

## Faculty Meeting Minutes

May 7, 2021

(via Zoom)

*The meeting was called to order at 1:04 p.m. by Dean Sergio Pareja, once a quorum was reached. The following people were present for at least some portion of the meeting.*

**Faculty:** Maryam Ahranjani, George Bach, Reed Benson, Camille Carey, Barbara Creel, Elizabeth Elia, Scott England, Paul Figueroa, Mark-Tizoc González, Verónica Gonzales-Zamora, Vinay Harpalani, Steven Homer, John Kang, Josh Kastenber, April Land, John LaVelle, Jennifer Laws, Nathalie Martin, Serge Martinez, Aliza Organick, Gabriel Pacyniak, Mary Leto Pareja, Sergio Pareja, Sonia Gipson Rankin, Joseph Schremmer, Alexandra Siek, David Stout, Carol Suzuki, Sherri Thomas, Cliff Villa, Samuel Winder, Peter Winograd (20 needed for quorum; names that count toward quorum in bold)

**Staff:** Beverly Akin, Krista Allen, Tony Anderson, Ryan Barber, Stephanie Grant, Melissa Lobato, Bonnie Stepleton, Ernest Tafoya

**Students:** Taylor Bingham, Claire Cooley

### Announcements:

Dean Pareja provided an update on the Law School dean search. The Provost is in the process of putting together a search committee, and Dean Pareja has heard from some people who have been asked to serve on that committee.

Associate Dean Sherri Thomas announced that Law Library Professor Ernesto Longa, who is the dedicated research librarian, will be on sabbatical starting in June 2021. Please note that the Law Library is down one Librarian already since Marquita Harnett retired. Faculty members are asked to please think carefully about how to use Law Library research services versus how to use a research assistant. Law Library faculty will assist in training RAs. Instead of emailing a law librarian individually, please send requests to the email address [LawLibrary@law.unm.edu](mailto:LawLibrary@law.unm.edu). Email Sherri Thomas or Michelle Rigual with any questions.

Professor Barbara Creel announced that the NM Innocence and Justice Project has represented clients on two parole hearings recently, which is a hard-won victory. Former UNM Law student Denali Wilson made new law relating to the NM parole board, who passed a separate rule to comport with the New Mexico constitution and U.S. guidelines regarding child offenders. Denali represented a client at a March 2021 parole hearing in which that client was paroled. Professor Creel represented another client at a hearing this week; that Parole Board decision is pending. Professor Creel thanked Jennifer Pearl, team SILC (Southwest Indian Law Clinic), Professor Sam Winder, along with many other law students and faculty, and external contributors such as a Navajo defense victims outreach specialist, culture and language specialist, Navajo interpreter, social workers, former assistant attorney general, and others. They all comprised a passionate team to work on this important endeavor. Professor Creel was honored to be a part of this effort.

Professor Joshua Kastenber announced he is working on an amicus brief involving former President Trump, with the collaboration of a Kentucky law professor. He is looking for a rising 3L law student with excellent writing skills who is interested in working on this. Funding is available to pay for student work on this project.

Dean Pareja discussed the upcoming graduation ceremony (1:00 p.m. on Saturday, May 15<sup>th</sup>) and the Honors and Awards ceremony (2:00 p.m. on Friday, May 14<sup>th</sup>). These events will be in-person at the School of Law but will be limited to graduates, and faculty, and staff who need to be present. Face masks will be required pursuant to current health and safety mandates. Faculty and staff assisting with the events may convene in classroom 2401. Hooding of graduates will not be allowed as of now, though Dean Pareja is waiting to hear if his request for an exception will be granted. He has also requested that event speakers be allowed to not wear a mask when they are at the podium, since they will be outside and will be standing many yards away from any other participants or attendees. Bonnie Stepleton asked for 3 more volunteers who can read out graduating students' names at the graduation ceremony. Bonnie advised that the names of any graduates who do not attend will be read at the ceremony. If Student & Career Services staff know in advance that a student will not be in attendance, then their photo will be shown on the streaming video along with their name. The ceremony will be streamed live using multiple camera angles, including cameras on the podium, wide shots of the students as a group, and a view of the person reading the students' names.

**ACTION ITEM: Approval of Minutes from April 16, 2021 faculty meeting – Dean Sergio Pareja:** Motion made by Professor Sherri Thomas, seconded by Professor Gabe Pacyniak. Motion passed: 18 yes votes, 0 no votes, and 4 abstentions.

### **Faculty Hiring Update & Discussion – Dean Sergio Pareja:**

Dean Pareja shared that he does not yet have permission from the Provost to move forward with formally requesting that we ask to proceed with faculty hires next year. He proposes that we make a conditional motion to vote on which faculty positions we will request to hire if we are given permission to formally request that we proceed with faculty hires next year. If we are authorized to make hiring requests, the funding for those positions would come from two sources. One is from John Whitlow's prior Economic Justice position. The other is from Christine Zuni Cruz's retirement.

We have sought to replace John Whitlow for several years now. Two years in a row, we had failed searches. Last year, due to the pandemic, we asked to suspend the search this year. Dean Pareja proposes that we ask to un-suspend that search (i.e., do a search next year) if we are allowed to make a hiring request.

Professors John LaVelle and Reed Benson, along with Dean Pareja, have been discussing ways to think outside the box to fill multiple needs in the areas of Indian Law / Law of Indigenous Peoples (LIPP) and Natural Resources and Environmental Law. One idea, which University Counsel said is acceptable, is to ask the Provost if we can use Christine Zuni Cruz's salary line to hire two relatively recent law school

graduates. The idea is that we would advertise for entry-level assistant professors with strong preference for applicants who are no more than about 4 to 5 years out of law school. That approach would allow the Law School to use prior funding for Professor Zuni Cruz's salary to cover two junior faculty salaries instead, since each of their salaries would be around half of her salary.

If we can use Christine Zuni Cruz's salary line to hire two very junior faculty members, one would primarily be a LIPP doctrinal faculty member who would be the faculty advisor to the Tribal Law Journal and who could periodically rotate into SILC. The other would be a Natural Resources & Environmental Law professor who focuses on teaching at the intersection between Indian Law and Natural Resources Law but who could also periodically rotate into the Environmental & Natural Resources Clinic. Both Professors Benson and LaVelle support this approach.

A motion to ask the Provost to un-suspend the Economic Justice Clinic faculty search was made by Professor Scott England, seconded by Associate Dean Sherri Thomas. Motion passed: Yes 83%, No 3%, Abstention 14%.

A motion was made by Professor John LaVelle, and seconded by Professor Reed Benson, to hire for LIPP and NREL junior faculty positions, but significant discussion was held before a vote was taken.

Professor Barbara Creel provided more info on the SILC aspects of this faculty position and the history of SILC. SILC took much effort to be put into creation. Professor Creel does not think there should be restrictions on this faculty hire, and definitely we should not "split the baby" and have part of the faculty hire be dedicated to another clinic section. Professor George Bach commented on various hiring options, noting that taking lateral candidates has worked very well for the Law School in the past. He would like the choice to be made after we can see who has applied.

Dean Pareja noted that LIPP funding in recent years has paid for one faculty line and expenses only. The Law School has covered the other LIPP position with I & G funds. No legislatively appropriated SILC money would be diverted to use on any non-SILC faculty or uses. Other Law School positions are separately funded, such as Kellogg Foundation and oil and gas, so the Law School is using other funds besides I & G.

Professor LaVelle thanked Professor Creel for providing information on SILC's background. He explained that his support for a hybrid LIPP and NREL position is based on his defending LIPP's interest. Main campus swept away the funds that had been used to pay Jeanette Wolfley, and the reality is that budget cuts have affected the way we have to approach faculty hires.

Professor Reed Benson described the challenge of needing to replace Professor Christine Zuni Cruz's position, and to replace Professor Jeanette Wolfley's position with the budget cut. Professor Wolfley taught at the intersection of Indian Law and Natural Resources. The 2015 NREL Clinic faculty search failed. Professor Benson thanked Professor Wolfley for launching the NREL Clinic and making it work when it otherwise wouldn't have. She supervised the NREL Clinic and taught Natural Resources and Indian Country courses. The NREL Clinic takes on significant representation of tribal interests. Professor Cliff Villa has been teaching in the NREL Clinic for two of the last three semesters. He stressed how much work the NREL clinic does on Native issues, including representing numerous Pueblos and the Council of Governors.

Professor Sam Winder said he appreciates Professor Creel's sharing the history of SILC, which is incredibly important to know. He has taught SILC for 4 semesters but needs a break now. He hopes we can find someone who will rotate in and out of SILC and assist Professor LaVelle in LIPP at the same time. He has spoken with Professor LaVelle and supports the Dean's plan because we have limited options now, but he hopes the positions can all be filled when the situation gets better.

Professor Gabe Pacyniak shared his understanding that Professor Creel wants to hire the best SILC person possible. He suggests going with the Dean's proposal to look for two entry-level hires initially, but get the best people for the job we can to apply to the positions. He asked if it would work to give the LIPP hire first priority. If we get somebody more than four or five years out of law school, then we wouldn't hire for the Natural Resources position. Dean Pareja advised yes, we can follow that approach. If we get approval for two hires then we can specify we prefer applicants 4 to 5 years out of law school, and we have to be mindful that the money must cover both positions. We should hire for the LIPP position first to ensure that area is covered, so we don't spend too much on an NREL faculty and not have enough funds left to hire for LIPP.

Professor Creel asked how we lost Professor Wolfley's position. Dean Pareja explained that we have experienced cuts every year since 2013 and other faculty positions have been left vacant also. Professor Wolfley's position was just the latest time this happened. The Provost advises every college/school around campus how much money they will need to give back to main campus when budget cuts occur. We have always taken the approach that vacant positions will be lost to attrition in order to cover the losses. Professor Wolfley's position becoming vacant at the time the budget was cut was the reason her position in particular was lost.

Professor Cliff Villa offered a friendly amendment to the motion, which Professor LaVelle supported after discussion, and Professor Reed concurred: the amendment is that we only will make an offer to somebody to teach at the intersection between Natural Resources and Indian Law after a LIPP candidate has accepted an offer. To that friendly amendment, Dean Pareja offered a further friendly amendment that the backup plan is to ask the Provost to only approve one standard LIPP hire if it turns

out that the Provost will only approve one hire. Professor Villa accepted the further friendly amendment to his friendly amendment. The motion passed with the friendly amendment: Yes 79%, No 14%, Abstention 7%.

## **EXECUTIVE SESSION:**

### **ACTION ITEM: Vote on honors and awards – Professor Vinay Harpalani, Chair of Honors & Awards Committee**

Professor Harpalani discussed the upcoming Student Honors & Awards. The compiled list was presented from the Committee for review and discussion, and when voted on, passed unanimously as presented: Yes 100%, No 0%, Abstentions 0%.

## **ADJOURNMENT**

*Meeting adjourned by unanimous consent at 2:48 p.m.*