



NEW MEXICO LAW REVIEW

Volume 40
Issue 3 *Summer*

Summer 2010

Front Matter

New Mexico Law Review

Recommended Citation

New Mexico Law Review, *Front Matter*, 40 N.M. L. Rev. i (2010).
Available at: <https://digitalrepository.unm.edu/nmlr/vol40/iss3/1>

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

Copyright ©2010 by the New Mexico Law Review

Volume 40, No. 3, Summer 2010

ISSN 0028-6214

Published by the students of the University of New Mexico School of Law

Visit us on the Internet at: <http://lawschool.unm.edu/nmlr>

New Mexico Law Review

University of New Mexico School of Law

MSC11 6080

1 University of New Mexico

Albuquerque, NM 87131-0001

University of New Mexico School of Law

Editorial Office

phone: (505) 277-4910 — fax: (505) 277-8342

e-mail: lawrev@law.unm.edu

SUBSCRIPTIONS/BACK ISSUES/CLAIMS

Subscriptions/Back Issues:

Rate: \$40 per year domestic; \$45 per year foreign, \$15 per single copy; postage included. Subscriptions are for the calendar year only and are automatically renewed and billed annually. Cancellations must be received in writing and are by calendar year only. No discounts offered.

Address requests to “Attn: Subscriptions/Sales” at the above address, or:

phone: (505) 277-0089

e-mail: nmlrsubscriptions@law.unm.edu (please enter Subject as “NMLR Subscriptions”)

Claims (note: Subscriber claims for undelivered issues must be received within ninety (90) days of mailing date of issue claimed):

Address requests to “Attn: CLAIMS” at the above address, or:

phone: (505) 277-4910 — fax: (505) 277-8342

e-mail: lawrev@law.unm.edu (please enter Subject as “NMLR Claims”)

DUPLICATION/REPRINT INFORMATION

Please contact us by mail, e-mail, or fax regarding requests for permission to duplicate or reprint. Except as otherwise expressly provided, permission is hereby granted to copy materials from this publication for classroom use, provided that (1) copies are distributed at or below cost and (2) author and journal are properly identified.

The views expressed herein are those of the authors and do not necessarily reflect those of the Editorial Board, the Law Faculty, or Regents of the University of New Mexico.

Printed by Joe Christensen, Inc.

This text stock is 30% pcw and acid free.

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

REGENTS OF THE UNIVERSITY

THE HONORABLE BILL RICHARDSON, Governor of New Mexico, ex officio	Santa Fe
RAYMOND G. SANCHEZ, <i>President</i>	Santa Fe
JACK L. FORTNER, <i>Vice President</i>	Farmington
CAROLYN J. ABEITA, <i>Secretary/Treasurer</i>	Albuquerque
DON L. CHALMERS	Rio Rancho
J.E. GALLEGOS	Santa Fe
JAMES H. KOCH	Santa Fe
EMILY WISDOM	Albuquerque
DAVID JAMES SCHMIDLY, PRESIDENT OF THE UNIVERSITY	Albuquerque

SCHOOL OF LAW

KEVIN K. WASHBURN, Dean
LAURA E. GÓMEZ, Associate Dean for Faculty Development, Professor of Law
ANTOINETTE SEDILLO LOPEZ, Associate Dean for Clinical Affairs, Professor of Law
J. MICHAEL NORWOOD, Associate Dean of Academic Affairs, Professor of Law
MEGAN DUNNING ARGO, Legal Analysis & Communication, Lecturer III
MARSHA BAUM, Professor of Law
NORMAN BAY, Associate Professor of Law
REED D. BENSON, Professor of Law; Faculty Editor-in-Chief, *Natural Resources Journal*
BARBARA BERGMAN, Professor of Law
PAUL BIDERMAN, Director, Institute of Public Law
BARBARA BLUMENFELD, Director, Legal Research & Writing; Lecturer III
SHERRI L. BURR, Professor of Law
EILEEN COHEN, Associate Librarian, Professor of Law Librarianship
GARY B. CONINE, Research Professor, Judge Leon Karelitz Chair in Oil and Gas Law
BARBARA CREEL, Professor of Law
JAMES W. ELLIS, Professor of Law
DENISE FORT, Professor of Law
CHRISTIAN G. FRITZ, Professor of Law
EILEEN GAUNA, Professor of Law
ERIK F. GERDING, Assistant Professor of Law
MARQUITA HARNETT, Law Librarian
STEVEN K. HOMER, Legal Research & Writing, Lecturer III
SCOTT HUGHES, Professor of Law
APRIL LAND, Professor of Law
JOHN P. LAVELLE, Professor of Law; Director, Indian Law Program
ERNESTO A. LONGA, Law Librarian, Assistant Professor of Law Librarianship
NATHALIE MARTIN, Professor of Law
JOSE L. MARTINEZ, Associate Professor of Law
ALFRED D. MATHEWSON, Professor of Law
MARGARET E. MONTOYA, Professor of Law
JENNIFER MOORE, Professor of Law
MARIO E. (TED) OCCHIALINO, Professor of Law
DANIEL ORTEGA, Research Professor of Law; Director, International Law Programs
SERGIO PAREJA, Assistant Professor of Law
CAROL A. PARKER, Associate Dean for Library and Information Technology; Keleher Professor
of Law
ELIZABETH RAPAPORT, Professor of Law
LEO M. ROMERO, Professor of Law
ROBERT L. SCHWARTZ, Professor of Law

THERESA STRIKE, Law Librarian, Assistant Professor of Law Librarianship
CAROL M. SUZUKI, Associate Professor of Law
SHERRI THOMAS, Law Librarian, Assistant Professor of Law Librarianship
GLORIA VALENCIA-WEBER, Professor of Law
CHRISTINE ZUNI CRUZ, Professor of Law; Editor-in-Chief, *Tribal Law Journal*

EMERITI

MICHAEL B. BROWDE, Professor Emeritus of Law; Faculty Advisor, *New Mexico Law Review*
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
W. GARRETT FLICKINGER, Professor Emeritus of Law
RICHARD A. GONZALES, Professor Emeritus of Law
G. EMLÉN HALL, Professor Emeritus of Law
FREDERICK M. HART, Professor Emeritus of Law
MICHELE S.G. HERMANN, Professor Emerita of Law
RUTH L. KOVNAT, Professor Emerita of Law
WILLIAM T. MACPHERSON, JR., Professor Emeritus of Law
PAUL NATHANSON, Research Professor Emeritus of Law
THEODORE PARNALL, Professor Emeritus of Law
PETER A. WINOGRAD, Professor Emeritus of Law
SHERYL SCHEIBLE WOLF, Professor Emerita of Law

NEW MEXICO LAW REVIEW

Published Three Times Per Year

By the University of New Mexico School of Law, Albuquerque, New Mexico

Volume 40
Tomo 40

Summer 2010
Verano 2010

Number 3
Numero 3

Editor-in-Chief

Erin McSherry

Managing Editors

David Ferrance & Shannon Sherrell

Professional Articles Editors

Aaron Baca (fall)
Derek Connor (spring)
Sean Cunniff (fall)

Student Articles Editors

Hajra Malik
Maggie Murray

Manuscript Editors

Aaron Baca (spring)
Tom Bunting
Amanda Connor

Derek Connor (fall)
Stevie Nichols

Staff Members

Taina Colón
Jennifer Duprez
Loren Foy
Heather Hansen
Aaron Holloman
Tara Kinman
Genia Lindsey
Jason Martinez

Summer McKean
Maryl McNally
Maria Padilla
Dean Palacios
Ana Romero Jurisson
Andy Scholl
Melanie Stambaugh
D'Ontae Sylvertooth

Faculty Advisor

Michael B. Browde

UNMSOL Managing Editor

Lynne Arany

Business Manager

Jessica Leary

Member of the *National Conference of Law Reviews*

NEW MEXICO LAW REVIEW

Published by the University of New Mexico School of Law, Albuquerque, New Mexico

Volume 40

Summer 2010

Number 3

CONTENTS

INTRODUCTION ix

NOTES & COMMENTS

The Learned Intermediary Doctrine in New Mexico: An Uncertain Future
Loren Foy 299

Collective Venue and Equality Among Corporations in New Mexico: *Bank of America v. Apache Corp.*
Aaron Holloman 317

Striking a Balance in the Valuation of Temporary Takings: Examining the Award of Lost Profits in *Primetime Hospitality, Inc. v. City of Albuquerque*
Tara Kinman 337

Why the Rescission of Health Insurance Policies Is Not an “Equitable” Remedy
Genia Lindsey 363

The Misuse of *Brand X* and the Detrimental Impact on Undocumented Immigrants in the Tenth Circuit: Revisiting the Basics of the *Chevron* Doctrine
Ana Romero Jurisson 391

State v. Belanger and New Mexico’s Lone Stance on Allowing Defense Witness Immunity
Andy Scholl..... 421

Well-Founded Fear of Persecution Among Women Seeking Asylum: Lessons Learned from the Law of Rape
Melanie Stambaugh 455

INDEX: VOLUME 40 493

TITLE INDEX 494

AUTHOR INDEX 494

STUDENT ARTICLES 495

CASE NAMES (STUDENT ARTICLES) 496

SUBJECT INDEX (WITH SUBJECT TOPICS LIST) 497