Recommended Citation
Available at: https://digitalrepository.unm.edu/nmlr/vol45/iss1/1
VOLUME 45
ISSUE 1

Fall 2014
THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW
Albuquerque, New Mexico

REGENTS OF THE UNIVERSITY

The Honorable Susana Martinez, Governor of New Mexico, Ex Officio
Jack L. Fortner, President
Lt. General Bradley C. Hosmer, Secretary/Treasurer
James H. Koch
J.E. (Gene) Gallegos
Suzanne Quillen
Heidi N. Overton, Student Regent

Robert G. Frank, President of the University

SCHOOL OF LAW

David J. Herring, Dean, Professor of Law
Max Minzner, Associate Dean for Academic Affairs, Professor of Law
April Land, Associate Dean for Clinical Affairs, Professor of Law
Nathalie Martin, Associate Dean for Faculty Development, Professor of Law
Michelle Rigual, Acting Director, School of Law Library, Associate Professor of Law Librarianship
Christine Zuni Cruz, Associate Dean, Indian Law Program; Professor of Law; Editor-in-Chief, Tribal Law Journal
George Bach, Assistant Professor of Law
Marsha Baum, Professor of Law
Reed D. Benson, Professor of Law
Barbara Bergman, Professor of Law; Pamela Minzner Chair in Professionalism
Sherri L. Burr, Professor of Law
Yael Cannon, Assistant Professor of Law
Camille Carey, Associate Professor of Law
Barbara Creel, Professor of Law
Scott England; Lecturer III
James W. Ellis, Distinguished Professor of Law
Denise Fort, Professor of Law
Eileen Gauna; Professor of Law
Marquita Hartnett, Law Librarian; Lecturer III
Steven K. Homer, Legal Research & Writing, Lecturer III
Scott Hughes, Professor of Law
John P. LaVelle, Professor of Law
Jennifer Laws, Law Librarian; Lecturer III
Ernesto A. Longa, Law Librarian; Professor of Law Librarianship
Antoinette Sedillo Lopez, Professor of Law
Serge Martinez; Assistant Professor of Law
Alfred D. Mathewson, Professor of Law; Henry Weihofen Chair in law
Jennifer Moore, Professor of Law
Mary Leto Pareja; Assistant Professor of Law
Aliza Organick, Professor of Law
Sergio Pareja, Professor of Law
ELIZABETH RAPAPORT, Professor of Law
ALEX RITCHIE, Assistant Professor of Law; Faculty Advisor, Natural Resources Journal
DAWINDER S. SIDHU, Assistant Professor of Law; Faculty Advisor, New Mexico Law Review
ALEXANDRA R. SIEK, Law Librarian; Visiting Lecturer III
DAVID STOUT, Legal Research & Writing, Lecturer III
CAROL M. SUZUKI, Professor of Law
KEVIN TU, Assistant Professor of Law
SHERRI THOMAS, Law Librarian; Assistant Professor of Law Librarianship
LU-IN WANG, Professor of Law
KEVIN K. WASHBURN, Professor of Law
JEANETTE WOLFLEY, Assistant Professor of Law

EMERITI

MICHAEL B. BROWDE, Professor Emeritus of Law
BARBARA BLUMENFELD, Director, Legal Research & Writing; Emerita Professor of Law
ROBERT J. DESIDERIO, Professor Emeritus of Law
CHARLES T. DUMARS, Professor Emeritus of Law
WILLIS H. ELLIS, Professor Emeritus of Law
MYRON FINK, Professor Emeritus of Law
DENISE FORT, Professor Emerita of Law
CHRISTIAN G. FRITZ, Professor Emeritus of Law
RICHARD A. GONZALES, Professor Emeritus of Law
G. EMLEN HALL, Professor Emeritus of Law
FREDERICK M. HART, Professor Emeritus of Law
MICHÈLE S.G. HERMANN, Professor Emerita of Law
RUTH L. KOVNAT, Professor Emerita of Law
WILLIAM T. MACPHERSON, JR., Professor Emeritus of Law
JOSE MARTINEZ, Professor Emeritus of Law
MARGARET MONToya, Professor Emerita of Law
J. MICHAEL NORWOOD, Professor Emeritus of Law
MARIO E. (TED) OCCHIALINO, Professor Emeritus of Law
THEODORE PARNAULT, Professor Emeritus of Law
LEO M. ROMERO, Professor Emeritus of Law
ROBERT SCHWARTZ, Professor Emeritus of Law
GLORIA VALENCIA-WEber, Professor Emerita of Law
PETER A. WINograd, Professor Emeritus of Law
SHERYL SChEIBLE WOLF, Professor Emerita of Law
Published two times per year by the University of New Mexico School of Law
Albuquerque, New Mexico

Volume 45  
Fall 2014  
Number 1

Tomo 45  
Otoño 2014  
Numero 1

Editor-in-Chief  
Matthew Zidovsky

Managing Editor  
Ryan Schotter

Professional Articles Editors  
Lynne Canning  
Ashley Funkhouser  
Gabe Long

Citation Editors  
Ashley Minton  
Stephen Ralph

Student Articles Editors  
Maria Dudley  
Michael Jasso

Manuscript Editors  
Jesse Gallegos  
Elizabeth Piazza  
Nora Wilson  
Abigail Yates

Staff Members  
Elliot Barela  
Gary Lee  
Jazmine Ruiz  
Emma Jo Chalverus  
Larissa Lozano  
Randy Taylor  
Brenna Gaytan  
Jim Monteleone  
Taylor Zangara  
Luke Holmen  
Adriel Orozco  
Lea Zukowski  
Nora Wilson

Faculty Advisor  
Dawinder “Dave” Sidhu

Alumnus Advisor  
Neil Bell

Director of Journals and Scholarly Communications  
J. Marie Griggs

Business Manager  
Marquita Harnett
CONTENTS

INTRODUCTION ................................................................. ix

PROFESSIONAL ARTICLES

First Amendment Sexual Privacy: Adult Sexting and Federal Age- Verification Legislation
Jennifer M. Kinsley .................................................... 1

Zombie Mortgages, Real Estate, and the Fallout for the Survivors
David P. Weber ...................................................... 37

Advantages of the One-Client Model in Insurance Defense
Jean Fleming Powers ................................................. 79

When the Mountain Goes to Mohammed: The Internet and Judicial Decision-Making
Layne S. Keele ..................................................... 125

Brady Reconstructed: An Overdue Expansion of Rights and Remedies
Leonard Sosnov .................................................... 171

It’s Not Too Difficult: A Plea to Resurrect the Impossibility Defense
Ken Levy .............................................................. 225

COMMENTS FROM THE U.S. SENATOR DENNIS CHAVEZ ENDOWED LECTURSHIP/SYMPOSIUM ON CIVIL RIGHTS HOSTED BY THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW APRIL 22, 2014

Delgado’s Darkroom: Critical Reflections on Land Titles and Latino Legal Education
Richard Delgado ..................................................... 275

STUDENT NOTES & COMMENTS

Have you Volunteered to Arbitrate Today?
Lynne Canning ................................................... 297
When is a Rock a Rock? New Mexico's Abandonment of Property Rules in Mineral Conveyancing
   Gabe Long .................................................. 343

Tension in the Waters: How *Tri-State Generation v. D’Antonio* Creates Tension with the Takings Clause and the Prior Appropriation Doctrine
   Ashley N. Minton .......................... 371