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February 5, 2009

Dr. David J. Schmidly
President
University of New Mexico
Albuquerque, NM 87131

Interim Dean Leo M. Romero
University of New Mexico
School of Law
1117 Stanford Drive, N.E.
Albuquerque, NM 87131-0001

Dear President Schmidly and Dean Romero:

Attached please find the decision of the Accreditation Committee at its meeting on January 22-24, 2009, with respect to the University of New Mexico School of Law.

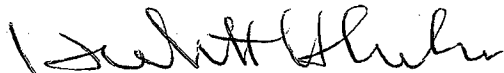
The Committee's Findings and Conclusions do not reflect a comprehensive checklist evaluation of each Standard and each facet of the institution. Indeed, this letter focuses, by the very nature of the process, essentially on concerns or possible aspects of non-compliance identified in the site evaluation report of the School or arising out of submissions or questionnaire answers by the School. Because the general impressions of different site teams are inherently noncomparable, the Accreditation Committee does not attempt to summarize all the information that could be gleaned from a site evaluation report, and recipients of this letter are encouraged, therefore, to consult the full site evaluation report for collegial advice and general impressions of the team. The site evaluation team does not make the official findings or conclusions for the Section of Legal Education and Admissions to the Bar of the American Bar Association. These are made by the Accreditation Committee and the Council of the Section.

A law school that is approved by the American Bar Association continues in that status pending final action by the Accreditation Committee and Council of the Section of Legal Education and Admissions to the Bar and pending review by the House of Delegates of the American Bar Association.

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President Schmidly and Dean Romero
February 5, 2009

Please feel free to call me, Deputy Consultant Dan J. Freehling, or
Executive Assistant Cathy A. Schrage if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Hulett H. Askew". The signature is written in a cursive style with a large initial "H".

Hulett H. Askew
Consultant on Legal Education
to the American Bar Association

HHA/cs
Attachment

DECISION OF THE ACCREDITATION COMMITTEE

January 2009

The Accreditation Committee (the Committee"), at its January 22-24, 2009 meeting, considered the status of the University of New Mexico School of Law (the "School"). The Committee had before it the decision of the Committee made at its April 2008 meeting and the letter dated November 14, 2008, from Interim Dean Leo M. Romero and President David J. Schmidly, submitted in response thereto (the "Response").

FINDINGS OF FACT:

(1) At its April 2008 meeting, the Committee concluded that, in accordance with Rule 13(a), it had reason to believe that the University of New Mexico School of Law had not demonstrated that it is in compliance with the Standards in the following respects:

- (a) Standard 304(e), in that some students are permitted to enroll in 18 credit hours of coursework in a given semester that, if successfully completed, would exceed 20 percent of the total coursework (86 credits) required by the School for graduation.
- (b) Standard 504, in that the Law School did not advise each applicant that there are character, fitness, and other qualifications for admission to the bar and did not encourage its applicants, prior to matriculation, to determine what those requirements are in the state(s) in which the applicant intends to practice.

(2) The Committee further concluded that it had insufficient information available to make a determination as to the School's compliance with the Standards in the following respects:

- (a) Standard 301(a), regarding the requirement that the Law School maintain an educational program that prepares its students for admission to the bar, and effective and responsible participation in the legal profession, in view of recently adopted Interpretation 301-6 which establishes the methods by which a law school can demonstrate compliance with Standard 301(a) with respect to bar passage regarding the sufficiency of the School's bar passage rate.
- (b) Standard 304(d), regarding whether the School has adequate procedures in place to enforce the requirement of regular and punctual class attendance by its students.

(3) The Committee requested the Dean of the School of Law to submit a report by November 15, 2009, with all relevant information necessary to (a) demonstrate compliance with Standards 304(e) and 504; and (b) provide information regarding the School's compliance with Standards 301(a) in view of Interpretation 301(6) and Standard 304(d) so as to allow the Committee to make a determination regarding the School's compliance with these Standards.

Issue of Compliance with Standard 304(e)

(4) In their Response, the Interim Dean and President acknowledged that the enrollment system at the time of the site evaluation permitted some students to enroll in more credits per semester than the Standard permits. The School has now taken steps to prevent students from so doing in the future by modifying its automated enrollment system. The School has also redrafted its online policy handbook so as to indicate clearly that students could not enroll in more than 17 credit hours. The 2009-10 hard copy bulletin also reflects this change.

Issue of Compliance with Standard 504

(5) The School reports that web pages for both Prospective Students and Admitted Students now include the following language:

Applicants/Admitted applicants who intend to practice law should be aware that admission to the bar in all states involves character, fitness and other qualifications. Applicants are encouraged to determine what those requirements are in the state(s) in which they intend to practice by consulting the website of the National Conference of Bar Examiners at <http://www.ncbex.org/>."

Request for Additional Information to Determine Compliance with Standard 301(a) and Interpretation 301-6

(6) The School provided detailed tables and textual information that indicated that the number of its graduates who sat for the New Mexico bar exam for calendar years 2003-2007 inclusive exceeded the required 70% of first-time takers and that the percentage of first-time takers who passed the bar ranged from 85% to 96%. Moreover, in each of these years the School's first-time pass rate exceeded the ABA first-time pass rate.

Request for Additional Information to Determine Compliance with Standard 304(d)

(7) In its response, the School indicated that, while it required regular and punctual attendance, enforcement was left entirely in the hands of faculty members who were to state expectations on these matters during the initial week of class. Newly adopted policies will add to the existing one a procedure whereby such policies will be submitted to the Associate Dean for Academic Affairs who will review the policies and meet with faculty members whose enforcement methods are inadequate to meet the School's newly adopted attendance policy.

(8) The School's new policy is as follows:

The Faculty reaffirms that it is the policy of UNM School of Law that students must be in "regular and punctual class attendance" in courses in which the students are registered, including Clinic Office hours. Each faculty member is authorized to enforce this rule in any manner that the faculty member deems appropriate (including but not limited to assigning a failing grade in the course, assigning a lower grade for the course, or requiring a student to withdraw from the course with a grade of "WP" or "WF"), so long as the attendance requirements, the manner of taking attendance, and the penalties for excessive absences are clearly stated by the faculty member during the first week of class.

In the case of an illness or emergency, students should contact the law school Assistant Dean for Registration or the Associate Dean for Academic Affairs, who will notify the student's instructors. The student is responsible for arranging for missed assignments, etc.

Under certain circumstances of prolonged illness, or emergencies of a personal nature of a month or more in duration, a student, in good academic standing, is encouraged to take a leave of absence.

CONCLUSIONS:

(1) Based on the information provided by the School, the Committee concludes that the University of New Mexico School of Law has demonstrated that it is in compliance with:

(a) Standard 304(e), regarding the enrollment in a maximum number of credit hours in a given semester. [See Finding of Fact (4).]

- (b) Standard 504, regarding the provision to applicants of appropriate information regarding character and fitness requirements for bar admission. [See Finding of Fact (5).]

Accordingly, the Committee terminates the Rule 13(a) proceeding with respect to these issues.

(2) Based on the information provided by the School, the Committee concludes that the University of New Mexico School of Law has demonstrated that it is in compliance with:

- (a) Standard 301(a) and Interpretation 301-6 [Section A.(1)(b)], with respect to the School's bar passage rate. [See Finding of Fact (6).]
- (b) Standard 304(d), regarding the adequacy of procedures in place to enforce the requirement of regular and punctual class attendance by its students. [See Findings of Fact (7) and (8).]

(3) The University of New Mexico School of Law remains on the list of law schools approved by the American Bar Association.

APPENDIX

HISTORY

ACTIONS TAKEN BY THE ACCREDITATION COMMITTEE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW

APRIL 2008

The Accreditation Committee (the "Committee"), at its meeting on April 16-18, 2008, considered the status of the University of New Mexico School of Law (the "Law School") in connection with the sabbatical site evaluation report submitted by a site evaluation team that visited the School on November 11-14, 2007. The team was chaired by Dean Steven L. Willborn. Also serving on the team were Professor Alicia Alvarez, Professor John S. Applegate, Professor Gilbert Holmes, Dean Margaret L. Paris, Keith Ann Stiverson, and W. Scott Street, Esq. The Committee also had before it a letter of response to the site evaluation report, dated March 18, 2008, from President David J. Schmidly and Dean Suellyn Scarnecchia, as well as the history of decisions made by the Committee with respect to the Law School since its last regular site evaluation visit.

FINDINGS OF FACT:

History and Organization

(1) The University of New Mexico was founded in 1889. It offers more than 215 degree and certificate programs, 94 bachelor's degrees, 74 master's degrees, and 40 doctoral programs. During the year of the site visit, more than 32,000 students were enrolled at its main and branch campuses.

(2) The Law School was founded in 1947 and was approved by the American Bar Association in 1948. Its previous site visit occurred in April 2001; in November 2003, based on the completion of the Law School's facilities improvement construction projects, the Committee continued the Law School on the list of schools approved by the American Bar Association.

Self Study and Strategic Planning

(3) The law faculty adopted a five-year Strategic Plan in September 2004. The plan is reviewed annually and many of its goals have been met. In spring 2006, the Dean appointed a Self Study Committee, consisting of three faculty members and chaired by the Associate Dean. The Committee worked on the document throughout the following academic year, gathering information from various constituencies, and a draft was distributed to the faculty in spring 2007. It

was revised in response to feedback and, after a number of drafts and review at two faculty meetings, it was adopted in September 2007. In the fall of 2007, a new strategic planning process, in light of the Carnegie and Best Practices reports, was commenced.

(4) The Self Study is an accurate, thorough, and detailed description of the School and its programs, with suitable references to its strengths and challenges. It lists needed improvements and identifies goals that are ambitious, particularly given the School's resources. Some goals are vague or have no time frames, and do not often note priorities. There appears to be a lack of agreement within the faculty regarding the School's missions, principally reflected in a split between an approach that places primary importance on serving the state's underrepresented populations and one that stresses efforts to focus on traditional notions of academic excellence.

Program of Legal Education

(5) The Law School offers only a full-time program of study during the academic year, though with the approval of the administration, students may go on a Flexible Educational Law Program, in which a degree must be completed within five years of matriculation. A total of 86 credit hours are required for graduation including at least 28 in the first year. Each semester lasts for 14 weeks (August through May) with classes held each weekday. Thus there are 140 days/year of regularly scheduled classes. Students must graduate not earlier than 24 months, and not later than 84 months. At least 700 minutes of class time are mandated per credit hour and consequently students will have at least 60,200 minutes of instruction to graduate. The Law School offers certificate programs in Natural Resources and American Indian Law.

(6) All first-year classes last for one semester. In the fall, students take Contracts (three credits), Criminal Law (three credits), Legal Reasoning, Research and Writing (three credits), and Torts (three credits). In addition, the Law School requires two additional and innovative first-semester courses: Comparative and Historical Legal Perspectives (two credits), which among other things provides a comparative perspective on common versus civil law systems; and Practicum (one credit), which introduces students to lawyers' work and professional roles, stressing professionalism and ethics. During the spring semester, required courses include Advocacy (three credits), Civil Procedure (three credits), Constitutional Law (three credits), and Property (four). Students may, but need not, also take an elective which are designated by the faculty annually. Torts, Contracts, and Criminal Law are taught in sections of no more than 40, while other first-year classes are capped at approximately 60.

(7) Upper division graduation requirements include six credits of in-house clinical work, a third semester Constitutional Rights course of three or five credits, depending on the student's choice, a three-credit Ethics course taken in the second or third year, and a seminar that qualifies for the Law School's upper division writing requirement described below. Over the last two years, between 42 and 57 elective upper division courses were offered each semester, exclusive of credit for law review, moot court, externship, and independent research, and between 39 and 54 such classes were limited in their enrollments to between 12 and 20 students.

(8) In the first year, the Legal Reasoning, Research and Writing (LRRW) and the Advocacy courses both require extensive writing and other activities. The former introduces students to research and requires the completion of a variety of assignments including memos, client communications, and document drafting. The latter course typically includes a complex Indian law problem, the writing of a persuasive brief and presentation of an oral argument, an introduction to alternative dispute resolution, two trial level briefs and oral arguments, and discussions of ethics issues. Both courses are taught in sections of 19-20 students by LRRW faculty. A legal writing faculty member also teaches an advanced writing course annually. Law librarians teach an upper level Advanced Legal Research class and Specialized Legal Research classes in certain areas.

(9) The Law School's advanced writing requirement is met by students completing a paper demonstrating in-depth research and analysis of a legal topic. Typically, this is satisfied by completing a seminar taught by tenure-track faculty, though some do so through independent research or Law Journal projects. At least one faculty member must review the paper and certify that it meets the writing requirement.

(10) Participation in the Law School's extensive clinical program is required of all students. Each must complete a semester-long, six-credit clinical course. Students may enroll if they are in good academic standing and have completed 40 credit hours (including the three-credit Ethics course which is a pre-or co-requisite). Most enroll during their final year. Each clinic has a student/faculty ratio of 8:1 or less, and has both a required classroom component (three to four hours of class weekly), as well as fieldwork (a minimum of 16 office hours weekly). The clinic operates as a large legal services office with each professor heading up a section. During the current year, the following clinics are offered: Community Lawyering (intake at various community sites, with some programs emphasizing specific practice areas such as domestic violence, juvenile justice, child abuse and neglect, etc., depending on the particular faculty member's expertise or community need); The Law Practice Clinic (traditional law office practice with the clinic as the central office, including a mix of civil and criminal cases mirroring small general practice in New Mexico); The Southwest Indian Law Clinic (a state-wide program collaborating with pueblos and Indian tribes, focusing on Indian law issues and the representation

of indigenous peoples); and The Economic Development/Business and Tax Clinic (representing individuals and groups, including disputes with the IRS, non-profit organization issues, and legal services to small businesses on a variety of matters). Except for one part-time faculty member who teaches in a federally funded low-income taxpayer clinic, all other professors are full-time faculty members who also teach one or more traditional classroom or skills courses. Eight faculty members teach primarily in the Clinic and several others do so somewhat regularly. Thirty-five to 45 students are enrolled each semester and during the summer.

(11) Other professional skills courses include Evidence/Trial Practice (limited to 64 students), Trial Practice (12 students), Pre-Trial Practice (16 students), Business Planning, and Alternative Dispute Resolution. In addition, there are a variety of "hybrid courses" that combine specific substantive law areas with practical experience opportunities, such as Criminal Law Practice (students work with lawyers in the P.D. or D.A. offices), the Innocence and Justice Project (students work on prisoner applications and conduct fact investigations with the possibility of referral to private lawyers), and Gender and the Law (with significant community service aspects). Finally, the Law School offers drafting and planning courses involving simulated experiences in areas such as Contract Design, Real Estate Planning, and Business Planning.

(12) There are three externship programs (with fall 2006 enrollments noted): Law Office (14 students), ADR (four students), and Judicial Extern (two students). Each is supervised by the Associate Dean for Clinical Affairs or a faculty member who oversees the placements, monitors regular work reports and timesheets, and evaluates recommendations for credit. Students typically initiate these placements and the Associate Dean writes to supervisors explaining program requirements. Supervisors must submit written evaluations of each extern with grade recommendations. Sites are not visited regularly, but the Associate Dean knows most of the supervisors. Students may enroll in these programs for no more than six credits. For three credits students, must complete a minimum of 168 hours of work, attend three to five classes held by the Associate Dean or faculty supervisor, and complete end of semester reflection papers and an externship evaluation.

(13) Professional responsibility instruction occurs during the first year as part of both the Comparative and Historical Legal Perspectives course and the Practicum course. In addition, each student must complete the Ethics course during either the second or third year.

(14) During the 2006-07 academic year, the Law School entered nine teams in national appellate moot and mock trial court competitions and this will increase by one team this year. Generally, team members are chosen through

internal competitions and students receive one credit for successful completion of competition requirements.

(15) The Law School does not offer any distance education courses or degrees in addition to the J.D. It does offer a summer program in conjunction with two other American law schools in Guanajuato, Mexico. It also has small cooperative programs of foreign studies with five universities. Four students have participated over the past three academic years.

(16) Pro bono opportunities are presented by the mandatory clinical program and part of the externship program. These allow students to represent low-income individuals. Student organizations and the Office of Career and Student Services provide additional pro bono opportunities.

(17) The site evaluation team reviewed several examinations and concluded that the tests and quality of grading were sufficiently rigorous.

(18) Students are informed by the Law School's Bulletin & Handbook of Policies that there is a requirement of regular and punctual class attendance and that first-year students are limited to 15 hours of work weekly, rising to 20 hours in the upper division. Students generally may enroll in no more than 16 credits per semester, but may go up to 18 with the permission of the Law School administration. The Self Study reports that compliance with these regulations is overseen by the Assistant Dean for Registration and Records and the Associate Dean for Academic Affairs, and through student certification and the honor code. The Site Evaluation Questionnaire, however, indicates that faculty members determine their own attendance policies, stated during the initial week of classes. Moreover, the Questionnaire notes that "[i]n a majority of the core courses, excessive absences result in the lowering of the student's grade." It is unclear, however, how the regular and punctual class attendance policy actually is enforced.

(19) Courses, including clinics, are graded on a letter grade scale, except for Practicum in the first year and externships which are graded on a Credit, C-through F basis. There is no mandatory grade distribution, but strong customs exist for various categories of course (e.g., first-year, legal writing, Constitutional Rights, upper division large classes, and others, including small classes, seminars, and clinics). Students who fail to maintain a 2.0 GPA are placed on probation and prohibited from working. Such students who have completed 55 credit hours must petition the Committee on Student Suspension, Retention and Readmission to avoid being suspended. If no petition is filed or if such a petition is denied, the Committee will either suspend a student indefinitely or for a period not to exceed one year. If the student is placed on probation, conditions may be imposed. Students on probation are required to attend a summer program just prior to the beginning of the fall semester. They must develop a plan with the Assistant Dean

for Student Services to help themselves succeed and they are assigned a faculty advisor for regular meetings to monitor progress.

(20) Academic Support is provided through the Law School's Career and Student Services Office (CSSO) through its Assistant Dean for Student Services. There is no individual, however, apart from the Assistant Dean, who has primary responsibility for Academic Support. An Academic Support Committee reviewed the Law School's informal support efforts and developed and implemented recommendations for training in 2006-07. The program now includes the use of teaching assistants, training sessions, and workshops for the assistants and for faculty, workshops for students, and the assignment of faculty advisors to students having academic difficulty. Students are referred to the Assistant Dean by faculty members or self-nomination. In addition, in each first-year course section there is an upper class student who serves as a tutor and assists first-year students by attending classes, providing review sessions, and holding weekly office hours.

Faculty

(21) There are 34 full-time tenure-track faculty members, including the law library director and five of the six clinical faculty members. In addition, there are three full-time legal research and writing instructors, all on one-year contracts, four emeriti professors teaching half or quarter time, a half-time endowed "research professor" teaching oil and gas law, and two additional research professors. In addition, there are some 22 adjunct instructors. With approximately 340 students, there is a student/faculty ratio of 10:1.

(22) Over 50% of the faculty members are women and nearly half are persons of color, including two African-Americans, nine Hispanics, three Native Americans, and two Asian Americans. Similar diversity exists in terms of age, educational and legal practice backgrounds, and experiences elsewhere in academia. Twelve new faculty members have been hired since the last site evaluation, primarily at the entry level and largely to replace retirees. Some tensions do exist regarding hiring issues, typically related to different opinions about the Law School's mission; the desirability of it being a "national" school, conflicting views about the weight to be placed on diversity, etc.

(23) While the site evaluation team concluded that "the faculty is devoted to teaching and generally does a good job," classroom visits by team members also led to the conclusion that teaching "was not uniformly excellent." Some faculty members failed to "stimulate active involvement from the students," and some classes "evidence a lack of rigor, with students surfing the web and appearing disengaged." While in meetings with team members students generally praised the faculty's teaching skills and the high degree of individual mentoring and support, there was some criticism. Student survey responses also reflected some possible

lack of rigor and an unusually high level of students use laptops in class to engage in unrelated activities. The Self Study reflects faculty awareness of some of the teaching problems that have been identified and it reflects an eagerness to make quality teaching a high priority. An effort currently is being made to institute a "formal peer support program for teaching enhancement."

(24) The Dean, in her response to the site evaluation report, disagreed with the site team's observation that there was no "consistent and uniform method of collecting or reviewing student teaching evaluations," but stated that some professors use their own instruments and clinics use two different ones. She noted that the University has encountered some difficulties in adopting and implementing a University-wide faculty evaluation system and the Law School administration has delayed any proposed internal changes so that it could benefit from the University-wide system when it is put into place. The Law School will pilot the system in the near future.

(25) The Law School defines scholarship broadly to include descriptive publications, advocacy pieces, and unpublished teaching materials. Since 2001, according to the Self Study, faculty have published 80 articles in traditional law reviews. Recent efforts have been made to improve the quantity and quality of scholarship, including the 2005 appointment of an Associate Dean for Faculty Development, a position that had been unfilled for several years. Also, the number of faculty workshops increased significantly in the fall of 2007. While faculty members do not have a dedicated professional development account, a long-standing travel policy funds one trip to present a paper and an additional amount annually for professional travel. Further travel requests are also entertained. Faculty who apply generally are provided with summer research grants, though there is no firm expectation that the grant will be productive. The Law School has three chairs, four to six faculty members are awarded two-year professorships, and three annual research awards are granted. Some faculty reported that inadequate help was provided by IT personnel, with resources being distributed by the IT department unevenly affecting faculty productivity.

(26) Law School faculty have a long history of service within the University, the legal community, and in government, particularly at the state level. In addition, there is a high level of faculty involvement in the Law School's own self-governance activities. Some concerns were voiced, however, about voting rights and some tension exists on governance matters such that some faculty wished to have the Law School utilize secret balloting.

(27) Under the University's Faculty Handbook, faculty members are granted academic freedom consistent with the AAUP's 1940 Statement of Principles. There have been no issues at the Law School with respect to academic freedom. The University's non-discrimination policy includes discrimination based

on age, ancestry/national origin, color/race, medical condition, mental/physical disability, religion, sexual orientation, gender identity, sex/sexual harassment, spousal affiliation, and veteran status.

(28) The University's Faculty Handbook that governs tenure and promotion applies national norms substantively and procedurally, and these are followed by the Law School. The Law School has a formal mentoring program led by the Associate Dean for Faculty Development who meets with each untenured faculty member to discuss tenure standards and processes. Each year, the Dean appoints a subcommittee of the faculty committee on Tenure and Promotion (comprised of all tenured and tenure-track faculty members) to conduct a review of teaching, scholarship, and service of each candidate for tenure or promotion. The subcommittee makes a recommendation to the Committee that in turn makes a recommendation to the Dean. The Dean then makes a recommendation to the Provost who is the ultimate decision maker. Annual reviews are conducted of all untenured faculty members. To date, no Law School faculty recommendation has been overturned at the Dean or University level.

(29) Clinical faculty members are on tenure-track or tenured, with the exception of one such faculty member who directs the soft-money, federally funded, low-income taxpayer clinic. The Law School is in a process (approved in principle by the faculty in May 2006) of establishing a long-term contract policy and status for its three full-time legal writing instructors. The Provost's office has advised the Law School to draft its own internal policy and this will be presented to the faculty during the current semester, rather than attempting to match the Law School's policy with that of the general University policy on the issue.

(30) There does not appear to be an over-reliance on adjunct faculty, who typically are used to provide specialized expertise and to fill gaps in the upper division curriculum. Adjuncts are supervised by the Associate Dean for Academic Affairs who provides them with written copies of academic policies and information about the Law School's infrastructure. She and the Dean review adjunct teaching evaluations annually and this process results in some culling.

Students

(31) With respect to admissions, the following table provides statistics regarding applicants, those accepted, and matriculants for the current and last two years:

	<u>2005</u>	<u>2006</u>	<u>2007</u>
<u>Applications Received</u>			
Male	668	780	687
Female	493	625	517
Resident	330	384	338
Nonresident	832	1021	866
Total #	1162	1405	1204
<u>Admitted Applicants</u>			
Male	124	115	133
Female	118	133	131
Resident	155	165	153
Nonresident	87	83	111
Total #	242	248	264
% apps admitted	21%	18%	22%
<u>Admitted students enrolled</u>			
Male	65	50	57
Female	54	65	55
Resident	98	100	98
Nonresident	21	15	14
Total #	119	115	112
% admits enrolled	49%	46%	42%
Total # minority	55	57	44
Total % minority	46%	50%	39%
<u>LSAT (75th/25th)</u>	159/150	158/152	159/152
<u>GPA (75th/25th)</u>	3.65/3.07	3.72/3.03	3.72/3.09

(32) The Law School acknowledges its special obligation to provide access to the legal profession to New Mexico residents as the only law school in the state. Its admissions policy reflects this, with a substantial preference being accorded to in-state residents (approximately 85%-95% of the entering class). With many outlying rural areas, geographical distribution also is considered. In the spring of 2007, the Law School revised its admissions policy to add a number of additional factors to be considered in the admissions process, including race, tribal citizenship, leadership potential, social-economic disadvantages, and the potential to make a significant contribution to the legal profession.

(33) Admissions procedures are typical and involve an Admissions Committee comprised of three faculty members, the Assistant Dean for Admissions and Financial Aid, and a third-year student elected by the student body.

(34) The Law School requires candor in the admissions application through graduation and mandates the correction of any misinformation submitted as part of the application process. It also makes the ABA Comprehensive Guide to Bar Admission Requirements available to students. There is, however, no formal advice given to each applicant to the effect that there are character, fitness, and other qualifications for admission to the bar and no formal encouragement that the applicant, prior to matriculation, determine what those requirements are in the state(s) in which the applicant intends to practice.

(35) Current tuition for students is \$10,561 (in-state) and \$24,467 (out-of-state). The University's Office of Student Financial Aid has an office located in the Law School. The typical array of student loans is available, and the School has a variety of sources for grants. Native American law students receive full resident tuition grants, half provided by the University and half by the Law School. In 2006-07, the Law School's share was \$176,953. During the 2005-06 academic year, a total of 89 students received a total of \$636,165 in fellowships and scholarships and 288 students received a total of \$4,803,538 in loans. A Financial Aid session is included as part of Open House Admissions Programs and Law School Orientation. The School emails students information about consolidation loans and students can receive individual counseling from an individual in Admissions and Financial Aid.

(36) The Law School's graduates have generally performed well on the New Mexico bar examination, as indicated by the chart below. While the overwhelming majority of Law School graduates who sit for a bar examination do so in New Mexico, there is insufficient information in the record before the Committee as to whether the Law School is in compliance with Standard 301(a) and new Interpretation 301-6, as adopted in February 2008.

	July '04	Feb '05	July '05	Feb '06	July '06	Feb '07	July '07
First-time ABA Takers	176	99	192	96	206	120	220
First-time ABA Passers	149	76	172	88	186	100	182
First-time Takers from Law School	71	11	77	13	91	14	84
First-time Passers from Law School	61	5	73	13	86	11	75
First-time Law School Pass Rate	86%	45%	95%	100%	95%	79%	89%
First-time ABA Pass Rate	85%	77%	90%	92%	90%	83%	83%

(37) The Law School's Career and Student Services Office was created in 2001. It is staffed by an Assistant Dean for Career Services. Additional aid is provided by the Assistant Dean for Student Services and a Coordinator for Career and Student Services. Students appear satisfied with their efforts. Placement data is collected at graduation and nine months thereafter. The nine-month employment survey reveals total employment of 91.2% (2004), 91.9% (2005), and 96.5% (2006).

Law School Administration

(38) Suellyn Scarnecchia joined the Law School as Dean in January 2003. Previously, she was a Clinical Professor of Law and the Associate Dean for Clinical Affairs at the University of Michigan, from whose law school she is a graduate. She had also served as a special assistant to Michigan's Provost. In addition to her responsibilities as chief executive officer of the Law School, under the New Mexico's Constitution she plays a central role in the appointment of state court judges by chairing the qualifications committees for judicial appointments. Dean Scarnecchia is assisted by members of three team groups who report to her: (a) a Faculty Leadership Team consisting of the Associate Deans for Academic Affairs, Clinical Education, and Faculty Development, and the Director of the Law Library; (b) a Senior Administrative Team, consisting of Assistant Deans of Admissions and Financial Aid, Career Services, Student Services, Information Technology and Media Services, and Registration and Records, as well as the School Administrator and the Director of Development and Alumni Relations; and (c) Centers & Institutes, consisting of the Directors of the Institute of Public Law and the Utton (Transboundary Resources) Center.

(39) The Dean of the Law School reports to the Provost and Executive Vice President for Academic Affairs. This individual, in turn, reports to the President. The University's current President, David Schmidly, and its Interim Provost, Viola Flores, are both somewhat new to their positions. The Law School is a relatively autonomous academic unit within the University. It is permitted to maintain its own academic policies (including promotion and tenure) and administrative staff. A development officer works full-time in the Law School and reports equally to the Law School and the University Foundation. Law faculty are increasingly involved in the University and there are a number of joint courses and programs as well as joint programs.

Information and Technology Resources

(40) The Library is an autonomous part of the Law School. The Director reports to the Dean and Library policies are established by them in consultation with the law faculty. Its budget is part of the Law School budget. A faculty Library and Instructional Technology Committee provides input on policies and services, as does the School's Technology Department and Media Services Operation. The Law School's Faculty Affairs Committee reviews promotion and tenure policies and decisions that affect the Library's professional staff.

(41) The Library Director is a tenure-track member of the law faculty who joined the Law School in 2004 after ten years of professional library experience. She also teaches several courses, including research courses and Wills & Trusts. The Law Library faculty consists of five additional librarians, four of whom hold J.D. degrees. Support staff consists of ten FTE's in addition to part-time student employees. Law Library faculty members are governed by University tenure and promotion policies. The Law School's internal policies on these issues are currently under revision.

(42) While financial support for the Library has been a past issue of concern, the situation has recently improved. Funds come from the annual University allocation to the Law School and are supplemented by legislative appropriations and general obligation bond revenues. The annual amounts had been unpredictable. Currently, the University allocation is \$1.64 million, combined with a legislative appropriation of \$0.24 million.

(43) The Library is the only large academic law library in the state. Its print and microform collections consist of approximately 430,000 volumes. This includes approximately 134,000 titles, nearly 3300 active serial titles, 24,400 volumes, and nearly 19,000 volume equivalents of microform. It makes it a point of collecting Mexican and Native People's legal materials, international law, and Spanish land grant materials. It is particularly strong in the area of databases.

(44) There is a total of 32,443 square feet of space over two floors and 48,646 linear feet of shelving space. The Library seats 351 people including 111 carrels limited to law students.

(45) The Library is open 90 hours weekly with reference services provided for 49 of those hours during each academic semester. Faculty were nearly unanimous in praising the Library's services. Reference librarians provide them with direct research services and librarians train and supervise a law student research pool that assists faculty in both teaching and scholarship.

(46) Patron workstations ensure Library users can gain access to databases and other electronic information resources. Wireless access was added to the Library in 2007. While Library staff members have sufficient hardware and software to work efficiently, the Law School's Information Technology Department (LS IT), which administers its computing network, has been responsible for purchasing most such hardware and software, but its budget is not adequate to meet the Library's needs and a number of Library projects need attention. The LS IT does not have sufficient staff or funds to make these projects a priority.

(47) The LS IT Department is led by an Assistant Dean for Information Technology, who reports to the Dean. The Department has three full-time staff: a Senior LAN Administrator, a Technical Support Analyst, and a Web Designer. They are supplemented by consultants and part-time student employees. The Media Services Staff reports to the Assistant Dean and includes a TV Production Tech, a Multimedia Assistant, and two part-time students. At the time of the site visit, the Law School was searching for a second Multimedia Assistant. The staffs of LS IT and the Media Services Center were complimented by faculty and students for their service-oriented attitude and for their efforts to respond to requests in a timely fashion. Nonetheless, users unanimously concluded that these operations lack the staff and resources to provide necessary services.

(48) Law students are required to purchase a laptop and most access the wireless network at the School, though they can connect to the wired LAN in Library carrels and elsewhere in the facility. The network appears to be adequate for email and for the provision of a wide variety of information through the School's website.

(49) The small staff and budget of the LS IT and Media Services have proven to be a challenge to the Law School community. Many faculty members at the Law School indicated their interest in using technology in the classroom and voiced their concern about the lack of technology-friendly classrooms. LS IT must limit the number and type of software applications and the use of server space, and new technology acquisitions must be carefully limited. Supporting the Law School's 250 PCs and maintaining the web site receives most of the staff's time

and attention. Significant time is spent by the Media Center taping classes (often 30 hours per week). Some classrooms are outfitted with presentation equipment, but most are not, and Media Services has to handle set-ups requested by faculty and students for classroom presentation.

(50) The University recently implemented the Banner system. Its modules in use currently include Financial Aid, Registration, Human Resources, and Finance. Other software applications are run by various Law School departments. But, as noted, with its present staff and budget the introduction of new applications is discouraged.

(51) In her response to the site report, the Dean concurs that the School "is currently unable to consistently provide instructors with instructional technology in all classrooms" and that resources generally available for technology have been inadequate to make much progress. . . ." She proceeds to note that the School is attempting to obtain more resources and build an adequate infrastructure for offering appropriate instructional technology, including training and an evaluation of best practices in using technology. The Law School's faculty committee on instructional technology is providing faculty and student input to further investments. The committee recently oversaw the permanent installation of \$30,000 worth of screens, projectors, symposiums, speakers, etc. in five more classrooms. In January 2008, the Dean requested funding for classroom technology upgrades from a University committee that will develop spending priorities for a bond issue earmarked for classroom upgrades. In March 2008, the legislature appropriated funds for FY09 to upgrade technology in the Law School's three moot courtrooms. Some part of a tuition differential granted by the University for FY09 will also be directed to technology.

Facilities

(52) The Law School is housed in Bratton Hall, a 148,000 sq. ft. facility. In 2002, the Frederick M. Hart Wing, which added 32,000 additional usable sq. ft., was completed. An adjacent building houses four judges of the New Mexico Court of Appeals and their staffs on the first floor and the Law School's Institute of Public Law on the second. The clinical program space, located in the Hart Wing, is suitable for clients and students. There are sufficient offices for both full-time and emeritus faculty. Adjuncts who request office space are given access to offices of faculty who are not in residence that semester. Co-curricular space and offices in the administrative wing also are adequate.

(53) There are a variety of classroom sizes, ranging from one classroom that seats 175 to a number of seminar rooms that seat 12-25 each. With rare exceptions, acoustics are good through each of the 15 basic classrooms and seminar rooms. While there is some need for refurbishment, the physical facilities

appear to be adequate and meet ADA requirements, though most classrooms need electronic-assist door openers to accommodate persons with disabilities. Students noted that the HVAC system is not easily regulated. Again, the President indicated to the site team that he intended to budget funds to address this issue. As noted above, many of the classrooms lack permanently installed audio-visual technology, though the Dean now reports that some headway has been made on the issue.

Law School Finances

(54) The University's financial viability is apparent. Both it and the Law School in particular have received a high level of support from the New Mexico legislature despite the fact that the state is neither large nor exceptionally prosperous. There is no necessary connection between the revenue generated by the Law School and the amount it is allocated from the University. In fact, the University's allocation of its appropriation and tuition revenue to the Law School exceeds by approximately \$2 million the amount generated by the Law School in tuition, fees, and the formula for state appropriations. The University's investment over time in the Law School continues and makes its relatively low tuition possible. In addition, the School receives some direct line-item appropriations from the state. Moreover, when the current Dean arrived in 2004, the Law School had accumulated an operating deficit of \$365,000. The University has been flexible with a repayment schedule and the Law School expects it to be repaid in full by FY2010. In the interim, the School's operating budget has been balanced each year. Finally, the University directly provides a number of services, such as physical plant, human resources, and financial management that are in addition to the School's allocation, which covers expenses that the Law School would otherwise have to bear. The Law School's budget for FY 07 showed total revenues and balances forwarded from the prior year was just over \$12 million (including approximately \$9.5 million in funds provided by the University.) Its expenses for FY'07 were just short of its revenues at \$11.9 million. Revenues plus balances forwarded for FY 08 are estimated to be \$12.95 million, with expenses at \$12.7 million.

(55) The Law School has input on budget allocations from the University on two occasions. In early spring, budget hearings are held by the University budget office, at which time units evaluate their current programs and services and are given the opportunity to request new funding. The Law School also notifies the office of any plans to request tuition increases in excess of the University's general increase. Under its agreement with the University, any such Law School-based increase is returned to the School entirely. In addition, at the close of the state's legislative session, constituencies within the University assemble priorities for discussion and consideration at a University-wide budget summit, in which the Law School actively participates. The UNM Board of Regents' Finance and Facilities Committee and then the Board itself review emerging recommendations and set support guidelines and tuition rates. Ultimately, the Provost's office provides the

Law School with its allocations. Thereafter, the Dean and her staff prepare budgets based on allocations and guidelines which are finalized in June and put into effect July 1.

(56) Private fundraising through endowment, an annual giving program, and solicitation of major gifts provide part of the Law School's revenue stream. These monies are held in an account by the UNM Foundation that manages the investments, together with similar monies from other parts of the University, distributing approximately 5% of the principal value as income each year to schools. The market value of the Law School's endowment funds, as of June 2007, was \$11.46 million with a spendable fund balance of \$1 million. The School's major gifts development program is just beginning. As noted above, there is now a full-time Development Officer, assisted by a Development Coordinator at the School, with the costs of these individuals being shared equally by the School and the Foundation. There is a major capital campaign underway and among its objectives are the School's greatest needs: faculty chairs and professorships and student scholarships.

(57) While the Law School's fiscal viability is assured, given the positive attitudes of the legislature and the University administration over many years, there are some challenges. The low student/faculty ratio, that provides much in the way of individual instruction, needs to be maintained through continued funding in the manner that has occurred in the past. The Law School lacks significant discretionary finds for new initiatives and directions, and it is unlikely that the University's support levels will provide such funding, though internal budgetary reallocations, development, and further use of tuition differential programs could make available what is needed. Finally, increasing competition for faculty and students suggests that additional resources to bolster what already is in place in these areas will be needed.

CONCLUSIONS:

(1) In accordance with Rule 13(a), the Committee concludes that it has reason to believe that the University of New Mexico School of Law has not demonstrated compliance with the Standards in the following respects:

- (a) Standard 304(e), in that some students are permitted to enroll in 18 credit hours of coursework in a given semester that, if successfully completed, would exceed 20 percent of the total coursework (86 credits) required by the Law School for graduation. [See Findings of Fact (5) and (18).]
- (b) Standard 504, in that the Law School does not advise each applicant that there are character, fitness, and other qualifications for admission

to the bar and does not encourage its applicants, prior to matriculation, to determine what those requirements are in the state(s) in which the applicant intends to practice. [See Finding of Fact (34).]

(2) The Committee concludes it presently has insufficient information available to make a determination as to the Law School's compliance with the Standards in the following respects:

(a) Standard 301(a), regarding the requirement that the Law School shall maintain an educational program that prepares its students for admission to the bar, and effective and responsible participation in the legal profession, in view of recently-adopted Interpretation 301-6 which establishes the methods by which a law school can demonstrate compliance with Standard 301(a) with respect to bar passage. [See Finding of Fact (36).]

(b) Standard 304(d), regarding whether the Law School has adequate procedures in place to enforce the requirement of regular and punctual class attendance by its students. [See Finding of Fact (18).]

(3) Based on its review of the site evaluation report, the Committee directs the attention of the President and the Dean to the following matters that, although not requiring a response, merit continuing review and attention by the School:

(a) The quality of classroom teaching. [Standard 403(b); See Finding of Fact (23).]

(b) Whether the technological capacities of the Law School are adequate for both its current program of legal education and for program changes anticipated in the immediate future, including whether there are (i) sufficient and up-to-date hardware and software resources and infrastructure to support the teaching, scholarship, research, service, and administrative needs of the Law School; (ii) sufficient staff support for staff operations; and (iii) sufficient financial resources to adopt and maintain new technology as appropriate. [Standard 704 and Interpretation 704-2; See Findings of Fact (25), (46), (47), and (49)-(51).]

RESPONSE REQUESTED:

(1) The Committee requests the Dean of the University of New Mexico School of Law to submit a report by November 15, 2008, with all relevant

information necessary to demonstrate compliance with the Standards noted in Conclusion (1) above, and to provide additional information that will enable the Committee to make a determination as to compliance with the Standards noted in Conclusion (2), above.

(2) Specifically with respect to Interpretation 301-6 [Conclusion (2)(a) above], in order to demonstrate compliance with the Interpretation, the Law School is requested to provide necessary data on FIRST-TIME bar passage rates, or to provide data on ULTIMATE bar passage rates. If the School is unable to demonstrate compliance using first-time bar passage data, it must provide ultimate bar passage information. In demonstrating compliance, the School is requested to provide the following information:

(A) The number of the Law School's graduates in each of the past five (5) calendar years (2003-2007).

(B) To demonstrate compliance using FIRST-TIME bar passage rates the School must demonstrate that:

In three or more of the five most recently completed calendar years (2003-2007), the School's annual first-time bar passage rate in the jurisdictions reported by the School is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions.

In demonstrating compliance, the School must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.

(C) To demonstrate compliance using ULTIMATE bar passage rates, the School must demonstrate that:

For students who graduated from the Law School within the five most recently completed calendar years (2003-2007), either 75 percent or more of these graduates who sat for the bar passed a bar examination, or in at least three of these calendar years, 75 percent of the students graduating in those years and sitting for the bar have passed a bar examination (in each of the three years).

In demonstrating compliance using ULTIMATE bar passage rates, the School must report bar passage results from as many jurisdictions as necessary to account for at least 70% of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency.

[For examples indicative of reporting on data on FIRST-TIME bar passage, please see documents contained in Attachment A; for examples indicative of reporting on data on ULTIMATE bar passage, please see documents contained in Attachment B.]

