

**UNM SCHOOL OF LAW  
FACULTY MEETING**

**Tuesday, March 23, 2010**

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

Attendance: Marsha Baum, Reed Benson, Barbara Bergman, Paul Biderman, Barbara Blumenfeld, Camille Carey, Barbara Creel, Eileen Gauna, Erik Gerding, Laura Gómez, Ann Hemmens, April Land, John LaVelle, Nathalie Martin, José martin, Alfred Mathewson, David Myers, Mike Norwood, Sergio Pareja, Carol Parker, Liz Rapaport, Carol Suzuki, Gloria Valencia-Weber, Kevin Washburn, Peter Winograd, Christine Zuni Cruz

Students: Brian Close, Kate Gleeson

Staff/Sr. Admin: Sandra Bauman, William Jackson, Peggy Lovato, Bonnie Stepleton

- I. Approval of March 2, 2010, Meeting Minutes – Dean Washburn  
A motion to approve the minutes of the March 2<sup>nd</sup> meeting as presented was made, seconded, and passed by unanimous vote.
  
- II. Announcements – Dean Washburn
  - a. Assistant Dean Bonnie Stepleton made the following announcements:
    - i. Faculty planning to attend graduation should notify Nancy Huffstutler immediately as the order for regalia is due on March 3<sup>rd</sup>.
    - ii. Faculty should send nominations for honors and awards to Asst. Dean Stepleton as soon as possible.
    - iii. First-year orientation will be held August 19 – 20, 2010.
  - b. Associate Dean Carol Parker asked faculty to please provide specific need-by dates when making book order requests of the Library.
  - c. Dean Washburn provided budget scenarios based on the Governor's possible actions in regard to signing the State budget presented by the legislature.
  - d. Dean Washburn presented an update on the 60 for 60 initiative and strongly encouraged faculty to submit a written contribution to the effort.
  - e. Professor Sergio Pareja announced that students from Guanajuato will be arriving and attending classes at UNMSOL during the week of March 7<sup>th</sup>.
  - f. IPL Director Paul Biderman reminded faculty of the Ethics in Government lecture on March 31<sup>st</sup>.
  - g. Professor John LaVelle reminded faculty of the 35<sup>th</sup> Annual Indian Law Conference at Buffalo Thunder, April 8-9, and asked that students be excuse from class to attend.
  - h. Professor April Land provided additional information on honors and awards nominations and faculty donations.
  - i. Professor Nathalie Martin provided details and a reminder of the upcoming retirement party.

- III. Appointments Committee Report – Professor Liz Rapaport
- a. Professor Rapaport reminded faculty of last meeting’s presentation, summarized as follows:
    - i. Year one (next year, FY11) – conduct searches for three appointments, potentially laterals, for:
      1. Civil procedure/litigation, preferably an anchor quality hire
      2. Business and tax clinician/economic justice
      3. Property or constitutional law
    - ii. Year two (FY12) – conduct searches for two appointments:
      1. Clinician, possibly a clinic director
      2. Indian law
    - iii. Year three and beyond will be an ongoing process of evaluating the yield of the first two years over and against the current and future gaps (created by pending retirements, etc.)
  - b. Professor Rapaport thanked faculty for, and summarized, the feedback she and the committee had received regarding this hiring scenario.
  - c. She also delineated a proposed timeline for year-one hiring, the committee’s recommendation being to begin the process as quickly as possible.
  - d. General comments and discussion ensued.
  - e. A proposal to conduct a straw vote to get a feel of the faculty’s comfort level about moving ahead with the committee’s proposed hiring plan was made, seconded and passed by unanimous vote.
  - f. The straw vote was conducted, which by show of hands indicated a high majority of the faculty are comfortable with moving ahead with the committee’s proposed hiring plan.
- IV. Remodel of Room 2404 – Associate Dean Carol Parker
- a. Dean Parker distributed and provided an explanation of architectural drawings for the central moot courtroom.
  - b. The purpose of the refurbishing is to create a more useful multipurpose room.
  - c. Comments and discussion proceeded throughout and following Dean Parker’s brief presentation.
  - d. A motion was made and seconded to call the question of proceeding with the refurbishing of 2404 as presented with the inclusion of potential modifications suggested during the conversation. The motion to move forward with the remodel passed by a heavy majority.
- V. Proposed Curriculum for 2010-11 – Associate Dean Barbara Bergman
- a. Dean Bergman referred faculty to the draft reports distributed via e-mail prior to the meeting, acknowledging some minor changes would be made based on feedback received during the intervening time.
  - b. The committee recommended the faculty generally approve the proposed curriculum.
  - c. A motion to approve was made, seconded and passed by unanimous vote.

The meeting was adjourned at 5:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Sandra Bauman". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Sandra Bauman  
Administrative Assistant to the Dean

## Myers, David

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**From:** Bergman, Barbara  
**Sent:** Wednesday, February 10, 2010 10:55 AM  
**To:** Faculty  
**Subject:** Writing in Current classes

**Importance:** High

Dear Colleagues:

As you know, we discussed the recommendations of the Writing Assessment Committee at our faculty meeting yesterday. I have been asked to determine how many of you who have taught seminars or drafting classes in the last two years have taught them in a way that would meet the following criteria:

1. Require all students, including those serving on the law reviews/journals, 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

2. Require all students to take and successfully complete a practice related/drafting class as part of their graduation requirements. A significant number of faculty already teach classes that contain a substantial drafting component.

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

- (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

I would appreciate you letting me know what those seminars or drafting classes were; and if you taught a seminar or drafting class that did not comply with all these criteria, would you be willing to consider modifying it to do so.

I appreciate your prompt response.

Barbara Bergman

## 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. Require all students, including those serving on the law reviews/journals, 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
2. Require all students to take and successfully complete a practice related/drafting class as part of their graduation requirements. A significant number of faculty already teach classes that contain a substantial drafting component.

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

- (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
3. The students must take at least one of these 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.
  4. Provide students the option of a “thesis-like” writing experience through an independent study with individual faculty members. 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.

5. In addition to continuing the one-credit legal research class for 1Ls in their spring semester, require a one credit legal research course, to be taken in either in the 3<sup>rd</sup> or 4<sup>th</sup> semester. 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.

## Myers, David

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**From:** Rapaport, Elizabeth  
**Sent:** Friday, March 05, 2010 3:40 PM  
**To:** Faculty  
**Subject:** More on Hiring Recommendations from FacAps Com

Colleagues,

Faculty Appointments will continue its presentation to the faculty at the March 23<sup>rd</sup> Faculty Meeting. To summarize, we will be looking to make 3 hires in Year 1, 2010-11, and 2 hires in Year 2, 2011-12. The Faculty Appointments Committee recommends the following course of action:

### Year 1 Recommendations

business and tax core clinician

civil procedure -- depth and breadth in civil procedure curriculum, leadership or leadership potential

property/constitutional Law -- Range of possible configurations of property subjects OR constitutional law.

### Year 2 Recommendations

In light of current levels of staffing and anticipated retirements in the clinic, the Committee recommends that 1 hire in Year 2 be a core clinician.

In light of the loss of Kip Bobroff and the anticipated retirement of Gloria Valencia Weber, the Committee recommends that 1 hire in Year 2 be a person whose primary research and teaching interest be Indian Law.

Elizabeth Rapaport  
Dickason Professor of Law 2009-11  
& Professor of Philosophy

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