



# NEW MEXICO LAW REVIEW

---

Volume 44  
Issue 1 *Spring*

---

Spring 2014

## Introduction

J. Walker Boyd

*University of New Mexico - Main Campus*

### Recommended Citation

J. W. Boyd, *Introduction*, 44 N.M. L. Rev. ix (2014).

Available at: <https://digitalrepository.unm.edu/nmlr/vol44/iss1/2>

This Front Matter is brought to you for free and open access by The University of New Mexico School of Law. For more information, please visit the *New Mexico Law Review* website: [www.lawschool.unm.edu/nmlr](http://www.lawschool.unm.edu/nmlr)

## Introduction

In his Nobel Prize acceptance speech, Dario Fo said that “an artistic expression that does not speak for its own time has no relevance.”<sup>1</sup> Although some law review editors might dispute that editing a law review qualifies as an artistic expression, no one seriously doubts the central role of relevance in evaluating a law review’s worth. This year, a survey (published in a law review) found that many practicing attorneys, judges, law professors, and even law review editors themselves were dissatisfied with law reviews’ recent contributions to legal scholarship and to the evolution of the common law in the United States.<sup>2</sup>

The *New Mexico Law Review*’s mission has been to publish quality legal scholarship that is relevant to the development of the law in New Mexico and therefore helpful to the New Mexico bench and bar. The need to stay abreast of developments in the law in order to benefit practitioners, lawyers, and scholars is therefore not a new obligation. The difficulty has always been finding scholars from other parts of the United States or the world who are writing on topics that are relevant to the New Mexico bench and bar. Fortunately for me, however, 2013 has seen issues relevant in New Mexico dominate court dockets and legal debates around the country. This year, then, I have enjoyed the luxury of picking articles that speak for this time as well as to New Mexico’s unique legal culture.

Take, for example, Professor Aaron N. Taylor’s article on school admissions policies, *Reimagining Merit as Achievement* (page 1). Professor Taylor’s article proposes a novel set of admissions criteria that can help selective schools implement meritocratic admissions policies without resorting to controversial and (legally speaking) increasingly tenuous principles of racial affirmative action. In as racially diverse a state as New Mexico, Professor Taylor’s article provides a refreshing and challenging new perspective on admissions policies that will stimulate debate here and nationwide.

The other articles in this issue of the *Review* likewise key into topics of national interest by analyzing issues that are of current importance to New Mexico practitioners and judges. Professor David Epstein (a noted scholar of commercial law) and his two co-authors provide an illuminating and punchy comment on the parol evidence rule, a concept that has long vexed courts in New Mexico and around the country (page 49). Paul

---

1. Dario Fo, Nobel Laureate, *Contra Jogulatores Obloquentes: Against Jesters Who Defame and Insult* (Dec. 7, 1997) (transcript available at [http://www.nobelprize.org/nobel\\_prizes/literature/laureates/1997/fo-lecture.html](http://www.nobelprize.org/nobel_prizes/literature/laureates/1997/fo-lecture.html)).

2. Richard A. Wise et al., *Do Law Reviews Need Reform? A Survey of Law Professors, Student Editors, Attorneys, and Judges*, 59 *Loy. L. Rev.* 1 (2013).

Clark argues that the U.S. Supreme Court's recent decision in *Missouri v. McNeely* may have a profound effect on states' efforts to combat drunk driving (page 89). Benjamin Jackson urges Federal courts to consider extending the protections of the First Amendment to speech censored by social network websites (page 121). Finally, Professor Melanie Reid has given the *Review* a wonderful critique of the federal government's current policy towards marijuana legalization efforts, arguing that it is unsustainable and should be abandoned either in favor of legalized recreational use or renewed enforcement of existing criminal statutes (page 169).

This issue of the *Review* has four excellent student notes that will contribute to the ongoing conversation about New Mexico's evolving common law. Anand Chellappa examines how products liability claims will be litigated after *Bustos v. Hyundai* (page 207). Adam Flores gives a lucid critique of the New Mexico Court of Appeals' attempt in *State v. Etsitty* to make a practical rule for child endangerment prosecutions based on DUI as a predicate act (page 233). Michael Timm examines the viability of wrongful conception claims and the place of the Restatement (Third) of Torts in New Mexico after *Provencio v. Wenrich* (page 253). Finally, Levi Monagle examines the tragedy, farce, and ongoing challenges posed by political gerrymandering in New Mexico, all of which were on display in *Maestas v. Hall* (page 277).

This collection of incisive and insightful legal scholarship would not have made it to print without the efforts of the ever-toiling *Review* staff and board members. They spent many bleary hours in the autumn of 2013 editing articles, checking citations, and helping to resolve the difficult issues the *Review* faced. I also thank the wonderful group of authors who trusted the *New Mexico Law Review* to shepherd their work to publication. Finally, I would like to thank the *Review's* advisors, Professors Carol Suzuki and Neil Bell. They have worked tirelessly to help staff members refine their writing and editing skills, understand New Mexico's unique legal climate, and prepare them to take charge of publishing the next volume of the *New Mexico Law Review*.

J. Walker Boyd  
Editor-in-Chief