



**S.J. QUINNEY
COLLEGE OF LAW**

THE UNIVERSITY OF UTAH

Q News
An Informal Faculty Newsletter
December 2007

Laura Kessler was awarded a grant to serve as a visiting scholar at Emory Law School for one week in November 2007, where she gave a talk related to her work on transgressive caregivers and made use of the resources at Emory's Center for Myth and Ritual in American Family Life.

In addition, she was awarded two university-wide research grants for work on her book on transgressive caregivers (one each from the Office of Interdisciplinary Studies and the University Research Committee).

Her article "Community Parenting" was published in the *Washington University Journal of Law & Policy*, 24 Wash. U. J.L. & Pol'y 47 (2007).

Also, she gave or participated in several presentations, including:

Community Parenting, University of Maryland School of Law, Legal Theory Workshop, Sept. 20, 2007.

Discussant, Cultural and Legal Cliteracy Panel, Law & Society Annual Meeting, Berlin, Germany, July 2007.

Resuscitating Economic Harm in Discrimination Theory, Emory Law School, Feminism & Legal Theory Workshop: Understanding

Class and Caste within a World of Global Inequalities, May 5, 2007.

Amos Guiora presented the following talks:

1. Oct 2007—Illinois State Bar Association; Legal and Policy Aspects of Counter-Terrorism
2. Oct 2007 — FBI Counter-Terrorism Joint Task Force; Interrogations in Counter-Terrorism
3. Oct 2007—Cook County State Attorney; What Judicial Regime is Applicable to Counter-Terrorism
4. Oct 2007— US Attorney (Detroit); Self-defense and Counter-Terrorism
5. Nov 2007—Stanford Law School's Constitutional Law Center, "Comparing US versus Israeli law and policy approach to counterterrorism inspired by the *amicus* submission of Israeli scholars in the *Boumediene* case now pending before the US Supreme Court"
6. Nov 2007—Downtown (SLC) CLE Series, "Legal and Policy Aspects of Counter-terrorism"
7. Nov 2007—University of Pennsylvania Law School, "Global Perspectives on Counter terrorism—Detention, Interrogation and Rights"
8. Nov 2007, University of Delaware, Dept of Political Science, Distinguished Lecture Series, "The Limits of Power"
9. Nov 2007, Rutgers-Camden School of Law, "Self-Defense: From the Wild West to 9/11"
10. Nov 2007, Santa Clara University Law School, "Global Perspectives on Counter-Terrorism"

He authored the following publications:

11. "Global Perspectives on Counter-Terrorism" (Aspen Publishers) was published (Nov. 2007)

2. Oxford University Press will publish "Top Ten Global Justice Law Review Articles—An Annual Review" (Amos N. Guiora, ed.) (publication date May 2008)
3. "Constitutional Limits on Coercive Interrogation" (OUP) will be published March, 2008 (manuscript submitted Nov. 2007)
4. "Counter-Terrorism and Human Rights" (op-ed), San Francisco Chronicle, Nov. 15, 2007

He also gave the following media interviews:

1. "The Philadelphia Lawyer"
2. NPR Morning Edition
3. MOSIAC, (CBS-5; San Francisco Bay Area)

He was also interviewed by the following media outlets concerning the Annapolis Middle East Peace Summit:

1. The Deseret News
2. Metro News
3. KCPW

Finally, he offered a briefing to the House Homeland Security Committee (Nov 9) regarding the development of a national homeland security strategy.

Debora Thredy's article, "Legal Archaeology and Feminist Legal Theory: A Case Study of Gender and Domestic Violence," has been accepted for publication by the *Women's Rights Law Reporter*. The article uses the methodology of "legal archaeology" to examine a Utah case involving the prosecution of a violation of a protective order. By examining the trial court transcript, the parties' briefs on appeal, newspaper accounts, and interviews with the attorneys, as well as the published opinion from the court of appeals, she raises questions about the legal system's ability to

address the deep structure of gender bias.

Thredy, along with Professor Duncan Metcalfe from the Department of Anthropology, has been awarded an Interdisciplinary Teaching Seed Grant to offer a class to both law students and graduate students in the anthropology department titled "Legal Issues in Archaeology." The class is an outgrowth of Thredy's seminar on "Archaeology and the Law," which examines the legal protection afforded archaeological artifacts and sites. The new, interdisciplinary class, in addition to providing an overview of the laws governing archaeological protection, will involve the law students and anthropology graduate students in a series of simulations that will replicate the kinds of legal problems that arise in practice, such as NHPA permitting, NAGPRA consultations, and archaeological crime investigations. The class will be offered for the first time in the Spring of 2009.

Dan Medwed's essay titled "Innocentrism" has been accepted for publication by the *University of Illinois Law Review*. "Innocentrism" examines scholarly criticisms (both from the left and the right) of the rising centrality of innocence-themed arguments in the criminal law discourse. The paper concludes that the growth of innocence-based arguments in courtrooms, classrooms, and newsrooms, while far from a panacea to the criminal justice system's many ills, is a positive occurrence and a healthy complement to American criminal law's traditional focus on substantive and procedural rights. In addition, Dan was invited to participate in a symposium in May at the University of Washington School of Law on the topic of prosecutors. Articles presented at the conference will be published in the *Washington Law Review*.

Linda Smith serves as a member of the Utah Judicial Standing Committee on Resources for Self-Represented Parties. As such she organized and participated in a Continuing Legal Education ethics event; "The Access to Justice Crisis: The Challenge of Unrepresented Litigants" at the College of Law on September 27, 2007. This involved a talk by Richard Zorza, national expert on self-represented litigants, followed by a Panel Discussion about Utah Initiatives by Professor Smith and other members of the Standing Committee.

On October 20, 2007 Smith participated in the Define Your Path Conference for 8th Grade Girls offered by Youth Education at the University of Utah. This involved describing law school, showing clips from *The Paper Chase* and *Legally Blonde*, and offering a mock law school class to 8th grade girls about "school fees." Smith thinks she has recruited some excellent future students.

During the summer of 2007 Smith completed her article, "Was It Good for You Too? Conversation Analysis of Two Interviews." It is currently scheduled to be published by the *Kentucky Law Journal*, in Volume 96, Book 4 tentatively scheduled to be in print by late April or early May, 2007.

In January, **Ralph Mabey** will be one of the teachers of a course on International Bankruptcy Law that will originate at New York University Law School and be transmitted live to students at the S.J. Quinney College of Law, Georgetown and Tulane. Our classroom will be interactive with the classroom at NYU.

Mabey has been selected by the International Insolvency Institute to head its Committee on International Jurisdiction and Coordination. The Committee's first report, on the rescue of transnational corporate groups, will be made in Berlin next June.

In September, he served on the faculty of the New York University Law School's 33rd Annual Lawrence P. King and Charles Seligson Workshop on Bankruptcy and Business Reorganization. He presented a paper on Stockbroker Liquidations. In October, the National Conference of Bankruptcy Judges held their annual meetings; Mabey served on the Educational and Advisory Committee for the meetings.

In February, Mabey will speak in Denver at the Annual Rocky Mountain Bankruptcy Conference of the American Bankruptcy Institute, and in Park City at the Norton Bankruptcy Litigation Institute. In March, he will be on the faculty of the American Law Institute/American Bar Association's course on Fundamentals of Bankruptcy Law.

Twice monthly, Mabey writes Expert Commentaries on recent court decisions for LexisNexis' on-line services.

On November 29, **Chris Whytock** successfully defended his dissertation, "Domestic Courts and Global Governance," at Duke University, and presented his findings at the Duke University Seminar on Global Governance and Democracy. In February, he will present a paper on the "Transnational Shadow of Domestic Law" at Duke Law School.

Nancy McLaughlin recently published "Conservation Easements: Perpetuity and Beyond," 34 *Ecology L.Q.* 674 (2007). "Condemning Conservation Easements: Protecting the Public Interest and Investment in Conservation," is forthcoming in the *UC Davis Law Review* (Spring 2008), and "Condemning Open Space: Making Way for National Interest Electric Transmission Facilities (or Not)," is forthcoming in the *Virginia Environmental Law Journal* (Spring 2008). The latter article was the inspiration for the Virginia Environmental Law Journal's fall symposium titled

Condemning Open Space, which took place at the University of Virginia School of Law in November of 2007 and at which Professor McLaughlin was a featured speaker.

McLaughlin served as a member of the Conservation Easement Amendment Policy Group formed in 2005 by the Land Trust Alliance (LTA), and in October 2007 she was one of four panelists who presented the group's final 100+ page report, entitled *Amending Conservation Easements: Evolving Practices and Legal Principles*, at LTA's national conference in Denver. In April 2007 she presented on Nonprofit Land Conservation Organizations—Rights, Responsibilities, and Emerging Issues, at a seminar on the Nonprofit Sector & Philanthropy at Harvard Law School and the Hauser Center for Nonprofit Organizations, John F. Kennedy School of Government.

In the fall of 2007 McLaughlin was elected to membership in The American Law Institute and as a fellow of The American College of Trust and Estate Counsel. In the spring of 2007 she was awarded the University of Utah's 2007 Early Career Teaching Award.