

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

Accreditation Committee
Section of Legal Education and Admissions to the Bar
American Bar Association

Dear Mr. Askew:

This letter responds to the request of the Accreditation Committee for a report regarding the compliance of the University of New Mexico School of Law with the accreditation standards of the American Bar Association.

Response to Conclusion (1)(a) Regarding Standard 304(e)

The Law School has remedied the Standard 304(e) problem reported by the Accreditation Committee. The Law School acknowledges that the system of enrollment in place at the time of the site inspection and accreditation review did permit in rare and exceptional circumstances some students to enroll in 18 credit hours of law school work, which exceeds the ABA Standard 304(e) limit of coursework in a single semester to 17 hours based on the Standard's formula (20 per cent of the total coursework (86 hours) required for graduation). The Law School has taken steps to prevent students from enrolling in more than 17 hours by modifying its automated enrollment system (BANNER) to prohibit any law student from enrolling in more than 17 credit hours of work in any given semester. In addition, we have modified our policy in the online version of the 2008-09 Law School Bulletin & Handbook of Policies to read under the heading "Semester Course Loads: The maximum number of hours that may be taken for law credit per semester is 17." There are no exceptions to this rule. This revision will appear in the hard copy version of the 2009-10 Bulletin and Handbook of Policies.

Response to Conclusion (1)(b) Regarding Standard 504

As a result of the ABA Accreditation Committee's report regarding Standard 504, the Law School now provides in its application materials information [about character and fitness requirements for admission to the bar to both applicants and admitted applicants](#) in the Prospective Student's web page and to admitted applicants in the special Admitted Students web page. The following information has been added to both web pages:

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

The Law School also apprises new students about the importance of determining the applicable character and fitness and other requirements for admission to the bar through its Hugh Muir Oath Project on Professionalism, a part of the Orientation program for entering students.

In addition, the Law School provides information to all its students about the character and fitness and other qualifications for admission to the bar as detailed in the response to Q10 in the Student Section of the Site Evaluation Questions. Furthermore, the Career and Student Services Office holds two presentations annually, one on application to the bar and another on the bar admission application. Information on bar admission requirements is also available on the Law School’s Career and Student Services’ web page.

Response to Conclusion (2)(A) Regarding Standard 301(a) and Interpretation 301-6

The tables below provide sufficient information under one of the new methods prescribed in the recently-adopted interpretation 301-6 to demonstrate that the University of New Mexico School of Law is in compliance with the ABA Standard 301(a). The tables demonstrate that the number of UNM graduates who sat for the exam in each of these calendar years exceeds the required 70 percent of first time takers who must be tracked in order to demonstrate compliance using first-time bar passage rates. The tables further show that the percentage of first-time takers from UNM who passed the bar exceeded the percentage of first-time ABA takers who passed in all of the past five years. Additionally, because we have demonstrated compliance with Standard 301(a) using data for first-time takers, it is our understanding that we are not required to also demonstrate compliance using ultimate bar passage rates.

The following tables account for the number of University of New Mexico graduates in each of the past five calendar years, the number of graduates required to account for 70% of the graduating class, the number of graduates who took the New Mexico Bar Exam in each of the past five calendar years, the number and percentage of UNM graduates who passed on the first try in each of the past five calendar years, and the percentage of ABA graduates who passed the exam on the first try in each of the past five years.

2003-2007

Year	# of graduates in calendar year	70% of graduates	# of first-time NM Bar takers	# passed	% passed	ABA first-time pass rate
2003	98	69	98	83	85%	83%
2004	90	63	85	74	87%	84%
2005	102	71	88	78	89%	84%
2006	121	85	104	99	95%	88%
2007	118	83	98	86	88%	81%

2003

Semester	# of Grads	UNM		# of 1st-time takers	# passed	% passed	Non-UNM		# of 1st-time takers	# passed	% passed
Spring	89		Feb	21	16	76%		Feb	82	67	82%
Summer	0		July	77	67	87%		July	109	92	84%
Fall	9		Total	98	83	85%		Total	191	159	83%
Total	98										

2004

Semester	# of Grads	UNM		# of 1st-time takers	# passed	% passed	Non-UNM		# of 1st-time takers	# passed	% passed
Spring	82		Feb	14	13	93%		Feb	77	65	84%
Summer	1		July	71	61	86%		July	105	88	84%
Fall	7		Total	85	74	87%		Total	182	153	84%
Total	90										

2005

Semester	# of Grads	UNM		# of 1st-time takers	# passed	% passed	Non-UNM		# of 1st-time takers	# passed	% passed
Spring	90		Feb	11	5	45%		Feb	88	71	81%
Summer	3		July	77	73	95%		July	115	99	86%
Fall	9		Total	88	78	89%		Total	203	170	84%
Total	102										

2006

Semester	# of Grads	UNM		# of 1st-time takers	# passed	% passed	Non-UNM		# of 1st-time takers	# passed	% passed
Spring	105		Feb	13	13	100%		Feb	83	75	90%
Summer	5		July	91	86	95%		July	115	100	87%
Fall	11		Total	104	99	95%		Total	198	175	88%
Total	121										

2007

Semester	# of Grads	UNM		# of 1st-time takers	# passed	% passed	Non-UNM		# of 1st-time takers	# passed	% passed
Spring	98		Feb	14	11	79%		Feb	106	89	84%
Summer	3		July	84	75	89%		July	136	107	79%
Fall	17		Total	98	86	88%		Total	242	196	81%
Total	118										

Response to Conclusion 2(b) Regarding Standard 304(d)

The Law School has adopted additional procedures to enforce Standard 304(d)'s requirement of regular and punctual class attendance by our students. Our current policy, while requiring regular and punctual attendance, leaves it to individual faculty members to enforce this rule in any manner that the faculty member deems appropriate so long as the manner of taking attendance and the penalties for excessive absences are clearly stated by the faculty member during the first week of class. The new measures will now monitor and ensure faculty enforcement of the class attendance policy. The Associate Dean for Academic Affairs will require each faculty member to submit for each course his/her attendance requirements, include the manner of enforcement. The Associate Dean will review the submissions and follow up with faculty members whose means of enforcement are inadequate to meet the Law School's class attendance policy. The new procedures for ensuring compliance with our policy will become effective with the Spring 2009 semester. With these new measures, the Law School administration intends to ensure that our current policy is effectively enforced. A copy of the Law School's class attendance policy is set forth below.

Law School Attendance Policy

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

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

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

Response to Conclusion 3(b) Regarding Standard 704 (Adequacy of the Technology Capacities of the Law School)

The Provost's Office has approved a request for a three-year approach to addressing the Law School's classroom facility and technology needs. With the assistance of the Provost's staff, as well as that of the Office of Capital Projects and the Office of Information Technology, the

following projects were identified and priced. The University has committed to allocating the funds described below on the following time table.¹

Year 1 Priorities (FY2008-09)

Moot Courtrooms 2525 and 3410 (remodeling)	\$150,000
ADA Electronic Assist Door Openers	\$ 45,000
Various wiring/cable work	\$ 10,500
Classroom Technology (1 moot court; 3 classrooms)	<u>\$ 84,200</u>
Year 1 Total	\$139,700

Year 2 Priorities (FY2009-10)

Classroom Technology (1 moot court; 10 classrooms)	<u>\$142,800</u>
Year 2 Total	\$142,800

Year 3 Priorities (FY2010-11)

Classroom Technology (1 moot court; MediaSite recorder)	\$ 83,000
Moot Courtroom 2420 (carpeting)	<u>\$ 14,000</u>
Year 3 Total	\$ 97,000

The classroom technology configuration was based on UNM Classroom Modernization standards. Each room will have a lectern with a PC or laptop, ceiling-mounted projector (excluding small seminar rooms that will have a large flat panel monitor wall-mounted), DVD/VCR, electric projector screens and Extron control panel for easy component switching. Larger classrooms will have ceiling-mounted speakers. Several document cameras and Sympodiums are currently available for faculty use.

The courtroom furniture will remain, but two courtrooms will be remodeled (orientation rotated 90°) to better accommodate trial practice classes. One courtroom (2404) will be recarpeted. All three courtrooms will receive IT equipment consistent with that mandated for federal courtrooms.

Cabling will be installed from the Clinic interview rooms to the Clinic conference room, providing faculty with a secure method for watching student/client interviews. Cable TV will be

¹ As this is being written, the State of New Mexico faces a shortfall in its current fiscal year revenue forecast. The full amount of these allocations is dependent upon the University's ability to retain its current year legislative appropriations. In the event of a mid-year budget rescission, or a further reduction in legislative appropriations in Years 2 or 3, these allocations may have to be somewhat reduced, or implementation of the plan somewhat delayed.

brought into room 2403 for TV viewing, utilizing the large LCD TV already in place. The former computer lab, room 3406, will have audio recording capability installed.

Conclusion

We trust that this response to the Findings and Conclusions of the Accreditation Committee demonstrates that the University of New Mexico School of Law is in compliance with the ABA accreditation standards. If the Accreditation Committee has any questions about the responses in this letter, please let us know.

Sincerely,

Leo M. Romero
Interim Dean

Dr. David J. Schmidly
President