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AMERICAN BAR ASSOCIATION

February 21, 2008

President David James Schmidly
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Albuquerque, NM 87131

Dean Suellyn Scarnecchia
University of New Mexico
School of Law
MSC11 6070
I University of New Mexico
Albuquerque, NM 87131

Dear President Schmidly and Dean Scarnecchia:

I am sending each of you a copy of the report submitted as a result of the visit to your law school on November 11-14, 2007.

You are invited to respond to and comment on this report. You may also note any inadvertent errors of fact that it contains. Your response, together with the site report and the ABA Site Evaluation Questionnaire that was submitted as part of this process, will provide the basis for determining whether your program of legal education is operating in compliance with the ABA STANDARDS FOR THE APPROVAL OF LAW SCHOOLS.

Please respond at your earliest convenience, but no later than 30 days from the date of this letter. If you have no corrections or additions, we would appreciate your notifying us.

We expect that the Accreditation Committee will consider your school at its meeting on April 16-18, 2008

Your law school is a member of the Association of American Law Schools and this ABA site evaluation of your law school was also a site visit for purposes of the AALS' membership review process. We will transmit a copy of this report to AALS Executive Director Carl Monk.

**Section of Legal Education
and Admissions to the Bar**

**Office of the Consultant on
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American Bar Association**

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President Schmidly and Dean Scarnecchia
February 21, 2008

Please do not hesitate to contact me if you have any questions.

Sincerely,

Handwritten signature of Hulett H. Askew in cursive, with the initials "SK" written in the bottom right corner of the signature.

Hulett H. Askew, Esq.
Consultant on Legal Education

HHA/sk

cc: Carl Monk, AALS
Dean Steven L. Willborn
Professor Alicia Alvarez
Professor John S. Applegate
Professor Gilbert Holmes
Dean Margaret L. Paris
Keith Ann Stiverson
W. Scott Street

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**Section of Legal Education
and Admissions to the Bar**

REPORT ON

UNIVERSITY OF NEW MEXICO

SCHOOL OF LAW

November 11-14, 2007

**Office of the Consultant on
Legal Education to the
American Bar Association**

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By: Steven L. Willborn [Chair]
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IMPORTANT: *This report was prepared by the site evaluation team named herein. The conclusions and judgments stated represent their collective views alone. 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. The report was prepared for the use of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and not for public release. It is intended for the exclusive use and information of those persons authorized by the Council to receive it. Any copying or distribution of a part or whole of this report is subject to this restriction.*

I. INTRODUCTION

A. Review of Site Visit

The University of New Mexico School of Law was a very gracious and accommodating host during the team's site visit on November 11 to 14, 2007. The entire team wishes to express its great appreciation for the care and attention devoted to the visit, especially by Dean Scarnecchia and her immediate staff.

The site visit followed a traditional format. We began on Sunday evening, November 11, with an organizational meeting of the site team, a tour of the Law School, and a dinner with the Dean and Associate Deans. We ended on Wednesday, November 14, with an exit interview with President Schmidly (by telephone conference) and Interim Provost Florez. In between, we visited 25 classes; interviewed 34 faculty members; met with students at a well-attended open forum; met with leaders of student groups; attended a reception with dozens of alumni, judges, university officials, and bar leaders; and, in general, worked very hard to obtain a valid and reliable snapshot of the School of Law.

B. History of the University and Law School

The University of New Mexico is one of this country's major, comprehensive universities. It is classified by Carnegie as Doctoral/Research University-Extensive and is accredited by the North Central Association of Colleges and Schools. On its main campus, where the Law School is located, it offers more than 215 degree and certificate programs, including 93 bachelor degrees, 70 master's degrees, 37 doctoral degrees, three professional degrees (law, medicine and pharmacy), five graduate certificate programs, and five education specialties. The University also has branch campuses in Gallup, Los Alamos, Taos, and Valencia County. During the 2005-2006 academic year, more than 32,000 students attended classes at the main and branch campuses.

The Law School is New Mexico's only law school. Founded in 1947, it was accredited by the American Bar Association and became a member of the Association of American Law Schools the following year. The Law School is relatively small, with a total student enrollment of approximately 340 students. Despite its size, however, the Law School plays a very important role within New Mexico as the primary provider of legal expertise for the State. The Law School also has a deep commitment to diversity, reflecting its location in one of the few states with a majority-minority population.

C. Prior Assurances

The Accreditation Committee last considered the accreditation status of the University of New Mexico School of Law following a site visit in April 2001. At its November, 2001, meeting, the Accreditation Committee asked the President and Dean to report back on two matters: 1) compliance with Standard 701 relating to facilities deficiencies and 2) compliance with Standard 606(d) relating to an up-to-date written

plan for the development of its library collection. At its October/November, 2002, meeting, the Accreditation Committee found that the Law School was in compliance with Standard 606(d) based on the prior submission of a library collection development plan. At its November, 2003, the Accreditation Committee found that the Law School was in compliance with Standard 701 based on the completion of the School's facilities improvement construction projects. Thus, at the time of the current site visit, the University of New Mexico School of Law was on the list of law schools approved by the American Bar Association, and it was not under any continuing review from the prior accreditation process.

II. SELF-STUDY

A. Process of Creation

A year prior to the self-study process, the Law School embarked on strategic planning. The faculty discussed and drafted a five-year Strategic Plan during the 2004-05 academic year, adopting a final version in spring 2005. Attached to the Self-Study as Appendix A, the Plan is reviewed annually by the faculty, and many of its goals have been realized.

The first annual review of the Strategic Plan took place in the spring of 2006, and at the same time the faculty began talking about a self-study. Thereafter, the Dean appointed a Self-Study Committee consisting of three faculty members plus a chair, Associate Dean Michael Norwood. During the Site Team's visit, several faculty members remarked that Associate Dean Norwood shouldered the lion's share of the self-study work.

The committee worked on the Self-Study during the 2006-07 academic year. Throughout that period, it gathered information from faculty, students, administrative staff, and alumni through a combination of individual discussions, group meetings, a survey instrument distributed to first-year students, and solicitations for alumni input. It incorporated the resulting data into draft Self-Study sections, which were distributed to faculty and senior administrators in the spring of 2007. The committee revised the document in response to feedback and distributed succeeding drafts. The school held two special faculty meetings in early fall 2007 to discuss, revise, and approve the final version.

The law faculty adopted the Self-Study on September 18, 2007.

B. Sufficiency and Quality of Contents

The final version of the 130-page Self-Study appears to be a thorough and detailed description of the school and its program, and one that the Site Team verified as accurate. Its tone is descriptive and analytical, with appropriate reference to the school's strengths as well as straightforward discussion of its challenges.

Notably, each section of the Self-Study concludes with a list of items needing improvement and goals for follow-up. These are honest and thoughtful. But the large number of identified goals – and in some cases their ambitious and sweeping nature – causes one to wonder how and where the school will find the resources and energy to accomplish them. Some goals are accompanied by vague time frames (e.g., “within the next two years”); others make no mention of timing or priority. In a word, the articulation of goals in the Self-Study may not be strategic enough.

In an April 2007 letter to her faculty, Dean Scarnecchia observed the same about the school’s Strategic Plan, stating, “We pushed ourselves to develop a plan, but we didn’t force ourselves to make hard choices or even to agree on a focused vision. It’s now time to push ourselves harder to define our goals and make a new, more focused plan.” Presumably, that plan will include the goals identified in the Self-Study, as well as mechanisms for directing law school energy to those most pressing.

A matter mentioned both in the Self-Study and in Dean Scarnecchia’s April letter is the faculty’s lack of agreement on the sometimes conflicting parts of the school’s mission. During the Site Team’s individual interviews with faculty members, some of them chose to address this disagreement at length. From these interviews it became clear that the faculty is thinking deeply about the school’s priority of mission: is it of paramount importance to serve the state’s underrepresented populations, or should the school work to shore up traditional measures of academic excellence? Can it do both? These are questions debated in higher education throughout the country – especially in public institutions – and they are likely to be at the center of the Law School’s future planning efforts.

III. PROGRAM OF LEGAL EDUCATION

A. Requirements for the J.D. Degree; Academic Year

The Law School’s program of legal education seeks to guide students toward meeting their obligation of conducting themselves ethically and professionally, and to prepare them to become effective and responsible members of the legal profession. The Law School seeks to offer students opportunities for intellectual challenge and growth that are intended to impart enduring habits of critical thinking about law. The Law School utilizes a curriculum plan that offers and mandates a mix of courses calculated to educate students in a basic understanding of substantive law, impart the ability to successfully complete fundamental lawyering tasks, and instill in them a deeply ingrained sense of professionalism and ethical conduct.

The Law School requires a total of 86 credit hours for graduation. Required courses include 28 credit hours in the first year; six credit hours of “in-house” clinical work; a third-semester course in Constitutional Rights (either three or five credit hours as elected by the student); a course in Professional Responsibility that must be completed prior to, or concurrent with, enrolling in the required clinical course; and a seminar

course that qualifies for the writing requirement. A minimum of 40 hours of the 86 hours are required; the remainder are elective.

The Law School offers three formal joint degree programs – Masters of Business Administration, Masters in Public Administration, and Masters in Latin American Studies. Students may also arrange for other joint degrees. Students pursuing joint degrees must complete the first year in law school as a unit. The joint J.D./Master's degree may be completed in four years and, in rare cases, three and a half years.

The law school has an academic year consisting of two 14-week semesters. Classes are held on every regular weekday of the semester with the exception of holidays. There are thus 140 days in each academic year on which classes are regularly scheduled. Classes are held over ten calendar months, beginning in August and ending in May.

B. Requirements for Quantity and Period of Instruction

The Law School publishes and distributes every year a Bulletin & Handbook of Policies regarding minimum and maximum hours in which a student can enroll each semester, the requirements for graduating in no fewer than 24 months nor more than 84 months, and the requirement of regular and punctual class attendance. Students are also informed that they cannot work more than 20 hours per week; first-year students are informed that they may not work more than 15 hours per week. Those who work in the first semester must meet with staff in the Career and Student Services Office. Compliance with these regulations is ensured through a combination of checking by the Assistant Dean for Registration and Records and the Associate Dean for Academic Affairs, written certification by students, and the student honor code. The Law School's policy is to expect attendance by all students in all classes. Faculty members determine their own attendance policy and must state it during the first week of classes.

All law school classes are assigned times/days that ensure at least 700 minutes of class time per credit hour. The 86 credit hours required for graduation ensures that student accumulate at least 60,200 minutes of instruction time in residence. Many students will earn some of these minutes in classes other than “regularly scheduled class sessions,” for example, through coursework in other units of the university or through co-curricular activities, such as work for a journal. Given the limits in the faculty's rules on credits for these kinds of activities, however, it would be very difficult for those minutes to accumulate to more than 15,200 ($60,200 - 45,000 = 15,200$) and, in any event, as indicated below, this is monitored by the Assistant Dean for Registration and Records.

The Assistant Dean for Registration and Records monitors student progress to ensure proper progression of credit hours toward the law degree. Transfer credits must be approved by the Associate Dean for Academic Affairs. The general rule is that students may enroll in no more than 16 credits per semester. Students may enroll in 17 or 18 credits in a particular semester, but only with the permission of the Assistant Dean for Registration and Records.

C. First Year and Core Curriculum

The first-year curriculum consists of one semester classes, including some innovative classes as well as courses more traditional to the first-year curriculum. In the fall semester, students take Comparative and Historical Legal Perspectives (two credits), Contracts (three credits), Criminal Law (three credits), Legal Reasoning, Research and Writing (three credits), Torts (three credits), and Practicum (one credit). In the spring, students take Advocacy (three credits), Civil Procedure (three credits), Constitutional Law (three credits) and Property (four credits). In addition, students may take an elective during the spring semester, but are not required to do so. The elective courses open to first-year students are designated by the faculty. In Spring, 2008, International Law and Contract Design will be open to first-year students. It is likely additional courses will also be available to first-year students because it is common for faculty to open their courses to first-year students closer to the start of the semester. Full-time faculty teach all the first-year courses. Students are required to take 28 credits during the first year, and may take two or three additional credits in the spring semester.

Two of the first-year required courses are innovative and not required at many law schools. Comparative and Historical Legal Perspectives is an historical introduction to the common law tradition, which also provides a comparative perspective on the common law versus civil law systems. The course includes topics focusing on: the role of law and lawyers, legal education, non-Western concepts of law, alternative dispute resolution, and changing perceptions of law in the United States. Practicum introduces first semester students to lawyers' work and professional roles. The course stresses professionalism and ethics, including the role of personal and professional values in becoming and being a lawyer, introduces students to a variety of practice settings and career options, and provides advice and general assistance on adjusting to the rigors of legal studies.

Several classes in the first year are taught in smaller sections. Torts, Contracts, and Criminal Law, all first semester courses, are generally taught in sections of no more than 40 students, while the remaining classes are taught in sections of about 60 students. Practicum meets weekly and combines a series of lectures and panel presentations by distinguished members of the bench and bar with a series of small group (no more than 14 students per group) meetings with full-time members of the faculty. These meetings are designed to internalize lessons from the presentations and to explore the students' progress in legal study skills.

D. Upper Division Curriculum

The Law School offers a wide range of courses during the second and third years. In the past two years, 42 to 57 elective courses were offered each semester, not including credit that can be obtained for participation in the law reviews, moot court programs, externship program, and independent research.

All courses are assigned a designation indicating how frequently the course will be offered. Courses designated as A courses are offered every semester; B courses are offered every year; C courses are offered every other year; and D courses are offered on an “as available” basis. These designations generally reflect the relative importance of the course to the core curriculum. However, seminars, which are used as the primary means for students to complete the Law School’s advanced writing requirement, are all designated as D courses. Nevertheless, the Law School tries to offer a sufficient number and variety of these courses every year. Ethics and Basic Mediation are the only upper-level courses offered every semester (other than clinic and externships). Administrative Law, Business Associations, Environmental Law, Evidence, Immigration, Federal Income Tax, Intellectual Property, Labor Law, and Wills and Trusts are some of the courses offered every year. Land Use, Estate and Gift Tax, Employment Law, Conflicts, Antitrust, Real Estate Transactions are among the courses offered every other year.

The Law School offers students opportunities to study in small classes. In the past two years, 39 to 54 classes were classified as limited enrollment, limiting the number of students who could enroll in the class to 12, 16, or 20. The number of unlimited enrollment courses has been 50 to 55 in those years.

The Law School offers two certificate programs to students: natural resources law and American Indian law. The program in natural resources law has been sustained for over three decades, while the program in American Indian law was instituted in 1994.

Students have two options for obtaining the Natural Resources Certificate. They may become a member of the *Natural Resources Journal* through the write-on competition. The student will earn 12 credits towards the graduation requirements and 10 of those credits will go toward the Certificate as a Journal staff member and editorial board member. Journal members must also successfully complete 10 hours of elective courses in the natural resources area and fulfill their writing requirement by writing on a natural resources topic. A student must take either administrative law or environmental law and must also take federal public lands, natural resources law, water law, or equivalent law school classes. Graduate courses from other University departments may also satisfy as many as six hours of this requirement, as may an externship in the field of natural resources or a moot court related to natural resources issues. Students may also earn the certificate with 21 credits in approved courses.

The Indian Law Certificate Program requires that a student take at least 21 credits in Indian law courses, including the basic Indian law course and Federal Jurisdiction, and maintain at least a 2.5 grade point average in those courses. Students must also complete their clinical requirement by taking the Southwest Indian Law Clinic or an externship that provides direct experience with Indian peoples in a legal setting. Finally, the student’s thesis must be on an Indian law-related topic. Because Indian Law is on the bar exam, many students enroll in Indian law courses.

The faculty has considered adding a third certificate in international law, but decided to wait until the leadership of the two existing programs met to discuss a

common set of standards for the certificates. The faculty for the Natural Resources Certificate Program is now engaged in a process of modifying the requirements of the Program to be more consistent with the requirements of the American Indian Law Certificate Program.

The Law School has not yet implemented the goal it set for itself in its 2004 Strategic Plan of reviewing its second- and third-year curriculum with recommendations for comprehensive enhancement and improvement. During at least two of the Dean's Hours conducted in the 2006-2007 year, this subject was discussed. The faculty concedes that they need to move forward on this goal during the 2007-2008 academic year with an emphasis on implementing the outcomes approach to legal education outlined in the Report, *Educating Lawyers – Preparation for the Profession of Law*, published by the Carnegie Foundation in 2007, and in the book, *Best Practices for Legal Education – A Vision and A Road Map*, also published in 2007. The Law School will be assisted in the effort by having been named one of 10 schools slated to participate in the Carnegie Report follow-up project.

The Law School's standing Curriculum Committee periodically reviews the curriculum and proposes enhancements, such as new programs, courses, or policies for consideration by the voting members present at regularly scheduled faculty meetings. The overall organization of the curriculum is structured by the Committee and any significant change is approved by the faculty.

E. Legal Writing

Two first-year courses, Legal Reasoning, Research and Writing (LRRW) and Advocacy, require substantial writing by the students. LRRW introduces students to the skill of accessing specialized research collections such as Indian law, and Advocacy often includes a complex Indian law problem as the vehicle for learning how to write a persuasive brief and present an oral argument. In LRRW students spend a significant amount of time on problem solving and argumentation theory and have many shorter assignments dealing with this on which they receive feedback. Students write three complete and relatively complex memos, have a unit on client communication, and a unit on legal drafting. They also receive training in citation and research. In addition to class meetings, there are several one-on-one conferences with the instructor. Advocacy is much more extensive than the traditional year-end appellate brief. Students are introduced to alternative dispute resolution; write mediation summaries and conduct negotiations; continue the study of argumentation theory; write two trial-level briefs, present a trial-level oral argument, continue research training, and discuss legal ethics. The topics of all these assignments are relatively complex. In addition to regular classes, students receive extensive written feedback and are involved in small brainstorming sessions and one-on-one conferences with the instructor. The first-year writing courses are taught in sections of 19 to 20 students.

The Law School has not resolved the status of the legal writing faculty though it has been under consideration for several years. The first-year courses are taught by three

legal writing professionals. The director of the program is quite experienced. She writes all the materials for the class. The writing instructors work collaboratively. They meet on a weekly basis to review problems; they visit each other's classes. The student evaluations of the program were overwhelmingly positive. The director does not review the other writing instructors or get to see their student evaluations. There has been a fair amount of turnover in the other two positions until recently. Currently all three instructors have nine-month, year-to-year contracts. They are reviewed by the Dean annually. It is not clear when and if the Law School will decide on the status of the legal writing instructors, though the faculty voted several years ago to create some form of status for them.

Students receive a basic introduction to legal research in the first year courses of LRRW and Advocacy. The responsibility for providing this instruction lies with the legal writing faculty. Law librarians teach an upper-level, elective Advanced Legal Research (ALR) class. Law librarians also teach Specialized Legal Research (SLR) classes in the areas of Indian law, natural resources and international law. Indian law research and the natural resources law research classes have been approved for program credit by the respective certificate program committees. Approximately 75% of the student body can now take a research class if desired.

Since Fall, 2006, the Law School has offered one advanced writing course every year. This course has been taught by one of the legal writing faculty.

The Law School has an advanced writing requirement which is met by completing a paper that demonstrates in-depth research and analysis of a legal topic. Most students satisfy this requirement by enrolling in a seminar taught by a member of the tenure-track faculty, though some students undertake independent research or write for one of the Law School's journals. There are standards for meeting this requirement.

The law librarians currently have no involvement with research instruction for first-year students. There has been informal discussion of whether it would be appropriate to require a librarian-taught research course in addition to the research instruction the law students receive in the required first-year LRRW class. There has also been debate about when research instruction should optimally occur, that is, during the first, second, or third semester. The law librarians have been reluctant to undertake a commitment to teach a required course in the past because too few of them were available to carry the additional sections that would result. In the alternative, increasing the size of the existing sections would create other problems. As of the 2007-2008 academic year, the Law Library faculty has increased to six plus the Director, so the Law School may revisit requiring a separate research class in the future.

There is no coordination between the first-year legal writing program, the legal research courses taught by the librarians, the upper-level writing requirement, and the drafting courses taught by faculty.

F. Professional Skills Instruction

The Law School has a strong clinical program. It is highly recognized on a national level. All students are required to complete a semester-long, six-credit hour clinical course as a condition of graduation. The prerequisites for enrollment in one of the clinical law courses are completion of 40 credit hours of academic coursework and good academic standing. The introductory course in Ethics is also a pre-requisite or co-requisite. Academic credit earned by enrolling in one of the extern programs does not meet the clinical graduation requirement. While students are eligible to enroll in the Clinic during their fourth semester of studies, the vast majority of law students enroll in the Clinic during their third year. All qualifying clinical law programs are in-house clinics.

All clinical programs have a student-teacher ratio of eight to one or less. Each clinical program has two major components. The first is a defined program of clinical fieldwork consisting of regular office hours, client interviews, community site visits and educational outreach, student/professor conferences, and court or administrative appearances. The second component is a required classroom component.

The classroom component addresses a variety of basic lawyering skills, such as interviewing, fact development, counseling, legal drafting, pretrial skills, alternative dispute resolution techniques, office management, ethics and professional values, trial and advocacy skills, community lawyering skills, selected substantive topics, and group discussions of common practice issues and individual client files. All professors use common teaching techniques such as lectures, discussions, simulations, role-plays, and guest lecturers. Some or all of the clinics come together for some classes.

During the academic year, students are required to schedule a minimum of sixteen office hours per week and to attend an average of three to four hours of class per week. During the summer semester (ten weeks), clinical law students are required to maintain a minimum of 24 office hours per week plus four to five hours of class per week.

The clinic operates as a large legal services office, with each professor heading up a section of the firm. There is collaboration among the various sections, as well as among the faculty members participating in each of the sections. During the 2007-2008 academic year, the following clinics are being offered:

- (1) The Community Lawyering Clinic takes students to various community sites to interview new clients, and then work in the Clinic to address societal problems, such as domestic violence, homelessness, housing, income maintenance, family law, mental health and disability, immigration, consumer and elder law issues. Students can work either on group or community-wide issues, legal education and rights awareness issues, or represent individuals with particular legal problems. A particular clinical program or semester may emphasize a specific practice area, such as domestic violence, juvenile justice, children's advocacy, or abused and neglected children. The emphasis of each program will depend on the assigned

faculty member's area of expertise or a particular community demand or need. This clinic places an emphasis on team lawyering, multi-disciplinary lawyering, and active community involvement. A new emphasis of this clinic is the development of the Medical/Legal Alliance for Children in which students and faculty collaborate with medical professionals at the Pediatrics Department of the Medical School to provide services to low-income patients that contribute to meeting legal needs of children and their caregivers.

(2) The Law Practice Clinic provides a more traditional law office practice setting, using the clinic as its central office. The classroom component for both the Community Lawyering Clinic and the Law Practice Clinic overlap considerably because the faculty in both clinics collaborate and team-teach. Students are typically assigned a mix of selected civil and criminal cases that are representative of the small, general practice setting that is prevalent throughout New Mexico.

(3) The Southwest Indian Law Clinic, established in 1994, focuses on Indian law issues and on the representation of indigenous peoples. It seeks to work in collaboration with New Mexico's 19 pueblos and three Navajo and Apache tribes as well as with non-governmental organizations working with Indigenous peoples. Thus, its work extends throughout the state. Students have the same practice opportunities that are offered to students in other clinics and, in addition, are given the opportunity to appear in different tribal courts or to address tribal law issues. Typical clinic projects involve group issues that may arise within the areas of tribal sovereignty, cultural rights, traditional tribal law, and the interface of state and federal law with tribal law. The clinic introduces cultural and racial literacy skills germane to the representation of individual indigenous clients and tribal nations, and to practice in the emerging tribal court systems in New Mexico and throughout the United States.

(4) The Economic Development/Business and Tax Clinic represents individuals and groups. It handles cases of low-income taxpayers in disputes before the IRS and taxpayer education in English and Spanish on topics such as tax relief and cash benefits for low-income taxpayers and compliance steps for small businesses. The clinic also assists nonprofit organizations seeking an IRS determination of tax-exempt status; supports community-based efforts to promote economic development; provides legal services to low-income, small-business clients who cannot afford to hire a lawyer; advises small businesses about the choice and formation of business entities; drafts organizational documents; reviews and drafts leases, purchase and licensing arrangements and other contracts; and resolves business disputes. Because this clinic is relatively new, students also spend time building alliances with community partners, including microlenders.

With one exception (a faculty member hired on a part-time limited term basis to teach in the federally funded low-income taxpayer clinic), all other professors in the

clinic are full-time members of the faculty. All teach one or more traditional classroom or skills courses when not teaching in the Clinic. Staffing of the clinical programs requires a major commitment of faculty resources. Since professional obligations to clients and the need to allow all students to complete the required clinical requirement require that the Law School staff summer session, the Law School operates the Clinic on a three-semester basis. At least five full-time faculty members per semester and five each summer are needed to staff the Clinic to ensure that 35 to 45 students can enroll each semester. Eight members of the faculty teach primarily in the Clinic and several other faculty members teach in the Clinic somewhat regularly.

The goal, which has been attained with few exceptions, is to have a full-time tenured or tenure-track faculty member teach each section of the Clinic. Recently, however, it has been necessary to hire visiting professors to teach in the Clinic, primarily during the summer and also in the Southwest Indian Law Clinic due to: 1) the need to provide tenure-track clinical professors an opportunity to publish; 2) a change in the teaching patterns of some of the more experienced clinical professors who have changed their teaching focus toward classroom courses; 3) an increase in other summer teaching and research opportunities; 4) the normal pattern of sabbatical leaves; and 5) the fact that in the past, there has been only one faculty member who regularly taught in the Southwest Indian Law Clinic. The legislature has provided funding for the addition of another faculty member to the Southwest Indian Law Program. Faculty members who teach in the Clinic one summer session after or before teaching a semester in the Clinic are eligible for release time from teaching (but not other obligations) the following semester. This policy has been successful in attracting summer clinical faculty.

Outside of the clinical courses, the Law School offers several other classes that prepare students in fundamental lawyering skills. These courses have small student-faculty ratios and rely significantly on simulation of tasks performed by lawyers, followed by evaluation and critique. Included in this group of courses are:

(1) Evidence/Trial Practice (limited to 64 students). This course focuses on trial procedure, evidence, and trial skills. Classes include: 1) lectures on the principles of evidence; 2) demonstrations of trial skills; 3) practice sessions in which each student performs various exercises to learn trial skills; and 4) a mock trial at the end of the semester before sitting state and federal judges. The class meets every day for a lecture/demonstration during the scheduled time slot and is then divided into eight groups containing no more than eight students each. Each of these groups meets weekly for trial practice exercises. Approximately 10 adjunct faculty members, all experienced trial attorneys or judges, work with the full-time faculty member who teaches the course. Practice sessions are videotaped and students meet individually with the professor to review the videotapes. Adjunct faculty members also give many of the demonstrations.

(2) Trial Practice (limited to 12 students). This course teaches trial practice through actual preparation and presentation of all segments of a trial. Students learn techniques of basic direct and cross-examination, impeachment, handling

exhibits and demonstrative evidence, jury selection, opening and closing statements, advanced direct and cross-examination, and examination of expert witnesses. They participate in simulated trial exercises and their work is critiqued by members of the New Mexico bench and bar.

(3) Pre-Trial Practice (limited to 16 students). This course focuses on lawyers' work before trial. Topics covered include establishing the attorney-client relationship, case planning, investigation, drafting pleadings, discovery practice, motion practice, the pre-trial conference, negotiation and settlement, and alternative dispute resolution. Teaching methods include readings, demonstrations, simulation and role-play, and drafting exercises.

(4) Business Planning. This course integrates issues regarding entity formation, the taxation of business enterprises, business finance, and business sales and mergers, in a practice-oriented context. The class involves a semester-long problem in which two faculty members form a company to market a scientific product. Students begin the class by interviewing their "clients", and identifying and resolving thorny issues of professional responsibility. Students draft organizational documents for the new company; must resolve complex issues of taxation, control and sharing of profits and losses; and learn to research relevant tax and corporate law provisions on their own. The course culminates in a weekend negotiation simulation in which students negotiate the sale of an equity stake in the new company and local practitioners play the clients of the students. The negotiations require students to work in teams with students from the Taxation of Business Enterprises class, who serve as tax advisors. The business law faculty hope that this class will grow and that eventually it will be modeled more closely after the Evidence/Trial Practice class, using adjunct professors as well as the full-time faculty, and accommodating more students interested in learning transactional lawyering.

(5) Hybrid Courses. The Law School has developed several "hybrid courses" that cover a specific substantive area of law and also provide a significant opportunity for students to obtain practical experience in the subject. Criminal Law in Practice is a course taught in collaboration with the Public Defender's Office and the District Attorney, where students work under the supervision of attorneys in those offices and also study criminal law and procedure issues in a classroom component. The Innocence and Justice Project provides an in-depth study of habeas corpus and other post-judgment avenues for relief. Students work on prisoner applications and conduct fact investigations to determine whether they should recommend the potential case to a volunteer lawyer. Other substantive courses, such as Gender and the Law, also contain a significant community service aspect.

(6) Alternative Dispute Resolution. The Law School is committed to offering every student who wants to take a course in the field of Alternative Dispute Resolution an opportunity to do so. During the 2007-2008 academic year the

following ADR courses will be offered: Introduction to ADR, Basic Mediation Training (every semester, including summer), Advanced Mediation, and Family Mediation Training. In addition, the students are formally introduced to ADR in the Comparative Historical Legal Perspectives course, and informally in other first-year courses. In the past, the Basic Mediation Training course has had a mix of law students, attorneys, and others interested in gaining mediation skills. This year, in response to the demand by law students desiring to complete the course before graduation, the 30 slots available each semester for this course are now available to non-law students only if not already taken by students.

(7) Drafting and Planning Courses. During the 2007-2008 academic year the Law School will offer the following drafting and planning courses: Contract Design, Real Estate Planning, and Business Planning (described above). These courses provide students with simulated experience in drafting key legal documents, which are assessed by the instructor.

G. Professional Responsibility Instruction

Professional responsibility instruction begins in two required courses in the first year. Comparative and Historical Legal Perspectives includes topics on the role of law and lawyers, legal education, non-Western concepts of law and changing perceptions of law in the United States. The Practicum course introduces students to lawyers' work and professional roles. Students in the course explore the meaning of professionalism and examine the role of personal and professional values in becoming and being a lawyer. This course includes guest lectures from practicing lawyers and members of the bar.

Students are also required to take an Ethics course during their time in the Law School. Several courses allow students to explore ethical issues in practice, such as the mandatory clinical course, externships, and the Criminal Law in Practice "hybrid" course.

H. Pro Bono Opportunities

The Law School provides various opportunities for students to engage in pro bono. The mandatory clinical program and part of the externship program allow students to represent low-income individuals and explore the provision of legal services to under-represented populations. Student organizations provide opportunities for student pro bono as well. Student volunteer opportunities are also available through the Office of Career and Student Services. Students assist one faculty member in preparing Supreme Court briefs on cases dealing with mental disability issues.

I. Study Outside the Classroom

The Law School offers three externship programs: the Law Office Extern Program, the Alternative Dispute Resolution Program and the Judicial Extern Program. All externship programs are supervised and administered by the Associate Dean for Clinical Affairs or a faculty member. Academic credit for externships is limited to a

maximum of six credit hours. Students are eligible to enroll in one of the externship programs after the completion of their first year of academic studies. They may take a second externship by petition to the Associate Dean for Clinical Affairs, but then must be supervised directly by a member of the faculty and complete an additional writing requirement. Few students enroll in a second externship.

The Associate Dean for Clinical Affairs and/or a faculty member and the clinical staff assist and oversee student placement, monitor student timesheets, address any questions or issues that arise in the programs, and evaluate supervisor recommendations for credit. Placement within the externship program is primarily student initiated, but all placements must be approved by the Associate Dean for Clinical Affairs. The Associate Dean sends a letter to each extern supervisor explaining the requirements of the program. The Associate Dean does not visit every site every time, since she knows most of the externship supervisors.

For three credit hours, student externs are required to complete a minimum work program of 168 hours during the semester. Students are required to attend approximately three to five classes held by the Associate Dean for Clinical Affairs or a faculty member. Those classes use reading materials to help generate student discussion of their experiences. Students are required to submit regular reports of their work and time sheets, and to complete an end of semester reflection paper and an evaluation of the externship. Supervising attorneys and judges are required to submit a written evaluation of each extern's performance, including a grade recommendation.

During the Fall, 2006, semester, fourteen students were enrolled in Law Office Externships and four were enrolled in Alternative Dispute Resolution Externships. In the Spring, 2007, semester, two students enrolled in Judicial Externships and three in Law Office Externships.

During the 2006-2007 academic year, the Law School entered nine teams in national appellate moot and mock trial court competitions. For the 2007-2008 year, the Law School will enter 10 teams in competitions. Each team is advised by a faculty member or an adjunct professor. Normally there is an internal competition to qualify as a member of a team. Students receive one credit hour for successful completion of the requirements of the competition.

J. Distance Education

The law school does not offer any distance education courses.

K. Evaluation of Scholastic Achievement

As part of the site visit, a member of the team reviewed several examinations. The faculty uses a variety of test techniques, including essay, multiple choice and short answer. The tests and quality of grading were sufficiently rigorous. Examinations are graded anonymously.

Law School courses are generally graded on a letter scale of A+, A, A-, ... to F basis. Practicum, taught in the first year, and externships are graded on a Credit, C-through F basis. The clinical courses are graded. There is no mandatory grade distribution, but strong customs exist, especially in the required courses. Professors in the first-year courses confer to have their grades average in the 2.7 to 2.9 grade point range; average grades in legal writing range from 2.8 to 3.0. Average grades for the required Constitutional Rights class are in the 2.7 to 2.9 range. Average grades in larger classes are usually in the range of 2.6 to 2.9, while in small classes, seminars and clinical courses they range from 3.0 and up.

The Law School has clearly defined standards for good standing, advancement and graduation. The Law School has a Policy on Academic Retention and Suspension. Students must maintain a 2.00 cumulative grade point average to be in good standing. Students below that standard are placed on academic probation or suspended. A student with over 55 credit hours will not be placed on automatic probation, but must petition the Committee on Student Suspension, Retention and Readmission to be granted probation as opposed to suspension. Students on probation are not allowed to work. Suspended students may petition the Committee which can place the student on probation (conditional or unconditional) if it determines that the student can successfully complete law school within a reasonable period of time. The Committee may suspend students indefinitely or for a specified period of time not to exceed one year.

The Law School's standing committee on Academic Support is charged with providing faculty guidance and support to the Student Services office in the area of academic support, including: serving as liaison between the Student Services office and faculty, and providing programming and training to improve the academic support skills of faculty and staff. During the Self Study process the faculty thought it necessary to improve the academic advisement process by formally designating a member of the faculty as the academic advisor for each first-year student. That plan will be implemented this academic year. Additionally, the chair of the Academic Support Committee is working with the Associate Dean for Academic Affairs to improve academic advising in general, by providing students with a clear process by which to plan their curriculum in light of their specific interests with knowledge of upcoming curricular offerings. The first-year Practicum course also includes class time devoted to career and curricular planning.

Student tutors support each first-year class. Tutors are second- or third-year students paid by the Law School. They receive training in their work from Student Services in consultation with the faculty. Tutors attend the class and meet with students both individually and as a group outside of class time. The first-semester Practicum also has class time devoted to enhancing students' study skills.

Students on academic probation are required to meet with the Assistant Dean for Student Services to develop a plan designed to help the student succeed in his or her studies. Beginning in spring, 2007, each student on probation is assigned a faculty

advisor who agrees to meet with the student on a regular basis to monitor the student's progress.

Some students expressed a desire for better academic advising. The level of advising in the Practicum course, some felt, varied widely depending on the professor. The Law School would like to provide students with meaningful written guidance on how to do curriculum planning if they are interested in preparing for practice in specified areas of concentration in addition to those already supported by certificate programs.

Some faculty expressed concern with academic support feeling that more coordination needed to take place between faculty, especially in the first year, to identify and support students experiencing problems.

L. Part-Time program and Scheduling Options

The Law School does not have a part-time division or enrollment option. It does allow students with appropriate reasons to request permission from the Associate Dean for Academic Affairs and the Assistant Dean for Registration and Records to go on a Flexible Educational Law Program. After completion of the first year, students may carry a minimum of eight hours, or even less under extreme circumstances. Students must complete the degree within five years from the time they commence their studies.

M. Studies in Foreign Countries

The Law School, in conjunction with Texas Tech University Law School, Southwestern Law School, and the University of Guanajuato, offers a four- to six-week summer program in Guanajuato, Mexico. In the summer of 2007, 39 U.S. law students and one lawyer enrolled in the program. In addition, 19 Mexican law students (18 from the Universidad de Guanajuato and one from the Universidad of Irapuato) enrolled in the program. American law students can earn up to eight credits for participation in the program. They can earn up to six credits in a four-week academic program, and two additional credits for an optional two-week externship program where students are placed with lawyers or judges and attend morning lectures delivered by lawyers and judges.

The Facultad de Derecho (Law School) of the Universidad de Guanajuato hosts the program at its facility. The courses stress international and/or comparative law with some incorporation of Mexican law. Courses are taught by faculty members from the three sponsoring American law schools and the Universidad de Guanajuato. The curriculum is developed at an annual meeting of the members of the consortium of law schools in the fall. The last ABA accreditation report for this program described it as a "model program" because of its integration with the Universidad de Guanajuato and its international and comparative focus.

The Law School has ABA-approved cooperative programs of foreign study with five universities. Four students have participated in the past three academic years. One other student earned six credits in other study abroad programs in the last three years.

N. Degrees in Addition to the J.D.

The Law School does not offer any degrees in addition to the Juris Doctor.

IV. FACULTY

A. Faculty Size and Qualifications

The Law School's permanent faculty consists of the following:

- thirty-four full-time tenure-track faculty members (these include the law library director and all but one of its six clinical faculty; the other clinician is employed on a part-time, limited-term basis);
- three full-time legal research and writing instructors (all of whom currently have renewable one-year contracts, although the school would like to adopt a long-term contract policy for them);
- one half-time endowed "research professor" who teaches oil and gas law; and
- four professors emeritus who teach half or quarter time.

In addition, the faculty includes three other "research professors," each of whom directs one of the independent organizations affiliated with the law school: the American Indian Law Center, the Utton Transboundary Resources Center, and the Institute of Public Law. Each of these teaches in the law school on occasion. Finally, the school currently employs some twenty-two adjunct instructors, and from time to time it hires limited duration visitors.

A faculty of this size in a school of approximately 340 students produces an admirably small student-faculty ratio of ten to one, as reported in the school's 2007 ABA Annual Questionnaire. This is not a luxury, however. Instead, a ratio of this size is necessary given the school's clinical method and its mission of serving a highly diverse student body. For example, the year-round clinical program means that some courses must be staffed in every month of the year, and national standards governing clinical legal education mandate low student-faculty ratios. In addition, diverse backgrounds enjoyed by the law school's student body require the faculty to spend considerable time accommodating a wide range of academic preparedness.

Some members of the faculty contribute teaching time to other university departments – a fact that the school views as a source of strength but that complicates the question of adequacy of teaching resources. Three faculty members have courtesy arrangements with other departments that permit them to teach there, and one – Laura Gomez – has a formal joint appointment with the College of Arts & Sciences' Department of American Studies pursuant to which she devotes three-quarters of her professional time to the law school and one-quarter to American Studies.

Neither faculty nor students mentioned that they thought the faculty size was inadequate, although students complained that skills courses such as Mediation are difficult to get into because of their capped enrollment. Students also noted that there are too few of these kinds of skills courses to go around.

During the Site Team's visit, some faculty expressed concern that university-wide financial needs will chip away at the law school's ability to maintain a favorable student-faculty ratio. A few worried in particular that the university's new budget model would have this consequence. The Site Team pursued these concerns with Acting Provost Viola Flores and Dean Scarnecchia but did not discover anything indicating that they are likely to come to pass.

On a related note, the law school has a generous policy of permitting retired faculty to remain on the payroll at a percentage of their pre-retirement salaries, in exchange for part-time teaching. It acknowledges that this policy has benefits and drawbacks: it encourages retirements, retains teaching experience, and enriches the curriculum. On the other hand, the relatively high salary rate of retired faculty also may prevent the school from affording new, full-time, lower-cost hires. The school intends to reconsider this policy within the next two years.

The faculty is very diverse, measured by national norms. More than half of the tenure-track faculty are women and nearly half are persons of color (including two African-Americans, nine Hispanics, three Native Americans, and two Asian Americans). Diversity is also present in age, educational pedigree, lawyering background, and experience in other academic postings.

A review of the faculty roster reveals that its academic qualifications are excellent in ways other than diversity: many of the faculty were trained in the nation's leading institutions, and many enjoyed judicial clerkships and legal practice in other high-level practice settings.

B. Faculty Responsibilities

The University of New Mexico Faculty Handbook governs important matters relating to faculty, including tenure and promotion and post-tenure review. Pursuant to its terms, faculty are expected to excel in the traditional three areas of teaching, scholarship, and service (including governance). The law school has its own written Tenure, Reappointment and Promotion Policy, which was adopted by the faculty in 1981. This document clarifies university policies in the law school context. The Self-Study remarks that the law school's document needs revising.

1. Teaching

The faculty views itself as having a serious commitment to teaching. In part, this is a product of the school's historic mission, which results in the admission of a student body with a relatively wide range of academic preparedness. Many faculty respond to this

range of preparedness by tailoring their pedagogy to the needs of their students, going so far as to teach individualized academic support sessions.

The school invests resources to support quality teaching. Among other things, it sponsors attendance at teaching conferences, holds faculty meetings and sometimes workshops devoted to teaching issues, ensures classroom visits and teaching mentoring of pre-tenure faculty, gives out an annual award for excellent teaching, and encourages faculty to use the university's teaching support center.

From all indications, the faculty is devoted to teaching and generally does a good job. Site Team classroom visits revealed much to be praised: teachers using "benign Socratic" methodology effectively, some engaging students in problem-solving or real-life situations, a few using film clips and other technology to enhance class sessions, all appearing to know their students by name, and many capturing student interest and passion.

During student meetings with the Site Team, there was overall praise for the faculty's teaching skills and dedication. Students also acknowledged that the faculty provides them with high levels of individual mentoring and support. On the other hand, some students stated that a "handful" or a "few" of the faculty are not teaching well and that student evaluations did not seem to be affecting this problem. Indeed, the school's method of collecting student evaluations is spotty and permits faculty to use their own forms and collect data themselves. (Having said that, our review of the evaluations indicates that most faculty, outside of the clinics which use their own forms, tend to use the same standard evaluation form.) The school intends to revise this process "during the coming year or two." Some students also were worried about the impending retirements of several very strong teachers, and they hoped the replacements would be of equal skill.

Visits to classrooms by Site Team members confirmed that teaching is not uniformly excellent. Site Team members noted that some faculty used a traditional lecture style that was only "mildly interesting" and that did not appear to stimulate active involvement from the students. Moreover, some classes evidence a lack of rigor, with students surfing the web and appearing disengaged.

Student survey responses reflect this possible lack of rigor, indicating, for example, that only seventy-four percent "always" or "almost always" prepared for class by doing the reading ahead of time and that a mere thirty-one percent did the reading "very carefully." Asked about using their laptops to engage in activities unrelated to class, nineteen percent responded "never" and thirty-eight percent "infrequently," while forty-two percent claimed to do so "sometimes" or "often."

The Self-Study reflects faculty awareness of this situation and eagerness to make quality teaching a top priority. Consistent with faculty desires, the Dean has asked one of the school's teaching stars to re-start a "formal peer support program for teaching enhancement" that he had tried out seven years ago. The current year will be the first of the renewed effort. In addition, the school has begun to grant "release time," described in

the Workload section below, for faculty who are designing new courses or course materials, in an effort to encourage innovation.

2. Research and Publications

The school requires all of its tenure-track faculty to engage in scholarship. It defines the term broadly, counting toward the scholarship obligation materials that would be considered non-scholarly at other law schools. These include descriptive publications such as practice guides, advocacy pieces such as legal briefs, and unpublished teaching materials. Some on the faculty believe that the school's mission and special significance to the state demand such a broad definition.

Reviewing materials submitted with the Self-Study, the Site Team confirmed that a large majority of faculty books are of the sort that would be considered non-scholarly by many other top law schools. On the other hand, a few were important scholarly works issued by prestigious publishing houses – among them Christian Fitz's *American Sovereigns: The People and America's Constitutional Tradition Before the Civil War*, published in 2007 by Cambridge University Press, and Laura Gomez's *Manifest Destinies: The Making of the Mexican American Race*, published in 2007 by New York University Press. The Self-Study also reports eighty articles published in traditional law reviews since 2001.

Recently the school has embarked on an effort to improve the quantity and quality of its scholarly output. As part of this effort, it prominently displays faculty scholarship in the foyer, announces new publications, and holds an annual banquet to celebrate the publication of books.

In a more profound move, it reinstated the position of Associate Dean for Faculty Development, a post that had been unfilled for several years. Laura Gomez was hired away from UCLA in the fall of 2005 to serve in this capacity as well as hold a part-time (.25 FTE) appointment in another university department.

Associate Dean Gomez reported to the Site Team that her task is to promote research and scholarship through the following means: mentoring faculty, especially pre-tenure faculty, with a special emphasis on their scholarly work; invigorating the school's intellectual life, in part by working with a Colloquia Committee to sponsor workshops and symposia (in the fall of 2007 alone, there were eleven of these); encouraging and evaluating proposals for summer research funding; and doing the same for travel funding requests.

In terms of funds for faculty research activities, the school may be in a state of transition. Currently, although the Self-Study states that "faculty receive a basic allotment to support professional travel," faculty do not appear to have dedicated professional development or research accounts. Instead, they ask Dean Scarnecchia or Associate Dean Gomez for permission to spend money on travel and other professional development activities, and research assistants are apparently provided on an unlimited basis from a

pool maintained by the law library. Book requests are processed through the library and technology matters through the school's IT unit. Some faculty members expressed dislike for this system, feeling that it reflected an overly ad hoc decision making style. They would prefer a system in which each faculty member was given a development account of definite size. At the same time, they acknowledged that they were given adequate financial support for their research activities.

The situation represents an improvement, though. In its previous Self-Study, the school acknowledged that summer research funding was awarded inconsistently throughout the faculty. Presently, although faculty must request funding, there appears to be enough of it so that faculty who apply can count on receiving a summer grant. Indeed, everyone who applies for summer support gets it, and there is no firm expectation that a grant will result in a product or that grantees will share the fruits of their summer work by giving talks or workshops. Summer grants are also awarded for faculty who update their teaching materials, and some whom the Site Team interviewed felt it may be time to rethink this approach so that the school could target its summer support to traditional research.

While the school acknowledges a need to raise additional endowment funds with which to support highly productive faculty, it currently has three chairs that provide supplemental monetary support. It also awards two-year professorships to four to six faculty at a time, and three one-year research awards. All of these awards also provide supplemental monetary support, and all are made by the Dean.

Three other matters relating to research deserve mention. First, faculty have high praise for the law library, which by all accounts is responsive to faculty requests for research assistance (and research assistants). Second, all but one of the six faculty who teach primarily in the clinical program are tenure-track members of the faculty who engage in scholarship, and these faculty members are hard-pressed to find blocks of time for research and writing. Within the past two years the school has helped by hiring a few visitors to teach some of the clinical courses, particularly in the summers. This sort of assistance is vital if the school wishes to increase the research productivity of its tenure-track clinical faculty. Finally, while overall staffing support for faculty research has improved in the past few years, some faculty reported to the Site Team that they are stymied in their research by inadequate help from IT personnel. Requests for help sometimes go unanswered, and resources appear to be distributed by the IT department unevenly.

3. Service Activities and Governance

The law school has a proud history of extraordinary service. It clearly values service and governance activities, and this is reflected in the depth and breadth of work in which faculty are engaged throughout the University, the legal community, the state and its subdivisions, the legal academy, and national organizations.

Consistent with its importance to the state, many faculty serve on state-wide committees and boards, and many are called to comment in the press on the state's legal affairs. An admirable number have been prominent leaders in legal education nationally. Within the University, law school faculty members shoulder large and growing governance responsibilities. The dean, of course, is active in the University's deans' council, leads search committees, and is a member of at least one unit's governing board. Other faculty are important to the University as well, serving as directors of programs and institutes within the University, chairs of committees, and so on.

The law school's self-governance also enjoys high levels of faculty involvement. The list of committees is extraordinarily long, and it is clear that not all of them are operating all of the time, but those that are active appear to be productive and successful. The Site Team did not hear complaints about the quantity of faculty governance obligations. They did hear questions and concerns about voting issues. Currently voting rights are held by tenure-track faculty, legal research and writing instructors, and emeriti, and in hiring matters, by student representatives. Some faculty are concerned about the level of tension present on governance matters and would like the school to use secret balloting.

C. Professional Environment

1. Academic Freedom

Pursuant to the University of New Mexico Faculty Handbook, faculty are granted academic freedom consistent with the 1940 Statement of Principles adopted by the American Association of University Professors. The Self-Study reports that the law school faculty has not had issues with respect to academic freedom, and the Site Visit team heard of none other than the observation that some faculty found it difficult to speak or vote openly about controversial matters at faculty meetings.

2. Course Assignments

The Site Team found course assignments to be relatively heavy, although within national norms. Faculty are expected to teach four courses per year, or the equivalent (twelve credit hours per year) in clinical terms, in an environment in which innovative, intensive teaching and individual mentoring are normal. The school's recent emphasis on scholarly productivity and excellence has heightened expectations in this area and increased the amount of faculty time devoted to it. Service obligations have long been extensive and profound because of the school's awareness of its importance to the state.

Somewhat mitigating the size of the course assignments is the school's practice of providing reduced teaching loads from time to time. These may be granted pursuant to a policy – such as the one giving pre-tenure faculty two courses off before tenure – or on an individual basis, for example, to facilitate a research project, help a faculty member prepare a new course, or compensate for a heavy administrative load. On occasion, light loads also have been given for personal reasons. Requests for individual light loads are

made to the Dean or the Associate Dean for Academic Affairs. During Site Team interviews with faculty, there was some dissatisfaction expressed with the way in which this process is implemented.

The school's ABA Faculty Profile suggests that some faculty teach many fewer student credit hours than others. To some extent, this may be a result of the school's unique pedagogical method, which restricts enrollments in clinical courses. In other cases, however, class sizes (whether by design or not) appear to be very small. The Associate Dean for Academic Affairs reported that he attempts to balance out the equities.

3. Tenure and Promotion

The University's Faculty Handbook governs terms of tenure and promotion, and national norms apply. Faculty generally have six years to tenure, and after the first three years are reviewed extensively for progress toward tenure and also for promotion to Associate Professor. During the sixth year, when they are evaluated for grants of indefinite tenure and promotion to full Professor, they are subject to a rigorous review that includes external evaluations.

Tenure and promotion processes also are consistent with national norms. These involve both the law school and the university provost, who is the ultimate decision maker. At the initial, law school, level, the Faculty Affairs Committee gathers information and writes a report, which is presented to the entire tenure-track faculty in its formal role as the Committee on Retention, Promotion, and Tenure ("the CRPT"). The CRPT votes on a recommendation and adopts a report. The Dean reviews the entire record and makes her own recommendation. This recommendation, and the CRPT's, are forwarded to the university provost. The Self-Study reports that "[t]o date, no faculty recommendation has been overturned at the Dean or University level."

Twenty-eight of the school's tenure-track faculty members have been granted tenure; the remaining six are progressing toward that goal. Pre-tenure faculty appear to be adequately supported: all are subject to a formal mentoring program in which they have both internal and external mentors, and all are reviewed annually by the Faculty Affairs Committee. The formal mentoring program was strengthened with the addition of the Associate Dean for Faculty Development, who meets with each untenured faculty member to discuss tenure standards and processes. The external mentoring program, although admirable, needs attention: the Self-Study Questionnaire reports that visits from external mentors, which are sponsored by the school, have not been sufficiently regular.

While the University's Faculty Handbook prescribes a set of policies for rigorous post-tenure review, these appear to apply only in cases of underperformance. The normal process involves annual performance reviews conducted by the Dean based on self- and student evaluations. The Dean meets individually with each faculty member to review his or her performance, and she summarizes these reviews in an annual report to the provost.

4. Recruitment and Retention

The School of Law has been in a restocking phase, hiring twelve new faculty members since the 2001-02 academic year. Additional hires, and strong ones, will be important to replace retiring “giants” on the faculty. In the past few years most new hires have been entry-level ones, although the school made two recent hires laterally: Laura Gomez from UCLA and Eileen Gauna from Southwestern.

Tenure-track entry-level faculty are hired according to a typical faculty-lead process involving an Appointments Committee appointed by the Dean. The committee uses the AALS registry and recruitment conference, and appropriate energy is devoted to attracting a strong and diverse pool of applicants. Potential candidates are vetted through the committee, finalists are invited back for school-wide evaluation, and faculty vote on selection. Students are involved in the process and vote on selection as well.

It is no secret that faculty tensions around hiring are high and involve a complex brew of varying opinions about the school’s mission and the desirability of being a “national” school, different beliefs about the weight that should be placed on diversity, memories of wounds incurred during past hiring and dean search situations, general passion about process, and a reluctance to discuss difficult issues openly. The Dean is sensitive to this tension and encourages the faculty to find ways to express their views to each other. Nevertheless, there remains a group of faculty who describe themselves as “disenfranchised,” particularly in decision-making about new hires.

As of yet, faculty retention is not an issue, and the school’s only departures during the past two years have been retirements. Undoubtedly, competitive pressures will mount as lateral hiring continues to be a national trend, but the school has the benefit of a strong sense of mission and uniqueness, and these may help it resist departures.

D. Adjunct Faculty

The law school uses adjunct faculty to provide specialized expertise and to fill gaps in the upper division curriculum. A review of the school’s ABA Course Hour Summary did not suggest an over-reliance on adjuncts.

Adjuncts are supervised and coordinated by the Associate Dean for Academic Affairs, who ensures that they attend an orientation session emphasizing expectations, teaching skills, and staff support. The Associate Dean also provides adjuncts with written copies of academic policies and information about law school infrastructure.

The Associate Dean and the Dean review adjunct teaching evaluations annually, and adjuncts whose performance is substandard are not invited back.

V. STUDENTS

A. Admissions

The following table provides information about applicants, accepted applicants, and matriculants for the current and last two years.

	2005	2006	2007
Applications Received			
Male	668	780	687
Female	493	625	517
Resident	330	384	338
Nonresident	832	1021	866
Total #	1162	1405	1204
Admitted Applicants			
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%
Admitted Students Enrolled			
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%
Median LSAT	155	155	156
25th% LSAT	150	152	152
75th% LSAT	159	158	159
Median UGPA	3.44	3.40	3.36
25th% UGPA	3.07	3.03	3.09
75th% UGPA	3.65	3.72	3.72

As the only law school in the state, the Law School acknowledges a special obligation to provide access to the legal profession to New Mexico residents. The Law School's Admissions Policy reflects this obligation. A substantial preference is given to New Mexico residents, and recruitment within the state reaches out to rural communities and small towns. The Law School Admissions Committee follows a long-standing practice of admitting an entering class of approximately 85% to 90% New Mexico residents and the remainder nonresidents. In addition, geographical distribution from within the state may be considered, as the state has many outlying rural areas where legal resources are limited.

In Spring, 2007, the Law School revised its Admissions Policy, consistent with its practice in recent years. Specific changes to the Admissions Policy involved adding a number of factors to the list of those considered by the Admissions Committee, including race, tribal citizenship, leadership potential, socio-economic disadvantages, and the potential to make a significant contribution to the legal profession.

A bachelor's degree from an accredited institution is generally an admission requirement. In the last three years, only one student was admitted who did not have a bachelor's degree, and that student had completed 242 undergraduate credit hours and earned a master's degree at an accredited institution.

A validity study conducted for the Law School by the Law School Admission Council (LSAC) provides a rough measure of the strength of the quantifiable data in the application. Currently the LSAT is given a weight of approximately 66% and the UGPA a weight of approximately 34%. The Site Team found no reason to believe that the Law School's use of LSAT results is inconsistent with LSAC's Cautionary Policies.

Admission decisions are delegated by the faculty to the Admissions Committee. The Committee is composed of three faculty members, the Assistant Dean for Admissions and Financial Aid, and one third-year student elected by the student body. The Law School engages in a rolling admission process. Beginning in late November, the Committee reviews files, and the process is continuous through mid-April, when the entire applicant pool has been considered. Admissions decisions are made at a series of weekly committee meetings.

The Assistant Dean for Admissions and Financial Aid and the Admissions and Recruitment Specialist make an initial screening of all out-of-state applicants. Those who clearly would not be admitted in light of the Admissions Policy and the competition for admission are denied admission without further consideration by the Committee as a whole. The rest of the applications are submitted to all members of the Committee for consideration. In addition, the Assistant Dean for Admissions and Financial Aid identifies particularly strong resident applications and brings them directly to the Committee for immediate consideration and action.

B. Readmission of Students

Applicants previously disqualified for academic reasons may be admitted or readmitted. The Law School's Policy on Academic Retention and Suspension is set forth in its Bulletin & Handbook of Policies. Students are placed on probation or suspended for failure to maintain good academic standing. Each academic year, the Dean appoints a Committee on Student Suspension, Retention and Readmission, composed of faculty and students, to consider all petitions for relief from suspension. A petition for relief from suspension must set forth the factors which contributed to the student's unsatisfactory performance; an assessment of the likelihood that the factors would continue in the future; and contemplated changes in the student's study, work, or extracurricular activities which might affect the student's performance. Petitioning students are invited to

appear before the Committee prior to its decision on the petition. The policy provides for an appeal to the Dean by any student who receives an adverse decision by the Committee.

A Committee decision to readmit a student who was suspended for academic reasons may be contingent upon pursuit of academic support by the law student prior to or upon return to the Law School.

C. Transfer of Students and Advanced Standing

Each year the Law School admits a limited number of transfer students who have completed one full-time year at other ABA-approved law schools. Transfer applicants are considered for admission only if they (i) have outstanding records at the law schools previously attended, or (ii) are in good academic standing at the law schools previously attended, are residents of New Mexico, and have a compelling reason to continue their education at the Law School. A maximum of 43 hours may be accepted. Applicants with law degrees from foreign law schools must apply through the first-year process and may be given up to 30 hours of advanced standing credits, subject to evaluation of their coursework by the Assistant Dean for Admissions and the Chair of the Admissions Committee.

D. Character and Fitness

The Law School's Bulletin & Handbook of Policies requires truthfulness beginning with the admissions application through graduation. Applicants are required to correct any misinformation submitted as part of the application by submitting a letter to and meeting with the Assistant Dean for Admissions. Depending on the severity of any misstatements, other administrative disciplinary action may be taken.

Students may access the bar application requirements for all states by visiting the Law School's website. The Office of the Registrar advises students about how to comply with character and fitness and other information needed by states. The attorney/counselors in the Career & Student Services Office regularly answer questions about the bar admissions process.

E. Student Services

The Law School has been engaged in providing academic support to its student body for many years. In the past much of this activity has been on an informal, *ad hoc* basis by individual faculty members. Currently, Bonnie Stapleton, Assistant Dean for Student Services, is responsible for assessing the academic support needs of individual students, frequently upon referrals from faculty members, and coordinating the faculty efforts with these students. The students see her as dedicated to them and their success.

The students give high marks to the academic support offered by the faculty, including the adjunct professors, and their availability to students. Students commented favorably on the faculty's "open door" policy, which encourages visits to faculty offices,

and reported that most faculty members give students their home telephone numbers. Students see the faculty members as genuinely interested in the success of their students and observe that this attitude is encouraged by the administration.

To take advantage of the substantial faculty resources available, three substantive courses in the first semester are offered in three small sections. The smaller classes are intended to facilitate more individualized attention and feedback. Students appreciate the small classes and note that faculty members offer informal seminars to first-year students covering basic skills such as outlining, case briefing, note taking, reading legal materials, and exam taking. The Indian Law Certificate Program holds regular meetings with the legal writing faculty to monitor the progress and needs of Native American students in the first year.

Following a 2004 study, the Dean formed an Academic Support Committee in the 2005-2006 academic year. That Committee inventoried the array of informal support efforts provided by the Law School and made recommendations for workshops to train faculty and teaching assistants in the 2006-2007 academic year. In the 2006-2007 academic year, the Committee implemented the recommendations for training and attempted to bring more formal structure to the program. The Academic Support Committee uses teaching assistants, holds training sessions and workshops for teaching assistants and faculty, holds workshops for students, assigns faculty advisors to students encountering academic difficulty, maintains the academic support library, and offers the Academic Success Workshop. This Workshop is coordinated by Assistant Dean Stapleton, who invites students to attend based on referrals from faculty members and self-nominations by students in need of assistance. In each first-year course section, there is an upper-class student who assists first-year students as a tutor. The tutor generally attends classes, provides review sessions during the semester, and provides additional support to students holding weekly office hours. In Fall, 2006, a workshop was held to provide training to all student tutors. The students see the tutors as both helpful and effective.

Students who are on academic probation are assigned a faculty advisor to review first semester exams and provide one-on-one guidance throughout the semester. First-year students who are on probation at the end of the year are required to attend a four day Academic Success Workshop before the beginning of the next semester.

The Law School created the Career & Student Services Office in 2001. Both the Assistant Dean for Career Services and the Assistant Dean for Student Services are attorneys and graduates of the Law School. They counsel students about all aspects of their law school experience from class selection issues, to handling conflicts with other students and faculty, and they provide information about mentoring programs, writing contests, and other opportunities such as moot court and mock trial competitions. After graduation, the Career & Student Services Office works with alumni to help them find employment in a competitive legal market.

The Career & Student Services Office provides information to students and graduates about employment, externship, fellowship and other opportunities, making use of e-mail and an online database. Employers that complete job vacancy forms must accept the Law School's non-discrimination policy. That language is also included on all announcements sent out in connection with military recruitment. As a means of amelioration, such notices also state that the armed forces are not in compliance with the Law School's anti-discrimination policy. Although the Law School does make space available within the facility for military recruiting as required by the University, it sponsors amelioration programs while they are on campus, including placing a table, staffed by faculty members, in the public forum containing extensive information about the military practices relating to gays and lesbians and the legal response to these practices.

Career & Student Services is responsive to students, including providing opportunities for students to experience alternative legal careers, and serving all students regardless of class rank. A judicial clerkship workshop has been developed where students can gain practice working with an appellate judge and learn all of the stages of the application process. In 2005, 14 applicants were successful in obtaining clerkships; in both 2006 and 2007, the number of clerkships was 10.

The students appear highly satisfied with the efforts of Career Services, commenting, "They constantly remind us about what happens in the real world." The first year Practicum has been revised to offer students more course selection counseling. Some students did suggest an expansion of job focus to include corporate legal departments and non-legal jobs in local industries, such as oil and gas, in addition to traditional private law firms and government legal jobs.

The students uniformly praise the other services provided by the Law School. They comment that the law library staff provides excellent assistance to all students, not just those working on the law review or other journals; that the copy center staff offers cheerful and timely services to the students; and that the media center is responsive to student needs. One student, a disabled veteran, noted that the media center will tape lectures for him on the occasions when he is unable physically to attend class.

There are student organizations covering the interests of almost every student. These organizations are active and have good support from the administration. There is currently good cooperation among the student organizations, with respect and tolerance shown for those with differing views.

The more frequent suggestion heard from students was that there should be more offerings of popular courses. There is currently a lottery for the most popular courses.

F. Financial Aid

The University of New Mexico Office of Student Financial Aid has an office located in the Law School student services suite. Law students are eligible for federal

Perkins Loans, federal Stafford Loans, PLUS Loans, and federal and state work-study awards. The Law School's Assistant Dean for Admissions and Financial Aid is responsible for law school grant and scholarship awards.

In addition to federal loan programs, a limited amount of scholarship and grant funding is available through the Law School's endowment and gift accounts. All first-year applicants are considered for merit scholarships based on their admissions application files. There is also a mixture of merit-based and merit- and need-based scholarships for upperclass students.

The table below provides information about the amount of grants and loans, and the number of recipients over the past five years.

Academic Year	Grants-Fellowships and Scholarships		Loans	
	Amount	# of Recipients	Amount	# of Recipients
2001-2002	\$342,862	66	\$3,752,994	250
2002-2003	\$437,323	71	\$4,150,463	263
2003-2004	\$471,724	68	\$4,255,136	265
2004-2005	\$474,596	74	\$5,947,323	294
2005-2006	\$636,165	89	\$4,803,538	288

The major source of scholarship grants for law students has been the W.E. and Hazel T. Bondurant Fund, established in 1973 through a bequest. The Fund, together with income from additional endowments, covers need-based grants, merit grants, and amounts for work-study salaries above the federal contribution. In addition, the salaries for student tutors and a few others who are ineligible for work-study are paid from the Bondurant account. The Law School also receives annual amounts from the State Scholars in Law Account, currently approximately \$70,000 per year, to be awarded to New Mexico residents.

Native American law students receive full resident tuition grants; half is provided by the University and half by the Law School. In 2006-2007, the Law School's share was \$176,953. Native American students are also eligible for the Toby Grossman Scholarship, which is awarded to Native American students who as attorneys will provide leadership and service to Indian communities.

In Spring, 2007, the Law School was awarded a grant of \$60,000 to fund two constitutional law fellowship grants to second-year students on a competitive basis. These grants provide two full years of tuition plus a small stipend to students who are interested in preparing for a career in constitutional law litigation.

Recognizing the need for most students to incur substantial loans during their legal studies, the Law School has introduced several mechanisms to assist students in dealing with financial issues. In Practicum, first-year students are introduced to the

economics of law practice. The Assistant Dean for Admissions and Financial Aid holds workshops for students regarding student loans repayment, deferment, budgeting through taking the bar exam, bridge loans, and bar exam scholarships. The Career & Student Services Office plans a comprehensive workshop on debt and financial management beginning in Spring, 2008. One of the business law faculty has taught a financial literacy course each semester for the last two academic years, which is a one-credit course designed to help students and their future clients become more educated about consumer credit, saving, investing, and overall financial health.

The amount of student loans borrowed by students at the Law School is particularly troublesome because starting salaries in New Mexico are relatively low compared to other states in the region, and many graduates of the Law School are interested in public interest/alternative law positions. Assistant Dean of Career Services John Feldman was instrumental in bringing about a statewide public interest law loan repayment program to benefit district attorneys, public defenders and legal services lawyers. Additionally, Professor Emeritus Peter Winograd recently helped lead a national effort that resulted in passage of federal legislation that will provide for forgiveness of federal education loans for graduates who work for non-profit organizations or governmental agencies.

G. Evaluation of Outputs

Almost all students who have graduated from the Law School in recent years have taken a bar examination. The overwhelming majority of Law School graduates who sit for a bar examination do so in New Mexico. In 2005, 100 students graduated from the Law School. In July 2005 and February 2006, 90 Law School graduates took the New Mexico bar examination for the first time and 86 (95.6%) passed. In 2006, 119 students graduated from the Law School. In July 2006 and February 2007, 105 Law School graduates took the New Mexico bar examination for the first time and 97 (92.4%) passed. In July 2007, 84 Law School graduates took the New Mexico bar examination for the first time and 75 (89%) passed. Law School graduates have generally performed well, as indicated by the following tables.

**New Mexico Bar Results for Law School Graduates
February 2004 through July 2007**

Date	First Time Takers											
	Total Took	UNM Took	Other Took	Total % Passed	UNM Passed	UNM % Passed	Other Passed	Other % Passed	UNM Failed	UNM % Failed	Other Failed	Other % Failed
Feb. '04	91	14	77	86%	13	93%	65	84%	1	7%	12	16%
Jul. '04	176	71	105	85%	61	86%	88	84%	10	14%	17	16%
Feb. '05	99	11	88	77%	5	45%	71	81%	6	55%	17	19%
Jul. '05	192	77	115	90%	73	95%	99	86%	4	5%	16	14%
Feb. '06	96	13	83	92%	13	100%	75	90%	0	0%	8	10%
Jul. '06	206	91	115	90%	86	95%	100	87%	5	5%	15	13%
Feb. '07	120	14	106	83%	11	79%	89	84%	3	21%	17	16%
Jul. '07	220	84	136	83%	75	89%	107	79%	9	11%	29	21%
Total	1958	662	1296	87%	586	89%	1110	86%	76	11%	186	14%

(Continued)
New Mexico Bar Results for Law School Graduates
February 2004 through July 2007

Date	Total Took	UNM Took	Other Took	Repeaters								
				Total % Passed	UNM Passed	UNM % Passed	Other Passed	Other % Passed	UNM Failed	UNM % Failed	Other Failed	Other % Failed
Feb. '04	31	14	17	48%	8	57%	7	41%	6	43%	10	59%
Jul. '04	24	9	15	54%	6	67%	7	47%	3	33%	8	53%
Feb. '05	28	11	17	71%	7	64%	13	76%	4	36%	4	24%
Jul. '05	23	9	14	39%	5	56%	4	29%	4	44%	10	71%
Feb. '06	22	4	18	64%	2	50%	12	67%	2	50%	6	33%
Jul. '06	15	3	12	27%	0	0%	4	33%	3	100%	8	67%
Feb. '07	21	6	15	48%	3	50%	7	47%	3	50%	8	53%
Jul. '07	21	5	16	29%	1	20%	5	31%	4	80%	11	69%
Total	276	108	168	51%	56	52%	84	50%	52	48%	84	50%

Placement data are collected from each class at the time of graduation and again nine months after graduation. Because many positions in New Mexico are with small employers who do not make commitments until after bar examination results are known, some students are not employed until after results of the bar exam are released. Thus, the at-graduation employment rates are relatively low (51.9% for the class of 2006, 50.5% for 2005, 54.2% for 2004, and 49.5% for 2003). It should also be noted that salaries in New Mexico are quite low. For Fall, 2007, major Albuquerque law firms are offering salaries between \$60,000 and \$70,000, while those in other Rocky Mountain metropolitan areas (e.g., Denver, Salt Lake City) have top salaries of about \$90,000. The following table sets forth recent employment statistics.

Nine-Month Employment Survey Data By Year of Graduation
2006, 2005, and 2004

Class of 2006		
	<u>Number</u>	<u>Percentage</u>
Number of Graduates	114	
Employment Status Known	113	99
Total Employed	109	96.5
Type of Employment		
Bar Required - Full Time	85	75.2
Bar Required - Part Time	1	0.9
J.D. Preferred - Full Time	3	2.7
Non-Professional Other - Part Time	1	0.9
Professional Other - Full Time	7	6.2
Employed, Type Unknown	12	10.6
Full-Time Degree Student	3	2.7
Studying For Bar	1	0.9
Job Status Unknown	1	0.9
Median Salary For Those Reporting Salary		\$45,000.00

Class of 2005		
	<u>Number</u>	<u>Percentage</u>
Number of Graduates	99	
Employment Status Known	99	100
Total Employed	91	91.9
Type of Employment		
Bar Required - Full Time	75	75.8
Bar Required - Part Time	2	2
J.D. Preferred - Full Time	3	3
J.D. Preferred - Part Time	3	3
Non-Professional Other - Part Time	2	2
Professional Other - Full Time	3	3
Professional Other - Part Time	2	2
Employed, Type Unknown	1	1
Unemployed Seeking Work	2	2
Unemployed Not Seeking Work	2	2
Full-Time Degree Student	1	1
Studying For Bar	3	3
Median Salary For Those Reporting Salary		\$46,500.00

Class of 2004		
	<u>Number</u>	<u>Percentage</u>
Number Of Graduates	92	
Employment Status Known	91	98.9
Total Employed	83	91.2
Type of Employment		
Bar Required - Full Time	68	74.7
Bar Required - Part Time	4	4.4
J.D. Preferred - Full Time	6	6.6
J.D. Preferred - Part Time	1	1.1
Non-Professional Other - Full Time	1	1.1
Professional Other - Full Time	2	2.2
Professional Other - Part Time	1	1.1
Unemployed Seeking Work	1	1.1
Unemployed Not Seeking Work	1	1.1
Full Time Degree Student	2	2.2
Studying For The Bar	4	4.4
Job Status Unknown	1	1.1
Median Salary For Those Reporting Salary		\$42,500.00

The table below provides a breakdown of the Law School's graduates' employment by category:

Type of Practice	2006	2005
Private Practice	55	40
Government	18	22
Judicial Clerkship	10	14
Business	6	5
Public Interest	13	4
Academic	5	3

H. Promoting Opportunities for Racial and Ethnic Minorities

The Law School has a long-standing affirmative action policy with respect to groups underrepresented in the legal profession. This policy has resulted in a student body that reflects the diverse population of the state of New Mexico. In Fall, 2006, 57% of the matriculating students were female and 50% were minorities (approximately 5% African American, 11% American Indian, 4% Asian, and 30% Hispanic). Although the percentage of enrolled minority students dropped to 39% in 2007, the Law School remains committed to having a diverse student body that mirrors the population of the state. The Law School has had significant success in enrolling members of groups underrepresented in the legal profession, coming close to the approximately 55% minority proportion of the total population of New Mexico.

The Law School also values forms of diversity other than racial and ethnic diversity, including diversity in viewpoints, educational experiences, and work and life experiences. In comparison to many law schools, the average age of the entering class is older. The average age of the class that entered in 2007 is 29 years.

In order to encourage underrepresented groups to apply to law school, the Admissions Office participates in a wide variety of recruitment programs. As a taxpayer-funded institution and the only law school in the state, the Law School focuses primarily on recruiting within New Mexico, and representatives work with pre-law advisors at each of the state's four-year colleges, making special visits and attending law fairs and career days. In addition, recruiters visit several undergraduate colleges with a high concentration of groups underrepresented in the legal profession. The Law School also participates in LSAC's annual Washington, DC, Forum, sends targeted Candidate Referral Service mailings, hosts Open Houses, and offers individual Law School visits and tours.

The Law School takes part each year in early outreach programs, such as the Minority Law Student Recruitment Month (sponsored by the Law School Admission Council); African-American Student Day, American Indian Student Day, and Hispano Student Day (all sponsored by the University of New Mexico); the UNM Star Scholars

Program (which reaches out to local high school juniors); and the UNM Pre-Law Advising Program. The Law School supports and recommends special pre-law programs for underrepresented and disadvantaged applicants, such as the summer programs offered by the American Indian Law Center's Pre-Law Summer Institute (PLSI) and the Council on Legal Education Opportunity (CLEO).

Each year, the Law School hosts a Minority Pre-Law Mixer, inviting high school students and early college students and their parents (particularly those belonging to groups underrepresented in the legal profession) to attend a one-day program including admissions workshops, information sessions, and opportunities to meet and speak with current law students, faculty members, and practicing attorneys and judges from around the state.

The Admissions Office works with current law students and student groups like BLSA (the Black Law Students Association), MALSA (the Mexican American Law Students Association), and NALSA (the Native American Law Students Association) to provide outreach and encourage underrepresented groups to pursue a legal education. Student organizations provide a strong support network for minority applicants and law students at UNM, mentoring them throughout the application process and helping them to succeed in law school. Working with the Admissions Office, law student volunteers contact prospective applicants to answer their questions about law school and encourage them to apply, and contact admitted applicants to tell them about the opportunities available at the Law School. At each Open House, a panel of current students offers information and advice to prospective applicants. Each year, the Law School (working through MALSA) offers mock-LSAT sessions to help applicants prepare for the Law School Admission Test.

Because of the Law School's substantial commitment to Indian Law, special efforts are made to attract Native American applicants. However, the number of Native Americans in the national pool continues to be small, leading to heightened competition for these applicants. For example, in 2006-2007, the Law School offered admission to 25 Native Americans, and eight ultimately enrolled. Although the Law School offers at least a full resident tuition grant to each enrolled Native American, it has become apparent in recent years that other law schools are offering even more attractive financial packages.

Recognizing that traditional outreach and affirmative action programs frequently occur too late in the process to help many students who want to pursue legal careers, the Law School has coupled such programs with pipeline initiatives to increase the quantity and preparation of P-12 students who can aspire to professional or graduate studies. The Law School has created a strong partnership with ENLACE (ENgaging LATino Communities in Education), a program originally funded by the Kellogg Foundation and now supported by the state legislature.

I. Individuals with Disabilities

The Office of Career & Student Services supports all students with a qualified disability while in law school and after graduation. Students who identify themselves as a person with a disability, and who qualify for accommodation, are granted accommodation through the main campus office of Accessibility Services (AS). The Assistant Dean of Student Services acts as a liaison between AS and the Law School in helping students obtain accommodations, and helps in putting the accommodations in place. Accommodations secured for law students with disabilities include extra time on exams, large print materials, materials in Braille, materials in screen reader friendly formats, screen reader software such as JAWS, computer hardware, Genie large print projection equipment, audio tapes, tutors, mobility training and readers. The office assists new graduates with their applications for accommodation on the bar exam and for the bar review courses. The Assistant Dean of Student Services has provided training to professors and tutors in disability awareness and sensitivity. The two counselors provide one-on-one support and counseling to students with disabilities.

The office helps students secure services and funding through outside agencies such as the Commission for the Blind and the Division of Vocational Rehabilitation. The Assistant Dean of Student Services' work was recognized by the University with the 2006 Disability Advisory Group award for assisting students with disabilities. In order to ensure accessibility, the Law School's website complies with ADA Section 508, W3C Web Content Accessibility Guidelines priority 2, W3C XHTML 1.0, and W3C CSS 2. The site has been optimized for use with popular screenreaders.

J. Review of Basic Consumer Information

The site team found no evidence that consumer information published by the Law School is inaccurate or incomplete.

VI. LAW SCHOOL ADMINISTRATION

A. Place of the Law School in the University Structure

The University of New Mexico is governed by a Board of Regents, whose members are appointed by the Governor of New Mexico. The Board of Regents appoints the President of the University. The Dean of the Law School reports to the Provost and Executive Vice President for Academic Affairs (one of three executive vice presidents), and the Provost reports to the President.

The current President, David Schmidly, and Interim Provost, Viola Flores, are both new to their positions, taking office following a period of considerable transition in central university administration since 2002. However, President Schmidly is experienced, having held two previous presidencies, and he has clear and ambitious aspirations for the University's academic mission. These objectives include laying the foundation for UNM's membership in the Association of American Universities and making UNM the premier research-extensive university with a primary mission of

serving minority communities. These objectives are entirely consistent with a commitment to a strong and vibrant law school. Indeed, both the President and Provost expressed to the committee the importance of a strong law school to the accomplishment of these university objectives.

The Law School is a relatively autonomous academic unit within UNM, as is typical of law schools in a university setting. Most importantly, the Law School is permitted to maintain distinct academic policies, including promotion and tenure policies, where appropriate for recruiting and retention of a highly qualified law faculty. Administratively, the Law School maintains its own registrar, administrator (who handles unit-level human resources, finance, and facilities), financial aid & admissions office, career services office, student services office, and technology staff. A development officer works full-time in the Law School and has an office in the law building, though he reports equally to (and is paid equally by) the Law School and University Foundation.

Since the last inspection, the Law School has also sought increasing involvement in the University as a whole, a development that has been welcomed by both the law faculty and the university administration. Joint courses and programs – especially with the Medical School, which is conveniently located across the road from the Law School – joint degrees, and joint appointments now exist, and there is every reason to expect that these initiatives will continue and expand. In addition, law faculty members increasingly serve on university committees, and Dean Scarnecchia is an active presence on campus. The university officials uniformly praised the Dean's involvement in university-wide matters, and in particular her active role on the Deans' Council.

B. Institutional Context

The Law School's relationship with the University enhances its programs fiscally, administratively, and academically. Fiscally, the Law School, as part of UNM, receives strong support from the State of New Mexico through its annual appropriations for higher education in New Mexico. Moreover, within the University, the Law School receives strong support, both currently and historically. While the UNM budgeting system makes it difficult directly to compare revenue generated by an academic unit with allocations to the unit, it seems clear that the Law School receives considerably more revenue from the University than it generates for the University in tuition, fees, and the state appropriation formula.

Under President Schmidly, the University is undertaking a thorough reexamination of its budgeting system, and the team heard some concern at the Law School that this would work to the school's disadvantage, precisely because the Law School is strongly advantaged by the current system. One of the most important aspects of the new system, which will be effective for the upcoming fiscal year, is that vacant faculty lines will be swept back into the Provost's control, for possible redistribution. However, it is the unanimous view of central academic and fiscal officers that the key objective of the change is to realign budgetary allocations, which have been proportionately stable for nearly 30 years, with sharp changes in enrollment in many

academic units. The new system will also seek to match allocations to performance on indicators such as graduation rates and retention. None of these factors would have a negative effect on the Law School, which has had very stable enrollment and whose basic performance metrics are very good. This view was consistently confirmed by central administrators. With respect to vacant faculty lines, the President and Provost emphasized that sweeping in is not the same as reassignment, and that they foresaw no likelihood that the Law School's vacant lines would not be returned to the school. Indeed, President Schmidly unequivocally told the site visit team, "I cannot imagine this would have an adverse impact on the law school."

Administratively, the University centrally provides the Law School's physical plant, including buildings, repairs, and utilities; human resources, financial management, legal, and similar services; public affairs; and a central development office. These functions mainly interact with the Law School through their Law School staff counterparts, and they seem to meet the Law School's needs (which doesn't mean that the Law School gets everything it wants; on physical plant, for example, there is often a waiting list for projects). The financial aid officer is an employee of the central financial aid office. She splits her time between Law and Nursing, and the two schools pay about 40% of her salary. Law pays the greater percentage because her office is located at the Law School and she is occasionally available to the Law School for other projects. The development officer reports jointly to the Dean and the University Foundation and his salary is split evenly between the Law School and Foundation. However, he spends 100% of his time on Law School development. In both cases, these arrangements have proven to be very satisfactory.

Academically, the Law School has moved in the direction of collaboration with other academic departments, allowing interdisciplinary teaching and research. Two faculty members have joint appointments with the Medical School and two have joint appointments with the College of Arts and Sciences (the American Studies and Philosophy departments, respectively). The Law School collaborates with other departments to offer four joint degrees: the J.D./M.B.A. in conjunction with the Anderson School of Management, the J.D./M.A.P.A. in conjunction with the Department of Public Administration, and the J.D./M.A. in Latin American Studies with the Latin American Institute, and most recently a JD/MAC (Masters of Accounting) program with the Anderson School of Management.

In one relatively minor respect, the relationship with the University has proven to be a challenge to the Law School. While the Law School has a history of maintaining separate financial, human resources, and student record systems, all of these are now (or soon will be) integrated into the university-wide "Banner" data system. While Banner has in fact allowed some valuable improvements in, for example, fiscal management, its performance in student records leaves much to be desired. For example, something as apparently simple as waiting lists are beyond Banner's current capacity. (This problem is not unique to Banner or to UNM.) Thus, for student records, the Law School, like some other academic units, maintains an internal "shadow" system of recordkeeping to assure that students and faculty have access to the capacities they need. This does not affect the

adequacy or accuracy of the records, but it is cumbersome and inefficient. However, there is no evidence that the Banner system has more than a negligible impact on the quality of the academic program.

The University permits the Law School to maintain its own promotion and tenure standards, which are appropriate to legal education, and there is no history of the Law School recommendations based on its separate standards being overruled or turned down by the central administration. The Law School reports that it has “freely adopted policies and procedures to enhance our recruiting potential and are working now with main campus to identify a way to give our legal writing faculty heightened status.” Apart from the need to coordinate with university-wide employment categories – again, an unexceptional requirement in university law schools – there seems no reason to expect difficulties in accomplishing this.

C. Law School Administrative Structure

Dean Suellyn Scarnecchia was hired in January 2003 as a tenured full professor of law. At the University of Michigan Law School, she was a clinical professor of law, carrying a six-year renewable contract with the assumption of renewal. She served as the Associate Dean for Clinical Affairs and spent time in the University Provost’s office as a special assistant to the provost. Her degrees are a B.A. from Northwestern University and J.D. from the University of Michigan. She spent most of her academic career teaching in the University of Michigan Child Advocacy Law Clinic, but also taught Negotiation and Access to Justice. Currently, she teaches the Difficult Dialogues series annually, the Access to Justice course every other year, and is teaching in the first-year Practicum for the first time this Fall. She is active nationally with the ABA Section on Legal Education, the AALS, and the LSAC.

The Dean search that resulted in her hiring began in Fall 2001. The Provost created a search committee chaired by Dean Roger Schluntz of the UNM School of Architecture and Planning. It included faculty, staff, student and alumni members. The position was posted nationally. The committee screened applicants, invited candidates for extensive on-campus interviews, and managed the interview process. The faculty provided a list of approved candidates to the Provost, who made the final selection from that list. Former Dean Desiderio was kind enough to stay on for the Fall 2002 term, to allow Dean Scarnecchia to transition from Michigan to New Mexico.

The Dean is the chief executive officer of the Law School. She is responsible for the efficient operation of the Law School and is the ambassador for the Law School within the University and external community. Additionally, under the New Mexico Constitution, the Dean plays a central role in the appointment of state court judges, in that she chairs the qualifications committees for all judicial appointments. The state reimburses the University for 10% of the Dean’s salary in acknowledgement of this responsibility; however, it unquestionably takes a significant part of the Dean’s time and considerable administrative resources. On balance, however, the Dean regards the

judicial role as positive for the Law School, because it brings the school in direct contact with the state judiciary on a regular basis.

D. Adequacy of Administrative Services and Support

The Law School has an administrative structure designed for the 21st Century demands of faculty, students, alumni and central administration. As government regulations, the needs and expectations of students, faculty and alumni, and the role of law schools within their university administrations have increased, law schools have been challenged to develop approaches that respond to these often competing pressures. The Law School's administration seeks to meet these demands through a structure that has three team groups reporting to the Dean: (1) Centers & Institutes, consisting of the directors of the Institute of Public Law and the Utton Center; (2) the Faculty Leadership Team, consisting of the Associate Deans for Academic Affairs, Clinical Education, and Faculty Development and the Director of the Law Library; and (3) the Senior Administrative Team, consisting of the 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. This administrative structure is an expansion over the structure under the previous Dean and has presented some challenges in terms of communication, cooperation and collaboration. The relatively flat administrative structure of the Law School means that many administrators report directly to the Dean. The Dean and those who report directly to her, however, feel that the current system works reasonably well, and no one complained of lack of access to the Dean. Weekly meetings with the administrative senior staff and with the academic senior staff (the Associate Deans), and regular meetings with both appear to permit business to progress. Some members of the law faculty are less sanguine about this administrative structure and feel that it has centralized authority and permitted micro-management by the Dean. The Dean agrees that the flat structure is less than ideal, but sees it as a transitional phase between the system she inherited, which needed to be updated and the interdependent team-based system she is implementing. She expects to give more authority to Associate Deans in coming years.

While the current structure presents challenges, it also presents significant benefits. One of the benefits is the acknowledgement by students that the administration is very responsive to their needs and provides excellent services, including the Media Center and student and career services and advising. Another clear benefit of the size of the Law School administration is its ability to maintain all records necessary for the efficient operation of its administrative functions and educational programs. The transition to the Banner system has clearly been a source of some administrative frustration to the Law School, but the school has been able to maintain control over the substance of key administrative functions. Apart from headaches – which are common, if not ubiquitous, with law schools whose universities have developed central management software systems of this kind – there seems no reason to see the adoption of Banner as a threat to the substantive autonomy of the school. To deal with some of the Banner frustrations, the school has needed to establish a “shadow” system of student record

keeping. While inefficient (and presumably transitional), its purpose is to assure that student recordkeeping fulfills all of the school's and students' needs.

Also within the Law School administrative structure, the Dean and faculty share governance of the Law School. The Law School has an elaborate faculty committee structure and many of the faculty committees work closely with the Dean in the administration of certain aspects of the Law School. Two very clear examples of this governance collaboration with administrative overtones are faculty hiring and faculty promotion and tenure. Like many other law schools, the Dean appoints a Faculty Appointments Committee; the Committee approves the posting, screens and selects candidates for interviews and manages the on-campus interview process; the entire faculty selects who will be given an offer; and the Dean makes the offer and negotiates the terms. Similarly, in the tenure and promotion process, the Dean appoints the Faculty Affairs Committee; the Committee reviews the candidate, makes a recommendation to the faculty, the faculty votes and makes a recommendation to the Dean; and the Dean makes the ultimate recommendation (or not) to the Provost. In both the hiring and the promotion process there is a level of central administration review and approval before either becomes final; but the Law school process in each instance demonstrates the shared governance that is part of the Law School administration.

VII. INFORMATION RESOURCES

Information resources in the Law School are supplied by two departments: the Law Library (hereafter "the Library") and the Computer & Technology Support Department; Media Services is a unit of the latter department.

The Library, which is the only large academic law library in the State of New Mexico, is keenly aware that its resources are needed by all the state's citizens, and strives to provide resources and services to New Mexico lawyers, the state government and court system, other educational institutions, and members of the general public, in addition to its top priority clientele, the faculty, students, and staff of the Law School and the University of New Mexico.

A. Relation of the Law Library to the School's Educational Programs

The Library has a good reputation among both faculty and students; indeed, praise was heaped on the Library's staff from all quarters. Both faculty and students were very complimentary about the Library's service-oriented staff and the quality of research and reference assistance. Several members of the public who were using the Library volunteered that the reference service and resources were very helpful to them. It is clear that the Library is an active and responsive force in the educational life of the Law School.

The reference librarians provide legal research instruction to upper level students in elective Advanced Legal Research (ALR) courses. At present, there are no required legal research courses in the Law School curriculum, although there has been some

discussion about the possibility of the librarians supplementing the small amount of research instruction that is included in the required first year Legal Reasoning, Research & Writing (LRRW) course. At present, there is no coordination between librarians and legal writing faculty concerning the research training that is offered to students.

The reference librarians offer guest lectures and collection tours for individual classes upon request. During the past year, the librarians also began offering Specialized Legal Research courses in addition to the ALR course offerings noted above. The plan is for these specialized courses to rotate among three topics, namely, Indian Law, Natural Resources, and International Law; the first two topic areas will complement two of the Law School's certificate programs. The reference librarians also offer several CLE programs focusing on Web resources when the opportunity arises.

The Library's mission mirrors that of the Law School. The top priority, of course, is to educate the state's lawyers. A second important goal is to provide resources that will help fill "some of New Mexico's most pressing legal needs" through educational and other programs. The Library has taken this goal to heart with an innovative and ambitious outreach program to help educate the public, as well as public and academic librarians throughout the state, about legal resources and legal research. This program enables librarians and members of the public without formal legal training to better understand and use legal resources.

B. The Law Library Collection and Access to Information

The Library's print and microform collection consists of approximately 430,000 volumes. It is an American law collection of federal and state primary materials, with legacy collections of both English and Canadian legal materials. The Library also makes a point of collecting Mexican and Native People's legal materials, international law, and Spanish land grant materials.

The Library maintains a written collection development plan that is altered as acquisition priorities change and new formats are incorporated into the Library's collection. All the law librarians have collection development responsibilities and review the Library's needs at regular collection development meetings. Revisions to the collection development plan are reviewed by the Library and Instructional Technology Committee. Individual Law School faculty members are consulted about collection needs in their particular areas of expertise, and faculty requests and suggestions are encouraged.

The physical collection is arranged by usage patterns, with primary material and journals on the upper floor, and secondary materials on the lower level. The core collection of basic materials is readily accessible in open stacks, and additional copies of the most heavily used materials are stored on site and easily retrievable. There are 32,443 square feet of space encompassing the two floors, and 48,646 linear feet of shelving space. Seating is available for 351 people, which includes 111 carrels that are limited to law students. There is a multimedia Library classroom, as well as rare book and archival storage rooms, law journal offices, four group study rooms, a computer lab,

and Library staff space. Spectacular views of the Sandia Mountains are an attractive feature of the Library's space.

The Library is a member of the eight-library Desert States Law Library Consortium, which recently undertook a collection analysis project to compare their holdings. The Library discovered that 25% of its collection is unique among consortium members, and that its collections of Native People's law and water resources materials are particularly strong.

The Library uses the Library of Congress classification for everything except government documents, which is not unusual among academic law libraries. The Library is a member of LIBROS, a consortium formed among academic and special libraries within the state to share the cost of Innovative Interfaces, the integrated library system (ILS). The ILS manages acquisitions, cataloging, processing, serials check-in and bindery shipments, as well as circulation and course reserve functions, and the Library is now striving to take advantage of the labor-saving devices of the various modules, rather than continuing to enter patron records, overdues, and renewals by hand. Given the Library's many priorities, it will take more time to implement all the positive changes a fully functioning ILS can provide.

There was little weeding of the treatise collection over the years, so the stacks on the lower level of the Library are nearly full (85%), with very little available growth space. A recent directive from the State Fire Marshall has compounded the lower level space problem, because the Library has been ordered to re-shelve the print materials on the lower level to free up the top shelves, which cannot be used to shelve books because of their proximity to the ceiling. This unforeseen development will require the Library to find funding for the move/materials shift and will take the small amount of available growth space. The Library has no off-site storage, so it is likely that some volumes must be discarded to create more space for the Library's print collection.

The 2001 Self Study identified a number of facilities problems in the Library, some of which were addressed when building renovations accompanied the addition of the Hart Wing. It must be noted, however, that funds have not yet been identified to provide a sprinkler system for the Library. In view of the fact that the University Library suffered a very damaging fire in April 2006, a fire protection system to guard the Law Library's assets should be a priority.

Like other academic law libraries, the Library is examining every renewal invoice to determine whether a print subscription can be canceled in favor of electronic access, which saves space, is usually more easily searchable, is often preferred by users, and can save filing costs. During the past few years, the Library has vastly increased the amount of money spent for databases. The Library's database expenditure was ranked 11th in the Fall 2006 ABA Annual Questionnaire, which is unusual for a law school the size of the University of New Mexico. The emphasis on databases is natural, and especially useful, given the Library's mission of serving people throughout the state. In addition, like other academic law libraries, the Library is purchasing unique digital collections such as *The*

Making of Modern Law and Congressional hearings, to obtain ownership of the material and to take advantage of the enhanced search capability of digital materials.

C. Law Library Services

The Library is located adjacent to the central Forum area of the Law School, so it is easily accessible to students and visitors. Faculty offices are not as close to the Library, but a separate Faculty Library with some core materials is maintained near a group of faculty offices. A busy desk is located just inside the entrance to the Library, where faculty, students, practitioners, and members of the public may ask for reference help, print documents, search the Library's online catalog, etc.

The Library actively supports the work of the School's law reviews, and all students are provided with a wide range of Library services, including: access to a Library-created database of old exams; access to course reserve materials; the opportunity to reserve a study room; interlibrary loan when a title is not available in the Library; and research/reference assistance.

For members of the public, the Library maintains a 'how-to' collection of *pro se* print materials so that they can handle simple legal matters on their own. The Library also licenses Westlaw and Shepard's Online for the public and subscribes to legal research databases for public use in the four UNM branch libraries, which is in keeping with the Law School's expansive mission to serve the citizens of New Mexico as well as its legal community. The Library also has increased attorney participation in the Law School's Access to Justice Program by providing the volunteer attorneys with access to legal research databases, which helps to accommodate the case overflow in the clinical program.

In 2005-2006, the reference librarians visited 32 public and academic libraries around the state to provide legal research workshops for librarians, attorneys, and members of the general public. The Library also teamed up with librarians at the New Mexico Supreme Court, and the two libraries are working together to plan and promote their outreach efforts.

The Library's 2004 strategic plan identified several areas for improvement of services, one of the most important being greater support for faculty scholarship. To meet this goal, the Library has begun work on an institutional repository that will facilitate self-archiving of faculty scholarship. In addition, in 2005 the Library began using a web-based, password-protected database for initiating and managing faculty requests for information. Faculty members (or librarians, on their behalf) submit requests via a web form, and the database automatically routes the request to the appropriate Library staff member for action. Faculty can use the database to monitor the progress of requests, while librarians use it to track and manage the work. The database permits the librarians to hand off work to one another, and tracks the progress of all requests, while also providing usage statistics.

Faculty who were questioned about the Library's support for their scholarship were nearly unanimous in praising the Library's services, including the database tracking system; only one member of the faculty suggested that the Library's former program of assigning a particular librarian to each faculty member is better.

The reference librarians provide direct research services for faculty, and they also train and supervise a law student research pool; the student pool assists with preparing classroom materials as well as faculty research for scholarly books and articles. In addition to training the student pool, the Library also offers training in web course page maintenance for faculty administrative assistants. The Library is looking for ways in which to provide additional faculty services, and hopes to find more ways to measure the impact of faculty publications.

D. Law Library Administration and Autonomy

The Library is autonomous and functions as part of the Law School. The Director of the Library reports to the Dean of the Law School, and library policies are established by the Director and the Dean in consultation with the law faculty. The Director and the Dean are responsible for the selection of personnel, as well as provision of services and collection development. The Library's budget is determined as part of the Law School budget.

The Law School's Library and Instructional Technology Committee is a faculty committee that provides input on Library policies and services, as well as the Computer Technology Department and Media Services. The Law School's Faculty Affairs Committee reviews promotion and tenure policies and decisions that affect the Library's professional staff.

E. Director and Other Library Personnel

The Law Library Director is a tenure-track member of the Law School faculty who came to UNM in 2004 with ten years of professional law library experience, after a nationwide search led by a faculty committee. In addition to managing the Library, she teaches several courses in the Law School, including Wills & Trusts, Advanced Legal Research, and International Legal Research. The Law Library Director serves as chair of the Law Library faculty, chairs the Library and Instructional Technology Committee, and serves on various other Law School committees.

The Law Library faculty includes a mixture of tenured, tenure-track, and non-tenure-track appointments under the University's promotion and tenure system. The Law Library faculty presently consists of five librarians, four of whom hold J.D. degrees. One librarian is tenured (with an M.L.S.), three are tenure-track (with both M.L.S. and J.D. degrees), and one is a non-tenure-track visiting librarian (with a J.D. degree). One tenure-track position is presently vacant, and a search is underway to fill the position. It is hoped that the visiting librarian position can be converted to a permanent tenure-track position,

which would increase the Law Library faculty to six librarians, excluding the Library Director, which would be an unprecedented number for the Law School.

Law Library faculty members, including post-tenure faculty, receive annual written reviews. The Law School adopted policies creating the Law Library faculty in 1975. Law Library faculty members also are governed by official University tenure and promotion policies adopted in 1998. The Law Library faculty is currently in the process of revising its promotion and tenure policies, which will then be reviewed by the Law School's Faculty Affairs Committee.

The Library's support staff consists of ten FTEs, a mixture of exempt salaried employees and hourly bargaining unit employees. The Library also employs several part-time student employees. Staff size has shrunk since the last site visit due to a planned organizational restructuring that began in 2004. The smaller staff reflects a greater emphasis on faculty research support, instructional services, and acquisition of electronic resources, and less emphasis on processing and managing print materials, which had required a larger support staff.

F. Financial Support for the Law Library

Legal publications are mainly serial in nature; that is, most of them are continuing subscriptions that are updated as the law changes, with supplements and other types of revisions. When the law library's budget is not sufficient from year to year, and it becomes necessary to cancel serials to stay within budget, the collection is rendered incomplete and may be of little use to researchers.

Financial support for the Library has been an issue for concern in the past, but the Library's fortunes have improved in the past few years. The primary source of funds for the Library comes from the annual University allocation made to the Law School. This amount is supplemented by legislative appropriations and general obligation bond revenues that are distributed pursuant to statutory formulae; for years, the amount to be expected was unpredictable.

In 2005, after the Law School and the University made the Library's funding a top priority, the legislature granted a one-time Library appropriation of \$247,000. The following year, the University succeeded in obtaining a recurring Library appropriation of \$243,000, which helped to solve the problem of inconsistent funding that had plagued the Library for some time. The current University allocation of \$1,645,809, combined with the recurring appropriation, some bond revenue, and some gift funds, have not put the Library ahead, but have helped to meet its collection needs. As the Library carefully reviews each purchase and reinstates some materials that were cancelled (approximately 20% of the Library's print collection was cancelled over the past few years), the Law School and the University must be prepared to increase the materials budget to enable the Library to meet the many obligations outlined in its mission. With only a court library nearby, and no other academic law libraries in the area, the Library is nevertheless

expected to (and hopes to) serve many different constituencies in the state as well as its primary clientele.

G. Computer Technology and Information Delivery

Library staff members have sufficient hardware and software to do their work efficiently, and the Library's patron workstations ensure that all Library users can gain access to databases and other electronic information resources. The Library created a multimedia classroom in the Library to assist with legal research classes and other demonstrations of electronic resources. Wireless access was added to the Library in 2007, greatly enhancing access via laptops, which students usually have.

Like other law school libraries, the Library has its own information technology needs (e.g., an integrated library system (ILS), various databases to track Library work), and must deal with a variety of outside vendors and a library consortium to deliver information resources to its clientele. As a consequence, the Library has its own Library Systems Group (LSG) consisting of a librarian and two support staff members who serve as the first response team for any technical problem in the Library, whether it involves hardware, software, a copier, or the online catalog.

The Law School's Information Technology Department (LS IT), with the support of the University's Information Technology Services Department, administers the Law School and Library computing network and email server. For several years, LS IT has been responsible for purchasing most library computer hardware and much of its software, but its budget is inadequate to meet the Library's needs. Indeed, the Library recently donated \$25,000 from its own budget to LS IT to help purchase instructional technology resources.

LS IT has helped the Library in many ways, such as setting up the Library's proxy server, which permits 24/7 access to Library databases for authenticated users, and maintaining the Library's web site (while permitting the Library to add and update content). Some of the Library projects that await attention include an online faculty publications repository, an electronic course reserve system, a web-based document delivery service to manage interlibrary loan requests, and fine-tuning the Faculty Request Database. LS IT does not have sufficient staff or funds to make such projects a priority.

Coordinating the technology needs of the various Law School users and sharing information with all interested parties is the charge of the newly-formed (from the former Library Committee) Library and Instructional Technology Committee. The Library Director chairs the new Committee and the Assistant Dean of Information Technology is a member of the Committee, which also includes additional faculty and student representatives. It is hoped that this Committee can prioritize information technology needs in the Law School and gain the resources necessary to coordinate the work that needs to be done.

VIII. TECHNOLOGY RESOURCES

A. Introduction

The Law School Information Technology Department (LS IT) is led by an Assistant Dean for Information Technology who reports to the Dean of the Law School. LS IT has three full-time staff: a Senior LAN Administrator, a Technical Support Analyst, and a Web Designer. The full-time staff is supplemented by consultants and part-time student employees.

The Media Services Center staff, which also reports to the Assistant Dean, consists of a TV Production Tech, a Multimedia Assistant, and two part-time students. A long-time staff member who has served as TV Production Tech is retiring, and a search is underway for a second Multimedia Assistant to replace him, given the present transition from analog to digital media.

LS IT and the Media Services Center are expected to provide support to all of the Law School departments and constituents, including the Library, the Clinic, the Administration, and the faculty, students, and staff. Given the small staff and budget, “this is an enormous task, necessitating efficiency strategies that can sometimes frustrate the wants, needs, and expectations of the user community” (from the Self-Study, pp. 111-112). As a consequence, 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. Important ongoing tasks, such as maintaining the Law School web site and providing support for 250 PCs, get most of the staff’s time and attention.

When interviewed during the site visit, LS IT could not provide any data on daily help desk activity (e.g., the number of requests for assistance, how the requests were resolved, and how long it took) because such data is not recorded.

The Media Services Center spends a great deal of time taping classes – often 30 or more per week – some of it to accommodate students from Santa Fe (60 miles away) who may have difficulty getting to class on the Albuquerque campus. (Having said this, we hasten to add that we saw no indication during our visit that students were routinely watching tapes as a substitute for attending class.) In addition to the labor-intensive taping, Media Services must handle all the set-ups required by faculty and students for classroom presentations. A couple of classrooms have been outfitted with presentation equipment, but many more have not, which means that the equipment must be set up every time it is requested.

The staffs of LS IT and the Media Services Center were complimented by both faculty and students for their service-oriented attitude and for the speed with which they attempt to respond to requests. Nevertheless, it was the unanimous opinion of users that these units lack the staff and resources to provide necessary services. Nearly every faculty and staff member interviewed during the site visit, and some students, complained that the equipment needed for classroom presentations is lacking, or the particular

classroom they use has not been upgraded to make it technology-friendly, or the equipment made available to them did not work properly. This is especially problematic given the keen interest many faculty members show in providing multimedia presentations to enrich the classroom experience.

B. Adequacy of Computer Technology and Information Resources in the Library

As described above in the Information Resources section of this report, the Library has its own Library Systems Group (LSG) to serve as the first response team for any problems that arise with technology in the Library. LSG works with LS IT to ensure that Library systems and electronic resources work properly for the Library's staff and for Library users.

The Library would like to automate functions that are still done by hand (e.g., they would like a web-based document delivery service to manage interlibrary loan requests) and improve existing systems (e.g., they would like to fine-tune the Faculty Request Database), but LS IT does not have sufficient staff or funds to make such requests a priority. The Library's needs for programming assistance cannot be handled by LS IT, because they do not have a programmer on staff.

The Library created a multimedia instruction room in the Library because the librarians needed a place to demonstrate electronic resources. The Library also has the Gov. Bruce King Reading Room, a special event room that has presentation hardware and software that can be used for meetings. These resources supplement the Law School's classrooms, most of which are not equipped for presentations that require technology.

The Library donated \$25,000 from its budget to LS IT to help the unit begin to acquire more instructional technology resources

C. Adequacy of Computer Technology and Information Resources for the Administration of the School and Its Programs

Law students are required to purchase a laptop. Most students access the wireless network in the Law School, but they also have the option of connecting to the wired LAN via network ports in Library carrels or elsewhere in the Law School. By all accounts, there is seldom a problem with access to the network. Microsoft Exchange is used for email, allowing LS IT to create custom email distribution lists for classes, students, and administrative groups. A password-protected intranet web site and a public Internet site provide access to a wide variety of information, including an academic calendar, course descriptions and schedules, applicant information, and faculty/staff directories. The Law School's web site is one of the few law school sites that is fully ADA-compliant, allowing visually impaired students access to school information. Students at the Law School seem to have adequate services available to them from the Law School and University networks.

There are a number of specialized administrative applications in use in the Law School, some of them enterprise-wide applications that are offered through main campus ITS. The University recently implemented the Banner system, replacing older enterprise-wide, non-integrated systems. Banner modules currently in use include Financial Aid, Registration, Alumni/Development, Human Resources, and Finance. There also are a number of other software applications run by various Law School departments to provide additional reports and data not covered by the Banner software.

With the present staff and budget, LS IT has all it can do to keep current systems up and running, so introduction of new applications is discouraged.

D. Adequacy of Computer Technology and Information Resources for the School's Current and Anticipated Curricular and Research Programs

Many faculty members at the UNM Law School indicated their interest in using technology in the classroom and voiced their concern about the lack of technology-friendly classrooms. There is general agreement that the main problem with technology resources is in the classroom.

All parties hope that the new Library and Instructional Technology Committee will help prioritize the many Law School IT needs and advise the Law School Dean about solutions to the challenges presented. The Committee is also charged with exploring new instructional technologies, developing a forum for faculty review of same, and working with LS IT to offer appropriate training to faculty and students. The Committee began meeting several months ago and has made instructional technology a top priority.

IX. FACILITIES

A. Adequacy of Facilities

The Law School is housed in Bratton Hall, a 148,000 sq. ft. facility, the architecture of which is a combination of Pueblo Revival and a more modern functional style. The building has benefited significantly from the completion in 2002 of the Frederick M. Hart Wing, which added 32,000 sq. ft. of usable space in a modern, light-infused style.

The architecture of the building is centered on a large open student Forum that encircles the original round moot court room. The Forum serves as a gathering spot for students and provides access to the classroom areas, the library, the administrative offices, and faculty offices. There are ping pong tables and comfortable seating areas where students meet and talk. It also serves as a function space for receptions and group meals. The Forum will soon need refurbishment and some of its furniture is showing signs of wear.

Adjacent to Bratton Hall is a building jointly owned by the University and the New Mexico Bar Foundation. The first floor of the building houses four judges of the New Mexico Court of Appeals, together with their clerks and staff. The second floor houses the Law School's Institute of Public Law. The proximity of these judges provide an unusual educational benefit to the students of the Law School, as the judges use the Law School courtrooms for oral arguments, which are open to the Law School community.

The Law School facilities appear to be adequate for the education of the students. It was reported that all elevators in use meet ADA requirements. There is one outside sunken patio area used infrequently for student gatherings that has no direct access for disabled persons. In at least two classrooms, access for a person in a wheelchair would require the person to go outside and then enter through a door directly into the classroom from outside. In those two classrooms, mobility-limited persons were restricted to back row seating.

B. Classroom and Seminar Space

There are 15 basic classrooms and seminar rooms in the Law School's building. There is one classroom with capacity for 175 students, one with a capacity of 80, two with capacities of 64, and 2 with capacities of 40. The capacities of the 6 seminar rooms range between 12 and 25 students each. The Law School has three courtrooms, the largest of which has a capacity of 40 persons, with the two smaller courtrooms holding 28 each. Acoustics were good in the classrooms, except there was some difficulty in hearing the professor from the very back row of the largest classroom. As indicated above, seating for a mobility-limited person may be limited to that back row. The professor was visible from any seat in the classrooms.

Furniture in the classrooms is adequate. It was chosen for flexibility, so that faculty could rearrange the space for different classes and teaching methods. Unfortunately, that flexibility means that one professor's arrangement may not suit that of the next professor to use the classroom.

The classrooms lack permanently installed audio-visual technology at the level currently being used in courtrooms in New Mexico. Audio-visual services are currently provided by the Media Services Center, a situation that requires advanced planning by the professors and is subject to limitations. The Law School has taken a step toward ameliorating this situation by adding support for new classroom technology to the largest classroom, including a permanent podium supporting computer projection for displaying instructional materials.

Most of the classrooms need electronic assist door openers to accommodate persons with disabilities. Students note that the heat and air conditioning is not easily regulated. The president of the University told the site visit team that he was budgeting funds to address these needs.

C. Professional Skills Program Spaces

The Clinical Law Program is located in a two-story space in the Hart Wing. The reception area is easily accessible from a public entrance, with a comfortable waiting room and adjacent interview rooms. There are 46 student work stations, a large clinical conference room seating up to 22 persons, and 2 small private faculty offices. Student work stations are designed to accommodate all of the essential needs of a practicing lawyer and usually are allocated to a single student for his or her exclusive use throughout the semester. Together with classrooms used outside the Clinic, the space is suitable and adequate for the clinical courses.

D. Faculty and Part-Time Faculty Space

There are 46 faculty offices ranging in size from 118 to 150 sq. ft. There are sufficient offices for both full-time and emeritus faculty members. Adjunct faculty members who request office space are given access to offices of faculty visiting other schools or to offices of faculty who are not teaching that semester. The supply of faculty offices meets the current demands and should continue to be sufficient for the foreseeable future.

E. Co-Curricular Activity Space

The American Indian Law Center, Inc. and the Utton Transboundary Resources Center are located within Bratton Hall. The Institute of Public Law, as noted above, is housed on the upper floor of the adjacent Court of Appeals building. With the exception of the Institute of Public Law, which is currently at its full capacity and may require expansion to another location, the other co-curricular spaces appear adequate for current and reasonable foreseeable needs.

F. Administrative Services Space

The administrative wing contains 5,100 sq. ft. and houses the offices of the Dean, the Law School Administrator, the Development Officer, the Law School's Accountant, the Registrar, the Director of Admissions, and the Financial Aid Officer, as well as administrative support staff and assistants.

Student files are housed in a secure storage area accessible only by the Registrar's Office and select senior administrators. The administrative offices are easily accessible to students and faculty.

The Copy Center is located in the basement of the Hart Wing in space adequate for Law School demands currently and into the foreseeable future. Adjacent to the Copy Center is the Media Services Center, which provides an office for the manager, and editing room, three work stations and a common area to work on equipment. The Media Services Center space is presently adequate and should continue to be so.

G. Law Library Facilities

The Law Library located next to the central Forum area of the Law School is an open, airy place. There is seating for 351 persons, including 111 carrels limited to law student use. In 2006, new carpeting and furniture were added to the upper level of the Law Library, and the first floor carpet is scheduled to be replaced during fiscal year 2008-2009.

The Law Library lacks both a fire suppression system and an area of assisted rescue on the upper levels to ensure the safety of disabled patrons in the event a fire were to shut down the library elevator. Although physically disabled patrons can access the upper and lower floors of the library only by using the elevator behind the front desk, library staff must keep a log near the elevator to note when a disabled person was assisted into the elevator and to record that person's departure. On a minor note, the doorbell outside the Information Technology Area is placed too high to be reached by a person in a wheelchair. Again, the president of the University told the Site Team that he is budgeting to address these situations so that the safety of disabled persons can be assured and the library's collection can be protected.

In addition to the Law Library, the Law School supports and maintains a separate faculty library on the second floor of Bratton Hall, providing two computer workstations, eight carrels, three small conference tables, and comfortable chairs.

H. Control and Use of Law School Facilities

The Law School facilities are owned by the University and appear to be adequate to carry out its program of legal education.

X. LAW SCHOOL FINANCES AND UNIVERSITY SUPPORT

A. University Budget

The University's operating income and expenditures for the past two fiscal years and the budgeted amounts for the current and next fiscal years are as follows:

	FY 2005 [1]	FY 2006	FY 2007 (budgeted) [3]	FY 2008 (budgeted)
Operating Revenues	\$817,600,483	\$888,453,411		
Net Non-Operating Revenues [2]	\$392,579,490	\$492,589,355		
Total Revenues	\$1,210,179,973	\$1,381,042,766	\$1,677,951,146	\$1,840,710.563
Operating Expenses	\$1,180,408,658	\$1,262,724,834	\$1,677,951,146	\$1,840,710.563
Surplus (Deficit)	\$29,771,315	\$118,317,932	0	0

Notes: [1] The UNM fiscal year is July 1 to June 30. [2] State appropriation income is treated as non-operating revenue, which offsets the apparent operating loss. [3] Operating and non-operating revenues are not separated in the UNM budgeting process.

There is no question of the long-term financial viability of the University of New Mexico or of its ability and willingness to support the Law School. UNM is a long-established, highly respected research university, and its prospects are strong. Both the University in general and the Law School in particular have enjoyed a remarkable level of support from the New Mexico legislature, which takes great pride in both institutions. While New Mexico is neither a large nor an especially prosperous state, it has supported UNM and the Law School with admirable consistency, in keeping with the state's fiscal capability.

B. Institutional Financial Commitment to the Law School

The Law School benefits financially from its relationship with the University in at least four ways. First, the State of New Mexico financially supports the University, of which the Law School is a well established and valued part. The Law School receives some direct line-item appropriations from the state, but its primary state support comes through the University's allocation of its appropriation from the state. These funds support a low tuition, while maintaining a strong program of legal education. Second, the allocation of state appropriation and tuition revenue from the University to the Law School exceeds by a significant amount (estimated by the Law School to be in the neighborhood of \$2 million) the amount generated by the Law School in tuition, fees, and the formula for state appropriation.¹ Third, the University has been flexible in allowing the Law School to repay an accumulated operating deficit. At the time that the present Dean took office in the 2003-2004 academic year, the Law School had, over the course of several years, accumulated an operating deficit of approximately \$365,000. The deficit does not appear to have been structural, because within her first year in office, Dean Scarnecchia was able to eliminate it, and the operating budget has been balanced in

¹ It is odd that this calculation is an estimate, rather than an amount certain; however, the state's formula for appropriating public funds to universities has changed, and so the appropriation is based on more than one formula.

each year since. The debt currently stands at about \$205,000, and the school's budget plans project that it will be paid in full by FY 2010, in the context of a balanced operating budget. Fourth, the direct provision of many services (physical plant, human resources, financial management, etc.) covers expenses that the Law School would have to bear on its own if the University did not provide them centrally. The bulk of the revenue generated by the Law School, tuition and fees, is paid by students directly to the University, rather than to the Law School. The Law School then receives an allocation from the University from its general revenue pool, consisting mainly of tuition and fees from all UNM students plus the state appropriation based on the state's funding formula. The cost of central services and physical plant are covered separately, so these are provided to the Law School *in addition* to its allocation.

Under the current budgeting system, all regular tuition and fees and the general state appropriation to the University are handled centrally. The academic units have a direct claim only on specific legislative line items for units or projects (of which there are a surprisingly large number, some of which go to the Law School), New Mexico University Foundation accounts (gifts, endowments, etc.) established for the benefit of the Law School, 40% of overhead on grant funding, and "tuition differential" (described below). The University takes the general appropriation from the legislature and divides it first among the three executive vice presidents: academics, administration (facilities, utilities, etc.), and the medical area. The executive vice presidents (for the Law School, the Provost) then allocate their portion to the academic units. The allocation for each year is historically based, that is, each school receives the allocation it received in the previous year, plus whatever percentage increase – typically for salaries – that the legislature has approved. The proportionate allocations to individual units have changed little in some decades.

There is thus no necessary connection between the revenue generated by the Law School and the amount of the allocation from the University. Instead, the proportionate allocation is historically based, plus inflation, resulting in – by the Law School's calculation – a considerable surplus of allocation over revenue generation. The Law School has been a major beneficiary under this system in three ways. First, the decoupling of the largest element of revenue (tuition and fees) from university allocation, has resulted in the Law School being historically subsidized to a substantial extent. The university fiscal officers are fully aware of this fact, and there is no indication that that basic structure will change in the foreseeable future. Second, the Law School arranged with the University for a "tuition differential." That is, if the Law School charges a greater percentage tuition increase than the general increase for undergraduate students, the Law School gets to "keep" (receives an additional allocation from central) the difference. Third, the University has permitted the Law School to pay off the deficits it had accumulated at the time when the current Dean took office over several years. The amount was \$365,037 in 2003-04; at the beginning of the current fiscal year it was \$358,465; it currently stands at about \$206,000. The Law School had hoped to complete the payments in the current fiscal year, but it will definitely be able to do so by FY 2010. This has enabled it to repay the debt without affecting current programs.

The new university administration is determined to revise the university budget system to account for long-term changes in enrollment in several major academic units and, to a lesser extent, basic performance metrics. However, as noted above, this will not affect the Law School, inasmuch as the school's enrollment has been stable over a period of years. While it is possible that in the long term the University will adopt a system that matches revenues with allocations (*e.g.*, responsibility center management), this is not at present contemplated by the University.

C. Budget Process

The Law School has two principal opportunities to affect the budget allocations it receives from the University. First, in early spring, the University budget office conducts budget hearings to allow academic units on campus, including the Law School, to participate in the budget planning process. Units present evaluations of their current programs and services, provide an accounting of their use of allocated funds, and are given the opportunity to request new funding. The Law School also notifies the budget office of any plans to request a student tuition increase in excess of the general university increase, which, under its agreement with the University, will be returned in its entirety to the Law School.

Second, following the close of the New Mexico legislative session, UNM administrators, faculty, staff, and students put together priorities for discussion and consideration at a university-wide budget summit. The Law School participates actively in this forum, as well. The UNM Board of Regents Finance and Facilities Committee reviews those recommendations and takes action on salary guidelines and tuition rates. After adoption of the committee's recommendations by the full board, the central budget office distributes budget guidelines and allocations to the university vice presidents, who in turn allocate funds to their respective units. The Law School receives its allocation from the office of the Provost.

Once the Law School receives notice of its allocation for the next fiscal year, the Dean and staff prepare budgets following university guidelines. These are finalized in June and go into effect on July 1st of each year. The guidelines provide an approved range for salary increases. Any increase outside the range requires approval of the Provost. Completed budgets are submitted electronically to the University where they are reviewed and approved by the provost and budget offices. Budget increases traditionally appear only in salary increases, so there is little faculty involvement in establishing the budget. The Dean regularly reports to faculty on matters related to the budget.

While the Law School clearly has input into the budget process, the university allocations have been primarily the historical proportions, plus amounts to cover the approved level of salary raises. However, the Law School has received central funding for two of its newest recruits, which has added a significant amount to the Law School's base allocation from the University.

D. Law School Budget

The Law School's operating income and expenditures for the past two fiscal years and the budgeted amount for the current fiscal year (as of October 9, 2007) are presented in the chart below:

	2005-06	2006-07	2007-08 Est
Revenue:			
Application and Other Student Fees	201,840	183,740	183,740
CLE Income	46,988	40,412	20,000
State Funded Special Projects	764,871	822,067	1,003,529
Funds Provided by the University	8,822,826	9,479,372	10,228,637
Grants and Gifts	1,032,588	485,133	398,233
Law School Endowment Income	482,324	508,197	515,318
University Endowment Income	150,758	192,601	210,735
Law Review Sales	74,506	45,808	45,000
Other Sales	94,323	75,873	80,000
Other Revenue	60,123	62,485	63,000
Balances Forward	92,056	102,641	102,663
Revenue Total	11,823,203	11,998,329	12,850,855
Balances Forward	92,056	102,641	102,663
Funds Available	11,915,259	12,100,970	12,953,518
Expenses:			
Salaries & Benefits	8,726,290	9,178,129	9,876,944
Operating Expenses:			
Law Reviews & Journals	74,597	62,499	75,000
Student Competitions	31,186	31,011	36,000
Student Organizations	28,601	13,862	15,000
Expenses related to CLE	12,159	7,532	8,000
Equipment purchases, rental & repair	169,728	75,288	150,200
Faculty and other instructional travel	121,438	131,922	138,000
Administrative Travel	54,721	55,898	58,000
Telephones	81,544	74,192	75,000
Supplies	138,268	117,196	120,000
Publications	75,860	68,131	50,000
Other Copying	15,193	8,351	8,500
Speakers, Convocations, Receptions	120,433	113,884	140,000
Postage, Shipping, Overnight Express	36,655	37,823	38,000
Associations and Memberships	39,091	39,624	42,000
Student Awards	8,100	11,968	12,000
Professional Services		18,437	18,500
Consultants	31,359	17,356	17,000
Other Expenses	5,021	5,366	6,000
Library Expenses	1,163,270	1,068,929	1,033,079
Indirect Expenses	150,883	83,155	69,000
Financial Aid	636,165	675,113	726,113

	2005-06	2006-07	2007-08 Est
Expense Total	11,720,562	11,895,666	12,712,336
Revenue minus Expenses	102,641	102,663	138,519

Within the foregoing structure, the Law School is responsible for maintaining a balanced operating budget, and it is responsible to the University for any operating deficit. The University has, however, shown sensitivity to the school's needs by permitting the school to repay the deficit inherited by the current Dean, quite slowly. The school's operating budget has been in balance since the spring of 2004. The previously accumulated debt is being paid off slowly, primarily through the use of returned overhead funds. The original debt of \$365,037 in 2003-04 now stands at about \$206,000, and complete payment is expected to be complete no later than FY 2010. In sum, as the Self-Study says, "the University has invested deeply in the Law School over the years and continues to make our relatively low tuition possible."

The vast majority of Law School's budget is not directly enrollment-derived at all. Under the UNM budget process, enrollment-based revenue is swept directly into the University, as are state appropriations, and the return allocations to the academic units are based on historical allocations plus cost-of-living increases for salaries. As noted above, the lack of any real connection between enrollment and allocation is of concern to the new university administration; however, at the present time its concern is limited to enrollment *changes*. Since the Law School's enrollment has remained stable since the historical allocations were established, and there are no plans to make substantial changes in Law School enrollment, there will be no occasion to revisit the Law School's allocation, a point which President Schmidly unequivocally confirmed in our meeting with him at the end of our site visit.

The Law School's budget is affected by enrollment in two relatively minor ways. When the University increases tuition for undergraduates at a lower rate than the Law School does, the University returns the differential directly to the Law School budget, on top of its usual allocation. (While it is conceivable that the Law School would increase enrollment to take advantage of this arrangement with more students, the actual amounts received are small relative to the school's strong commitment to its current size and faculty:student ratio, and so this arrangement is unlikely to be a driver of higher enrollment.) The Law School also retains the sums collected for some fees that are specific to law students.

The Law School also has numerous sources of revenue apart from tuition, fees, and state appropriation. The most important of these is private fundraising through endowment, an annual giving program, and solicitation of major gifts. Gifts to the Law School are deposited into an account held by the UNM Foundation. While the foundation, as is typical, comingles these funds with other endowed and non-endowed funds for investment purposes, the funds are at all times separately accounted for and entered on the foundation's books as belonging to the Law School. The funds are

managed by the UNM Foundation investment committee in accordance with guidelines set forth in the Foundation's investment policy. As is typical, the Foundation distributes about 5% (4.65% in 2006-2007) of the principal value as income each year, and additional returns are reinvested in principle. The market value of the Law School's endowment funds was \$11,459,579, with a spendable fund balance of \$1,018,643, at June 30, 2007.

The school has a relatively small alumni base, but an active alumni association. Alumni are solicited for financial support in the areas of greatest need, student scholarships, faculty research support and program support. The Law School solicits its alumni through direct mail, special events, face to face requests and website solicitations.

The Law School's major gifts development program is in its infancy. The Law School has begun an aggressive program of development through major gifts solicitation. It has recently obtained the full-time services of an experienced College Development Officer, who is assisted by a Development Coordinator. The salaries and benefits of both are shared equally between the Law School and the Foundation. In addition, the University is in the planning phase for a major capital campaign, which will begin in the next year. The school's greatest needs – faculty chairs and professorships and student scholarships – will be appropriate objectives of the campaign.

Other sources of income include a number of line items within the state appropriation (for example, the Utton Transboundary Resources Center, the Southwest Indian Law Clinic, and a special appropriation for the Law Library), attorney fees generated by the clinical program, research grants, distributions from endowment, gifts, work study funds, copy center, CLE, and law journal sales. Finally, the University returns to the Law School 40% of the overhead that it receives from grants originating with the Law School. For the last four years, this overhead return has been the source for paying back the inherited debt.

E. Adequacy of Current and Anticipated Law School Resources

The Law School operates a relatively expensive program of legal education, because of the high faculty:student ratio necessitated by its commitment to intensive and extensive clinical education, and because it is committed to maintaining a relatively low tuition to support the diversity of its student body. At the same time, UNM is not a wealthy university, though it receives consistent support from the state and the Law School is generously supported by the University. The Law School's self-study expressed concern about its need to use temporarily vacant salary lines to meet the annual budget and to fund summer salary support, as well as the practice of hiring emeritus faculty on a part-time basis, which tends to eliminate the financial benefit of retirements (replacing relatively highly paid faculty with relatively less well paid). All of these, however, are fairly standard budgetary maneuvers designed to maximize the use of limited resources, and they do not indicate any particular reason for concern. The budget has been balanced for several years while paying down an inherited debt (though the University has permitted a very slow pay-down), and the Law School has clear plans for improving its financial picture further, by eliminating the inherited debt, pursuing grants and contracts

more aggressively, expanding the development operation, and using the financial modules of the Banner system to do a more efficient job of matching expenditures to strategies.

The Law School's fiscal viability is attested by the stability of its class size over many years (it has had no difficulty in filling the seats with well qualified students) and its ability to balance its budget for the last four years. Moreover, the repeated assurances by the President and Provost of the importance of the Law School to the University, the centrality of the Law School to the legal and political communities of New Mexico, and the obvious pride that all of these constituencies take in the school and the school's strong tradition of reciprocal service to the state, all indicate that the school will receive adequate financial support for a program of legal instruction.

The fiscal issues for the Law School are, therefore, not adequacy or basic funding, but rather three less urgent but nevertheless significant issues. First, the school needs to maintain its relatively expensive program of instruction. The President and Provost recognized the importance of UNM's relatively high faculty:student ratio to the distinctive program of legal education offered by the Law School. Thus, maintaining this program will probably be successfully managed by the continuation of the kind of university support that the Law School has heretofore enjoyed, but it will bear careful monitoring.

Second, the Law School lacks significant discretionary (*i.e.*, other than instructional salaries) funds to support new initiatives and directions, and the level and methodology of university support is not likely to provide new discretionary money. This will need to be provided by internal budgetary reallocations to the extent feasible, possibly additional use of the tuition differential program, and development (*e.g.*, annual giving).

Third, the Law School, like many others, is beginning to face increasing competition for faculty and students, and it will need resources to recruit and retain faculty and students who have options elsewhere, by using, respectively, faculty chairs and professorships and student scholarships. Faculty chairs and student scholarships will have to be addressed by increased attention to development. Like many public law schools, UNM has been a latecomer to development, and particularly development as a major occupation of the Dean. Moreover, the Law School has some inherent limitations in development: it is a relatively new and small law school, so the number of alumni with the capacity to support the school in major ways is limited. However, it is clear that the Dean recognizes the need for a strong development push, and she has hired personnel and established the procedures needed for a robust development program. In addition, the President indicated that a major university capital campaign – the university's first – is in the planning stage and will commence in the next year. He indicated that chairs and scholarships would be highly appropriate objectives of the planned campaign.

XI. SUMMARY

The University of New Mexico School of Law is a solid school, crucially important to its State and region, valued and supported by the larger University and State, and well-known and highly regarded for its innovative educational program, including especially its clinical programs.

At the same time, as with any law school, there are some areas of modest concern. From our review, we would direct the Accreditation Committee's attention to these areas:

- Status of legal writing instructors. The status of these instructors is in flux, the Director of the program does not evaluate them or even see their evaluations, and there has been turnover in recent years. See page 8 above and Standard 405(d).
- Student Evaluations. The Law School does not have a consistent and uniform method of collecting, analyzing, or reviewing student teaching evaluations. See page 20 above and Standard 403(b).
- Technological Capacities. Faculty and students have expressed concern about the adequacy of instructional technology and about the resources available for technology generally, especially about staff support for technological needs. See pages 48-50 above and Standard 704.
- Disability Access. There are some problem areas for disability access, including classroom access, access to an outdoor area, and access in the library. See pages 51-53 above and Standard 701.

Our team was treated very well by the University of New Mexico School of Law and, especially, by the Dean and her immediate staff. Again, we would all like to express our appreciation to everyone at the Law School for their great hospitality and cooperation.



UNM

SCHOOL of LAW
OFFICE OF THE DEAN

March 18, 2008

Hulett H. Askew
Consultant on Legal Education
American Bar Association
321 N. Clark Street
Chicago, Illinois 60610-4714

Re: ABA Site Visit Report

Dear Mr. Askew:

Thank you for the opportunity to respond to the site visit report submitted by the team assigned to the University of New Mexico School of Law. It is our observation that the team worked diligently and fairly to investigate our School. The sixty-one page report certainly reflects the team's hard work and thoroughness. We are grateful to the team members, especially Dean Willborn (chair), for their volunteer work on our behalf.

This response is in two parts. First, we respond to the four areas of "modest concern" noted by the team (p.61). Second, we attach a list of areas that need correction due to inadvertent error. We hope this response is helpful, but please do not hesitate to request any further information you or the Accreditation Committee may need.

Response to concerns:

Status of Legal Writing Instructors

The 2001 ABA site visit team encouraged the faculty to resolve the tension between its past-practice of staffing the legal writing courses (LRRW and Advocacy) with full-time tenured professors and the desire to move to a full-time legal writing faculty. At the time, the staffing was a mix of tenured faculty, an untenured director and sometimes one additional untenured legal writing professor. In its 2004 strategic plan, the faculty determined that it would staff the courses with three full-time legal writing faculty members and not members of the tenured faculty. At its May 9, 2006 meeting, the faculty voted to develop a policy that would provide long-term status to the three legal writing professors.

Although the current report notes that we have had turnover in the legal writing positions, Professor Blumenfeld, our director, is a long-term employee of the law school with 12 years of experience at UNM. Professor Homer was hired in 2004, soon after the faculty's decision to rely solely on legal writing professors and has become one of our most popular professors.

We created the third position to comply with the strategic plan. We terminated the contract of the first person hired into the job due to performance issues. The second person taught for a year and then applied to be hired through a national search in which we notified applicants of our upcoming long-term contract policy. She was not selected from a very competitive pool. We are

pleased with the performance of the professor who we selected to fill the third slot last year. Given this history, there is no indication that we cannot attract and retain a legal writing faculty or that their academic freedom is at risk. (405(d))

We have been delayed in approving a long-term status policy because of an effort to match our policy with an available faculty status on central campus. The UNM faculty senate was considering a new faculty status, "professor of practice," that may have fit our legal writing faculty. That option has not worked out, so the Provost's office has advised us to draft our own internal policy for long-term status. We plan to present that policy to the faculty this semester for approval.

Student Evaluation System

The team concluded that we do not have a "consistent and uniform method of collecting, analyzing, or reviewing student teaching evaluations." In fact, our system for collecting, analyzing and reviewing evaluations is consistent, as described below. The only inconsistency is the form of the evaluation itself. We are hoping to standardize the form with a new University-wide system.

Currently, the great majority of the law faculty members use a uniform evaluation instrument. Some professors, however, draft their own instruments and the clinics use two different instruments. The dean reviews all evaluations (classroom, clinic, adjunct), the associate dean for clinics reviews all clinic evaluations, the associate dean for academics reviews all adjunct evaluations and individual faculty members review their own evaluations.

In 2007, UNM announced the adoption of a new faculty evaluation system that would have allowed the law school to adopt a uniform form with opportunity for individualizing certain parts of the form, but leaving most of the evaluation questions identical across courses. The system would have created summary reports that could be easily accessed by the dean and other possible audiences such as students. The law school administration delayed any proposed internal changes so that the school could benefit from the university-wide system. When a vendor problem arose last fall, the central administration decided to shift to another product that should be available to us this summer or fall. The current plan is to pilot the new university system at the law school.

Although we have patiently awaited a new, streamlined system, we continue to use our internal system that results in hundreds of evaluations each term. The dean finds these evaluations helpful in providing feedback and suggestions for professional development to individual faculty members. They have also proven useful in determining when adjunct faculty members should not be renewed.

We, in fact, follow all but the videotaping practices described in Interpretation 403-2 and are not aware of any significant issues with the quality of teaching in the building.

Technological Capacities

As the site evaluation team noted, the law school is currently unable to consistently provide instructors with instructional technology in all classrooms. In addition, resources generally

available for technology have been inadequate to make much progress on this front in recent years. These problems will not be solved with a single silver bullet; instead the law school is moving simultaneously on several fronts to both obtain more resources and to build an adequate infrastructure for offering appropriate instructional technology, which includes training and an assessment of best practices in the use of technology in the classroom.

At a January 2008 UNM college budgeting retreat, Dean Scarnecchia presented a report on law school programming initiatives which will require additional funding, which included the need to provide an overall upgrade of the law school's technological capacity. In January 2008, Dean Scarnecchia also requested funding for classroom technology upgrades from a University committee that will establish spending priorities for a bond issue earmarked for classroom upgrades. Last week, the law school received a special legislative appropriation for FY08/09 which is earmarked for purchase, upgrade and installation of information technology in the law school's 3 moot courtrooms. In addition, the law school has been granted a tuition differential from the university for FY08/09, some of which will be earmarked for technology. The law school administration has already done the research necessary to determine what equipment is needed and what the likely cost of the installations will be, so it is well positioned to speak knowledgeably about our needs in this area and to move quickly on many fronts at once to seek revenue from these various sources as it becomes available. This will be an ongoing process given the constant need for repair and renewal of computer and technological equipment.

In addition, faculty and student input will be obtained before any investment in technology occurs to ensure that their needs will actually be met. The faculty committee on instructional technology (which includes student members) ensures that the faculty and students have a greater voice in the process. The committee is chaired by Associate Professor and Library Director, Carol Parker, and the Assistant Dean for Information Technology, Cyndi Johnson, is an active participant in the process. With the help of several interested faculty members, the committee recently oversaw the permanent installation of \$30,000 worth of screens, projectors, symposiums, speakers and other basic electronic and computer equipment in five more classrooms. The committee will continue this work for the foreseeable future. Upcoming priorities include upgrades to the moot court rooms and then working to make digital video recording and streaming capabilities more widely available to instructors, especially in the clinical setting. The law school is also cognizant of recent initiatives by the Center for Computer Assisted Legal Instruction to help schools and instructors support and incorporate digital video recording into instruction, and we intend to seek out resources from groups like CALI throughout this process. In addition, the committee plans to focus on training needs and continuously incorporating faculty input and assessments of best practices to ensure our monetary investments are maximized.

Thus, with the expansion of the committee's charge to include instructional technology, the upgrades already installed since the visit, and the new funding approved or requested, the law school has taken significant steps to improve the availability of technology in the building.

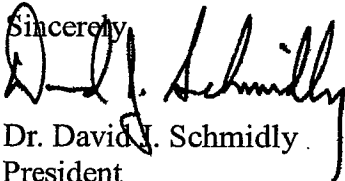
Disability Access

The University Physical Plant's Remodeling Department began working with law school administrators in December 2007, to address the lack of ramps in classrooms 2405 and 2406. Preliminary designs for possible modifications have already been drawn up. The University has

indicated that any necessary modifications will be covered by facilities funds, not by the law school budget. In addition, the law school has already initiated the work orders to install automatic door openers for the outdoor area and the classrooms which lack them. The need for an area of assisted rescue in the library is under active review by the university's code compliance experts. We are working on all areas of concern raised during the visit and have the commitment of central administration that funding will be available to support the changes.

Please see the attached list of suggested report corrections. Once again, thank you for this opportunity to respond and please let us know if further information is needed. Please note that Dean Scarnecchia will be stepping down in May. We will notify you of the name of the interim dean when the appointment is made and he should receive any correspondence after May 15, 2008.

Sincerely



Dr. David J. Schmidly
President
University of New Mexico



Suellen Scarnecchia
Dean
University of New Mexico School of Law

Enclosure

cc: Carl C. Monk, Executive Director, Association of American Law Schools

Attachment: Suggested Corrections to the ABA Report on the
University of New Mexico School of Law

Page 1, paragraph 3 and Page 36, paragraph 5: Carnegie rating should have been reported by us as “Doctoral/Research University – Very High.”

Page 2, paragraphs 1 & 2: This section misstates, in part, the history of our strategic planning process. The strategic planning process occurred during the 2003-04 school year, with the final version dated September 2004.

The first major review of the plan occurred during the 2005-06 school year.

The self-study work occurred during the 2006-07 school year and a new strategic planning process, in light of the Carnegie and Best Practices reports, began in fall 2007.

Page 8, paragraph 1: The last sentence says that the faculty voted “several years ago” to create a new status for legal writing faculty. The vote actually occurred on May 9, 2006, only 2 years ago.

Page 17, paragraph 3: The Director of the American Indian Law Center is mistakenly identified as a research professor. The Center is an independent 501(c)(3) organization. The Director is not an employee of the university and so she does not hold any faculty status. Thus, the paragraph should identify that we have 2 research professors and should delete the American Indian Law Center from the list of affiliated organizations.

Page 18, paragraph 1: In the past, mediation classes were open to both students and non-students. Now, students are given first priority and non-students are admitted only after student demand is met. Also, the enrollment cap has been increased from 15 to 30 students per semester to reflect this change and to better meet the needs of students.

Page 18, paragraph 3: The team’s discussion of the hiring of emeritus faculty on page 17 of the Self Study may leave an unintended impression. While, in the future, we may put some limits on the length of time or amount of teaching by emeritus faculty members to respond to budget restrictions, we do not intend to reconsider whether or not to continue to hire emeritus faculty members. That practice is likely to continue in light of the advantages noted in our report.

Page 20, paragraph 3: The annual banquet to recognize new books is sponsored by the university, not by the law school.

Page 20, paragraph 4: The associate dean for faculty development position had been open only for a few years. Laura Gomez was not recruited to UNM to fill this position. She assumed the role at least a year into her tenure at UNM.

Page 20, paragraph 6: It is true that faculty do not have dedicated professional development accounts. On the other hand, there is a faculty travel policy (Effective July

1, 2003) wherein the law school funds one trip for the purpose of presenting a paper and an additional \$1500 per year for additional professional travel. Faculty members need only request funding for a trip if their travel needs are greater than those automatically funded under the policy. It appears that faculty members continue to believe that they need to request funds for each trip (the former policy), so we may need to regularly post reminders of the 2003 travel policy.

Page 21, paragraph 3: The report mistakenly suggests that clinical faculty may not receive the same time for scholarship as other faculty members. Our faculty members who specialize in clinical teaching receive equal access to course releases and sabbaticals as other tenure track and tenured faculty. In addition, each year those who teach primarily in the clinic either have a free summer term or receive a free fall or spring term to compensate for covering a summer term.

Page 23, paragraph 5: In the dean's report to the provost, she merely reports on whether any member of the faculty has received a negative post-tenure review. She does not summarize the evaluations of all faculty members in that report.

Page 27, paragraph 5: Assistant Dean Bonnie Stepleton's name is misspelled. This occurs a few times throughout the report.

Page 50, paragraph 1: The University has not yet adopted the Banner Alumni/Development module.

Page 50, paragraph 6: To update, we have installed new carpet in the forum, painting is occurring over our spring break and new furniture will be delivered in April 2008.

Page 51, paragraph 4: Only some of the classrooms have "flexible" furniture, none of the larger, lecture classrooms were designed with movable furniture.

Page 51, paragraph 6: To update, the electronic assistance door openers have been ordered.

Page 52, paragraph 3: To update, the legislature and University have both committed funds to remodel the basement of the New Mexico Court of Appeals building basement to create additional offices of the Institute for Public Law. Construction should begin this summer.

Page 59, paragraph 3: The report implies that the school did not have a development director in the past. This is not true. The current director, however, brings a new level of professional development training and experience to the office.

Page 59, paragraph 4: Clinic attorney fees should not be listed as a significant amount of income for the school. Students are charged clinic fees that fund the clinic's malpractice insurance and other clinic costs.