



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

Faculty Publications and Activities

October 2003

RECENT PUBLICATIONS

Raquel Aldana-Pindell, Book Review, 25 HUM. RTS. Q. 257 (2003) (reviewing MARGARET POPKIN, PEACE WITHOUT JUSTICE: OBSTACLES TO BUILDING THE RULE OF LAW IN EL SALVADOR (2000)).

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

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

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

Peter Brandon Bayer, *Is Including "Under God" in the Pledge of Allegiance Unlawful?: An Impeccably Correct Ruling*, NEV. LAW., May 2003, at 8.

Peter Brandon Bayer, *Brief Response to Attorney Albright's Article*, NEV. LAW., May 2003, at 16.

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).

Kelly Christianson, *Paradise Lost and Found – Nevada's Only Law School Library Exchanges Schoolhouse Locale for State-of-the-Art Home*, AALL SPECTRUM, May 2003, at 16.

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).

Martin A. Geer, *Protection of Female Prisoners: Dissolving Standards of Decency*, 2 MARGINS 275 (2003).

Douglas L. Grant, *Interstate Water Allocation Compacts: When the Virtue of Permanence Becomes the Vice of Inflexibility*, 74 U. COLO. L. REV. 105 (2003).

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).

MARY LAFRANCE, INTELLECTUAL PROPERTY: CASES & MATERIALS (West 2d ed. 2003) (with David L. Lainge & Gary Myers).

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)

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

Keith A. Rowley, *Civil Liability and Remedies in Ohio Securities Transactions*, 70 U. CIN. L. REV. 939 (2002) (with Thomas E. Geyer & Michael A. Miglets).

Jeffrey W. Stempel, *Forgetfulness, Fuzziness, Functionality, Fairness, and Freedom in Dispute Resolution: Serving Dispute Resolution Through Adjudication*, 3 NEV. L.J. 305 (2002/03).

Jeffrey W. Stempel, *Introduction: Perspectives on Dispute Resolution in the Twenty-First Century*, 3 NEV. L.J. 191 (2002/03).

Jeffrey W. Stempel, *The Sarbanes-Oxley Act: Lawyer Professional Responsibility and a Heightened Role for Business Lawyers*, NEV. LAW., Mar. 2003, at 8.

David S. Tanenhaus, “Owing to the Extreme Youth of the Accused”: *The Changing Legal Response to Juvenile Homicide*, 92 J. CRIM. L. & CRIMINOLOGY 641 (2002) (with Steven A. Drizin).

David S. Tanenhaus, Book Review, 21 L. & HIST. REV. 240 (2003) (reviewing VICTORIA GETIS, *THE JUVENILE COURT & THE PROGRESSIVES* (2000)).

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).

Carl W. Tobias, *Sixth Circuit Judicial Selection*, 36 U.C. DAVIS L. REV. 721 (2003).

Carl W. Tobias, *Procedural Provisions in Nevada Medical Malpractice Reform*, 3 NEV. L.J. 406 (2002/03).

Carl W. Tobias, *The Past and Future of the Federal Rules in State Courts*, 3 NEV. L.J. 400 (2002/03).

FACULTY NEWS

Welcome to our five new faculty members: **Sylvia Lazos Vargas** and **Jean Sternlight**, both formerly of the University of Missouri-Columbia School of Law, **Leticia Saucedo**, formerly a staff attorney with the Mexican American Legal Defense and Educational Fund in San Antonio, Texas, **Kevin Oates**, who recently received his LL.M. from Temple University’s James E. Beasley School of Law, where he was an Abraham L. Freedman Graduate Teaching Fellow, and **Pavel Wonsowicz**, formerly the Director of Academic Support at the Vermont Law School. We will also welcome back, albeit briefly, our former colleague and current U.S. Ninth Circuit Court of Appeals Judge **Jay Bybee**, whose official investiture ceremony will be held at the Boyd School of Law on Friday, October 17th.

Congratulations to our colleagues **Bob Lawless** and **Jean Sternlight**, who were recently named the Gordon & Silver, Ltd. Professor of Law and the Saltman Professor of Law, respectively. They join Doris S. & Theodore B. Lee Professor of Law **Bruce Markell**, E.L. Wiegand Professor of Law **Steve Johnson**, Beckley Singleton Professor of Law **Carl Tobias**, and William S. Boyd Professors of Law **Joan Howarth**, **Mary LaFrance**, and **Jeff Stempel** to give the school eight named professorships.

Further congratulations to **Joan Howarth**, who was appointed Associate Dean for Clinical Studies effective July 1st, Associate Dean **Christine Smith**, who won the Las Vegas Chamber of Commerce's 2003 Community Achievement Award for her contributions to community non-profit organizations, and to **Carl Tobias**, who is currently serving as the visiting Williams Professor of Law at the University of Richmond's T.C. Williams School of Law. Recent visiting Williams Professors have included Martha Chamallas (Ohio State), John E. Nowak (Illinois), and legal historian Warren Billings (University of New Orleans).

Sadly, we must report that **Shannon Bybee**, who held a joint appointment at the Boyd School of Law for several years, along with his primary appointment as Director of the International Gaming Institute at UNLV's William F. Harrah College of Hotel Administration, passed away last month.

Raquel Aldana-Pindell's articles "The 9/11 'National Security' Cases: Three Principles Guiding Judges' Decision-Making" and "An Emerging Universality of Victims' Rights in the Criminal Process for State-Sponsored Crimes" are forthcoming in the *Oregon Law Review* and the *Human Rights Quarterly*, respectively. In August, Raquel presented "The Regulation of September 11 Preventive Detentions through International Norms" at the LatCrit Colloquium on International and Comparative Law in Buenos Aires, Argentina.

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

Annette Appell continues to serve as President of the Clinical Legal Education Association (CLEA), an international organization of clinical law teachers. This summer, Annette became the first President of Nevada Advocates for Children's Welfare, Inc., a new organization devoted to improving Nevada's child welfare system and promoting social policies and programs that serve families. Annette's articles "Recent Developments in Lesbian & Gay Adoption Law" and "Disposable Mothers, Deployable Children" are forthcoming in the *Adoption Quarterly* and the *Michigan Journal of Race and the Law*, respectively.

Mary Berkheiser was a panelist, along with Jon Bauer (Connecticut) and Paul Reingold (Michigan) on "Ethical Issues in Settlement" at the AALS Workshop on Clinical Legal Education in Vancouver, British Columbia in May.

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. During the 2003 summer term, Bret and Joe Feller (Arizona State) team-taught a Natural Resources Law Field Seminar, leading students on a five-day trip to northern Arizona to study the application of federal natural resources law on the public lands. Seminar participants met with federal and state officials, environmental activists, and resource industry representatives to discuss the management of water, timber, livestock, and wildlife and the preservation of natural resources. In the photos below, seminar students and U.S. Forest Service officials examine the stump of an old-growth ponderosa pine felled on the Kaibab National Forest (left) and pause for a scenic view of the Colorado River (right) before visiting a nearby grazing allotment on the Grand Canyon-Parashant National Monument.



Chris Blakesley taught in Paris, France over the summer and worked on the second edition of his book *Terrorism, Drugs, International Law and Liberty*, doing research in both Paris and Budapest, Hungary. Chris is also co-authoring the 3rd edition of *To Chain the Dog of War* with Edwin B. Firmage (Utah). Chris's articles "Terrorism and Anti-Terrorism in Law, Literature, and Reality" and "International Criminal Law" are forthcoming in the *University of Miami 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.

Robert Correales recently 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. Rob presented his article *Did Hoffman Plastic Compounds, Inc. Produce Disposable Workers?*, 14 BERKELEY LA RAZA L.J. 103 (2003), at the Law & Society Conference in Pittsburgh. Earlier this year, Rob presented "How Real or Severe is the Purported Tort Liability Problem?" at "The Law and Politics of Tort Reform: Local and National Developments," co-sponsored by UNLV's Center for Democratic Culture and the Boyd School of Law.

Martin Geer recently argued *Torres v. Walker* before the U.S. Second Circuit Court of Appeals. The case involves the constitutionality of the Prison Litigation Reform Act's cap on attorneys' fees at 150% of any prison reform judgment. In one case, a prisoner received \$1 in nominal damages, and the lawyer, appointed by the court to do the case pro bono, received \$1.50 in fees. In *Torres*, Prison Legal Services of New York and the Public Interest Law Firm at Syracuse were awarded \$1,500 for 700 hours of work over seven years. The constitutional question is whether there was a rational basis for this fee cap when only one percent of prisoners are represented by counsel and the fee cap only applies to cases that result in an award of damages, non-frivolous cases by definition. This month, Marty will be 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. The keynote speaker at the event will be Governor William Milliken, who signed the reforms into law in March. Earlier this year, Marty was named as Chair of the International Committee of the AALS Clinical Section.

Doug Grant's article "Limiting Liability for Long-Continued Breach of Interstate Water Allocation Compacts" has been accepted for publication in the *Natural Resources Journal*. Doug is also one of several co-authors producing a new edition of volume 4 of the treatise, *Waters and Water Rights*. Doug has accepted an invitation to speak in January about Supreme Court interstate water allocation at a conference on "Critical Issues in Georgia Water Law and Policy" sponsored by the Georgia State University College of Law.

Lynne Henderson served as chair and discussant for two panels at the Law & Society Association Annual Meeting in June: "Dealing with Trauma: How Can We Improve?" and "Legal and Social Scientific Responses to Child Sexual Abuse: The Social Construction of Truth." Lynne continues to lead the planning for the upcoming "Equal Justice in the West" conference to be held at the Boyd School of Law on February 19-21, 2004. She was also integral in attracting the 2004 annual meeting of the Law & Society Association to Las Vegas.

Joan Howarth presented "Teaching Professionalism in Post-Conviction Clinics" at the AALS Workshop on Clinical Legal Education. Earlier this year Joan was re-appointed as Chair of the Public Positions Committee of the Society of American Law Teachers (SALT), on whose Board of Governors she continues to serve.

Steve Johnson has two forthcoming articles: "Federal Tax Simplification," which derives from his inaugural E.L. Wiegand Address in April and will be published in the *Nevada Law Journal*, and "The 1998 Act and the Resources Link Between Tax Compliance and Tax Simplification," which derives from his March 2003 presentation at a symposium hosted by the University of Kansas School of Law and will be published in the *University of Kansas Law Review*. Steve is also writing a tax procedure textbook for Matthew-Bender with David Richardson (Florida) and Jerome Borison (Denver). 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 month: "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. Steve's letter to the U.S. Senate Finance Committee and the Joint Committee on Taxation proposing amendments to I.R.C. §§ 6901 & 6902 was reproduced in both *Statutory Right of Contribution Needed in Transferee Liability Cases*, 22 TAX MGMT. WEEKLY REP. 1361 (2003), and TAX NOTES TODAY, June 31, 2003, at 147-55.

Leah Kane taught evidence this summer as part of Golden Gate School of Law's honors program, known as the Integrated Professional Apprenticeship Curriculum (IPAC), for students who have just completed their first year of law school.

Kay Kindred continues work on her reader, *Selected Problems of Children and Society*, to be published by West. In July, Kay attended the National Judicial College's workshop "Creating an Active Learning Environment," a training session for prospective NJC faculty. In April, Kay was a panelist on "Zero Tolerance: The Response to School Violence and the Implications for

Student Rights” at the Virginia Education Law Conference, co-sponsored by the Commonwealth Educational Policy Institute of Virginia Commonwealth University and the Franklin Pierce Law Center’s Education Law Institute. The conference, now in its tenth year, was held in Williamsburg, Virginia. In February, Kay and **Ann McGinley** presented “Sexual Harassment in Schools,” a continuing education seminar for attorneys and elementary and secondary school educators, sponsored by Lorman Education Services.

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 last month. 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. Kate’s essay “Lawyers Should be Lawyers, But What Does That Mean?: A Response to Aiken & Wizner and Smith,” responding to presentations made at a conference on “Multidisciplinary and Interdisciplinary Scholarship, Practice, and Teaching” at Washington University, St. Louis, earlier this year, is forthcoming in the Fall 2003 issue of the *Washington University Journal of Law & Policy*. At the American Bar Association’s “Bricks to Bytes” conference on law school design held earlier this year, Kate and Jeff Pokarak (Suffolk) presented “Designing Clinic Space.”

Mary LaFrance’s article “Something Borrowed, Something New: The Changing Role of Novelty in Idea Protection Law” – focusing on recent changes in the common law rules governing the contractual protection of ideas, with emphasis on some recent developments in New York and New Jersey – is forthcoming in the *Seton Hall Law Review*. In June, Mary was the keynote speaker at the National Judicial College’s summer program at Franklin Pierce Law Center in New Hampshire, where Mary spent the first part of her summer teaching Intellectual Property Taxation at FPLC’s Intellectual Property Summer Institute. The topic of her speech for the NJC was “Trademarks and the Internet.” Earlier this year, the Computer-Assisted Learning Institute (CALI) selected Mary as a CALI Fellow to write 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.

Sylvia Lazos Vargas’s article “The Latina/o and APA Vote Post-2000: What Does it Mean to Move Beyond ‘Black and White’ Politics?” is forthcoming in the next issue of the *Oregon Law Review*. This article deals with the emerging Latina/o and Asian Pacific American electorate and legal issues involved with these groups having an effective voice in the electorate. She is currently working with Keith Aoki (Oregon) and Steve Bender on a follow up article,

“Crouching Tiger, Hidden Jaguar: Focusing the APA/Latino Electoral Lens” analyzing the Latina/o and APA vote in the recent recall election in California. After the Nevada Supreme Court’s July decision in *Guinn v. Nevada Legislature* suspended for the 2003 legislative session the supermajority requirement for enacting new taxes, her op-ed, titled “The Nevada Supreme Court: Are the Justices Goats or Heroes?,” was published in the *Las Vegas Review-Journal*, she also appeared as a legal expert commenting on the *Guinn* case on various Las Vegas television news programs, Jon Ralston’s interview program *Face to Face*, and *DayONE Las Vegas Live*. Last month, 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*.

Ann McGinley’s article “Functionality or Formalism?: Partners and Shareholders as ‘Employees’ Under the Anti-Discrimination Laws” has been accepted for publication in the *SMU Law Review*. Ann 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 2003. 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*. In April, Ann presented “The Place of Medical Malpractice in the Tort Law and the Prospects for a New System of Medical Justice,” with Nancy Udell (Director of Policy & General Counsel, Common Good), at “The Law and Politics of Tort Reform: Local and National Developments,” co-sponsored by UNLV’s Center for Democratic Culture and the Boyd School of Law.

Bruce Markell, Steven L. Schwarcz (Duke), and Lissa Broome (North Carolina) have recently completed *Securitization, Structured Finance and Capital Markets*, which will be published by LexisNexis next year. In June, Bruce conducted a national teleconference for the Commercial Law League of America entitled “A Review of 2002 Business Bankruptcy Cases.” He was a faculty member for the Second Annual Advanced Consumer Bankruptcy Practice Institute, given at the 38th Annual Meeting of the National Association of Chapter 13 Trustees, in Chicago, Illinois in July. 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 presented, with **Bob Lawless**, “Does Bankruptcy Law Matter?,” at the INSOL Regional Meeting in Las Vegas. Later this month, Bruce will present 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 will be published in a forthcoming issue of the *American Bankruptcy Institute Law Review*.

Dean **Richard Morgan**, having successfully shepherded the school through full ABA accreditation less than five years after its founding, has now turned his attention toward securing for the School membership in the Association of American Law Schools, which may come as early as January 2004. In 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 presented "Exploring the Social Function of Property and the Social Function of the City in Brazil and the United States" at the August 2003 LatCrit Colloquium on International and Comparative Law in Buenos Aires, Argentina. Ngai's paper will appear in a forthcoming symposium issue published by the *University of Florida Journal of International Law*.

Terry Pollman was elected in April to the Board of Directors of the Association of Legal Writing Directors (ALWD), and more recently to the ALWD Board's Executive Committee. She also continues to chair ALWD's Scholarship Committee, which awards research grants to legal writing professionals. Terry spoke at the Notre Dame Conference on Legal Discourse in June on the results of an empirical study on legal writing language that she conducted with Judy Stinson (Arizona State). The resulting article – "IRLAFARC!: A Survey on the Language of Legal Writing" – has been accepted for publication in the *Maine Law Review*. Terry also spoke at ALWD's first international conference in Windsor, Ontario, on "The Language of Leadership: Communicating Effectively About Legal Writing." In August, she taught a structural rhetoric workshop for paralegals of the capital habeas unit of the federal public defender's office. Terry's article "Double Jeopardy and Nonmember Indians in Indian Country" has been accepted for publication in the *Nebraska Law Review*.

Keith Rowley's articles "Anticipatory Repudiation of Letters of Credit" and "'Preventing Unnecessary Loss' in the Land of the One-Armed Bandit: Securities Law in Nevada," are forthcoming in the *SMU Law Review* and the *Nevada Law Journal*, respectively. Keith continues work on the first of two volumes of the Revised Edition of *Corbin on Contracts*, which LexisNexis will publish later this year. In addition to having published *Questions & Answers: Contracts* (see above), Keith continues to serve as an editorial consultant to LexisNexis on their *Questions & Answers* line of study aids. The first series will also include titles written by Douglas Branson (Pittsburgh), David Cameron (Northwestern), Neil Cohen (Tennessee) and Lewis Katz (Case Western), Bill Dorsaneo (SMU) and Beth Thornburg (SMU), Linda Eads (SMU) & Paul McGreal (South Texas), David Leonard (Loyola), Patrick Longan (Mercer), Paul Marcus (William & Mary) and Emily Marcus Levine, Esq., **Bruce Markell** & Tim Zinnecker (South Texas), John Nagle (Notre Dame), and Mark Strasser (Capital). Keith has also agreed to contribute two chapters to a new LexisNexis casebook, *Law and Popular Culture: Texts, Notes, and Questions* (Robert M. Jarvis ed.), 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 is also working with the Boyd School's Sports and Entertainment Law Association to launch a Law & Popular Culture Film Series.

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 April, Jeff presented an earlier version of his “Not So Peaceful Coexistence ...” article, as well as “Grappling with Tort Reform” at “The Law and Politics of Tort Reform: Local and National Developments,” co-sponsored by UNLV’s Center for Democratic Culture and the Boyd School of Law. Jeff also served as moderator for both the morning and afternoon sessions of the conference. In June, 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 a book, tentatively titled *Reforming United States Arbitration Law*, with Stephen Ware (Kansas), Edward Brunet (Lewis & Clark), and Richard Speidel (Michigan). Jean’s articles “Using Mandatory Arbitration to Eliminate Consumer Class Actions: Efficient Business Practice or Unconscionable Abuse,” “In Search of the Best Procedure for Enforcing Employment Discrimination Laws: A Comparative Analysis,” and “The Rise and Spread of Mandatory Arbitration as a Substitute for the Jury Trial” are forthcoming in *Law & Contemporary Problems*, the *Tulane Law Review*, and the *University of San Francisco Law Review*, respectively. Jean spoke on “The Rise and Spread of Mandatory Arbitration as a Substitute for the Jury Trial” at the Roscoe Pound Institute Forum for State Court Judges in San Francisco in July. Jean also 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 nascent Saltman Center for Conflict Resolution, which Jean directs, were featured in an article in the October 6, 2003 *Las Vegas Review-Journal*.

Bobbie Studwell chaired the American Association of Law Libraries’ Special Committee to Develop Performance Measurements for Law Librarians, which submitted its report, *Professional Competence for Law Librarians: Core Attributes and Their Measurement*, to the AALL’s Executive Board in July.

David Tanenhaus’s new book, *Juvenile Justice in the Making*, will be published by Oxford University Press next year, as part of its Studies in Crime and Public Policy series. 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.”

David Thronson was quoted in both the *Las Vegas Sun* and the *Las Vegas Mercury* in separate articles profiling the work of the Immigration Clinic, which he co-directs with **Leticia Saucedo**.

Carl Tobias’s article “Justice Byron White and the Importance of Process” is forthcoming in the *Hastings Constitutional Law Quarterly*. His essays “The Founding Fish Founders” and “From a Cattle Ranch to the Supreme Court,” reviewing Justice Sandra Day O’Connor’s autobiography, *LAZY B: GROWING UP ON A CATTLE RANCH IN THE AMERICAN SOUTHWEST*, are forthcoming in

the *Ecology Law Quarterly* and the *Arizona State Law Journal*, respectively. In April, Carl presented “Historical and Recent Developments in Tort Reform,” with Michael Green (Wake Forest), at “The Law and Politics of Tort Reform: Local and National Developments,” co-sponsored by UNLV’s Center for Democratic Culture and the Boyd School of Law. 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 spoke on “Collaboration Between Social Work and Legal Communities: Ways to Better Serve Clients by Preserving their Rights and Strengthening Their Voices,” at a meeting of the Nevada Chapter of the National Association of Social Workers in May. Jean (along with **Christine Smith, Mary Berkheiser, Kate Kruse, and Marty Geer**) was also involved in developing a pilot project 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 first semester of the project will involve four Boyd School of Law students developing and presenting monthly training on legal issues relevant to inmates. The students will receive credit for their work and will also be expected to attend debriefing and planning sessions throughout the semester. Because of the turnover in inmates in the law library jobs, project will likely continue to involve 4 to 8 students each semester. The Department has also asked the law school to develop a program for women inmates who need assistance with family law matters. That program is in the planning stages.

Pavel Wonsowicz was named 2003 SBA Faculty of the Year at Vermont Law School and was selected as the commencement speaker for the 2003 LL.M. Graduation Ceremony at Vermont Law School. In July, Pavel presented a paper on bar preparation programs at the LSAC 2003 Regional Academic Assistance Workshop at Texas Wesleyan University, in Fort Worth.

BSL FACULTY NEWS is produced periodically by the William S. Boyd School of Law, University of Nevada Las Vegas, and is compiled and edited by Professors Keith A. Rowley and Ngai L. Pindell. If you have any questions about the contents of this issue of *BSL FACULTY NEWS*, you may contact Professor Rowley or Professor Pindell by e-mail at keith.rowley@ccmail.nevada.edu or ngai@unlv.edu, respectively.