

FACULTY MEETING AGENDA

Tuesday, September 28, 2010

1. Approval of September 14, 2010 Minutes
2. Announcements – *MINS New Paper*
3. Faculty Appointments Committee– Prof. Liz Rapaport
4. Karelitz Chair in Oil and Gas Law – Dean Kevin Washburn
5. Bar Proposal on Unauthorized Practice of Law – Assoc. Dean Mike Norwood
6. Character and Fitness Issues – Dean Kevin Washburn
7. Budget Update; Rich Woods' Newsletter – Dean Kevin Washburn

**UNM SCHOOL OF LAW
FACULTY MEETING**

Tuesday, September 28, 2010

The meeting was called to order at 3:10 p.m.

Faculty Attendance: Marsha Baum, Reed Benson, Barbara Bergman, Michael Browde, Sherri Burr, Camille Carey, Eileen Gauna, Laura Gómez, April Land, John LaVelle, Nathalie Martin, José Martinez, Alfred Mathewson, Jenny Moore, David Myers, Mike Norwood, Sergio Pareja, Carol parker, Liz Rapaport, Carol Suzuki, Kevin Washburn, Peter Winograd

Staff/Sr. Admin: Sandra Bauman, Stephanie Grant, Susan Mitchell, Bonnie Stepleton

- I. Approval of September 14, 2010, Faculty Meeting Minutes
 - a. A motion was made and seconded to approve the minutes as presented.
 - b. The minutes were approved by unanimous vote after no discussion.

- II. Announcements
 - a. Archivist David Myers announced the Law Library had received its first shipment of Pamela Minzner papers, which look to be a great addition to the archives. He has not yet had the opportunity to catalogue the contents of the shipment.
 - b. Assistant Dean of Student Services, Bonnie Stepleton, announced the revival of the faculty advisement fair, on Wednesday, October 20th, beginning at noon. More information would be e-mailed shortly, and she asked for faculty volunteers.
 - c. Dean Washburn mentioned that he, Assistant Dean Stepleton, and Nancy Huffstutler have begun meeting to discuss the potential changes necessary for the May 2011 commencement ceremonies, given that Justice Kagan has agreed to be our keynote speaker.
 - d. Professor Sherri Burr asked Dean Washburn to provide a fundraising update, which he did briefly:
 - i. The School of Law almost doubled last year's target, in large part due to a large gift given to develop the Hart Chair in Consumer Law.
 - ii. This fall will see a push to finalize funding of that Chair, and inaugurating the Fred and Joan Hart Opportunity Scholarship fund.
 - iii. Another major endeavor, following the *60 for 60* event, will be a Yellow Ribbon campaign, which will be a cooperative effort utilizing the GI Bill, allowing veterans a full ride towards a law degree here at UNM.
 - iv. Further details regarding the School of Law's part UNM's upcoming capital campaign will be disseminated in the near future.

- III. Faculty Appointments Committee – Professor Liz Rapaport
 - a. Professor Rapaport provided an overview of the committee's work to date.
 - i. The early start allowed for consideration of lateral hires, and the application response was quite impressive.

- ii. The committee evaluated applicants, and conducted phone interviews, in order to arrive at a “deep” short list for each position.
 - iii. The final two Business/Tax Clinic candidates, Jennie O’Flanagan and Julie Lawton, will be on campus on October 6th and October 11th, respectively.
 - b. Professor Rapaport proceeded to initiate discussion of the three Civil Procedure candidates that were invited for on-campus interviews.
 - i. The committee suggests the faculty make a hiring decision by vote at the next (October 12th) faculty meeting.
 - ii. Faculty were strongly encouraged to turn in their comment forms for each candidate, as compiling and distributing faculty opinion would greatly help in informing the vote.
 - iii. The floor was open for discussion, which proceeded – including some additional clarification on procedures the committee followed in winnowing the candidates in each area.
 - 1. Additional questions were posed and fielded regarding the relation of the process thus far to the timing of the AALS Faculty Recruitment Conference (FRC).
 - 2. The procedural question regarding whether discussion of, and voting on, the candidates should be done in executive session, with no staff or students present. The consensus appeared not to favor executive session, and Dean Washburn stated he would review and report on the current voting rules prior to next meeting.
 - iv. Professor Rapaport guided the conversation to focus on each candidate in the order of their visits to campus (i.e., 1st – Joel Samuels; 2nd – Sam Jordan; 3rd – Max Minzner), each according to the following pattern:
 - 1. An overview of the candidate’s CV, references’ general comments, teaching record and collegiality as reported by current faculty peers was presented.
 - 2. Faculty input was invited, and ensued briefly.
 - v. Dean Washburn indicated his desire for a ranking vote from the faculty, which would allow him to know the order in which they would prefer offers be made, should the first choice turn an offer down.
 - vi. The topic of tenure was brought up in regard to all candidates, including the procedure for making an offer with tenure, and the methodology necessary for tenure review in such a case.
 - c. Dean Washburn will e-mail the faculty with regard to an altered faculty meeting schedule to specifically allow for voting on hiring decisions for both the Civ/Pro and Business/Tax positions prior to the FRC.
- IV. Budget Update; Faculty Senate/Rich Woods’ Newsletter – Associate Dean Carol Parker
 - a. Associate Dean Parker and Dean Washburn referred faculty to Professor Woods very accurate assessment of the budgetary situation and outlook.
 - b. Executive Vice President David Harris attended the last Deans’ Council meeting, and provided some of the following information.
 - i. \$14 million in I & G revenues have been cut over the past three years, but the University has been protected from the brunt of those cuts through one-time

funding, shifting of monies and stimulus – none of which are available any longer as a shield.

- ii. This year's budget has already experienced at least a three percent cut, with the potential of another cut during this fiscal year likely. In addition, a further five percent cut is expected for the next fiscal year, all of which add up to an approximate \$27 million "hole."
 - iii. Over the past three years, all programs were equally protected. However, discussion of selective protection (and possibly program elimination or severe diminishment) is part of the strategy being considered by administration moving forward.
 - iv. The UNM Deans will be holding weekly budget meetings to focus on protecting UNM's academic mission, and be in a position of strength going into January's legislative session.
 - v. Associate Dean Parker thinks collaboration between Faculty Senate, Deans and David Harris to be a positive move for UNM as a whole.
- c. Faculty discussion followed.

V. Karelitz Chair in Oil and Gas Law – Dean Kevin Washburn

- a. Dean Washburn provided background on the source and previous use of the funding for this chair. He has been successful in negotiation with donors for more flexibility in how the Law School can use the funds going forward.
- b. An agreement was reached allowing SOL to hire an entry level or adjunct/practitioner type individual to teach in this area, although such an individual would not hold the title of chair.
- c. The Law School will now be looking to hire someone as a visitor, and there is potential that this position will add to the Natural Resources program. The Dean solicited faculty for ideas of a person of interest.
- d. A brief period of additional conversation among the faculty proceeded.

VI. Bar Proposal on Unauthorized Practice of Law – Associate Dean Mike Norwood

- a. Associate Dean Norwood distributed copies of the NM State Bar's draft proposal to update its "Limited privilege to practice law" rule, and provided background as to why this has come up and the potential impact on law professors.
- b. Discussion ensued.
- c. Associate Dean Norwood provided a projected timeline as to the process for the rule's adoption, and when it would take effect.

VII. Character and Fitness Issues – Dean Kevin Washburn

- a. Dean Washburn explained to the faculty that the NM State Bar has inaugurated a policy whereby the School of Law is required to certify graduates applying to the Bar. An increase of students and graduates failing to report, or belatedly reporting, a relevant incident has been noted.
- b. This fall the Registrar's office instituted a process which asks students to fill out a form offering the opportunity to report anything not disclosed earlier. A number of issues have come up, and students have expressed concern about this new procedure. Assistant Dean Stepleton explained that the list of questions included on the form was

- based on very similar questions appearing on the State Board of Bar Examiners' application for admission to the Bar.
- c. Dean Washburn stated that, beginning next year, a letter will be sent to admitted students on July 15th asking them to report, by August 15th, anything which may not have been included when, or may have come up since, their applications were submitted. This will give SOL an opportunity to assess the matter before the student arrives on campus, with the option to rescind admission should it be deemed appropriate.
 - d. There was additional faculty discussion throughout and following Dean Washburn's presentation.

The meeting was adjourned at 5:13 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

Faculty Meeting 9/28/10 - King Room

- People show up slowly -
- Elean Kagan - if she comes to graduation the nature of the ceremony will need to change -
- I announced about the Pamela Minzner Papers
- Fund Raising - The big push - Hort Chair & Hort Scholarship fund
- Yellow Ribbon - full ride for VETS
- Appointments Committee - The Civil Procedure candidate very early timetable led to good success - next Bus. Law Clinic & Con Law/Property records -
- Long discussion about the three - Civ Pro candidate Samuel & Minzner very good -
- Long discussion about tenure in offer & when to take a formal vote -
- They do not seem to have a policy in place for when to offer tenure
- Carol Parker presents budget discussion - this is a very dire future - Washburn does not pick up on how problematic this is -
- Rich Wood - Faculty Senate very good write up -
- The UNM faces a \$27 million hole.
- David Harris runs this operation
- The discussion of the Bank Now Licensed Attorneys
- Problems with students & Criminal Records

UNM Budget

Push - The Premier Research Univ.
\$175 m ILE 2/3 state funds / 1/3 Tuition - 5% often saved
3.2 Recession - 2011 - 6m ILE cut
5.0% Recession - 2012 - defund Tax payer support - \$9 million

Tuition Increases - Any chance?
Sec of EDUC wants a master plan -

I think Reed states this but KW
Sec - flows as a Lame Duck
The focus is on the 2012 Budget -
A fairly Active Interaction with legislature
2011 - 8% across the Board - no

strategy
2012 - more strategy - 1/3 a problem