

## FACULTY MEETING AGENDA

Tuesday, October 12, 2010

1. Approval of September 28, 2010 Minutes
2. Announcements
  - SOL United Way Campaign Coordinator - Dean Kevin Washburn
  - AALS Representative – Dean Kevin Washburn
  - Reorganization of Media Center – Associate Dean Carol Parker
  - Ongoing Bicycle Theft Problem – Dean Kevin Washburn
  - Security Guard – Associate Dean Carol Parker
  - 60 for 60 Celebration – Dean Kevin Washburn
4. Brief Report from International Programs Committee – Professor Antoinette Sedillo Lopez
5. Faculty Appointments Committee– Professor Liz Rapaport
  - Civil Procedure Position (vote)
  - Business and Tax Clinic Position (discussion)
6. Budget Update – Dean Kevin Washburn

**UNM SCHOOL OF LAW  
FACULTY MEETING**

**Tuesday, October 12, 2010**

The meeting was called to order at 3:09 p.m.

Attendance: Marsha Baum, Reed Benson, Paul Biderman, Michael Browde, Sherri Burr, Camille Carey, Barbara Creel, James Ellis, Chris Fritz, Eileen Gauna, Laura Gómez, April Land, Antoinette Sedillo Lopez, Nathalie Martin, Alfred Mathewson, David Myers, Mike Norwood, Daniel Ortega, Sergio Pareja, Carol Parker, Liz Rapaport, Gloria Valencia-Weber, Kevin Washburn

Students: Jesse Allen, Ethan Thomas

Staff/Sr. Admin: Sandra Bauman, Hannah Farrington, William Jackson, Cyndi Johnson, Susan Mitchell, Bonnie Stepleton

- I. Approval of September 28, 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. Assistant Dean Bonnie Stepleton reminded faculty of, and asked for volunteers for, the October 20<sup>th</sup> Faculty Advisement Fair.
  - b. Dean Washburn welcomed and introduced the SBA student representatives: Jesse Allen, 1L; and Ethan Thomas, 2L.
  - c. The UNM United Way Campaign is about to gear up, and Dean Washburn requested a faculty member volunteer as School of Law Coordinator. Anyone interested should contact him.
  - d. Dean Washburn asked that a faculty member planning to attend the AALS Annual Meeting volunteer to represent UNM during the House of Representatives meeting. Professor Laura Gómez volunteered to do so.
  - e. Associate Dean Carol Parker reported on the following items:
    - i. The reorganization of the Media Center structure to reflect the following priority flow:
      1. Academic technology – that related directly to classroom support.
      2. Film requests – will now be Diego Romero’s primary focus, limited to his 40-hour work week parameters.
      3. Self help – all faculty should receive training in the use of classroom equipment.
    - ii. Questions should be directed to Dean Parker. Some discussion followed.
  - f. Dean Parker announced that, as a pilot project, the Law School will be hiring a security guard to work after 6:00 p.m. on weekdays, and for specified hours on weekends. Hiring a guard will allow for greater security of the building and equipment due to the ability to lock classrooms while not in use. All faculty members should have keys to

the classrooms they use. If anyone needs to request a key, a key list is available on the Intranet in the Faculty Handbook for consultation.

- g. Dean Washburn briefly addressed the ongoing bicycle theft problem, and steps he's taking to bring about a solution. There will be a forum with UNM Police Chief Kathy Guimond on Wednesday, October 20<sup>th</sup>.
- h. Dean Parker offered a budget update. Due to the approximate \$200 million shortfall another rescission is possible in the spring, and UNM is exploring the ramifications of tuition and fee hikes.
- i. Dean Washburn reported on the *60 for 60* Celebration:
  - i. He provided an overview of the book project, the final product of which will be unveiled at the celebration.
  - ii. He strongly encouraged faculty to attend the November 12<sup>th</sup> event, beginning with the invitation-only Donor & Scholarship Recipient reception at 4:30 p.m...
  - iii. He confirmed, with Hannah Farrington's input, the wide invitation net cast (5000 sent), including NM Bar members; city, state, and federal governmental officials; current law school community; alumni; and general public.

### III. Report from the International Programs Committee – Professor Antoinette Sedillo Lopez

- a. The committee, at the Dean's request, looked into entering into an MOU with a European business school, but decided that, given the beginning state of that school's program, it is premature venture at this point.
- b. Investigated entering into an MOU with the University of Sterling, Scotland, but as this university would have a wide appeal to UNM as a whole, the committee submitted program to main campus for consideration and approval.
- c. The Guanajuato Program:
  - i. The 2010 summer program, directed by Professor Sergio Pareja, was successful, and the ABA Site Visit went well.
  - ii. Professor Sedillo Lopez will be director next year. The program will offer International Family Law, taught by both Professor Sedillo Lopez and Lecturer Steven Homer.
- d. Faculty were asked to encourage students to attend the November 16<sup>th</sup> International Program student fair, which will offer information on programs in Guanajuato and Tasmania. Professor Sherri Burr is also developing a proposal to offer an Art Law class in Cannes, France.
- e. Dean Washburn thanked the committee and Professor Sedillo Lopez. He requested faculty advertise the Guanajuato program and encourage student attendance, especially students from other universities.

### IV. Faculty Appointments Committee – Professor Liz Rapaport

- a. Hiring Vote on Open Civil Procedure Position
  - i. Professor Rapaport, on behalf of the committee, unanimously recommended all three candidates for hiring consideration, as the committee regarded all three as well qualified to join UNM School of Law faculty.
  - ii. Copies of the compiled faculty evaluations for each candidate were distributed.
  - iii. Professor Rapaport augmented her report from last meeting, and the evaluation comments, with gleanings from the candidates' references.

1. A brief summary of Joel Samuels' background, interests, and employment was provided. All of his references were uniformly positive about Professor Samuels in every dimension of faculty life.
2. A brief summary of Max Minzner's background, interests, and employment was provided. Professor Minzner's colleagues spoke superlatively of him, and he is well-loved by his students.
3. A brief summary of Samuel Jordan's background, interests, and employment was provided. Professor Jordan received high recommendations, which were uniformly positive, in all areas of teaching, scholarship and collegiality.
- iv. The Dean received a motion and second to consider all three candidates as qualified. The motion was approved by majority show of hands.
- v. Further comparative discussion of the candidates ensued, with various faculty members providing their insights and input about each candidate, as well as voicing their preferred rankings.
- vi. Dean Washburn then described the voting process he wanted to follow in order to rank the candidates in the order the faculty would like hiring offers to be made.
  1. During the first round of voting, by secret ballot, faculty members were asked to write down the name of the one candidate whom each would most prefer to hire. The outcome was a strong majority in favor of one specific candidate.
  2. The second round of voting, by show of hands, unanimously authorized the Dean to make an offer to this candidate.
  3. During the third round of voting, by secret ballot, faculty members were asked to write down the name of the one candidate (of the two remaining) whom each would most prefer to hire, if the first candidate declines. The outcome was a strong majority in favor of one specific candidate.
  4. The fourth round of voting, by show of hands, unanimously authorized the Dean to make an offer to this candidate, should the first candidate decline.
  5. For this second candidate, the tenure committee reported that it had reviewed relevant material in the areas of scholarship, teaching, service and personal characteristics. The tenure committee concluded this candidate meets the university's requirements for tenure, and promotion to full professor.
  6. A fifth round of voting, by show of hands, unanimously authorized the Dean to include tenure in the offer to this second candidate, should an offer be made.
  7. A sixth round of voting, also by show of hands, authorized the Dean to make an offer to the remaining candidate, should both of the prior offers be refused, by a majority of 14 in favor, two opposed and one abstention.
- vii. Additional discussion followed, predominately on clarifications of the procedures involved with making offers, and associated time-lines.
- viii. A motion was made, and seconded, to authorize the Dean to make simultaneous offers to the first two candidates, with a single offer to the third candidate in the case of refusal by the others.
  1. Discussion ensued.
  2. Upon a vote, the motion failed, with 12 opposed, four in favor and three abstentions.
- ix. A motion was made, and seconded, to authorize the Dean not to notify the second candidate if the first candidate accepts the offer, in order to potentially retain the

second candidate for consideration for the Constitutional Law/Property vacancy. It was agreed by general consensus among the faculty that the Dean proceed in this manner.

- b. Discussion of Business Tax Clinic Candidates
  - i. Professor Pareja provided an overview of the methodology the committee used to winnow the candidate pool down to those invited for on-campus interviews.
  - ii. Professor Nathalie Martin provided a recap of the employment and educational backgrounds of each of the three candidates in order of their visits, James Kelly, Jennie O’Flanagan, and Julie Lawton.
  - iii. Conversation followed, with various faculty members providing their insights and input regarding each candidate, as well as their preferences.

The meeting was adjourned at 5:14 p.m.

Respectfully submitted,

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

Sandra Bauman  
Administrative Assistant to the Dean

LAST minutes - with agenda  
16/12/16 Faculty MEETING King Room  
Announcements

Bonus Faculty Advising Day - Table  
United Way + Soc - -

→ MODIA Center - curd - Academic Technology -

- Security Guard after 6:00 - + present

- Mr. Bike problem - a Bike a day

Budget probably Fed. recession -

Zoom shortfall - - Tutor & Fee Alert  
on the table

- INTL PROGRAMS - SCOTLAND - -

The Voting of the CANDIDATES

1. Max M. 2.) Sammuls



Association of American Law Schools

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**H. Reese Hansen**  
Brigham Young University

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**Michael A. Olivas**  
University of Houston

*Immediate Past President*  
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*Managing Director*  
**Jane M. La Barbera**

September 15, 2010

**MEMORANDUM 10-12**

**To:** Deans of Member Schools

**From:** Susan Westerberg Prager, AALS Executive Director 

**Subject:** Designation of Elected Law School Representatives to the AALS House of Representatives

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To prepare for the Association's 2011 Annual Meeting in San Francisco, and to update our records and mailing lists, we would appreciate your providing us with the name of your school's primary and alternate representatives for the AALS House of Representatives.

The Bylaws of the Association (Section 3-2) provide, in part, "The Faculty of each member school shall select the individual who is to represent the school in the House of Representatives and an alternate representative to serve in the absence of the regular representative."

The representative should plan to attend the First Meeting of the House at 5:15 pm on Thursday, January 6, 2011, and the Second Meeting of the House at 5:45 pm on Friday, January 7, 2011, or ensure that the alternate representative can attend.

We need an accurate list to permit timely mailing of agenda materials for the House of Representative sessions. Thus, we ask that you send an email to [hor@aals.org](mailto:hor@aals.org), with "2011 AALS HOR Representative" in the subject line, by October 15, 2010 containing the following information: School name, name of the AALS Representative and name of the Alternate AALS Representative.

Thank you for helping us prepare for the 2011 Annual Meeting.

**cc:** AALS Executive Committee

SWP:alb

## Bauman, Sandra

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**From:** Washburn, Kevin  
**Sent:** Thursday, October 07, 2010 10:03 PM  
**To:** Bauman, Sandra  
**Subject:** FW: United Way Campaign Coordinators

add to faculty meeting agenda.

Kevin K. Washburn  
Dean and Professor of Law  
University of New Mexico School of Law  
505.277.4700

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**From:** Marla Wood [mailto:mwood@unm.edu]  
**Sent:** Thu 10/7/2010 4:38 PM  
**To:** Washburn, Kevin; browndm@mgt.unm.edu; Donald Godwin; Jeffrey Griffith; Nancy Ridenour; Arup Kanti Maji; Amy Wohler; Brenda Jean Claiborne; James Linnell; Martha Bedard; Reinaldo A Z Garcia; Richard Howell; Rita Martinez Purson; Uday Desai  
**Subject:** United Way Campaign Coordinators

Deans:

Yes, yes - November is rapidly approaching and that means **kick off of the 2010 United Way Campaign!** We have once again held our goal steady at \$1 million dollars and are planning a strong emphasis on participation. Small gifts from lots of folks add up to a big difference.

We all know the tricky economic times that we find ourselves in. But for whatever stress we might have, we - at the very least - have jobs. And though those paychecks might not have seen a raise in quite some time, they are still coming. While these economic stressors continue and in some cases deepen, I encourage you to remember that the need in our community is greater as well.

I ask you to think about what role you might play in the United Way campaign this year. Of course you will get more information on opportunities in the coming weeks. Know there are a lot of ways to help.

**Right now I am asking each of you as leaders of your units to begin thinking about people you might ask to be coordinators for this year's campaign.** We are looking for someone, ideally from each department but at the very least from each school or college, who can disseminate information to your faculty and staff, answer questions and/or help find the right person to answer questions.

Remember, the reason UNM supports the United Way Campaign is that through this campaign you and your colleagues can support any non-profit or any cause in the world. I am asking for your help in providing our UNM community an opportunity to give back to those causes that are important to them.

Thanks.  
Marla

Marla Wood  
Director of Community Affairs  
Office of the President  
University of New Mexico  
505.277.2943



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 15<sup>th</sup> asking them to report, by August 15<sup>th</sup>, 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,

Sandra Bauman  
Administrative Assistant to the Dean

## Myers, David

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**From:** Washburn, Kevin  
**Sent:** Monday, October 11, 2010 5:01 PM  
**To:** Faculty  
**Cc:** Bauman, Sandra  
**Subject:** Faculty Appointments Voting Procedures

Dear Colleagues – I want to thank our faculty appointments committee for their excellent work. We are lucky to have seen so many strong candidates so early in the semester. So that there are no surprises, I wish to tell you how I plan to proceed at our faculty meeting tomorrow and share the rules with each of you. I will proceed as outlined below, unless you advise me differently.

Our faculty appointments voting procedures are on the intranet. The rules were last amended ten years ago, and a good number of us were not part of the faculty then. I invite you to look at them. I will work within the rules as they exist until the faculty determines that they should be changed. The rules are available here:

<https://lobolaw.unm.edu/faculty/handbook/promo-retention/appointments-voting-procedure.php>

Some issues and how I think they should be handled:

**EXECUTIVE SESSION** - At other schools, the faculty does often go into executive session with regard to hiring, but this is not explicitly contemplated under our rules. Our rules mention nothing about executive session. As a result, as chair I will proceed with executive session only if there is a motion to do so that is seconded and approved by a majority vote.

**VOTING ON APPOINTMENTS** – The voting will be by secret ballot. You may well wish to authorize more than one offer in the alternative, so that, if the preferred candidate declines the offer, an offer may be made to the next most preferred person without the need to wait for the next faculty meeting. Assuming that all three candidates are approved by the appointments committee, we will have one vote by ballot on all three to determine a ranking among the candidates. During this ballot, you will be allowed to vote only on one candidate. This will determine the principal candidate. Because the rules allow the faculty to vote only on one candidate at a time for any position, I will then ask for a vote on the highest ranked candidate to authorize the appointment. We will then vote on the remaining two for alternate positioning. As to the one who prevails, I will ask for a separate vote on whether to authorize an offer to that candidate as the first alternate, with a separate vote by ballot. I will likely then ask for a vote on the third candidate.

At our last faculty meeting, Professor Burr raised the idea of giving more than one offer simultaneously. I have verified that it would be possible to proceed this way if you so choose, but it would pre-empt us on hiring additionally for our third line, the con law/property position if both offers were accepted. If the idea has traction with other faculty members, I will proceed as you direct me.

**EXPLODING OFFERS** – the rules do not address “exploding offers.” As a result, I believe that the methods and terms of offers are within the deans’ discretion. Thus, I need your guidance. I ask for your advice on whether an exploding offer is consistent with our culture and what is a fair amount of time for an exploding offer. You may raise it in the meeting, or communicate with me via email. Thanks for your guidance.

If anyone has any objection to the procedures outlined above, please let me know. You may object now or during the meeting, but please recognize that your objection is likely to receive better consideration if it happens before the meeting (so that I can think through the objection in a more deliberative fashion and figure out how to address it). Thank you for your cooperation.

Kevin K. Washburn  
Dean & Professor of Law  
University of New Mexico School of Law

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## Myers, David

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**From:** Washburn, Kevin  
**Sent:** Wednesday, September 29, 2010 8:23 AM  
**To:** Faculty  
**Cc:** Bauman, Sandra  
**Subject:** Upcoming Faculty Meetings: Oct 12 and 19

Dear Colleagues – here are our plans for upcoming faculty meetings, but I welcome your input:

### **October 12 faculty meeting**

After taking into account the discussion at the faculty meeting today and talking to Promotion and Tenure Chair Alfred Mathewson after the meeting, I plan to proceed as follows on the civil procedure candidates: I will schedule a vote on our three fine civil procedure candidates at our already-scheduled meeting on October 12. As to all three candidates, we will plan to vote on whether to extend an offer. In addition, as to the candidate (Samuels) who already has tenure at his home institution, Professor Mathewson and I will ask you to vote on whether to recommend to the university a tenured appointment for the candidate. I hope to get from the faculty a clear signal as to your preferences for relative priorities among the candidates, but I will ask you to vote on all three so that if one declines, I can proceed to the next. All of the candidates' dossiers are now in the faculty library for your review.

In addition to vote on the civil procedure candidates, I will place on the agenda discussion of the business and tax clinic candidates. While we will not schedule the vote for October 12, this discussion will be designed to give the Appointments Committee an early signal about the viability of the candidates (so that it will have a little time, if it deems appropriate, to determine whether it may need to schedule additional candidates to be seen at the AALC FRC in Washington).

### **October 19 faculty meeting (NEW)**

I plan to schedule an additional faculty meeting on October 19 for a vote on the business and tax clinician candidates. Depending on our needs, this meeting may be in lieu of, or in addition to, our October 26 meeting, depending on our needs as they develop.

If you have any objection to any of the foregoing, please me know. Scheduling is one of the most difficult things we do around here. Thank you for your patience. Kevin

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