

**UNM SCHOOL OF LAW
FACULTY MEETING**

Tuesday, March 2, 2010

The meeting was called to order at 3:08 p.m.

Attendance: Marsha Baum, Reed Benson, Barbara Bergman, Barbara Blumenfeld, Camille Carey, Eileen Cohen, Barbara Creel, Chris Fritz, Eileen Gauna, Erik Gerding, Laura Gómez, Ann Hemmens, April Land, John LaVelle, Ernesto Longa, Antoinette Sedillo Lopez, Nathalie Martin, José Martinez, Alfred Mathewson, Jennifer Moore, David Myers, Mike Norwood, Sergio Pareja, Carol Parker, Liz Rapaport, Theresa Strike, Carol Suzuki, Sherri Thomas, Gloria Valencia-Weber, Kevin Washburn, Christine Zuni Cruz

Students: Kate Gleeson, Lacey Daniels, Erin McSherry, Jennifer Duprez

Staff: Sandra Bauman, William Jackson, Peggy Lovato

I. Announcements

- a. Dean Washburn provided an update on the progress of the 60 for 60 project, including the announcement that R. E. Thomason, of the Modrall Firm, has agreed to serve as chair of the celebration. He encouraged continued support of and submissions to the initiative by faculty members.
- b. Professor Land reminded everyone of the May 14th Honors and Awards Ceremony, and solicited nominations for the various awards from the faculty. She apprised the faculty of both potential shortfalls in funding to some awards, due to the current economic climate, and a correlated potential increase to the contribution annually requested from faculty. Both of these items will be discussed in greater detail at a future faculty meeting.

II. Approval of February 9, 2010 Minutes

- a. A motion was made and seconded to approve the minutes as presented. No discussion or corrections were offered.
- b. Dean Washburn called the question and the faculty voted unanimously to approve the minutes as presented.

III. Writing Assessment Committee Report and Recommendations – Associate Dean Barbara Bergman

- a. Dean Bergman thanked her fellow committee members (Marsha Baum, Barbara Blumenfeld, Chris Fritz, Steven Homer, Ernesto Longa, and Antoinette Sedillo Lopez), and synopsized the committee's charge, activities, and the last faculty meeting discussion on the committee's proposal.
- b. She referred everyone to the revised recommendation (see Appendix 1), sent via e-mail prior to this meeting, pointing out the modifications and providing the reasoning and

background for each. Other committee members also spoke to various aspects of the recommendation.

- c. Questions and conversation occurred both throughout the presentation, as well as at the conclusion, when invited.
- d. Due to the tenor of the discussion, Dean Washburn asked the committee if, as a friendly amendment, the faculty could vote in two rounds, the first of which would be on the recommendations included in paragraphs one through five, and the second would be on the recommendations in paragraph six. The committee agreed.
- e. A motion was made, seconded, and accepted by the committee as a friendly amendment to exclude the law review students from the requirements stated in paragraph two.
 - i. Discussion ensued.
 - ii. Dean Washburn called the question, which failed upon a vote, with a majority voting no.
- f. Dean Washburn called the question to adopt the recommendations in paragraphs one through five as originally written. The faculty adopted paragraphs one through five of the recommendation with a majority of the faculty voting in favor.
- g. A motion was made, seconded and accepted by the committee as a friendly amendment to modify paragraph six by changing the first sentence to read “All graduates will be required to complete a two-credit legal research course, and must do so before the end of their second year.”
 - i. Discussion ensued.
 - ii. Dean Washburn called the question of replacing the first sentence with the above wording, which passed by a majority of the faculty voting in favor.
- h. Dean Washburn called the question to adopt the recommendations in paragraph six as modified. The faculty adopted paragraph six as modified with a majority of the faculty voting in favor.
- i. The final faculty approved proposal is attached to these minutes as Appendix II.

IV. Faculty Appointments Committee Report – Professor Liz Rapaport

- a. Professor Rapaport named and thanked her fellow committee members (Marsha Baum, Laura Gómez, Nathalie Martin, José Martinez, Ted Occhialino, Gloria Valencia-Weber and Christine Zuni Cruz). She proceeded to describe the committee’s charge and its methodology for coming up with the recommendations presented at this meeting.
- b. The committee recommends hiring five faculty members over the next two fiscal years in the following manner:
 - i. Year one, three hires:
 - 1. Business/tax clinician
 - 2. Civil procedure/dispute resolution/civil litigation
 - 3. Property or constitutional law
 - ii. Year two, two hires:
 - 1. Clinician, possibly a director
 - 2. See what year one’s search and hiring produce before assigning the second hire
- c. Professor Rapaport invited discussion. At the conclusion of the discussion, she asked for continued feedback from the faculty, including individual conversations with individual committee members.

The meeting was adjourned at 5:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sandra Bauman", with a long, sweeping horizontal flourish extending to the right.

Sandra Bauman
Administrative Assistant to the Dean

Appendix I

Revised Writing Curriculum Assessment Committee Report

Interim Dean Leo Romero appointed the Writing Curriculum Assessment Committee in the spring of 2009 to review how writing is taught throughout the entire law school curriculum and to make recommendations for any changes the Committee concluded would be desirable. He also asked the committee to consider whether the law school should continue to require the one-credit legal research class in the second semester of the students' first year. (The faculty had voted to require that class for the 2009-10 academic year and then to reassess whether that was the most effective way to teach these research skills.) The Committee members were: Barbara Bergman (chair), Marsha Baum, Barbara Blumenfeld, Chris Fritz, Steven Homer, Ernesto Longa, and Antoinette Sedillo-Lopez.

The Committee began meeting during the summer of 2009. We surveyed the faculty to determine which faculty members included a writing component in their classes and what types of writing projects they required. Those who required writing were then interviewed personally to gather more details. Committee members reviewed what other law schools were doing in their writing programs including the University of Seattle and the University of Detroit Mercy School of Law. The committee has also considered scholarship addressing the challenges and opportunities created by incorporating writing across the curriculum. Moreover, the Committee convened the following four focus groups to gather information about how our students, alumni, and employers of our graduates perceived the writing and research skills of our students.

Sept. 30	Current students
Oct. 1	Attorneys and judges
Oct. 5	Recent graduates
Oct. 8	Attorneys and judges

During the fall semester, first year students were encouraged to take a grammar diagnostic test and to attend workshops put on by Marilyn O'Leary focusing on basic grammar skills. These were modeled on workshops done by faculty at the University of Seattle. Ms. O'Leary was also available to meet individually with students who either wanted her assistance with their writing or were referred to her by other faculty. Only a small number of students took advantage of these tutorials, in part because of scheduling issues, but those who did seemed to

find them valuable. In addition, Bonnie Stepleton, as part of her student support work, has also worked with students with writing issues and can assist them in setting up sessions on main campus with the CAPS program that also provides writing assistance.

A considerable amount of information has been gathered from this process, but one theme has emerged in every source the Committee has consulted: our students need to write as much and as often as possible. Luckily, the law school already provides ample opportunities for them to do so. These many opportunities to write provide a jumping-off point for shifting our students' culture towards writing away from "do the least you can so that you can get out of here" towards "do as much as you can while you have the chance." To that end, the Committee has developed a proposal that expands students' writing experiences within the curriculum the law school currently offers. Where students once had two required semesters of writing, plus the writing requirement, students would now have four required semesters of writing with the option of a fifth semester for students wishing to attain the highest level of analytical writing to which they are capable. Moreover, the four required semesters will expose students to the range of types of writing and writing skills that alumni, faculty, employers – and students themselves – say they need. This proposal is intended to define the minimum writing experience for our students. We anticipate that it will also reduce the number of independent research projects being supervised by faculty. The students should be encouraged at every opportunity to take on additional writing experiences whenever possible, even if those experiences do not satisfy the proposed requirements.

The Committee recognizes that while we are preparing our students for the practice of law, we are also teaching law as part of a university. We believe it is important for our students to acquire practical skills, through courses focusing on practice related writing and drafting experiences. In addition, however, we think it is important that our students develop the skills of analytical reasoning and writing in a broader intellectual context. This seminar writing experience is part of the competency of every educated professional.

The Committee's assessment of writing in our current curriculum has also led us to examine the necessarily related question of research instruction and skills provided to our students. As with the question of writing, the wide-range of studies on the need for research instruction, the experiences with research skills in other law schools programs, and the feedback from faculty, students, attorneys, and judges collectively echoed a common theme: the need for

a meaningful component to develop legal research skills that is currently missing in our curriculum. This assessment leads the Committee to make the following recommendations to be applied beginning with the class of 2013:

1. End the current thesis requirement.
2. Require all students, including those serving on the law review to successfully complete a seminar paper as part of their graduation requirements. This paper must constitute a substantial piece of research and analytical writing requiring the student to explore a topic of their choosing. This writing is directed towards an open-ended exploration of ideas and a subject matter of intellectual interest to the student rather than writing designed to promote the interests of a specific client or a particular legal position.

The Associate Dean for Academic Affairs will identify those seminar classes that will fulfill this graduation requirement, guided by the following criteria:

- (a) A single paper
- (b) Requiring research
- (c) Written by a single student
- (d) Representing at least 75% of the seminar grade
- (e) Supervised by a regular or emeritus faculty member

A qualifying seminar may be offered for two or three credit hours at the discretion of the faculty member teaching the class, but all students taking the seminar would take it for the same number of hours.

3. Require all students to take and successfully complete a practice related/drafting class as part of their graduation requirements.

The Associate Dean for Academic Affairs will identify those drafting classes that will fulfill this graduation requirement, guided by the following criteria. (A significant number of faculty already teach classes that contain a substantial drafting component):

- (a) A substantial written product or a series of products which are collectively substantial
- (b) Requiring research (with exceptions for well-conceived closed drafting classes)
- (c) Written by a single student
- (d) Representing at least 75% of the course grade
- (e) Supervised by a regular, emeritus or adjunct faculty member

A qualifying drafting class may be offered for two or three credit hours at the discretion of the faculty member teaching the class, but all students taking the drafting class would take it for the same number of hours.

4. The students must take at least one of the above two classes—either the seminar or the practice related/drafting class—during their second year. Neither of those courses may be taken during the first year.
5. Provide students the option of a “thesis-like” writing experience through an independent study with individual faculty members (but such a thesis would no longer be required to graduate). The topic of such writing may well build on the paper satisfying the seminar requirement, but must go well beyond mere revision of the seminar paper and aspire to be of publishable quality. Supervising faculty may nominate selected thesis papers they feel merit an Honor Thesis Award, which if concurred in by the Honors and Awards Committee, will be noted on the student’s transcript. In addition, students on law reviews/journals working with faculty members would be eligible to have their articles/papers nominated by that faculty member for an Honor Thesis Award.
6. In addition to continuing the one-credit legal research class for 1Ls in their spring semester, require a two credit legal research course, to be taken during one of the following class sessions: the summer between their first and second year, during their second year or during the summer between their second and third years.¹ This two credit class would be designed to expose students in greater depth to research skills but would also require them to analyze the research they do and apply it to answer the issue presented in various factual scenarios.² In addition, we encourage faculty to incorporate instruction by research librarians into their seminar and drafting courses to further enrich the legal research skills of our students.

¹ This sixth recommendation was not a unanimous recommendation of the entire Committee.

² A more detailed description of this course would be:
Legal Research 2 would take a more in-depth look at legal bibliography, the process of legal research and methodologies, and the application of research skills to particular situations. Students would be exposed to a wide range of legal materials and practical techniques and strategies for using these materials competently and effectively in the research process. The goal of the course is to create self-sufficient legal researchers, capable of analyzing a legal problem, and formulating and executing the appropriate and most effective research methodology and applying those skills to a given scenario. Particular attention would be paid to types of legal sources and research not covered in the first year of law school (e.g., administrative law, legislative histories, and legal practice materials). Both print and online sources would be explored and evaluated.

Appendix II

The faculty adopted the following proposal at its meeting on March 2, 2010, to be applied beginning with the class of 2013:

1. The current thesis writing requirement will no longer apply to students (beginning with the class of 2013).
2. All students, including those serving on the law review, will be required to successfully complete a seminar paper as part of their graduation requirements. This paper must constitute a substantial piece of research and analytical writing requiring the student to explore a topic of their choosing. This writing is directed towards an open-ended exploration of ideas and a subject matter of intellectual interest to the student rather than writing designed to promote the interests of a specific client or a particular legal position.

The Associate Dean for Academic Affairs will identify those seminar classes that will fulfill this graduation requirement, guided by the following criteria:

- (f) A single paper
- (g) Requiring research
- (h) Written by a single student
- (i) Representing at least 75% of the seminar grade
- (j) Supervised by a regular or emeritus faculty member

A qualifying seminar may be offered for two or three credit hours at the discretion of the faculty member teaching the class, but all students taking the seminar would take it for the same number of hours.

3. All students will be required to take and successfully complete a practice related/drafting class as part of their graduation requirements.

The Associate Dean for Academic Affairs will identify those drafting classes that will fulfill this graduation requirement, guided by the following criteria:

- (f) A substantial written product or a series of products which are collectively substantial
- (g) Requiring research (with exceptions for well-conceived closed drafting classes)
- (h) Written by a single student
- (i) Representing at least 75% of the course grade
- (j) Supervised by a regular, emeritus or adjunct faculty member

A qualifying drafting class may be offered for two or three credit hours at the discretion of the faculty member teaching the class, but all students taking the drafting class would take it for the same number of hours.

4. The students must take at least one of the above two classes—either the seminar or the practice related/drafting class—during their second year. Neither of those courses may be taken during the first year.
5. Students will be provided with the option of a “thesis-like” writing experience through an independent study with individual faculty members (but such a thesis would no longer be required to graduate). The topic of such writing may well build on the paper satisfying the seminar requirement, but must go well beyond mere revision of the seminar paper and aspire to be of publishable quality. Supervising faculty may nominate selected thesis papers they feel merit an Honor Thesis Award, which if concurred in by the Honors and Awards Committee, will be noted on the student’s transcript. In addition, students on law reviews/journals working with faculty members would be eligible to have their articles/papers nominated by that faculty member for an Honor Thesis Award.
6. The current one-credit legal research class for 1Ls in their spring semester will no longer be required after the spring of 2010. Instead, all students (beginning with the class of 2013) will be required to take a two credit legal research course before the end of their second year.

Myers, David

From: Michael Browde [BROWDE@law.unm.edu]
Sent: Tuesday, March 02, 2010 8:32 AM
To: Faculty
Cc: McSherry, Erin; Duprez, Jennifer
Subject: This Afternoon's Discussion of the Writing Requirement Proposal

Dear Colleagues:

I am sorry I couldn't be with you for the final discussion concerning the final draft of the Writing Curriculum Assessment Committee Report. I write to support the Law Review request that students who complete the Review's Case Note or Comment second year requirement be given credit for the "Seminar Paper" in the proposed policy. I understand that the Law Review fully supports and accepts the "Practice Related/Drafting Class" obligation for its members.

I am perplexed about how things have proceeded with a committee that was asked to "review how writing is taught throughout the entire law school curriculum." It seems clear that the committee's proposal, to incorporate additional required classes, was initially one in which those classes would become the vehicle for the delivery of more consistent and better supervised academic and practice-oriented writing. I am concerned, however, that initial idea seems to have morphed into a program that compels participation in seminars as a necessary part of the curricular experience, independent of writing. I come to that conclusion in part because at the meeting with the Committee and the Law Review staff last week, there was no concern about the quality of the academic writing experience Law Review students engage in during their second year, but the focus shifted to the importance of Law Review students participating in seminars. I was also concerned with the Committee's attitude about the Law Review as just another voluntary student organization, rather than the essential part of the academic experience of the Law School--focused very heavily on quality student writing--that it has always been.

In addition to the fact that all concerned agree that the quality of the Law Review's required writing more than satisfies the proposed seminar writing, I am concerned about two collateral effects of the new policy recommendation if the exception is not granted.

First, and in conjunction with the new format for the NRJ which no longer involves writing, I am concerned that the new policy will have a deleterious effect on Law Review recruitment. Many students may now look at the lay of the land and conclude that they can get the same Review/Journal "credit" in the job market through NRJ, while avoiding what will be viewed as the Law Review's additional writing requirement.

I saw a similar pattern when the Nat'l Moot Court requirements were seen as more onerous, and applications fell off in favor of less burdensome moot court experiences over the last decade. As a result, the Nat'l Moot Court Team has fallen from the premier moot court experience it once was to just one of many such experiences available in the law school.

Second, and related to the first, if the want of the limited exception leads to the Law Review moving in the direction of the new NRJ model, then I worry about the core academic value that would be lost, as well as the diminishment of the useful commentary on New Mexico jurisprudence, that Law Review student writing facilitates.

All the best,
mbb

Myers, David

From: Bergman, Barbara
Sent: Thursday, February 25, 2010 10:53 AM
To: Faculty; Close, Brian; Gleeson, Catherine; Daniel, Lacy; McSherry, Erin
Subject: Revised Writing Proposal
Attachments: Writing requirement 2009-2010.pdf; Writing requirement 2004-05.pdf; Ways in which thesis requirement were met.docx; Seminars & Drafting classes survey 2.25.10.docx; Revised Report and Recommendations.doc

Dear Faculty and Student Representatives:

After the last faculty meeting, the Writing Assessment Committee has met two additional times, including a meeting this week with representatives from the Law Review. After those meetings and further discussion, we have made a few changes to the recommendations in our report, including a non-unanimous recommendation to require a 2-hour legal research class during a student's second year. The revised report is attached. I am also attaching (1) the current handbook provisions regarding the writing thesis requirement and the previous policy to provide some legislative history, (2) a list of how students in the last two graduating years completed their thesis requirement; and (3) a rough chart of current courses that might qualify as seminars and drafting courses under this proposal. Please let me know if you would like anything else before the faculty meeting on Tuesday.

Barbara

Seminars

Professor	Class	Meets/Modify
GVW	Native American Rights	research paper is required, and its 3 drafts and oral presentation make up grade
GVW	Indigenous Peoples and International Law	research paper is required, and its 3 drafts and oral presentation make up grade
Fritz	CHLP Revisited	Meets new guidelines
Fritz	American Const Hist	Meets new guidelines
Fritz	State Con Law and History	Meets new guidelines
Mathewson	Sports Law	Students who want to satisfy the writing requirement must continue after the semester without additional credit or grade until the paper satisfies the writing requirement, including length and substantive standard.
Benson	NRJ I & II seminar	Kristina is willing to continue teaching the seminar going forward, but as you know, we're dropping the paper from NRJ I & II, so that seminar will no longer result in a paper that would satisfy the proposed new requirement.
Fort	Western Water Policy	appropriate for the writing requirement, per number 1.
Burr	Art Law	Students have the option to write a paper for an additional credit that meets the writing requirement.
Moore	Refugee & Asylum Law	category #1 without requiring modification. In past years I have allowed students to take my seminars for 3 credits or 2 credits, 3 credits amounting to a longer more substantial paper to be submitted towards satisfaction of the writing requirement. I would like to continue that option, if possible.
Moore	Human Rights	category #1 without requiring modification. In past years I have allowed students to take my seminars for 3 credits or 2 credits, 3 credits amounting to a longer more substantial paper to be submitted towards satisfaction of the writing requirement. I would like to continue that option, if possible.
Hart/Martin	consumer law	would have met the first requirement.
Suzuki	Bioethics	Currently would not fulfill the proposed Writing Assessment Committee criteria. With the paper, Bioethics was three credits: 25 percent participation, 25 percent paper, 50 percent final exam. In Bioethics, a student who could not follow the schedule would be able to drop down to two credits for the course during the semester. With the proposal, a student would need to consider dropping the course mid-semester if s/he could not follow the schedule.
Suzuki	AIDS and the Law	Currently would not fulfill the proposed Writing Assessment Committee criteria. If a paper were worth 75 percent of a grade, I would probably require that the paper to undergo a series of systematic, thorough and scheduled revisions.
Gerding	Financial Crisis	graded based on research papers.
Gerding	Law & Economics	graded based on research papers.

Drafting (gray highlighted are proposed classes)

Professor	Class	Meets/Modify
Hart	contract drafting	would meet the second requirement
Occhialino	Civ Pro I drafting course	IL's for 1 credit as they take Civ Pro I.
Occhialino	CPII	teaching the drafting with adjuncts as a separate two credit course taken with CPII. By labeling it a separate course, the 75% grading requirement would be met
Occhialino	Conflicts	one credit course on drafting choice of forum, choice of law etc clauses in contracts
Gerding	Business Planning	involved 2-4 drafting assignments (including complex contracts) that also involve research. The entire grade was based on the drafting assignments and a pass/fail negotiation.
LRRW faculty	Advanced writing	meets the requirements
Andzic-Tomlinson	International Law	Could be modified
Landau	Immigration Practicum	Currently the written products (affidavits, motions, and briefs) that require research count for 50% of the grade, but I would be fine with adjusting it to 75%.
Sanders/Stout	Insurance Law	David and I think Insurance Law meets the requirements.
Pareja, M.	Estate and Retirement planning	Meets all those requirements. The research element is bit weaker in the way I have traditionally taught the subject, but could easily be more heavily incorporated.
Biderman, P.	Effective Representation of Public Clients	drafting a bill that could be introduced in the New Mexico Legislature meets the requirements of No. 2

Myers, David

From: Rapaport, Elizabeth
Sent: Thursday, March 04, 2010 9:31 AM
To: Faculty
Subject: Faculty Appointments

Dear Colleagues,

We had a long faculty meeting on Tuesday, and people had to drift away before we could have much discussion of the Committee's report. In the interim before we return to this subject at our next faculty meeting, here is a brief summary of the committee's recommendations for target areas for three hires in 2010-11. These recommendations address deficits in our ability to deliver our curriculum resulting from the wave of retirements.

Business and Tax Clinician

Civil Procedure -- depth and breath in civil procedure curriculum, leadership or leadership potential

Property/Constitutional Law -- Range of possible configurations of property subjects or (we are not looking for a superprof who does it all, but lightening could strike) constitutional law.

Additionally, we recommend hiring a clinician in Year 2, 2011-12, when we plan to make 2 hires.

We also discussed Indian Law hiring at the faculty meeting about which the committee has not as yet reached a recommendation.

I hope you will button hole members of the committee to keep the feedback ball rolling; we need to hear from you in hallway conversations to help us move along;

The membership of FacAps:

Marsha Baum

Laura Gomez

Nathalie Martin

Jose Martinez

Ted Occhialino

Christine Zuni Cruz

Liz Rapaport, Chair

Best,

Liz