

University of New Mexico School of Law
Faculty Meeting Minutes
May 9, 2006

Attendees

Faculty: Baum, Marsha; Bay, Norman; Blumenfeld, Barbara; Caldera, Louis; Deloria, Sam; Flynn-O'Brien, Judy; Fritz, Chris; Gauna, Eileen; Gomez, Laura; Hall, Em; Hobbs, Evan; Homer, Steven; Hughes, Scott; LaVelle, John; Lopez, Antoinette Sedillo; Martinez, Jose; Mathewson, Alfred; Montoya, Margaret; Moore, Jennifer; Norwood, Mike; Occhialino, Ted; Ortega, Daniel; Pareja, Sergio; Parker, Carol; Rapaport, Liz; Romero, Leo; Scarnecchia, Suellen; Schwartz, Robert;; Suzuki, Carol; Valencia-Weber, Gloria; Winograd, Peter; Zuni Cruz, Christine

Students: O'Reilly, Brendan; Perea, Ed; Wang, Amanda

Staff/Sr. Admn: Bauman, Sandra; Feldman, John; Lovato, Peggy; Mitchell, Susan; Stepleton, Bonnie

The meeting was called to order at 12:12 pm on Tuesday, May 9, 2006. Dean Scarnecchia welcomed everyone, thanked Library Director Carol Parker for the use of the new Bruce King Reading Room as the locale of the meeting, and acknowledged the room's history. She encouraged everyone to pick up a packet which contained supporting documentation to the topics which would be discussed during the meeting.

I. Approval of Minutes:

A motion to adopt the April 4, 2006 Faculty Meeting minutes as presented was made, voted on and passed.

II. Announcements:

A. Dean Scarnecchia:

1. The Dean asked for support of the faculty as she described the large amount of time she will be spending in the near future serving the state of New Mexico.
 - a. Due to vacant judgeships created by the legislature and one retirement there will be 8 Judicial Nominating Commissions meeting in July at various places throughout the state. Professor Michael Browde and others are working on an amendment allowing the SOL dean to delegate some Judicial Selection Chair duties.
 - b. In her capacity as Chair of the Judicial Compensation commission she will begin a new round of meetings in June. The legislature approved the commission's last proposals, increasing salaries in Metro to match District Court and bringing compensation towards the range of the Western States' judicial compensation.

- c. A commission is currently forming, on which she will serve, to run Loan Repayment Assistance Program approved by legislature. Acknowledged the work of John Feldman and others involved in getting the program passed in the legislature last year. \$300,000 is available this year for this program, and the commission now needs to develop a method for deciding how to distribute money and to whom.
 - d. She has agreed to co-chair the new Ethics Commission appointed by the Governor, and expressed confidence in the group of people on the commission. She feels this is a good connection for SOL which will make a positive statement to the students, who will be the state's future leaders, that the Law School takes this issue very seriously. She invited support, help and ideas from the faculty. She gave a brief summary of the current stage in the process, and fielded questions involving logistics (Where will the meetings be held? How will administrative support be provided?) and access of the commission to student involvement and/or exposure.
 - e. In addition to these activities, she will also teach in June at both the ABA New Deans' and AALS New Teachers' conferences.
- 2. The Dean announced she is looking for designee to serve on the Professionalism Task Force, and a faculty member to serve on the Development Officer search committee. In answer to a question, she described the make-up of the rest of the committee.
- B. Director Carol Parker announced that Law Library did receive a recurring appropriation of \$243,000 by legislature.
- C. Director Daniel Ortega announced an upcoming meeting, either June 20 or 21, for those interested to investigate the opportunity of a faculty exchange program with Madrid, Spain, while his contact will be in Albuquerque.
- D. Professor Laura Gomez and Assistant Dean Susan Mitchell presented information from the Admissions Committee.
 - 1. While nationally, law schools experienced a decrease in applications, the SOL experienced its second highest number of applications since the early 1970s.
 - 2. Professor Gomez expressed excitement about the caliber of applicants in the pool.
 - 3. The committee admitted 218 students, aiming for a class of 115. There is a larger resident wait list this year, and fewer nonresidents were admitted. Currently 100 firm deposits have been submitted, with 79 still within the deadline for submitting deposits.
 - 4. Brief discussion regarding the national and local statistics ensued.
 - 5. Professor Gomez thanked Assistant Dean Mitchell and the remainder of the committee, comprised of Tim Atler, 3-L rep, and faculty reps Professor Leo Romero and Professor Marsha Baum. Professor Romero also thanked Professor Gomez for the resource and integrity she brought to the committee.

6. Professor Gomez invited volunteers to join next year's committee and suggested that certain admissions issues be discussed at a regular faculty meeting early in the fall.
7. Dean announced that Professor Gomez has agreed to chair this committee again next year, and Professor Baum plans to continue on committee as well.

III. Natural Resources Certificate

- A. Dean Scarnecchia introduced Amanda Wang, a student who has worked with the NR Committee to come to a compromise with both a change proposal and an interim option until the change is in effect. Ms. Wang used a PowerPoint presentation to supplement the materials in the hand out.
 1. Interested students and NR staff met about a week prior to the faculty meeting to create more cohesive plan of action.
 - a. Her presentation reiterated the issues involved in considering a change to the current Certificate requirements.
 - b. Her proposal defines a 2-step process:
 - i. Compose a Natural Resource Certificate Committee (possibly including NR professors, NRJ managing editor, Utton Center representative, NRG student representatives and 1L, 2L and 3L representatives) to work over 2 years to research and revamp the current requirements.
 - ii. Develop an interim program; the details proposed were described in the hand out.
 2. Ms. Wang, and the students she represents, advocated passing this proposal, and Dean Scarnecchia stated her understanding that the NR Committee also endorses the proposal.
- B. Discussion ensued touching on topics relating to what main campus classes would be appropriate/available; the interest that students pursuing an Indian Law Certificate have in NRC, and the possibility this creates for students to pursue both; reluctance in removing the NRJ's central place in the program, thus losing the pedagogical and multidisciplinary aspects the journal provides; the transitions existing within the program and staff in the near future; the preservation of SOL's uniqueness in the journal requirement; the possibility of creating a combined ILC and NRC program, or multiple certificates; the precarious balance necessary in the number of people involved in producing the NRJ; the tension between retaining excellence of the current program (journal requirement included) and the desire to open it to a greater number of students; greater faculty weight in decisions involving journal student selection.
- C. Dean Scarnecchia called for a vote on the amended motion to adopt the establishment of a committee and the interim option as presented by Ms. Wang and in the packet. The motion carried.

IV. Academic Support

- A. This ad hoc committee was chaired by Professor Margaret Montoya, who presented the committee's findings by referring to the report in the packet and additional handouts made available at the meeting.
 - 1. Professor Montoya provided some additional description about what the packet and handouts included.
 - 2. She presented a motion by the committee to provide training for faculty, TAs and tutors and to create website on academic support.
 - 3. She also voiced the committee's opinion that long term proposals enumerated in the handout should be taken up by next year's committee.
 - B. Discussion ensued touching on topics including clarification of the various statistics/numbers presented; the clarification and meaning of the "bar" in the passage rates; the necessity of additional research and data on probationary students; who would be supplying training, and how would its value be determined; should support be mandatory or optional; what is currently going on, specifically the individualized approach the Office of Career and Student Services (OCSS) utilizes (John Feldman voiced the current OCSS assumption to attempt to meet the needs of whoever walks in their door); the objective of the proposed training; the time, effort and personnel needed to create and maintain the website; the institutionalization and proactivity of any proposed plan; the interfacing of Practicum and LRRW with support issues.
 - C. A motion to table the committee's motion was made and seconded. Upon a vote, the motion failed.
 - D. When voted on, the motion presented by the committee (training and website creation) carried.
- V. LRRW Faculty Status
- A. Associate Dean Mike Norwood presented the motion to accept Faculty Affairs Committee's recommendations (He proceeded to provide verbal background on the recommendations, which included some history of legal writing here at SOL as well as within the professional world of legal writing educators; the current policy of SOL where LW faculty are lecturer III with 1 year renewable contracts only; and mentioned UNM's proposed Professor of Practice title, which would include legal writing, and would enable long-term contracts.) authorizing the dean to:
 - 1. pursue possibility of legal writing faculty qualifying for long-term contracts,
 - 2. direct the Faculty Affairs committee to draft policy supporting long term contracts to be presented to faculty in fall,
 - 3. and create advertising for legal writing faculty which will include possible eligibility for long term contracts.
 - B. Discussion ensued on topics including whether the issue had already been addressed (previously discussed, but no recommendations were made); the specifics of what the current contract stipulations are (no limitations, but no security); opinions that 1) it is difficult to recruit for LW positions because of this vulnerability, which makes it difficult to enrich the program, and 2) adopting recommendation would be helpful for attraction and evaluating applicants; issues

regarding UNM's policy regarding limitless year-to-year contracts; long-term contracts would involve an evaluation and review process similar to a tenure-like process and would allow the individual to feel more a member of the SOL; range of contract would be within the proposal which would come back to faculty for approval.

- C. The vote on motion to accept the committee's three recommendations was called and carried.

VI. First Year Work Rule

- A. Assistant Professor Norman Bay presented the motion from the Student Affairs Committee to change the current 1L first semester work policy.
 - 1. The proposed change is to eliminate the current policy (which prohibits employment) for a three year pilot period. During this pilot period students would be strongly discouraged from working, and, prior to beginning a maximum of 15 weekly hours of employment and during the course of the semester, would be required to meet with Career Services (OCSS) for counseling and tracking (numbers of 1Ls working and academic progress compared with those who are not).
 - 2. Asst. Professor Bay added some detail to the arguments for and against this proposal, which were enumerated in the handout.
- B. Discussion ensued around topics including the paternalistic environment the current rule may create; economics; the current rule disproportionately burdens nontraditional students' existing community connections; a possible amendment to the current policy by allowing avenue for granting exceptions for real hardship (rather than changing it completely); the fact that first semester lays foundation for rest of law school education; allowing employment might remove the support that helps in early identification of students needing help in succeeding; the possibility of supporting students' needing to work by creating a part-time degree program; the logic of allowing full-time students to work part-time if SOL is considering creating a part-time program; the current policy which allows students to take optional courses outside of SOL curriculum, and which has not been shown to be detrimental to those students' success; attendance consistency; the change may place burden of school adjustment to nontraditional students; the idea of revisiting this policy after part-time is in existence; the possibility that an exception process would allow for counseling opportunity; the OCSS tracking mandate in the proposal also allows for counseling opportunity; from student perspective the current policy is burdensome; the possibility that a part-time program could become a predominantly minority program; Admissions receives questions regarding the work policy prior to admission, and potential students do not apply; concern expressed about the make-up of the group that becomes excluded by the current policy; students' understanding of the demands and rhythm of first semester; the current policy assumes homogeneity of student population and so is inflexible.
- C. An amendment to the motion was proposed to continue to prohibit 1st semester work, while providing an avenue for granting exceptions due to hardship (without analysis or judgment regarding 'hardship') in the form of a petition which must be

filed with Admissions for up to 15 hour maximum work load, and the understanding that student will participate in mandatory OCSS counseling. Upon a vote the motion failed.

D. A vote was called on the committee's original motion, which carried.

VII. Faculty Professionalism

A. Dean Scarnecchia referred to her memo, included in the packet.

1. As the SOL makes a concerted effort to engage students in discussions about professionalism when issues arise, the students are also enumerating areas where faculty are not exhibiting professionalism.
2. Assistant Dean Pat Trainor's essay, included in the packet, points to professionalism as a responsibility of everyone at the law school, including faculty.
3. A number of student complaints are listed in the packet.
4. The Dean would like the faculty as a whole to aid in the modification of individual behavior in these areas.

B. Discussion ensued, focusing mainly on the area of late grades.

C. Dean Scarnecchia invited additional feedback outside the meeting on all of the areas presented in her memo. She also encouraged everyone to read Brendan O'Reilly's e-mail regarding visual accessibility of class materials.

VIII. Budget & Hiring Plan

A. Budget

1. Dean Scarnecchia referred to the documents in the packet, which were also projected to aid description. These documents were given to the faculty to look over during the summer and ask the Dean or Peggy Lovato any questions they may have.
2. She announced that the historical debt of around \$340,000, which is not increasing every year, was not reflected in the handouts. She also described the plan for reducing the debt by using all of the indirect costs that come in on the Utton Center federal grants, and the Vice President of Research's office has agreed to match dollar for dollar toward debt relief. This should enable the SOL to pay off the debt within three years or so.
3. Dean Scarnecchia supplied some detail to the information provided, stated she feels the budget is \$150,000 - \$200,000 short, and described her goal (through a capital campaign and additional tuition differentials) to eliminate the SOL's unhealthy dependence on salary savings.
4. The Dean explained the Research and Public Service Projects sheet, saying that the Governor vetoed much fewer programs for SOL than for other units. The pieces important to the budget are the Library (mentioned earlier) and the SILC increase that will be funded with recurring funds. She briefly mentioned the two new funding requests, the UNM Water Consortium and the Transboundary Service Learning Program.
5. She briefly explained the history and state of the Bondurant account.

B. Hiring

1. Dean Scarnecchia referred to the Faculty Changes handout and provided an explanation of what it contained. She proceeded to speak of her intention to hire for two positions for 2006-2007.
2. She spoke to the history of LRRW staffing and the upcoming search for an additional faculty member in this area, referring to the earlier LRRW discussion.
3. She has no plan to replace Professor Sherry Wolf's position, as she will use some of that salary to increase the LRRW and Advocacy faculty salaries, and to bolster the summer research budget. This decision was made after discussing with Associate Dean Norwood our ability to cover Professor Wolf's courses.
4. The dean described the history behind the SILC hire, advocating to the legislature that SOL needs 2 people to run the clinic effectively with the need being to hire a tenure-track individual since serial visitors have not allowed for continuity and growth, or the ability to develop relationships w/courts. State funding will be used to support this hire, and she assumes one of upcoming retirements will form the basis of supporting this hire for the long-term.
5. The next step is to put together a committee to fashion advertisement for these two positions. She is strongly considering not going to AALS recruitment conference for LRRW, and may not go for SILC depending on potential pool.
6. The current plan will have a total faculty of 36 going into 2007-08, with the expectation not to replace at least 1 maybe 2 of folks who retire over next 5 years.

IX. Strategic Plan Review

- A. Professor Ted Occhialino referred to the packet and the additional handouts available at the meeting in making his presentation. He described the task of the committee to review the strategic plan and commended Dean Scarnecchia for "forcing" the production and review of such a plan. He thanked the members of the committee.
 1. The first part of the methodology asked institutional responses to the goals currently set in the plan, and received remarkable support to continuing current goals. The packet contains the details of the responses received.
 2. The second area within the methodology asked for individual faculty responses, of which there were eight, detailed in the handout.
 3. The packet also contains student responses to the question, "If you could spend \$100,000 to help accomplish any of these goals, which one would you put the money in?"
- B. Professor Occhialino defined what he saw as the function of the faculty as a whole as accomplishing the following:
 1. Congratulating the Dean and the rest of the faculty for the progress made towards the accomplishment of the goals stated in the Strategic plan.
 2. Admitting that there are still additional things to do towards the accomplishment of the stated goals.

3. Setting priorities regarding the areas where additional work is needed.
- C. Professor Occhialino invited preliminary discussion on the various handouts, and suggesting that the informal discussion venues Assistant Dean Norwood has instituted throughout the year would be excellent times to continue talking about Strategic Plan items. Discussion ensued touching on the topics enumerated in the handout, as well as the impact SOL is having on the state; the desire to increase emphasis on Latino and Indian population; continued branding of SOL; IPL's ability to be a greater representative of SOL to the communities they reach with their programs; building greater sense of community among the students by encouraging them to remain on premises to converse, study, etc.; and increasing the student body.
- X. Self-Study
 - A. Dean Scarnecchia thanked Professor Occhialino and the Strategic Plan Committee for their hard work in providing a great summary which will segue into next year's Self-Study.
 - B. She announced Professor Hughes' agreement to chair the Self-Study committee.
 - C. The Dean also pointed out that a copy of the current Needs Assessment was provided at the back of the packet of hand-outs. She solicited feedback, and reminded everyone that priorities may change during the Self-Study process. At this point the emphasis is on raising money for scholarships and faculty chairs based on the idea that "the more we build our basic endowment the more discretionary money" there is to spend.

The meeting was adjourned at 6:03 p.m.

Respectfully submitted,

Sandra Bauman
Administrative Assistant to Dean Suellen Scarnecchia