

NOTE FROM THE EDITOR

The *Alaska Law Review* is pleased to present our December 2015 issue, the second in our thirty-second volume. As a life-long Alaskan, I am proud as the new editor-in-chief to share the following three articles, comment, and two Duke Law student notes with you. They all touch upon important topics in the modern Alaskan legal system, ranging from our education system to the protection of personal property from creditors to a variety of issues implicating privacy rights.

Our first featured article addresses the privacy rights of sexual assault complainants. "*A System Appallingly out of Balance*": *Morgan v. State and the Rights of Defendants and Victims in Sexual Assault Prosecutions* by Daniel E. Doty examines *Morgan v. State*, which exempts the credibility of sexual assault and sexual abuse victims from the ordinary rules of evidence restrictions. This article argues that such protection for defendants in sex crime prosecutions is grounded in erroneous stereotypes about victims of sexual abuse and ultimately detrimental to the pursuit of truth. Mr. Doty proposes new legislation that would eliminate the special exception. Mr. Doty is a graduate of William & Mary Law School. He was an Assistant District Attorney in Bethel, Alaska from 2013 to 2015, where he witnessed the *Morgan* rule in action as a prosecutor of sexual assault cases. He is now an Associate at Delaney Wiles, Inc., in Anchorage, Alaska.

In our second article, *From Accession to Exemption: A Brief History of the Development of Alaska Property Exemption Laws*, Eric H. Miller breaks down the complex state and federal history behind Alaska's current property exemption laws protecting certain debtors' assets from creditors. This article illustrates how Alaska protects debtor interests through statute, unlike many other states that instead provide constitutional protection. Mr. Miller is a J.D. graduate of Florida State University. He practiced privately and in government agencies in administrative, bankruptcy, civil, commercial, and constitutional law for 16 years and now serves on the staff of the Florida House of Representatives.

Our third article, *Ravin Revisited: Alaska's Historic Common Law Marijuana Rule at the Dawn of Legalization* by Jason Brandeis, provides a review of the on-going development of a statewide framework for regulating marijuana in Alaska and identifies issues in the relationship between these new laws and the preexisting *Ravin* doctrine that have yet

to be addressed by the Alaska Legislature. This article updates his previous contribution to the *Alaska Law Review* on the *Ravin* doctrine, which protects the personal use of marijuana in the privacy of one's own home, in light of Alaska's recent legalization of marijuana. Mr. Brandeis is an Associate Professor of Justice and Legal Studies at the University of Alaska Anchorage Justice Center. He received his J.D. from Vermont Law School.

Our comment, *Alaska: North to the Future of Federal Marijuana Regulation* by Angela Macdonald, supplements Mr. Brandeis's article by calling on the federal government to remove marijuana from the Controlled Substances Act so as to allow Alaskans to utilize their recent marijuana use rights without fear of federal persecution. This comment recommends that the federal government instead follow Alaska's approach to regulating marijuana commerce by shifting oversight of marijuana regulation from the Drug Enforcement Administration to the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Ms. Macdonald received her Bachelors and Masters of Professional Studies from the University of Denver, and is a 2016 J.D. Candidate at the University of Massachusetts School of Law.

Our first student note, *Breaking Bad Law: Meth Lab Investigations Highlight Alaska's Current Approach to Privacy* by Victoria Sheets, continues the privacy theme. This note highlights the recent case of *Martin v. State* in examining Alaska's current search and seizure policies. The note serves as a call to action for Alaska courts to adopt a coherent approach to balancing Alaskans' codified right to privacy with the state's interest in protecting its people. Ms. Sheets is a graduate of the University of Florida and is expected to graduate from the Duke University School of Law with a J.D. and Masters of Philosophy in 2016.

Last but not least is our second student note, *Alaska and Vergara v. California: Evaluating the Constitutionality of Teacher Tenure in Alaska* by M. Rebecca Cooper. In it, she analyses Alaska's teacher tenure statutes to evaluate the possibility for equal protection challenges similar to those successfully argued in *Vergara v. California*. Though Ms. Cooper determines that most of Alaska's tenure statutes are safe from challenge, she suggests areas in the law for the legislature to consider as they continue their current evaluation. Ms. Cooper is a J.D. Candidate at the Duke University School of Law and is expected to graduate in 2016. She is a graduate from Yale University and received her Master of Arts in Teaching from Xavier University of Louisiana.

In closing, the staff of the *Alaska Law Review* hopes you find this issue informative, enjoyable, and engaging. We here at Duke Law School are honored to edit and review the articles submitted to us and have worked very hard this semester to show our gratitude for the

privilege of publishing the *Alaska Law Review*. I invite and encourage readers to submit responses, reactions, and further insights on topics discussed in our journal. We strive to provide a forum through which the community can publish diverse views and solutions to Alaskan legal issues.

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 you to visit it and hope you will subscribe to our mailing list.

Iuniki L. Ikahihifo-Bender
Editor-in-Chief 2015–2016