



**William S. Boyd School of Law,
University of Nevada Las Vegas**

Faculty Publications and Activities

March 2004

RECENT PUBLICATIONS

Raquel Aldana-Pindell, *The 9/11 “National Security” Cases: Three Principles Guiding Judges’ Decision-Making*, 81 OR. L. REV. 985 (2002).

Annette Appell, *Recent Developments in Lesbian & Gay Adoption Law*, 7(1) ADOPTION Q. 73 (2003).

Annette Appell, *Survey of State Utilization of Adoption with Contact*, 6(4) ADOPTION Q. 75 (2003).

Annette Appell, *Safe Havens to Abandon Babies, Part III: The Effects*, 6(2) ADOPTION Q. 67 (2003).

Annette Appell, *Safe Havens to Abandon Babies, Part II: The Fit*, 6(1) ADOPTION Q. 61 (2003).

Christopher L. Blakesley, *Ruminations on Terrorism and Anti-Terrorism Law and Literature*, 57 U. MIAMI L. REV. 1041 (2003).

Christopher L. Blakesley, *The Modern Blood Feud: Thoughts on the Philosophy of Crimes Against Humanity*, in 2 INTERNATIONAL HUMANITARIAN LAW: ORIGINS, CHALLENGES, AND PROSPECTS (John Carey et al. eds. 2003).

Robert Corrales, *Did Hoffman Plastic Compounds, Inc. Produce Disposable Workers?*, 14 BERKELEY LA RAZA L.J. 103 (2003).

Martin A. Geer, *Execution of Minors: An International Human Rights Violation Permitted Under United States Domestic Law*, in CRIMINAL LAW & CRIMINOLOGY (K.D. Gaur ed. 2003).

Martin A. Geer, *International Law as a Remedial Source for Women in Prisons*, in CRIMINAL LAW & CRIMINOLOGY (K.D. Gaur ed. 2003).

Douglas L. Grant, *Limiting Liability for Long-Continued Breach of Interstate Water Allocation Compacts*, 43 NAT. RESOURCES J. 373 (2003).

Steve R. Johnson, *Nevada Law Professor Offers Ideas for Tax Shelter Bill*, 2000 TAX NOTES TODAY 32-16 (Feb. 18, 2004).

Steve R. Johnson, *The 1998 Act and the Resources Link Between Tax Compliance and Tax Simplification*, 51 U. KAN. L. REV. 1013 (2003).

Steve R. Johnson, *The Doctrine of Judicial Estoppel*, NEV. LAW., Dec. 2003, at 8.

Steve R. Johnson, *Are Attorneys Subject to the Gramm-Leach-Bliley Privacy Rules?*, NEV. LAW., Oct. 2003, at 26.

Steve R. Johnson, *Secondary Liability for Federal Trust Fund Taxes*, NEV. LAW., July 2003, at 24.

Steve R. Johnson, *The Canon That Tax Penalties Should be Strictly Construed*, 3 NEV. L.J. 495 (2003).

Kay P. Kindred, *Of Child Welfare and Welfare Reform: The Implications for Children When Contradictory Policies Collide*, 9 WM. & MARY J. WOMEN & L. 413 (2003).

Katherine R. Kruse, *Lawyers Should be Lawyers, But What Does That Mean?: A Response to Aiken & Wizner and Smith*, 14 WASH. U. J. L. & POL'Y 49 (2004).

Mary LaFrance, *Something Borrowed, Something New: The Changing Role of Novelty in Idea Protection Law*, 34 SETON HALL L. REV. 485 (2004).

Robert M. Lawless, *Some Thoughts for Bankruptcy Practitioners on Sarbanes-Oxley, Related Regulatory Developments, and the New Listing Standards*, in AMERICAN BANKRUPTCY INSTITUTE, ELEVENTH ANNUAL SOUTHWEST BANKRUPTCY CONFERENCE, 091803 ABI-CLE 449 (2003).

Sylvia R. Lazos Vargas, *The Latina/o and APIA Vote Post-2000: What Does it Mean to Move Beyond "Black and White" Politics?*, 82 OR. L. REV. 783 (2003).

Sylvia R. Lazos Vargas, *In the Most Important Immigration Law Case in Recent History, the U.S. Government and Undocumented Workers Lose*, NEV. LAW., June 2003, at 12.

Sylvia R. Lazos Vargas, *Critical Race Theory in Education: Theory, Praxis, and Recommendations*, in INTERROGATING RACISM (Gerardo Lopez & Laurence Parker eds. 2003).

Ann C. McGinley, *Functionality or Formalism?: Partners and Shareholders as "Employees" Under the Anti-Discrimination Laws*, 57 SMU L. REV. 101 (2004).

BRUCE A. MARKELL, CORE CONCEPTS OF COMMERCIAL LAW: PAST, PRESENT & FUTURE (West 2004) (with John F. Dolan & Lawrence Ponoroff).

BRUCE A. MARKELL, SECURITIZATION, STRUCTURED FINANCE, AND CAPITAL MARKETS (LexisNexis 2004) (with Steven L. Schwarcz & Lissa Broome).

BRUCE A. MARKELL, QUESTIONS & ANSWERS: SECURED TRANSACTIONS (LexisNexis 2003) (with Timothy R. Zinnecker).

Bruce A. Markell, *Uncommercial Transactions and Insider Transactions Under the Uniform Fraudulent Transfer Act: Separated at Birth?*, INSOL WORLD, May 2003, at 13.

Kevin Oates, *Public Policy and the Recognition of Same-Sex Marriage*, NEV. LAW., Feb. 2004, at 32.

Kevin Oates, *Professor Defend Thyself: The Failure of Universities to Defend and Indemnify Their Faculty*, 39 WILLAMETTE L. REV. 1063 (2003).

Ngai L. Pindell, *Is There Hope for HOPE VI?: Community Economic Development and Localism*, 35 CONN. L. REV. 385 (2002).

KEITH A. ROWLEY, CONTRACTS: QUESTIONS & ANSWERS (LexisNexis 2003).

Keith A. Rowley, *Anticipatory Repudiation of Letters of Credit*, 56 SMU L. REV. 2235 (2003).

Keith A. Rowley, *You Asked For It, You Got It ... Toy Yoda: Practical Jokes and the Law of Contracts*, 3 NEV. L.J. 526 (2003).

Jeffrey W. Stempel, *Malignant Democracy: Core Fallacies Underlying Election of the Judiciary*, 4 NEV. L.J. 35 (2003).

Jean R. Sternlight, *The Rise and Spread of Mandatory Arbitration as a Substitute for the Jury Trial*, 38 U.S.F. L. REV. 17 (2003).

DAVID S. TANENHAUS, JUVENILE JUSTICE IN THE MAKING (OXFORD U. PRESS 2004).

Carl W. Tobias, *Justice Byron White and the Importance of Process*, 30 HASTINGS CON. L.Q. 297 (2003).

Carl W. Tobias, *From a Cattle Ranch to the Supreme Court*, 35 ARIZ. ST. L.J. 1385 (2004) (reviewing SANDRA DAY O'CONNOR & HOLLIS ALAN DAY, LAZY B: GROWING UP ON A CATTLE RANCH IN THE AMERICAN SOUTHWEST (2002)).

Carl W. Tobias, *Detentions, Military Commissions, Terrorism, and Domestic Case Precedent*, 76 S. CAL. L. REV. 1371 (2003).

Carl W. Tobias, *Unmasking Federalism*, 88 CORNELL L. REV. 1833 (2003) (reviewing JOHN T. NOONAN, JR., NARROWING THE NATION'S POWER: THE SUPREME COURT SIDES WITH THE STATES (2002)).

Carl W. Tobias, *Quirin Revisited*, 2003 WIS. L. REV. 309 (with A. Christopher Bryant).

FACULTY NEWS

The law school recently hosted “Pursuing Equal Justice in the West,” a two-day conference commemorating the fiftieth anniversary of *Brown v. Board of Education* and the fortieth anniversary of the Civil Rights Act of 1964. **Lynne Henderson** chaired the conference’s Organizing Committee, which also included Boyd faculty members **Joan Howarth**, **Kay Kindred**, **Mary LaFrance**, **Bruce Markell**, and **David Tanenhaus**, Weiner-Rogers Law Library Reference Librarian **Jennifer Gross**, Thomas & Mack Legal Clinic Social Worker **Ina Dorman**, and Community College of Southern Nevada History Professor Michael Green. Boyd faculty members **Chris Blakesley**, **David Tanenhaus**, **Lynne Henderson**, **Leticia Saucedo**, **Ann McGinley**, and **Raquel Aldana-Pindell** moderated conference sessions. Boyd faculty members **Sylvia Lazos**, **Joan Howarth**, and **Annette Appell** presented papers (discussed below for each individual faculty member). Guest presenters included Professors Margalynne Armstrong (Santa Clara), Devon Carbado (UCLA), David Cruz (USC), Adrienne Davis (North Carolina), Bill Ong Hing (U.C. Davis), Kevin Johnson (U.C. Davis), Spencer Overton (GWU), Willard Rollings (UNLV-History), Quintard Taylor (U. of Washington-History), Gerald Torres (Texas), Barbara Wallace (UNLV-History), and John Valery White (LSU), Michael Kellar, Esq., of Bullivant Houser Bailey, in Irvine, California, and Ms. Claytee White, Director of UNLV’s Oral History Research Center. Chief Judge Michael Douglas of the Nevada Eighth Judicial District moderated a roundtable discussion, titled “Memories of the Struggles,” featuring Las Vegas Reverend Donald Clark, Ralph Denton, Ruby Duncan, Sarann Knight-Preddy, and State Senator Joe Neal.

Raquel Aldana-Pindell’s article “An Emerging Universality of Victims’ Rights in the Criminal Process for State-Sponsored Crimes” is forthcoming in the *Human Rights Quarterly*. In August, Raquel presented “The Extra-Legal September 11th Detentions in the U.S. War on Terror” at the LatCrit Colloquium on International and Comparative Law in Buenos Aires, Argentina. In October, Raquel was interviewed about the USA Patriot Act on *Las Vegas One* and about post-9/11 immigration issues on *Univision*. She also presented a lecture on Truth Commissions and Amnesties to Professor Jeffrie Murphy’s seminar students at Arizona State University School of Law. In November, Raquel discussed “Corporate Accountability for Labor Rights Violations” at the United Nations Association Film Festival, sponsored by UNLV. In December, Raquel presented “Moving Forward with a Plan” at “Under Our Wings Second Annual Conference: Global Approach to End Juvenile Injustice,” and was interviewed by both the *Las Vegas Sun* and *Las Vegas One* regarding the U.S. Supreme Court’s decision in *United States v. Banks*, 124 S. Ct. 521 (2003), which dealt with the execution of a search warrant. In January, Raquel was interviewed on *Univision* regarding President Bush’s proposed Guest Worker Program. Raquel and **Martin Geer** coached the Jessup International Moot Court team that placed third in the regional rounds held in Lubbock, Texas in late February.

Jennifer Anderson continues her service on the seven-member Clark County Air Pollution Control Hearing Board.

Annette Appell recently joined the editorial board of the *Adoption Quarterly*. She also serves as the Immediate Past President of the Clinical Legal Education Association (CLEA), an international organization of clinical law teachers. In October, Annette presented “Post Adoption Contact Law,” at Theory Meets Practice: A Conversation Between Practitioners Who Represent

Lesbian & Gay Parents and Academics Legal Issues Relevant to Their Work, which was co-sponsored by the American University College of Law and the National Center for Lesbian Rights. Last month, Annette presented “Children’s Rights and Civil Rights: Eroding the Indian Child Welfare Act’s Protections in the Name of the Child?,” at “Pursuing Equal Justice in the West,” sponsored by the Boyd School of Law (see above). Later this month, Annette will present “Custody Rights: Natural Parents vs. Third Parties,” at the 31st National Conference on Juvenile Justice, sponsored by the National Council of Juvenile and Family Court Judges. Annette’s article “Disposable Mothers, Deployable Children” is forthcoming in the *Michigan Journal of Race and the Law*. Annette’s 1998 article, *Increasing Options to Improve Permanency: Considerations in Drafting an Adoption with Contact Statute*, 18 CHILD. LEGAL RTS. J. 24 (1998), was recently excerpted in FAMILIES BY LAW (Naomi R. Cahn & Joan Heifetz Hollinger eds., NYU Press 2004).

Mary Berkheiser’s January 18th *Las Vegas Review-Journal* editorial “Sitting on Death Row” corrected the common misperception, fueled by erroneous reporting in the *Review-Journal*, that Nevada has banned the death penalty for juvenile offenders. In December, Mary spoke at “Under Our Wings Second Annual Conference: Global Approach to End Juvenile Injustice.” Mary spoke on juvenile defense counsel competency during a Juvenile Defense Advocacy workshop sponsored by the Clark County Public Defender Office, the Northwest Justice Center, and the National Legal Aid and Defender Association.

Bret Birdsong continues working with his co-authors Federico Cheever (Denver) and Christine Klein (Florida) on a new natural resources law casebook, tentatively titled *Natural Resources Law: A Place-Based Book of Problems and Cases*, for Aspen Publishers.

Chris Blakesley continues work on the second edition of his book *Terrorism, Drugs, International Law and Liberty* and is co-authoring the 3rd edition of *To Chain the Dog of War* with Edwin B. Firmage (Utah). Chris’s article “Wings for Talons: The Case for Extraterritorial Jurisdiction Over Sexual Exploitation of Children Through Cyberspace” and essay “International Criminal Law” are forthcoming in the *Wayne Law Review* and the *American Journal of International Law*, respectively. In early September, Chris was a guest on *Las Vegas News One*, challenging points made by U.S. Attorney General John Ashcroft regarding the Patriot Acts and constitutional issues raised by post-9/11 legislation and executive branch actions. In October, Chris presented “Jurisdiction and the New International Crime of the Use of Cyberspace for Sexual Exploitation of Children” at “International Justice: A Symposium in Honor of Professor Edward M. Wise,” co-sponsored by the Wise-Cohn Endowment of Legal History and Comparative Law, *Wayne Law Review*, L’Association Internationale de Droit Pénal, Wayne State University’s Centers for Legal Studies and for Peace and Conflict Studies, and the International Law Section of the State Bar of Michigan. Chris also presented “History of Fair Trial Rights and Protections in International Criminal Courts,” at the ILSA Annual Meeting: Conference on International Criminal Law in October. Chris recently worked on amicus curiae briefs in *Rumsfeld v. Padilla* and *Hamdi v. Rumsfeld*, both on petition for writ of certiorari to the U.S. Supreme Court, and *ABCDEF, and others Similarly Situated, Wei Ye, and Hao Wang v. Jiang Zemin and Falun Gong Control Office (a.k.a. Office 610)*, in the U.S. Seventh Circuit Court of Appeals.

Robert Corrales's article "Workers' Compensation and Vocational Rehabilitation Benefits for Undocumented Workers: Reconciling the Purported Conflicts Between State Law, Federal Immigration Law and Equal Protection to Prevent the Creation of A Disposable Workforce" is forthcoming in the *University of Denver Law Review*. Last fall, Rob spoke on "Legal Issues and Employment for People with Disabilities" at a function jointly sponsored by UNLV's Learning Enhancement Services office and Students with Disabilities.

Martin Geer was recently awarded a Fulbright grant to serve at a Senior Fulbright Lecturer and Scholar at the ILS College of Law in Pune, India during the Fall 2004 semester. At January's AALS Annual Meeting, Marty was reappointed as Chair of the International Committee of the AALS Clinical Section. Last fall, Marty successfully argued that the Prison Litigation Reform Act's cap on attorneys' fees at 150% of any prison reform judgment did not apply to settled damages approved by a "so stipulated" judgment in the district court. *Torres v. Walker*, 356 F.3d 238 (2d Cir. 2004). In October, Marty was honored by Families Against Mandatory Minimums (FAMM) at a dinner in Detroit celebrating recent Michigan legislation dramatically reforming Michigan's mandatory minimum drug sentencing laws. Governor William Milliken, who signed the reforms into law last March, was the keynote speaker at the event. In December, Marty was interviewed by the *Las Vegas Sun* regarding the U.S. Supreme Court's decision in *United States v. Banks*, 124 S. Ct. 521 (2003). He was also recently interviewed on *Las Vegas One* regarding the Pete Baldonado bribery case.

Doug Grant is currently preparing the seventh edition of his casebook *Water Law: Cases and Materials*, which he is co-authoring with George A. Gould and Gregory S. Weber (both of McGeorge). In January, Doug submitted six revised chapters to be included in a new edition of volume 4 of the treatise, *Waters and Water Rights*, which LexisNexis will publish later this year. Also in January, Doug spoke about "Interstate Allocation of Rivers before the United States Supreme Court: The Apalachicola-Chattahoochee-Flint System" at a conference on "Critical Issues in Georgia Water Law and Policy" sponsored by the Georgia State University College of Law. In February, Doug was part of a panel of experts discussing "The 'Public Interest' Standard in Nevada Water Law" at the annual meeting of the Nevada Water Resources Association.

Joan Howarth continues to serve on the Board of Governors of the Society of American Law Teachers (SALT). In October, Joan presented a case study at a SALT workshop in Minneapolis on Bar Exam Reform issues. In January, Joan was a participant in a symposium on the same subject sponsored by the *Georgia State Law Review*. Also in January, Joan was a panelist on the program of the Teaching Methods Section at the Association of American Law School (AALS) Annual Meeting in Atlanta.. Last month, Joan presented "Adventures in Heteronormativity: The Straight Line from Liberate to *Lawrence*," at "Pursuing Equal Justice in the West," sponsored by the Boyd School of Law (see above). She also chaired the subcommittee on the Las Vegas civil rights history panel of the same conference.

Steve Johnson recently spoke on "Seeing Ourselves Through the Mirror of Law: Views of Human Nature Reflected in American Law," as part of UNLV's University Forum Lecture Series, sponsored by UNLV's College of Liberal Arts. Steve has two articles forthcoming in the *Nevada Law Journal*: "Supermajority Provisions, *Guinn v. Legislature*, and a Flawed Constitutional Structure" and "Administrability-Based Tax Simplification," the latter of which

derives from his inaugural E.L. Wiegand Address. Steve also has forthcoming “The Tax Lien and Entireties Interests: Evaluating the IRS’s Implementation of *Craft*” and “The Financial Inability Defense to Tax Crimes” in the *Community Tax Law Reporter* and the *ABA Section of Taxation News Quarterly*, respectively. Steve continues his work on *Civil Tax Procedure*, with David Richardson (Florida) and Jerome Borison (Denver), which LexisNexis will publish next year. Steve was a moderator and panelist on “Evidentiary Privileges in Tax Cases” as part of the “Last Wednesday Tax Series” Telephone CLE Program sponsored by the American Bar Association Section of Taxation. He was also a panelist on “Freeze!: You’re Giving Nonprotected Tax Return Preparation Advice!” as part of the American Bar Association Section of Taxation, Committee on Civil and Criminal Tax Penalties. He served as a member of the Circular 230 task force, a joint group of the ABA Section of Taxation Tax Shelter Task Force and the ABA Section of Taxation Committee on Standards of Tax Practice. The Circular 230 task force developed and submitted comments to the Treasury Department and the IRS on proposed rulemaking to revise 31 C.F.R. Section 330 as to tax shelter legal opinions. In addition, he submitted to the Staff of the Congressional Joint Committee on Taxation a proposal for legislation to authorize additional regulations to curb tax shelters. Steve participated on two panels at the ABA Section of Taxation’s Joint Fall Meeting with the Section of Real Property, Probate, and Trust Law in Chicago last fall: “Current Tax Shelter Issues – Confidentiality and Privilege,” sponsored by the Individual Income Tax Committee, and “Tenancy-by-the-Entireties Property and the Federal Tax Lien: What Has Happened Since *Craft*?,” sponsored by the Domestic Relations Committee. Steve’s remarks during the first panel were quoted in *IRS Likely to Take More Enforcement Action Against Tax Shelter Promoters*, 72 U.S.L.W. 2158 (Sept. 23, 2003). The latter panel focused on IRS Notice 2003-60, which followed, in significant measure, recommendations Steve made in recent articles that he submitted to the IRS as comments on the proposed Notice project.

Kay Kindred continues work on her reader, *Selected Problems of Children and Society*, to be published by West.

Kate Kruse helped plan and served as a discussion group facilitator for the Governor’s Summit on Juvenile Justice, which was held in Las Vegas in September. The Summit brought together state policy makers, service providers, judges, and representatives of state agencies working on juvenile justice issues to identify and address gaps in the continuum of services available for Nevada youth and to plan and prioritize an action plan for addressing their many needs.

Mary LaFrance recently accepted invitation to present a paper at a workshop called “Intellectual Property & Gender: The Unmapped Connection,” to be held next month at American University’s Washington College of Law. She also continues to serve as a CALI Fellow, writing interactive lessons in the field of trademarks.

Bob Lawless appeared on CNN’s *Lou Dobbs Tonight*, for the series “Going Broke in America,” to discuss research Bob, **Bruce Markell**, and Elizabeth Warren (Harvard) have been undertaking about entrepreneurs in bankruptcy. In August, Bob and Bruce presented some preliminary results of their ongoing empirical research on the self-employed in bankruptcy at the Northern Nevada Bankruptcy Bar Association meeting. In September, Bob and Bruce presented “Does Bankruptcy Law Matter?,” at the International Institute of Insolvency Professionals (INSOL) Regional Meeting in Las Vegas. Bob also presented their work in progress at a Department of

Economics seminar at the UNLV College of Business. Also in September, Bob was featured as a speaker on the plenary program for the Southwest Bankruptcy Conference of the American Bankruptcy Institute. Bob and Bruce received a \$10,000 grant from the National Conference of Bankruptcy Judges to develop an electronic historical presentation of federal bankruptcy law. The site is currently under development and soon will be available on the Internet. In addition, the *American Bankruptcy Law Journal* recognized Bob for his three years of service on its editorial advisory board.

Sylvia Lazos presented a paper entitled Racial and Ethnic Pluralism in U.S. Supreme Court Jurisprudence at the conference on Diversity, Impartiality, and Representation on the Bench sponsored by NYU's Brennan Center for Justice at Raleigh, North Carolina in February. The next day, she presented a paper entitled "Emerging Latina/o and APIA Voting Rights Issues" at the Pursuing Equal Justice in the West conference at the Boyd School of Law (see above). This month, Sylvia will be the keynote speaker at "Cambio de Colores (Change of Colors) 2004 - Latinos in Missouri: Gateway to a New Community," at the University of Missouri, St. Louis. Her keynote is entitled "Crouching Tiger, Hidden Jaguar: The Future of Latinos in the U.S." In September, Sylvia, Tom Beatty, Counsel for the Clark County School District, and State Senator Terry Care, served as panelists for "*Guinn v. Legislature: Funding Education and the Supermajority Requirement – Irreconcilable Constitutional Conflict?*," sponsored by the Latino Bar Association of Las Vegas and the Boyd School of Law's Minority Law Students Association. She will be contributing to the *Nevada Law Journal's* upcoming symposium issue on *Guinn*.

Tom McAfee's article "Courts Over Constitutions Revisited: Unwritten Constitutionalism in the States," co-authored with former students Nathan N. Frost & Rachel Beth Klein-Levine, is forthcoming in the *Utah Law Review*. Tom's book, *INHERENT RIGHTS, THE WRITTEN CONSTITUTION, AND POPULAR SOVEREIGNTY: THE FOUNDERS' UNDERSTANDING* (Greenwood Press 2000), was recently reviewed by Richard S. Kay in the *American Journal of Legal History*. Tom's book and article *Does the Federal Constitution Incorporate the Declaration of Independence?*, 1 NEV. L.J. 138 (2001), were cited in the recently-published *STEPHEN B. PRESSER & JAMIL S. ZAINALDIN, LAW AND JURISPRUDENCE IN AMERICAN HISTORY: CASES AND MATERIALS* (5th ed. 2003).

Ann McGinley continues to serve as a senior editor of the book *Alternative and Other Contingent Work Arrangements*, which is sponsored by the ABA Section of Labor and Employment Law and will be published by BNA in 2004. Ann has also contributed a chapter to the book, titled "Equal Employment Opportunity Laws and Alternative Work Arrangements." Ann was recently asked by NYU Press to review a Theresa Beiner's forthcoming book *Gender Myths v. Working Realities: Using Social Science to Reformulate Sexual Harassment Law*. Ann gave a presentation about employment law in Nevada to the Southern Nevada Human Resources Association.

Bruce Markell conducted a national teleconference last June for the Commercial Law League of America entitled "A Review of 2002 Business Bankruptcy Cases." In August, Bruce and **Bob Lawless** presented some preliminary results of their ongoing empirical research on the self-employed in bankruptcy at the Northern Nevada Bankruptcy Bar Association meeting. Also in August, Bruce continued his annual role as a panelist at the Sigmund J. Beck Advanced

Bankruptcy Roundtable, held in Plymouth, Indiana. In September, Bruce taught at New York University's Basic Bankruptcy Workshop, attended the semi-annual meeting of the Advisory Committee on the Federal Rule of Bankruptcy Procedure, held in Stevenson, Washington (Bruce serves as a consultant to the committee), and Bruce and Bob presented "Does Bankruptcy Law Matter?", at the INSOL Regional Meeting in Las Vegas. In October, Bruce presented a response to James J. White's paper given at the American Bankruptcy Law Institute's "Symposium on the Code after 25 Years: 1978-2003," held at Georgetown University Law Center. Bruce's response, titled "White's Wheel," will be published in a forthcoming issue of the *American Bankruptcy Institute Law Review*.

Pam Mohr gave a presentation on special education to a legal roundtable of Clark County lawyers, social workers, and others working in the area of child welfare in June of 2003. In July, Pam and **Rebecca Nathanson** were awarded a Planning Initiative award from UNLV to study the judicial system's assessment of child witnesses' reliability after children have participated in the Thomas and Mack Clinic's Child Victim Witness program. In December, Pam spoke to the Las Vegas chapter of the NAACP on special education issues. In January, she spoke at the National Conference of Child Welfare League of America on the Indian Child Welfare Act.

Dean **Richard Morgan** led the effort resulting in the Boyd School of Law being inducted, in record time, into the Association of American Law Schools at the AALS's Annual Meeting in January. Last September, Dick and Clark County Commissioner Rory Reid discussed the Clark County Ethics Commission, which Dick chairs, on John Ralston's *Face to Face* television show.

Ngai Pindell was recently appointed to the Clark County Growth Task Force Initiative by the Board of County Commissioners. The Task Force, composed of representatives from selected local constituencies, will study the impact of growth in Clark County and propose appropriate policies.

Terry Pollman's articles "Double Jeopardy and Nonmember Indians in Indian Country" and "IRLAFARC!: A Survey on the Language of Legal Writing" are forthcoming in the *Nebraska Law Review* and the *Maine Law Review*, respectively. Terry co-authored the latter article, an empirical study on legal writing language, with Judith Stinson (Arizona State). Terry continues to serve on the Executive Committee of the Board of Directors of the Association of Legal Writing Directors (ALWD). She also continues to chair ALWD's Scholarship Committee, which awards research grants to legal writing professionals. Terry recently co-chaired the Fourth Annual Rocky Mountain Legal Writing Conference, which was held at the Boyd School of Law. **Kevin Oates** was the program co-chair and **Jean Whitney** was website chair. The conference brought more than 60 legal writing professionals together and focused on the pedagogy of legal writing. The plenary speakers were Professors Theresa Phelps (Notre Dame) and Suzanne Rowe (Oregon).

Keith Rowley continues work on the first of two volumes of the Revised Edition of *Corbin on Contracts*, which LexisNexis will publish later this year. Keith's article "'Preventing Unnecessary Loss' in the Land of the One-Armed Bandit: Securities Law in Nevada" is forthcoming in the *Nevada Law Journal*. Keith continues to serve as an editorial consultant to LexisNexis on their *Questions & Answers* line of study aids. The first series also includes titles written by Anita Bernstein (Emory) and David Leonard (Loyola), Douglas Branson (Pittsburgh),

David Cameron (Northwestern), Neil Cohen (Tennessee) and Lewis Katz (Case Western), Bill Dorsaneo (SMU) and Beth Thornburg (SMU), Linda Eads (SMU) and Paul McGreal (South Texas), Tom Featherston (Baylor), David Leonard, Patrick Longan (Mercer), Paul Marcus (William & Mary) and Emily Marcus Levine, Esq., Gregory Maggs (GWU) and Tim Zinnecker (South Texas), **Bruce Markell** and Tim Zinnecker, John Nagle (Notre Dame), and Mark Strasser (Capital). Second series authors already recruited also include Bill Araiza (Loyola), Karen Jordan (Louisville), Doug Lichtman (Chicago), Bruce Markell, and Russell Weaver (Louisville). Keith will contribute *Questions & Answers: Sales & Leases* to the second series. Keith is also contributing two chapters to a new LexisNexis casebook, *Law and Popular Culture: Texts, Notes, and Questions* (Robert M. Jarvis ed. forthcoming 2006), to which Christine A. Corcos (LSU), Melissa Cole (Saint Louis), Peter H. Huang (Penn), Lenora P. Ledwon (St. Thomas), Diane H. Mazur (Florida), Carrie J. Menkel-Meadow (Georgetown), Philip N. Meyer (Vermont), Binny Miller (American), and David Ray Papke (Marquette) are also contributing one or more chapters. Keith launched the Boyd School of Law's Law & Popular Culture Film Series last fall.

Jeff Stempel is currently working on the third edition of *Principles of Insurance Law*, with co-authors Peter Nash Swisher (Richmond) and Emeric Fischer (William & Mary). Jeff's articles "Arbitration, Unconscionability, and Equilibrium: The Return of Unconscionability Analysis as a Counterweight to Arbitration Formalism" and "Not So Peaceful Coexistence: Inherent Tensions and Problems in Addressing Tort Reform" are forthcoming in the *Ohio Journal of Dispute Resolution* and the *Nevada Law Journal*, respectively. In August and September, Jeff made several presentations on potential federal regulation of lawyers pursuant to the Sarbanes-Oxley Act and SEC enforcement of the Act.

Jean Sternlight has contracted with Cambridge University Press to co-author *Federal Arbitration Reform in the United States* with Stephen Ware (Kansas), Edward Brunet (Lewis & Clark), and Richard Speidel (Michigan). Jean is also co-authoring *Dispute Processes and Conflict Resolution: Beyond the Adversary Model* for Aspen with Carrie J. Menkel-Meadow (Georgetown), Lela Porter Love (Cardozo), and Andrea Kupfer Schneider (Marquette). Jean's articles "Using Mandatory Arbitration to Eliminate Consumer Class Actions: Efficient Business Practice or Unconscionable Abuse" and "In Search of the Best Procedure for Enforcing Employment Discrimination Laws: A Comparative Analysis" are forthcoming in *Law & Contemporary Problems* and the *Tulane Law Review*, respectively. Jean served on two panels at August's ABA Annual Meeting in San Francisco: "Update on *Green Tree v. Bazzle*: Class Actions and Arbitration," sponsored by the Consumer Financial Services and Business Law Sections, and "Examining and Predicting Trends in Labor and Employment Arbitration in the Context of the Broader Arbitration World," sponsored by the Dispute Resolution and Labor Sections. Jean and the Saltman Center for Conflict Resolution, which she directs, were featured in the October 6, 2003 *Las Vegas Review-Journal*, and Jean was interviewed shortly thereafter on *Las Vegas One*.

David Tanenhaus's recently-published book, *JUVENILE JUSTICE IN THE MAKING* (see above), has received glowing reviews from, among others, Indiana University's Michael Grossberg and Columbia University's Jeffrey Fagan.. David's previous book, *A CENTURY OF JUVENILE JUSTICE* (2002) (ed. with Margaret K. Rosenheim et al.), received a very favorable review in a recent issue of the *Harvard Law Review*. The book review concluded: "This unparalleled effort to 'commemorate and comprehend' a century of juvenile justice is a desktop must-have for

practitioners, scholars, and policymakers.” In December, David was interviewed on Chicago Public Radio’s *Odyssey* program about the history of juvenile justice.

David Thronson has been quoted and the work of the Immigration Clinic, which he co-directs with **Leticia Saucedo**, has been the subject of recent articles in the *Las Vegas Sun*, *Las Vegas Review-Journal*, *Las Vegas Mercury*, *El Mundo*, and the *Rebel Yell*. in separate articles profiling the work of the Immigration Clinic. David or Immigration Clinic students have appeared on Channel 8 and 13 local news, *Telemundo*, *Univision*, *Las Vegas Day One*, and Las Vegas public television’s *Academic Cafe*. The Clinic recently secured \$200,000 in earmarked federal appropriations to expand its work. In collaboration with the Legal Aid Foundation of Los Angeles, David organized and presented “Identifying & Assisting Victims of Human Trafficking,” which was attended by more than 20 Boyd School of Law students and numerous community representatives, including Las Vegas Metro Police Department officers, representatives of local advocacy organizations, area attorneys, and local judges. David has also conducted several training sessions for the Division of Children and Family Services (DCFS) on immigration issues related to children in state care and discussed immigration issues in child dependency proceedings at a local Family Court Legal Roundtable.

Carl Tobias’s articles “More Proposals to Simplify Modern Federal Procedure,” “The Color Line in the Cold War,” and “Rule 11 and Rule Revision,” are forthcoming in the *Georgia Law Review*, *Human Rights Quarterly*, and *Loyola Los Angeles Law Review*, respectively; his book review, “Doing Right by Charles Alan Wright,” reviewing MARY KAY KANE & CHARLES ALAN WRIGHT, *WRIGHT & KANE’S HORNBOOK ON THE LAW OF FEDERAL COURTS* (6th ed. 2002), is forthcoming in the *U.C. Davis Law Review*; and, his essay “The Founding Fish Founders” is forthcoming in the *Ecology Law Quarterly*. Carl continues to serve as a legal consultant to the American Bar Association Commission on the Twenty-First Century Judiciary. Carl is on leave for the current academic year, serving as the visiting Williams Professor of Law at the University of Richmond’s T.C. Williams School of Law.

Jean Whitney, along with **Christine Smith**, **Mary Berkheiser**, **Kate Kruse**, and **Marty Geer**, launched a pilot project last semester with the Nevada Department of Corrections to train inmate law clerks who work in the prison law library at High Desert State Prison in Indian Springs. The project involves Boyd School of Law students developing and presenting monthly training on legal issues relevant to inmates, as well as attending periodic planning and debriefing sessions.

Pavel Wonsowicz has been invited to teach a course on Environmental Advocacy this summer at the Vermont Law School.

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