

NOTE FROM THE EDITOR

The *Alaska Law Review* is pleased to present our June 2015 issue, the first in our thirty-second volume. Featuring three Articles and three student Notes, the pieces in this issue touch upon important and varied themes in the modern Alaskan legal system, ranging from unethical state criminal verdicts, evidentiary standards in domestic violence cases, and complex civil procedure to the jurisdiction of tribal courts to regulate criminal and alcohol-related offenses.

Our first Article, *Guilty But Mentally Ill: The Ethical Dilemma of Mental Illness As A Tool Of The Prosecution* by Lauren G. Johansen, examines the guilty but mentally ill verdict in Alaska's criminal justice system. This Article argues that the prosecution-initiated guilty but mentally ill verdict is unethical and, if not repealed, will be increasingly used by prosecutors to deny mentally ill defendants their entitlement to good-time credit and will further disincentivize defense investigation and presentation of a defendant's mental illness. Ms. Johansen is a graduate of the University of Oregon School of Law. She currently works as a law clerk to the Honorable William B. Carey in Ketchikan.

Our second Article, *Whatever Happened To The Seveloff Fix?* by Andy Harrington, examines the complex history behind the power of Alaska native villages to create and enforce their own tribal alcohol regulations. This Article concludes that Alaska native villages currently retain the power, concurrent with the State, to regulate their own alcohol use. Mr. Harrington's article ends with a concise list of modern-day considerations for tribal councils that seek to create and enforce their own tribal alcohol regulations. Mr. Harrington is a graduate of Harvard Law School. He currently works as the Associate General Counsel for the University of Alaska.

Our third Article, *Advancing Tribal Court Criminal Jurisdiction In Alaska* by Ryan Fortson, persuasively argues that Alaska tribes have jurisdiction over criminal offenses within their Native villages. The existence of tribal criminal jurisdiction over criminal offenses would greatly empower tribes to address the local problems that plague them. This Article urges Tribal courts in Alaska to become active participants in exercising their inherent criminal jurisdiction. Mr. Fortson is a J.D. graduate of Stanford Law School and a Ph.D. graduate of the University of Minnesota. He currently teaches as an assistant professor at the Justice Center at the University of Alaska Anchorage.

The *Alaska Law Review* is proud to include three Duke Law student

Notes. Our first Note, *Admissibility of Battered-Spouse-Syndrome Evidence In Alaska* by Morgan Abbott, argues for the enunciation of a clear rule regarding the admissibility of battered-spouse-syndrome evidence in the Alaska state court system. This Note recommends that Alaska adopt an interpretation of “reasonableness” in a domestic violence situation to include the “reasonable battered woman” standard. Ms. Abbott is a graduate of the University of North Carolina–Chapel Hill and is expected to graduate from the Duke University School of Law in 2016.

Our second student Note, *Summary Judgment In Alaska* by Grady R. Campion, analyses Alaska’s state summary judgment standard. This Note argues that Alaska’s heightened summary judgment standard reflects a past era and should be modernized. After assessing arguments for and against modernizing Alaska’s summary judgment standard, this Note concludes with a recommendation: Alaska should adopt the federal reasonable jury summary judgment standard. Mr. Campion is a graduate of Oberlin College and is expected to graduate from the Duke University School of Law in 2016.

Our third student Note, *The Doctrine In The Shadows: Reverse-Erie, Its Cases, Its Theories, And Its Future With Plausibility Pleading In Alaska* by Philip A. Tarpley, uses the differences between the Alaska and Federal pleading standards to flesh out the little-known Reverse-Erie doctrine. This Note seeks to answer the question: when an Alaska state court adjudicates a federal cause of action, could it ever be forced to apply federal procedure in lieu of state procedure, which it traditionally applies? Mr. Tarpley concludes that while it is possible for the federal system to impose its procedures on the Alaska state court system, such a move is unlikely. Mr. Tarpley is a graduate of Rice University and a 2015 graduate of the Duke University School of Law.

In closing, the staff of the *Alaska Law Review* hopes that you find the articles within this issue informative, enjoyable, and engaging. We here at the Duke University School of Law are honored to edit and review the articles that are submitted to us and we are grateful to the Alaska Bar Association and the Alaska legal community for granting us the privilege of publishing the *Alaska Law Review*. All issues of the Alaska Law Review are freely available on our website—alr.law.duke.edu—with both printable and searchable PDFs, as well as a complete archive of previous issues. I welcome and encourage you to visit it and subscribe to our mailing list.

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Editor-in-Chief 2014–2015