family Justice Clinic; Professor of Law
- Thomas O. Main, J.D., Northeastern University School of Law, William S. Boyd Professor of Law
- Ann C. McGinley, J.D., University of Pennsylvania Law School, Co-Director, UNLV Workplace Law Program; William S. Boyd Professor of Law

- Rebecca Nathanson, Ph.D., University of California, Santa Barbara, Director of Education Advocacy Clinic and Kids' Court School; James E. Rogers Professor of Education and Law
- Dawn Nielsen, J.D., University of Nevada, Las Vegas, William S. Boyd School of Law, Director of Externships: Assistant Professor in Residence
- Lydia Nussbaum, J.D., University of Maryland Francis King Carey School of Law, Director, Mediation Clinic; Director, Saltman Center for Conflict Resolution; Professor of Law
- David Orentlicher, J.D., Harvard Law School, M.D., Harvard Medical School, Director, UNLV Health Law Program; Judge Jack and Lulu Lehman Professor of Law
- Jeanne Frazier Price, J.D., University of Texas School of Law, Associate Dean for Academic Affairs; Director, Wiener-Rogers Law Library; Louis Wiener, Jr. Law Library Professor of Law
- Nancy B. Rapoport, J.D., Stanford Law School, Garman Turner Gordon Professor of Law; Affiliate Professor of Law and Ethics, Lee Business School
- Joe Regalia, J.D., University of Michigan Law School, Associate Professor of Law
- Addie C. Rolnick, J.D., University of California, Los Angeles, School of Law, Faculty Director, Indian Nations Gaming and Governance Program; Associate Director,
- Program on Race, Gender & Policing; San Manuel Band of Indians 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, Professor of Law
- Kathryn M. Stanchi, J.D., Boston University School of Law; E.L. Cord 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, Founding Director, Saltman Center for Conflict Resolution; Michael and Sonja Saltman Professor of Law
- David Tanenhaus, Ph.D., University of Chicago Law School, James E. Rogers Professor of History and Law
- Anne R. Traum, J.D., University of California, Hastings College of the Law, Associate Dean for Experiential Legal Education; Director, Appellate Clinic; Co-Director, Misdemeanor Clinic; Professor of Law

Marketa Trimble, J.S.D. and J.S.M., Stanford Law School; JUDr., Ph.D., Law School of

Charles University in Prague, Samuel S. Lionel Professor of Intellectual Property Law John V. White, J.D., Yale Law School, Ralph Denton Professor of Law

DISTINGUISHED FELLOWS

Anthony Cabot, J.D., Arizona State University, Sandra Day O'Connor College of Law, Distinguished Fellow in Gaming Law

Justice Michael Cherry, J.D., Washington University of Law, *Distinguished Fellow* Senator Harry Reid, J.D., George Washington University Law School, *Distinguished Fellow in Law and Policy*

Governor Brian Sandoval, J.D., The Ohio State University, Moritz College of Law, *Distinguished Fellow in Law and Leadership*

EMERITI FACULTY

Peter Brandon Bayer, LL.M., Harvard Law School; J.D., New York University School of Law, *Emeritus Professor of Law*

Linda L. Berger, J.D., Case Western Reserve University School of Law, *Emerita Professor* of Law

Mary E. Berkheiser, J.D., University of Arizona College of Law, *Emerita Professor of Law* Christopher L. Blakesley, J.S.D. and LL.M., Columbia University School of Law; J.D.,

University of Utah College of Law, Emeritus Professor of Law

Frank D. Durand, J.D., Stanford Law School, Associate Dean Emeritus

Linda Edwards, J.D., University of Tennessee College of Law, Emerita Professor of Law

Douglas Grant, J.D., University of Colorado School of Law, Emeritus Professor of Law

Lynne Henderson, J.D., Stanford Law School, Emerita Professor of Law

Thomas B. McAffee, J.D., University of Utah College of Law, *Emeritus Professor of Law*

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

Terrill Pollman, J.D., University of Arizona College of Law, Emerita Professor of Law

Elaine Shoben, J.D., University of California, Hastings College of the Law, *Emerita Professor of Law*

Jean M. Whitney, J.D., William Mitchell College of Law, Emerita Professor of Law

LIBRARY FACULTY

Youngwoo Ban, J.D., Oklahoma City University School of Law, M.L.I.S., University of Arizona, Research Librarian and Assistant Professor

Justin Iverson, J.D., Savannah Law School, M.L.S., Emporia State University, Research Librarian and Assistant Professor

Jim Rich, J.D., University of Nevada, Las Vegas, William S. Boyd School of Law, M.L.I.S. University of Missouri; *Research Librarian and Assistant Professor*

SENIOR FELLOWS

Nancy Brune, Ph.D., Yale University, Kenny Guinn Center for Policy Priorities, Nevada, Senior Fellow

Honorable Jay S. Bybee, J.D., Brigham Young University Law School, Senior Fellow in Constitutional Law

Frank Fritz, J.D., Columbia University School of Law, Senior Fellow

Patricia Mulroy, M.A., University of Nevada, Las Vegas Senior Fellow, Practitioner in Residence Saltman Center for Conflict Resolution

SALTMAN SENIOR FELLOWS

Hal Abramson, LL.M., Harvard Law School; J.D., Syracuse University College of Law Lisa Blomgren Amsler, J.D., University of Connecticut School of Law

VISITING LAW FACULTY

Steven Light, Ph.D., Northwestern University

Kathryn Rand, J.D., University of Michigan Monte Smith, J.D., The Ohio State University

ADJUNCT FACULTY

Jeanette Barrick, J.D., University of Nevada, Las Vegas William S. Boyd School of Law Bovitz, J. Scott, J.D., Loyola Law School, Los Angeles

Patrick Chapin, J.D., Capital University School of Law

Jennifer Carr, J.D., University of Nevada, Las Vegas William S. Boyd School of Law Patrick Chapin, J.D., Capital University Law School

Thomas Chittum, J.D., University of Nevada, Las Vegas William S. Boyd School of Law Sean Claggett, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

Angela Cook, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

Alissa Cooley, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

Honorable Christy Craig, J.D., California Western School of Law

Margaret Crowley, J.D., University of California, Davis

Daron Dorsey, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

Honorable Jennifer Dorsey, J.D., Pepperdine University School of Law

Osvaldo Fumo, J.D., Whittier Law School

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

John Harney, J.D., University of Wisconsin Law School

Becky Harris, LL.M., University of Nevada, Las Vegas William S. Boyd School of Law; J.D., Brigham Young University, J. Reuben Clark Law School

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

Terry Johnson, J.D., University of Nevada, Las Vegas, William S. Boyd School of Law Marc Kligman, J.D., Tulane University School of Law

Kristin Gerdy Kyle, J.D., Brigham Young University, J. Reuben Clark Law School

John Lambrose, J.D., University of Idaho College of Law

Eleissa Lavelle, LL.M., Pepperdine University School of Law; J.D., University of Utah College of Law

Nancy Lemcke, J.D., Pepperdine University School of Law

Katie Lever, LL.B., University of Windsor

Erin McMullen, J.D., California Western School of Law

Samuel McMullen, J.D., Georgetown University

Joanna Myers, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

Honorable Mike K. Nakagawa, J.D., University of California, Davis, School of Law Heidi Ojeda, J.D., University of Nevada, Las Vegas William S. Boyd School of Law Stanford B. Owen, J.D., Stanford Law School

Sarah Perez, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

Susan Pitz, J.D., University of Nevada, Las Vegas William S. Boyd School of Law

- Richard Rawson, LL.M., University of Alabama School of Law; J.D., University of Nevada, Las Vegas William S. Boyd School of Law
- Jennifer Roberts, J.D., University of Utah S.J. Quinney College of Law

Peter Sadowski, J.D., St. Louis University School of Law

David Sandino, J.D., Santa Clara University School of Law

Bryan Schwartz, J.D., University of Nevada, Las Vegas, William S. Boyd School of Law

David G. Schwartz, Ph.D. History, UCLA; B.A. and M.A., University of Pennsylvania

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

Howard Siegel, J.D., Syracuse University, College of Law

Tom Standish, J.D., York University Osgoode Hall Law School

Charles Stanton, J.D., New York University New York Law School

Honorable Frank Sullivan, J.D., Depaul University School of Law

Rene Valladares, LL.M., University of Miami School of Law; J.D., University of Florida School of Law

Laura Vlieg, J.D., William and Mary Law School

Honorable Gregg Zive, J.D., University of Notre Dame Law School