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Introduction

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INTRODUCTION

Welcome to the *New Mexico Law Review*'s second issue of Volume 36. We are excited to present to you the articles contained herein. As with issue one of Volume 36, the purpose behind this issue is to provide the New Mexico Bench and Bar with relevant and practical articles, as well as articles of great academic and pleasurable interest.

The issue begins with the article by the late Seth D. Montgomery and his son, Andrew S. Montgomery, *Jurisdiction as May Be Provided by Law: Some Issues of Appellate Jurisdiction in New Mexico*. Due to editorial errors discovered in the printing of this article in Volume 36, Issue 1, we are reprinting it here in its entirety and in its correct form. Please enjoy the article as it was intended to be published.

Next follows Julie D. Cromer's article, *Harry Potter and the Three-Second Crime: Are We Vanishing the De Minimis Defense from Copyright Law?*, which evaluates the history and present-day concerns regarding copyright law and ultimately addresses the question of whether copyright law should be less strictly applied to future works. Following is Lloyd T. Wilson, Jr.'s article, *A Taxonomic Analysis of Mortgage Broker Licensing Statutes: Developing a Programmatic Response to Predatory Lending*, which discusses the many issues pertaining to predatory lending in mortgage broker licensing and proposes sections of a model statute that would effectively protect consumers while placing responsibility on the licensees' shoulders.

The issue continues with articles focusing on the importance of updating and adhering to certain federal rules of evidence. Charles H. Rose, III's article, *Should the Tail Wag the Dog?: The Potential Effects of Recidivism Data on Character Evidence Rules*, examines the correlation between propensity evidence and recidivism rates and argues that, in light of the plethora of research available through history, psychology, and statistics, the character evidence rules should be revised to better address current matters within criminal law. Evan Stephenson's article, *Alone and Out of Excuses: the Tenth Circuit's Refusal to Apply Federal Rule of Evidence 407 to Product Liability Actions*, describes the importance of amended Rule 407, which directly excludes subsequent remedial measures evidence from product liability suits when a conflict with a state evidence rule exists, and argues that the Tenth Circuit should acknowledge and accept the amendment as correct law in this circuit.

Lee J. Strang's article, *An Originalist Theory of Precedent: Originalism, Nonoriginalist Precedent, and the Common Good*, follows with an analysis of United States Supreme Court jurisprudence and its history and argues that while certain nonoriginalist precedent should be retained to pursue the common good, generally courts should overrule nonoriginalist precedent. Strang further presents criteria that judges can use to make judgments in determining which nonoriginalist precedents to overrule.

The issue continues with Seth McMillan's comment, *District Court Review of Judicial Officers in New Mexico Domestic Violence and Domestic Relations Cases:*

Rethinking the Rules, which discusses the current rules and statutes pertaining to domestic violence and domestic relations and offers recommendations for changes to the judicial review provisions, seeking to balance the need for efficiency in the district court against constitutional due process rights.

Finally, the issue concludes with Erik M. Jensen's article, *Wher's the Beef? Buffalo Law and Taxation*. For those who have not yet had the pleasure of reading Jensen's work, this article humorously elucidates the not-so-expansive buffalo law and entertains with a discussion on bodybuilder-Wher's attempt to gain a tax break for his consumption of buffalo meat. Enjoy!