

FACULTY MEETING AGENDA

Tuesday, March 8, 2011

1. Announcements
2. Approval of February 8th Meeting Minutes
3. Admissions Update - Professor Gloria Valencia-Weber
4. Bar Exam Preparation - Professor Margaret Montoya
5. Committee on Law Reviews and Journals Report - Assoc. Dean Carol Parker
6. Faculty Appointments - Dean Kevin Washburn
7. Faculty Senate Election - Dean Kevin Washburn

**UNM SCHOOL OF LAW
FACULTY MEETING**

Tuesday, March 8, 2011

The meeting was called to order at 3:11 p.m.

Attendance: Marsha Baum, Reed Benson, Barbara Bergman, Michael Browde, Sherri Burr, Eileen Gauna, Laura Gómez, Scott Hughes, April Land, Antoinette Sedillo Lopez, Nathalie Martin, José Martinez, Alfred Mathewson, Margaret Montoya, Jenny Moore, David Myers, Mike Norwood, Sergio Pareja, Carol Parker, Liz Rapaport, Leo Romero, Carol Suzuki, Sherri Thomas, Gloria Valencia-Weber, Kevin Washburn, Peter Winograd

Students: Ethan Thomas, David Odegard, Katie Gleeson

Staff/Sr. Admin: Sandra Bauman, William Jackson, Melissa Lobato, Susan Mitchell, Bonnie Stepleton

Guests: David Herrera Urias, Roxie De Santiago

I. Announcements

- a. Dean Washburn announced, and distributed, 5-year service awards to Professor Sherri Thomas, Melissa Lobato and Sandra Bauman.
- b. Due to the dean's hosting of Justice Elena Kagan for the Law School's commencement ceremonies, Associate Dean Mike Norwood has graciously agreed to represent the Law School during the main campus commencement ceremonies on Saturday, May 14.
- c. Professor Christine Zuni Cruz will be honored during the Tribal Law Journal's March 10th half-day symposium, "Cultivating Native Intellect and Philosophy: A Community Symposium Recognizing and Discussing the Contributions of Christine Zuni Cruz."
- d. Upon Dean Washburn's request, David Herrera Urias introduced both himself and Roxie De Santiago. They are board members of the Hispanic Bar Association of New Mexico, who attended the meeting as guests.

II. Approval of Meeting Minutes, February 8, 2011

- a. A motion was made and seconded to approve the minutes, as presented, from the February 8th faculty meeting.
- b. There was no further discussion, and the motion received unanimous approval by a show of hands.

III. Admissions Update - Professor Gloria Valencia-Weber and Assistant Dean Susan Mitchell

- a. Professor Valencia-Weber provided an explanation on how UNM Law School conducts its admissions process, the reasoning behind that process, as well as its importance.
- b. Assistant Dean Mitchell provided an update on the actual statistics. Our admitted number is now at 149 (100 residents, 49 nonresidents).

- c. A brief period of questions and discussions followed these presentations.
- IV. Bar Exam Preparation - Professor Margaret Montoya and Assistant Dean Bonnie Stepleton
- a. Professor Montoya provided background on how she became involved with students for bar exam preparation.
 - b. She shared information about the make-up of the NM State Bar exam, explaining the inclusion of Multistate Performance Test (MPT) questions, and described the exam scoring system.
 - c. The experience of students who recently have not passed the bar exam suggests that better performance on the MPT might have made the difference. Professor Montoya's conclusion is that helping students prepare for the MPT questions would result in a better passage rate, and suggests institutional approaches (below) as well as workshops.
 - i. Incorporating versions of MPT questions in assignments or final exams.
 - ii. Offering a bar exam preparation course - specifically focused on the MPT, as national bar review courses such as BarBri and Kaplan do not offer any preparation in this area.
 - iii. Encouraging other faculty members to assist students, either in small group or one-on-one formats.
 - d. Assistant Dean Stepleton provided supplemental information by circulating actual copies of past MPTs for faculty review, and detailing the resources, workshops and free review course she offers to any interested students.
 - e. Questions and discussion occurred throughout the presentation, as well as upon wrap-up.
- V. Committee on Law Reviews and Journals Report - Associate Dean Carol Parker
- a. Copies of the committee's report were distributed, in addition to being posted on the School's website.
 - b. Associate Dean Parker provided background on the committee's charge, and fleshed out its recommendations, which are:

Charge #1: Committee's Recommendation for Student Credit Hours
(SCH)

NMLR 2+2 (2nd yr)* 2+2 (3rd yr) 8 total
 NRJ 1+1 (2nd yr)** 2+2 (3rd yr) 6 total
 TLJ 1+1 (2nd yr)** 2+2 (3rd yr) 6 total

*Credits will be 2 + 2 + 2 + 2 for any journal that requires its members to take a specific substantive seminar that is open only to members of that journal, which includes writing a paper that meets the seminar writing requirement. Students meet the seminar writing requirement through the journal's seminar, but do not receive separate credit for the seminar.

**Credits will be 1 + 1 + 2 + 2 for any journals that does not require all of its members to take a specific seminar. Students meet the seminar

requirement by taking a seminar that is not limited to members of the journals and receive separate credit for taking that seminar.

- c. Emeritus Professor Michael Browde provided background and explanation for the additional following recommendation for the NMLR:

A proposal to create a substantive seminar on the topic of New Mexico jurisprudence that would permit NMLR to pursue the 2 + 2 + 2+ 2 option described above is entitled Appendix D on the Intranet. This proposal will be submitted to the Curriculum Committee for consideration.

- d. Professor Reed Benson added insight as to what is currently going on with the NRJ.
- e. Various faculty members asked questions and discussed points throughout the presentation.
- f. Due to time restraints, it was decided to postpone voting on the recommendations to the next faculty meeting, as well as provide time to potentially find a faculty member willing to teach the proposed NMLR seminar course in Fall 2011.
- g. Assoc. Dean Parker reiterated the necessity to vote on these recommendations in order to avoid repercussions for current journal students and future recruitment efforts for the journals.

VI. Faculty Appointments - Dean Kevin Washburn

- a. Dean Washburn recapped the successful hiring season.
- b. He reiterated the hiring proposal for next year, based on the four-year plan developed by the Faculty Appointments Committee. However, he also said, due to changing circumstances, next year's plan may need review and possible readjustment.
- c. He asked faculty members to notify him if they are interested in serving on next year's Faculty Appointments Committee.
- d. This subject will also be added to the next faculty meeting's agenda.

VII. Faculty Senate Election - Dean Kevin Washburn

- a. Dean Washburn reminded the faculty of the pending vacancy for a School of Law representative to UNM Faculty Senate, and of his e-mail solicitation for volunteers.
- b. Professor Scott Hughes volunteered to represent the Law School, having done so in the past.
- c. In light of no other faculty members expressing interest, there was no need for a formal context, and Professor Hughes was elected to the post by popular acclamation.

The meeting was adjourned at 4:55 p.m.

Respectfully submitted,



Sandra Bauman
Administrative Assistant to the Dean

MEMORANDUM

To: The Faculty

From: Michael Browde

Date: March 8, 2011

Re: Structure of the Law Review Only Seminar

Carol has presented a report on the unanimous passage of her Committee's proposal concerning the seminar requirement for Journal students, coupled with the reduction in Journal hours. In support thereof, and at the request of the Committee, I agreed to provide this explanation of the kind of seminar the Law Review anticipates as complying with the "journal only" seminar in the Committee proposal.

First, a bit of background:

1. You will recall that when the faculty voted on the new seminar-based writing requirement, and the rejection of the Law Review request for an exception that would allow the Law Review note/comment to continue as satisfying the writing requirement, that discussion raised the concern about Review/Journal credits, thus joining the two issues. Both issues continued to be joined in the discussion of the Committee leading to the proposal now before you.

2. Several years ago, when credits for the Law Review were increased to mirror the credits for the NRJ, I, as faculty advisor, was tasked with conducting a 1 hour, Law Review only seminar. In doing so, I tried to emulate the highly successful NRJ seminar conducted by Em Hall focused on writing skill development. It is only because I was unable to succeed at that task to my satisfaction, that the one hour session was transformed into an Editorial Board-run session (including occasional presentations by me, by library staff and others).

Second, the Law Review is undergoing an internal transformation, rededicating itself to its founding mission of focusing on issues of importance to the development of New Mexico Jurisprudence.

Third, in the course of the Committee's deliberation, and the path to adoption of the proposal before you (first developed by Reed Benson), the Law Review saw in the proposal a way to reestablish a substantive faculty-led seminar that would:

Report of the Committee on Law Reviews and Journals
March 8, 2011

Browde, Michael; Benson, Reed; Fritz, Chris; Gómez, Laura; Homer, Steve; Kelly, Susan; Norwood, Mike; Parker, Carol (Chair); Zuni-Cruz, Christine; Duprez, Jennifer (NMLR student); Lane, Maggie (NRJ student); Winston, Selesia (TLJ student)

Charge: (1) Evaluate the number of credit hours given for student participation on each of the three law journals; (2) Guide the reorganization of the administrative structure of the three law journals (Natural Resources Journal, New Mexico Law Review and Tribal Law Journal) in light of budgetary demands and the curricular purposes of the journals serve.

Context of Committee's Work

Spring 2010 the Faculty voted to require a minimum of two ULWR classes for graduation: (1) a drafting class, and (2) a seminar class. The Faculty also determined that journal students who are required to write a note or comment (currently NMLR) would still have to take a seminar class.

Several other concerns were expressed during the writing requirement discussion, primarily centered around the number of student credit hours (SCH) journal service provides. It was stated that the number of SCH earned are so substantial that they crowd out opportunities to take other classes, or can prevent students from qualifying for Order of the Coif. It was also stated that other law schools don't award as many SCHs, or limit higher numbers of SCH to managing editor positions. The faculty determined that an ad hoc committee should take up the matter of SCH for journal service and make a recommendation to the faculty in the 2010-2011 academic year.

2010-11 Journal Enrollment:

NMLR - 2L editorial staff: 13
NMLR - 3L editorial board: 16
NRJ - 2L editorial staff: 11
NRJ - 3L editorial board: 12
TLJ - 2L editorial staff: 10
TLJ - 3L editorial board: 6

2010-11 Student Credit Hours (SCH) Earned:

NMLR	3+3 (2 nd yr)	3+3 (3 rd yr)	12 total
NRJ	2+2 (2 nd yr)	3+3 (3 rd yr)	10 total
TLJ	1+1 (2 nd yr)	2+2 (3 rd yr)	6 total

Committee Process

The Committee met on November 3, 2010, February 15, 2011 and March 1, 2011. To ensure that students had ample opportunity to provide input, the committee asked the three journals to provide it with the following:

1. A proposal on the question of how many credits should be received for service on their respective journals (both as staff and later as board members).
2. A proposal on the question of whether or how a journal writing requirement might satisfy the current upper level seminar paper writing requirement
3. Share with the committee the reasons student decide to serve on their respective journals, i.e., what are the typical motivations for a modern law student
4. Suggest changes that could be made to ensure journal service remains an attractive option for students, given all of the competing co-curricular options now available.

The committee added #3 and 4 because of a strong interest in keeping journal service an attractive, viable option in the future to ensure the continuation of the journals. The student reports have been entitled Appendices A-C, and are available on the Intranet at:

<https://lobolaw.unm.edu/faculty/handbook/governance/committee-reports-archives/10-11/index.php>.

Charge #1: Committee's Recommendation for Student Credit Hours (SCH)

NMLR	2+2 (2 nd yr)*	2+2 (3 rd yr)	8 total
NRJ	1+1 (2 nd yr)**	2+2 (3 rd yr)	6 total
TLJ	1+1 (2 nd yr)**	2+2 (3 rd yr)	6 total

*Credits will be 2 + 2 + 2 + 2 for any journal that requires its members to take a specific substantive seminar that is open only to members of that journal, which includes writing a paper that meets the seminar writing requirement. Students meet the seminar writing requirement through the journal's seminar, but do not receive separate credit for the seminar.

**Credits will be 1 + 1 + 2 + 2 for any journals that does not require all of its members to take a specific seminar. Students meet the seminar requirement by taking a seminar that is not limited to members of the journals and receive separate credit for taking that seminar.

A proposal to create a substantive seminar on the topic of New Mexico jurisprudence that would permit NMLR to pursue the 2 + 2 + 2 + 2 option described above is entitled Appendix D on the Intranet. This proposal will be submitted to the Curriculum Committee for consideration.

Charge #2: Guide the reorganization of the administrative structure of the three law journals in light of budgetary demands and the curricular purposes of the journals serve

The committee functioned as an advisory committee with respect to recent changes in how the law school provides administrative support for the journals. Below is a list of administrative changes implemented in the past year:

Reporting Lines:

Administrative support for the journals was moved under the Law Library as of 5-1-10; Lynne Arany became a member of the library staff, and no longer reported to Prof. Reed Benson now that NRJ is no longer faculty edited; Jessica Leary retired and her salary line was eliminated. The business operations for NMLR and NRJ previously provided by Jessica Leary was absorbed by the library business operations infrastructure. Administrative support of NMLR and NRJ is well developed; administrative support for TLJ is still developing, with TLJ students only recently moving into the journals suite inside the library.

Budget:

Staff support for journals is now completely subsidized by the law school's I&G revenue, subscription revenue having dwindled to the point that no staff salary subsidy remains. Subscription revenue for NMLR and NRJ barely covers costs of operations & print production and at present, there is no surplus in either journal's operating index to fund special events such as symposia (symposia funding would have to come from other sources were they to occur). There is little historical data for reference; cancellation rates were not previously tracked and royalty income was not segregated so it remains unclear whether print subscription revenue even covers the cost of print subscriptions. It appears likely that royalty revenue is providing a good portion of operating revenue. TLJ received no subscription or royalty revenue and its operating costs are wholly subsidized by law school I&G revenue.

Revenue enhancement strategies for the two print journals include more aggressive marketing to counter declining subscriptions, especially for NMRL (e.g., the recent decision to refocus NMRL as a publication focused on issues of NM jurisprudence should help). The recent shift of NRJ from four issues a year to two should also help reduce operating costs in future years.

Revenue enhancement strategies also include focusing on increasing royalty revenue associated with relicensing to online database publishers. This source of revenue will remain viable even if print publication should cease and the journals become digital publication (likely to occur when subscription revenue can no longer cover printing costs). New royalty contracts were negotiated with Lexis, EBSCRO and Gale Publishing in the past year, which would increase royalty revenue. Six new contracts are currently awaiting approval by the University Counsel's office.

Production Enhancements:

All three journals achieved 100% open access in the past academic year, with all issues now freely available on the journals' web sites.

Lynne Arany was charged with the goal of developing the capacity to produce camera-ready images in house to prepare for the possibility that we will one day abandon print production (other than to produce archival copies through print-on-demand production). Currently we pay our printer to provide PDFs.

The law school IT staff installed Open Journals System (OJS) software in the past year for the journals to use. OJS has the capacity to both manage students' workflow as well as publish digital issues of the journals (either as free open access publications, or as subscription based online journals). Lynne Arany was charged with supporting the students' transition to use of this software to manage production in the coming year. Library faculty member, Ernesto Longa, will serve as journal liaison to other digital initiatives in place on main campus and as a technical resource for OJS. Prof. Longa also continues to monitor initiatives on main campus to develop print-on-demand resources which might one day allow us to forego having an outside printer contract.

Facilities:

The journals suite was refurbished in the past year with new carpet and furniture upgrades. TLJ moved into the suite to join NMLR and NRJ.

Respectfully submitted,

Carol Parker, Committee Chair

To: UNMSOL Journal Committee
From: Jennifer Duprez, D'Ontae Sylvertooth
Editors-in-Chief, New Mexico Law Review
Re. New Mexico Law Review Proposal
Date: January 25, 2011

A. Background

A student typically participates on the New Mexico Law Review (NMLR) for four semesters. During the student's first and second semester on Law Review the student is deemed to be part of the Law Review staff, during which time the student largely works on their Law Review article, as well as source and cite checking assignments. During the third and fourth semesters the student becomes a Board member and is responsible for the publication of three Law Review issues, each of which contains 5-7 Law Review articles. Dependent on the position held, this responsibility could extend beyond the third year. The student's specific responsibilities during their third and fourth semesters vary by their Board position, which is determined by an election.

1. First and Second Semesters

The Law Review article involves extensive researching and writing, and often times results in articles well over 50 pages long. This process is monitored and assisted by a faculty supervisor, who in the past has made the ultimate determination of whether the student satisfied UNMSOL's writing requirement, a Law Review Board Member, and Professor Browde. The process of writing a Law Review article is designed to further the student's research, writing, and analytical abilities. The writing of the Law Review article is an integral and quintessential aspect of being on Law Review.

The source and cite checking assignments require the student to fine tune their blue booking abilities, as well as their researching methods. These source and cite checking assignments on average require the student to spend 5-10 hours of work on their section of the article. Over the course of two semesters the student is required to complete about 12-15 source and cite checking assignments. Additionally, during the second semester, students will submit their articles for publication. If selected for publication, the student will source and cite check the entire article of another student author, as well as undergo an extensive editing process for their article.

The student's learning during their first and second semesters on Law Review is supplemented by a weekly seminar class. This class is designed to assist the student with blue booking, researching, and writing. The class is directed by the Editor-in-Chief(s) of the Law Review and is often taught by faculty or other professional staff, such as one of the UNMSOL librarians or Lynne Arany.

Additionally, on top of the Law Review article and the source and cite checking assignments, a major focus during the student's second semester is preparation for being a Board member. Extensive training is often required in order to ensure a smooth transition from one Board to the

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next. Most students have limited knowledge in management and publication, thereby requiring hands on instruction from the current Board members and Lynne Arany.

2. Third and Fourth Semesters

During the student's third and fourth semesters on Law Review the student is considered to be a Board member. The Board is made up of five positions: Editor-in-Chief, Managing Editor, Professional Articles Editor, Student Articles Editor, and Manuscript Editor. Below is a brief description of each position.

- a. Editor(s)-in-Chief:
Managing the daily operations of the Law Review and ensuring the publication of three issues per year.
- b. Managing Editor:
Responsible for overseeing the source and cite checking of every professional article selected for publication
- c. Professional Articles Editor:
Reading and recommending professional articles for publication as well as soliciting articles from the legal community
- d. Student Articles Editor:
Substantive editing of student articles and advising staff through the process of writing a Law Review article
- e. Manuscript Editor:
Technical and substantive editing of professional articles

In addition to the above responsibilities, each Board member plays a crucial role in preparing the incoming Board for the publication process.

B. Proposal

1. Credits

We propose that the number of credits received for Law Review be reduced accordingly:

- First Semester on Law Review: 2 credits
- Second Semester on Law Review: 2 credits
- Third Semester on Law Review: 3 credits
- Fourth Semester on Law Review: 3 credits

Currently the members of Law Review receive 3 credits per semester, totaling 12 credits. The above proposal would reduce the number of credits received from a total of 12 to a total of 10, thereby requiring the student to take one extra class to make up the difference.

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2. UNMSOL Seminar Writing Requirement

In conjunction with, and conditioned on our agreement to reduce the number of credits for Law Review, we propose that the Committee recommend to the Faculty a return to the policy that a student on Law Review be able to satisfy the writing requirement affiliated with a seminar (not the practice related/drafting writing requirement) through their Law Review article. As in the past, the Law Review article would be supervised by both a Law Review Board Member and a UNMSOL faculty member who would make the ultimate determination of whether the student's Law Review article satisfied the UNMSOL's seminar writing requirement.

3. Alternative

As an alternative, Law Review would consider further reducing the total number of credits by two. This would bring the total number of credits for one's participation on Law Review to eight credits. It is Law Review's position that if this were to occur, that one credit be taken from each semester on Law Review, which would result in two credits per semester. As indicated in the first proposal, this reduction in credits is contingent on a Law Review student's ability to fulfill the seminar writing requirement by way of their Law Review article, subject to their advisor's discretion.

NRJ has a different position on how these credits are divided but because Law Review's work is distributed differently, our preference is for Law Review members to receive two credits per semester under this alternative proposal. It is our position that a difference in the distribution of credits between Law Review and NRJ would not be of great significance and would receive our support.

C. Rationale

1. Credits

While Law Review is not opposed to a reduction in credits, it is Law Review's position that any reduction should be limited. The NMLR is typically much smaller than other journal's around the country. This limitation in man power requires each student to take on more responsibilities. For example, in order to ensure quality articles, many articles submitted to NMLR require extensive editing. This is mostly attributed to NMLR's ranking amongst other journals and is an issue that higher ranked journals do not encounter as consistently as NMLR.

The students of the NMLR are committed to contributing to the development of New Mexico jurisprudence. This, in large part, stems from the process of writing one's student article. It is Law Review's position and hope that awarding students an appropriate amount of credit will recognize this dedication to New Mexico jurisprudence.

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2. Writing Requirement

It is our belief, based on past experience, that the learning that takes place in the seminars fulfilling the seminar writing requirement is more than satisfied through the intensive writing experience, under faculty and NMLR editorial oversight, that takes place in producing a publishable quality note or comment. This is evidenced by the proposal set forth by the writing committee last spring. In describing the seminar writing requirement, the proposal stated that,

[t]his 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.¹

The article written by every staff member on Law Review is exactly in line with this objective. A student is able to examine a topic of their choosing, subject to a preemption check. Also a tremendous amount of research and analytical writing is demanded from the student throughout the process. Both the faculty advisor and the student advisor drive each student to take their writing to the next level and delve deeper into the article's subject matter.

In addition, the requirement of a seminar class to fulfill the seminar writing requirement will further limit a Law Review student's ability to take classes in their areas of interest. Already there are 40 credits of required classes.² This number was just increased last spring with the drafting class requirement, the one credit legal research class, the two credit legal research class, and the seminar writing requirement, bringing the total credits of required classes to 47-49, depending on the number of credits received from the drafting class and the seminar class. With 86 credits to graduate, that leaves a typical student with only 37-39 credits to use at their discretion, whether for an externship, mock trial, moot court, or the many other classes offered. Although many Law Review students choose to take an additional seminar class, for those interested in certain areas, such as business law where there are far fewer seminar classes offered, those students will be further limited in obtaining the knowledge and expertise in their areas of interest.

Finally, it is important to note that times are changing. There are a multitude of technological advances in the production of journals that will play a crucial role in sustaining NMLR's significance in the legal community. Implementing these changes will be quite demanding and will require a great deal of time from future Boards. It is our hope that these efforts will be recognized.

¹ Revised Writing Curriculum Assessment Committee Report, Page 3, February 24, 2010.

² This number is derived from the following classes: Torts (3); Criminal Law (3); Contracts (3); LRRW (3); CHLP (2); Practicum (1); Constitutional Law (3); Advocacy (3); Property (4); Civil Procedure (3); Ethics (3); Constitutional Rights (3); Clinic (6).

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D. Conclusion

As the only Law Review in the state of New Mexico dedicated to the general development of the jurisprudence affecting this state, the NMLR has a responsibility to both the school, as well as the legal community, to produce quality journal articles. With this being the ultimate goal, the New Mexico Law Review, through its current staff members and Board members, endorse the above proposal.

To: UNMSOL Journals Committee
From: Maggie Lane, Ashleigh Morris
Editors-in-Chief, Natural Resources Journal
Re: Natural Resources Journal Credit Proposal
Date: January 25, 2011

"I believe the NRJ offers something that law school fails to provide to the larger student body—the NRJ provides students the opportunity to work together to reach the collective goal of publication. The process is not always easy and working together means overcoming individual shortcomings or differences but, in an atmosphere where students are otherwise competing against one another, the students on the NRJ develop relationships that will outlast their formal education." Former NRJ Editor in Chief

I. BACKGROUND: CURRENT WORKLOAD

In order to provide perspective on what NRJ members are currently expected to do, we have provided the estimated completion times for different tasks based on data from our two current issues, 51.1 and 51.2. The NRJ, now almost entirely rid of its backlog, is currently publishing two issues per year: one produced in the fall semester and one produced in the spring semester.

Two issues a year does not necessarily imply less work; it implies more focused work directed towards quality rather than quantity. While four issues a year was unmanageable with the NRJ's relatively small staff, the reduction to two per year will allow the NRJ to raise its rankings by being able to place more focus on content and produce journals in a timely manner (something that is of extreme importance to publishing authors). Two issues a year will also allow the NRJ to finally focus on other pressing issues, such as raising its visibility via its website and maximizing the use of its recently implemented advisory board to plan special issues and broaden the reach of direct submissions.

Of course, before the NRJ even begins the publication process for a given issue, articles must be selected. Currently, the EICs and Managing Editor, with the occasional guidance of the Faculty Editor, organize and read submissions and ultimately select manuscripts for upcoming issues. This year-round task involves reviewing a steady stream of 50-page-plus manuscripts and constant communication with prospective authors, including status updates and information requests.

Articles are submitted to the NRJ (1) directly through our website, (2) through the Berkeley ExpressO service, and (3) through SSRN. This past year, more than 50 articles from around the world were submitted directly to the NRJ,¹ and hundreds more were sent from the other two online submission services. To more effectively distribute this

¹ Direct submissions to the NRJ came from scholars in numerous countries, including England, Canada, South Africa, Australia, Ireland, Zambia, Iran, Nigeria, and India.

workload of reviewing article submissions, the upcoming Board will be expected to actively participate in the abovementioned process likely through a rotating schedule.

Below are the estimated workloads of each NRJ Board and Staff position (Editor in Chief and Managing Editor excluded). These times were calculated according to issue 51.1, which contains five articles (selected in spring of the prior year), with a combined 171 article pages and 898 footnotes.

A. Manuscript Editing²

The five articles in NRJ 51.1 were assigned to five of six manuscript editors (MEs). In addition to time spent giving and receiving comments and feedback from the authors, MEs perform both a substantive and technical edit of each article, and locate and compile authors sources for cite checking. The MEs estimate they spend from 25 to 35 hours/semester or 1.66 to 2.33 hours/week per article on the editing of one article.

B. Citations Editing

The 898 footnotes in issue 51.1 were assigned to three citations editors (CEs). The CEs compile citations for the articles, coordinate the Staff's cite-checking assignments, review the Staff's cite-checking work, and provide a second review of the articles assigned to the other CEs. The first citation review, which includes checking the work of the Staff, takes anywhere from 25 to 50 hours per article (75 to 150 hours/semester or 5 to 10 hours/week). The second cite-check review takes about 10 hours per article (30 hours/semester or 2 hours/week).³

C. Staff Cite Checking

The footnotes in an issue are divided equally among the Staff for cite checking, with each member handling approximately 82 footnotes for issue 51.1. Staff members are required to check both the proposition and formatting of each footnote, and estimate that it takes, on average, 20 minutes to check one citation (1,640 minutes for 82 citations, or 27.33 hours/semester or 1.82 hours/week).

D. Additional Service/Expectations

The above time estimates are only for time spent editing. In addition to this time, Board and Staff members spend a great deal of time in other areas of Journal service.

- The Staff attends a weekly one-hour class.

² These estimated times do not include three separate EIC manuscript edits and one pre-proofs read-through.

³ These estimated times do not include staff training time, i.e. working with the staff on their cite-checking assignments, answering questions, and providing cite checkers with feedback.

- The Staff, in their second semester, begin training for their new Board positions, including working with their mentor on editing assignments in their new positions.
- Board members mentor one staff member throughout the year and are expected to meet with their mentee regularly throughout the semester.
- Board members have additional mentorship and training responsibilities once the incoming Board has been selected and must review a mentee's work throughout an entire phase of editing.
- The Board and Staff are required to attend scheduled meetings⁴ (several a semester).
- The Board and Staff are required to attend intermittent format training classes taught by Lynne (a minimum of one to two a semester).
- Board members are expected to serve on several different committees, e.g., recruitment committees, write-on drafting committees, write-on grading committees, the technology committee (new), and symposium committees.
- The Board and Staff are expected to develop biennial symposiums with the help of the Utton Center, meaning one year's Board/Staff will plan the symposium and call for papers while the next Board/Staff oversees the implementation.
- The Board and Staff will also need to work with Carol Parker to implement the open-access initiative and strengthen our internet presence.
- The Board and Staff will be expected to work with the newly created advisory committee to help raise the Journal's visibility and ranking.

Some of the above mentioned committees are extremely time consuming. For example, the time the Board spends on recruitment alone—much of which takes place during the summer—is huge. Last year, approximately 30 first-year students completed the write-on packet.⁵ Several joint NMLR/NRJ committees worked together to create the packet, which included both a closed legal memorandum and Bluebook citations quiz. Every Journal Citations Editor then scored the quizzes, and every Manuscript editor (and EIC) scored the memos.

II. WHY IS JOURNAL MEMBERSHIP VALUABLE/ATTRACTIVE?

A. Why Serve on the NRJ?

In regard to the committee's request as to why students serve on the NRJ, we thought the best way to provide you with that feedback was through the words of Journal members themselves. As to why students serve on the NRJ, the most-frequent response was to improve writing and editing skills, especially in order to improve chances of employment, as well as to build upon their interest in environmental and natural

⁴ We would like to have weekly meetings actually integrated into class schedules in the future, which would result in an even greater time commitment.

⁵ To address any concern regarding overall student interest in the journals, around 30 students applied and more than 50 students downloaded the application packet.

resources issues (including earning the Natural Resources Certificate). Many students also cited the collegiality as a main reason for Journal service.

Below are some of the responses received:

"I wanted to be on a journal because I enjoy writing, and to be a great writer I must be able to edit other people's writing. I applied because I thought the challenge would be rewarding. And the challenge has certainly been rewarding."

"The NRJ gave me comprehensive exposure to writing, editing, and legal citation that was not otherwise available as part of my law school experience."

"I've always been interested in publications and editing, plus I'm an environmentalist. I thought the journal would combine those interests nicely."

"I wanted to be on NRJ for the Environmental certificate, to hone my writing skills, and to see the process by which legal authors are published."

"I think a large part of why I wanted to be on a journal was the perceived prestige, and the idea that such service would open up career options. That being said, I wanted to be on the NRJ because I am interested in the issues that are explored in our journal, and in furtherance of my pursuit of the NR certificate. Additionally, I wanted the experience of working on a team that is committed to turn out an excellent product, and gaining editing, citation, etc. skills."

"Unlike most students at the law school whose first year is the only year where they focus on writing, I was able to develop my legal writing abilities as a staff and board member of the Natural Resources Journal during my entire time I was a student. For my entire second and third year—including the summer in between—I had the opportunity to read, evaluate, and edit scholarly writing in a multitude of fields related to natural resources. While this critical analysis provided me with an opportunity to work with professional authors and develop the substantive and technical aspects of their articles, it also caused me to reflect on and develop my own writing. While I may have wondered whether my own writing was improving at the time I was a member of the NRJ, I can look back now and confidently say that my legal writing was drastically improved because of my tenure with the Natural Resources Journal."

"I was interested in participating in NRJ because of the opportunities that it would open up in terms of employment after law school. I knew that taking part in a journal would demonstrate to potential future employers that I had excellent writing skills, could pay attention to detail, and could work together with a group of my peers to manage such a large project."

"I originally wanted to be on the Journal in order to get the Natural Resources Certificate and to help boost my resume. I didn't really have much in the way of

expectations going in, but I certainly hoped to learn more about different aspects of Environmental Law.”

“My desire to serve on the Natural Resources Journal (NRJ) editorial board was tied to my interest in environmental and natural resources law. I chose the University of New Mexico School of Law (UNM), in large part, because of UNM's commitment to the Natural Resources and Environmental Law program, of which I see the NRJ as an integral part.”

“I've always been interested in publications and editing, plus I'm an environmentalist. I thought the journal would combine those interests nicely.”

“I am hoping to understand the process of publication, get to know students who have similar interests in writing and the law and improve my citation and writing skills.”

B. Attitudes Toward Working on Backlog Issues Versus Current Issues

Due to the extraordinary efforts of the current and previous boards, the NRJ has caught up on its backlog of issues. Remarkably, as of this January, the NRJ is on its proper production schedule: All articles for the 51.2 spring issue entered the editing process on time and are expected to be finalized by late spring/early summer.

Regardless, we asked current members how working on the backlog versus a current issue might affect their experience. No consensus exists: Some would prefer to work only on current issues while many others said it would make no difference. Others embraced catching up as an opportunity to finally focus on improving the Journal in other ways, including a shift to quality over quantity and an increase in visibility.

Below are some of the responses regarding this issue:

“I don't think [my interest level in Journal membership] would be much different [without or without a backlog]. I mean, in cleaning up the backlog, we are shaping a better journal for future members. It had to be done sooner or later, right??”

“I took total ownership of the publication process despite the fact that we were trying to catch up on back issues.”

“It really wouldn't matter to me. I try to have a perspective of always moving forward regardless of what was left behind.”

“I am not sure about shaping future journals, except I think that starting with really clear expectations of what will be expected of the staff and their future in the journal is important so people don't jump in without being prepared.”

"Honestly, I would have to answer that working on my own issues wouldn't have affected my experience. All that I learned and all the relationships I developed were independent of the articles or issues."

"I certainly agree that producing our own issue would have made the journal more satisfying than playing catch-up. However, this playing catch-up actually mirrors the current state of the New Mexico courts."

"Obviously, I think that it is easier to feel that one has helped shaped the focus of the journal, the content of the journal, if one is actively engaged in forward-looking tasks, rather than clearing backlog."

"I think that I would have had a much different experience in that I would have had a lot less technical/formatting experience and would have been able to concentrate more on the actual piece and the editing process itself."

"Now that the backlog will be cleared, our new board will be able to focus more on quality, efficiency and perhaps expanding the role and presence of the journal in the law school and nationally."

"Once we get caught up and the experience moves more towards shaping the journal, I would hope to see more symposia and student involvement in tracking down exceptional articles."

III. CREDIT PROPOSAL

A. Retain Current Credits While Reinstating the Writing Requirement

In looking at the amount of work we expect our Staff and Board to complete, both during the semester as well as over summer and winter breaks, we feel the current credit-allocation scheme (2 credits per semester second year; 3 credits per semester third year) is justified.

However, in response to concerns about the NRJ writing requirement, we have begun discussions on reinstating the requirement for NRJ members to complete student articles. We feel that this is a valuable part of Journal service, and we recognize the importance of encouraging Journal members to push themselves toward the goal of publication. For these reasons, the NRJ is committed to bringing the requirement back, albeit with more support and some logistical changes.

One issue discussed during the last Journals Committee meeting was how to ensure that Journal Staff members receive more support before taking on the endeavor of writing a full-length article on a topic that, although students are interested in, they likely have limited legal exposure to. These discussions have lead to the EICs and Professor Benson, in conjunction with the faculty's Environment and Natural Resources Committee (on which an EIC of the NRJ also serves) working on a first-year/second-semester

introductory natural/environmental resources course that, although likely not a formal prerequisite for Journal service, would allow those students interested in the Journal to gain earlier exposure to natural and environmental resources law, as well as facilitate earlier conversations and more pragmatic preparation for the drafting of the article.

We would propose that the Journal member choose a member of the faculty as their advisor, rather than have the NRJ Faculty Advisor be the sole advisor on every student article. The article, completed by a Journal student and signed off on by a qualified faculty member, would meet the school's standard for the advanced writing requirement as a written product that "build[s] on comprehensive legal research" and is "a substantive and substantial analytical experience, culminating in a significant paper that has undergone a series of systematic, thorough, and scheduled revisions." Because the Journal Staff is already required to attend a weekly class which specifically focuses on the editing and writing skills needed to both edit professional articles and draft student articles, the advanced writing seminar is an unnecessary component to the NRJ student article. We are also discussing how the student Board members could serve as reviewing editors for a Staff member's student article, in conjunction with the faculty advisor, similar to the model used by the New Mexico Law Review.

An alternative method for reinstating the NRJ student article would be to require students to complete their article/advanced writing requirement through a separate environment- and natural-resources-related seminar. The student would still draft the writing requirement as a student article, with the possibility of publication through the NRJ. Depending on whether or not it would be too difficult for students to arrange for independent faculty advisors, as described in the above, the Journal may need to entertain this second option more seriously.

In summary, we would propose to retain the current credit allocation, with the understanding that beginning with next year's staff, the NRJ will once again require its members to complete a full-length student article using one of the aforementioned plans.

B. Lowering Credits

If the faculty feels the credits must be lowered in light of the NRJ's commitment to reinstate the student article, we would propose to reduce the second-year credits to 1 per semester, and keep the third-year credits at three per semester.

A reduction in credit, with reinstatement of the student article, will result in a severe under-valuing of the time and effort expected for the Journal. Because this option fails to adequately award credit for the amount of work done, we fear the interest in serving on a Journal would greatly diminish. Additionally, lowering the total credit hours earned for NRJ service would impact the Natural Resources Certificate. Currently, ten hours of Journal service go toward the certificate. Reducing that amount to eight credit hours provides little to no incentive to serve on the Journal as a way to earn this certificate, as more outside hours would be needed to fulfill the 21 credit-mandate. Again, this would dissuade students serving on the NRJ.

For a number of reasons, if the credits must be lowered we have suggested that the credit reduction occur in the second, rather than the third year. We do not wish to lower the credit for Board members, nor do we wish to re-allocate credits amongst the different Board positions. There are many positions within the Board that warrant far more than three credits, but because every Board position is equally important to the successful production of the Journal, we do not wish to in any way facilitate a belief that a lesser amount of credits means a lesser amount of expected effort. Furthermore, we would like to encourage the NRJ Staff, rather than the Board, to compensate for the loss of credits by taking the additional one to two courses sooner rather than later, as students have a sufficient number of other obligations and deadlines to juggle in their final year.

IV. CONCLUSION

The NRJ recommends awarding a 2/2/3/3 credit system with the reinstatement of the student article. However, more discussion is needed, both among the faculty and the incoming NRJ Board, to determine the best way to facilitate its reintegration.

Parker, Carol A.

From: Winston, Selesia **Sent:** Tue 1/25/2011 6:49 PM
To: Committee - Law Reviews and Journals; Parker, Carol A.
Cc: Zuni, Christine
Subject: Journals Cmt: Tribal Law Journal Student Proposals
Attachments:

Committee Members,

On behalf of the Tribal Law Journal, I have included my response (in **bold**) to the questions proposed late last year. If you have any questions please let me know.

Thank you,

Selesia Winston
2010-2011, Managing Editor
Tribal Law Journal
UNMSOL Class of 2011

Student Proposals

1. Make a proposal on the question of how many credits should be received for service on their respective journals (both as staff and later as board members).
The credits that students receive for services performed on the Tribal Law Journal should remain the same. Staffers receive 1 credit and Editors receive 2 credits. Although these current credits do not accurately reflect the actual amount of work we do on the Tribal Law Journal (since we do a lot more work), the tension between required credits and elective credits has pushed us to decide that we want to have some flexibility to take other electives, so that the journal credits do not consume too much of our total credit hours. Thus, keeping the credits the same allows for students to be on the journal without having to miss out on other classes offered at UNMSOL. To ensure that this flexibility has not increased the demand on students by adding more course work to their already heavy journal work, Professor Zuni Cruz has moved to the peer review of professional pieces from student/faculty review to only faculty review. This move has helped to lessen the burden initially carried by the student editors.
2. Make a proposal on the question of whether or how a journal writing requirement might satisfy the current upper level seminar paper writing requirement.
The current option offered by the Tribal Law Journal to satisfy the upper level seminar paper writing requirement should remain the same. Currently, second year students enrolled in the Tribal Law Journal must also complete the co-requisite course, Law of Indigenous People (offered only in the Fall semester). Law of Indigenous People requires students to produce a written paper at the end of the semester to receive credit. This paper may be a tribal profile, which details the legal and governmental operation of a tribe, or the student may choose to write on a specialized topic pertaining to the internal laws of an indigenous tribe. The specialized paper must be approved by Professor Zuni-Cruz and it may be used to satisfy the upper level seminar paper

writing requirement. The tribal profile cannot be used to satisfy the upper level seminar paper writing requirement. However, both the tribal profile and the separate paper are considered for publication in the Tribal Law Journal, and if accepted, published if the student agrees.

3. Share with the committee the reasons current students decided to serve on their respective journals—what are the typical motivations for a modern law student.
The two most common reasons for serving on the Tribal Law Journal, as stated by the students, were to gain Bluebook and scholarly writing experience. Students also mentioned that being part of the journal added to their involvement and professional development in the area of Indian Law. Students mentioned that participating in the Tribal Law Journal offered a unique opportunity to work with Indian Law practitioners and/or scholars. Finally, students stated that they joined the journal to build their resumes.
4. Suggest changes that could be made to ensure journal service remains an attractive option for students, given all of the competing co-curricular options now available. For example perhaps change production processes sufficiently so that each cohort gets to complete an entire issue to obtain more of a sense of ownership for the finished product (and perhaps reduce feeling burdened with the previous cohort's unfinished backlog).

The Tribal Law Journal strives to remain an attractive option for students, especially those seeking the Indian Law Certificate, by complimenting and accommodating the Indian Law Program at UNMSOL. For example, any Tribal Law Journal credits earned may go toward the Indian Law coursework requirement for those students wishing to participate in the Indian Law Certificate Program.

Also, an attractive option for students interested in Indian Law and wishing to network within the Indian Law community, the Tribal Law Journal currently works to bring in local/national/international Indian Law Scholars. Last semester the journal brought Professor Frank Pommersheim to the law school to present on his scholarly writing experience and his experience as a tribal appellate judge. I feel that the journal could make it a yearly habit to bring more writers/authors so that students could gain different perspectives about the writing and publishing process.

To encourage self-development and to allow students to obtain more of a sense of ownership for the journal work they do, students are given the option to publish their tribal court profiles and/or their writing requirements in the journal. Furthermore, the journal seeks to expand that sense of ownership by requiring the students to be responsible for publishing an entire issue they have worked on the year they serve as Students Editors.