

**UNM SCHOOL OF LAW  
FACULTY MEETING**

**Tuesday, April 10, 2012**

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

*Attendance*

*Faculty:* Grace Allison, Megan Argo, Marsha Baum, Reed Benson, Barbara Bergman, Sherri Burr, Jim Butler, Barbara Creel, Eileen Gauna, Scott Hughes, April Land, John LaVelle, Antoinette Sedillo Lopez, Nathalie Martin, Jose Martinez, Max Minzner, Mike Norwood, Ted Occhialino, Carol Parker, Gordon Rahn, Rob Schwartz, Dave Sidhu, Carol Suzuki, Kevin Washburn, Peter Winograd, Christine Zuni Cruz

*Students:* Jesse Allen, Lauren Gilmore, Tracy Goodluck, Julia Maccini, David Mendes, David Odegard, Sam Walker, Craig Williams

*Staff:* Sandra Bauman, Hannah Farrington, Stephanie Grant, Heather Harrigan, William Jackson, Bonnie Stepleton

**I. Announcements**

- a. Assistant Dean Bonnie Stepleton presented the February Bar passage rates and announced details for the upcoming swearing-in ceremony.
- b. Director Christine Zuni Cruz provided brief details of the Pueblo Convocation held in early April.
- c. Professor John LaVelle announced the upcoming annual Federal Indian Bar meeting and encouraged faculty to allow students to attend.
- d. Professor Sherri Burr detailed the final two faculty colloquium for the school year.
- e. Associate Dean Carol Parker reminded faculty that, for those wishing to utilize any remaining travel allotment dollars in this way, all equipment requests are due by May 1st.
- f. Professor Scott Hughes gave a brief Faculty Senate report.
- g. Dean Kevin Washburn reported on the recent development trip made to Southeast New Mexico with Development Officer Anndee Wright Brown.
- h. Dean Washburn introduced and welcomed Assistant Dean Heather Harrigan, who briefed the faculty on herself and where she is beginning to focus her efforts.

**II. Approval of the March 6, 2012, Faculty Minutes**

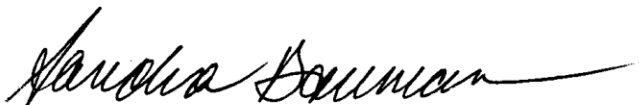
- a. A motion was made and seconded to approve the minutes, as presented, from the last faculty meeting.
- b. There was no further discussion and the motion received unanimous approval.

- III. DC Semester Proposal - Associate Dean Barbara Bergman
  - a. Dean Bergman briefly reminded the faculty of last meeting's discussion on this matter, and reported on the reception of the program by DC alums.
  - b. She referred faculty to the information she distributed via e-mail prior to the meeting (some printed copies were also available for faculty review; see Appendix 1), and invited questions and discussion, which ensued.
  - c. A suggestion was made to amend the proposal to run the program for a three year pilot period, and then reevaluate its continuance.
  - d. A motion to approve the amended proposal was made and seconded. Upon a vote by show of hands, the proposal was approved with no objections and one abstention.
  - e. Dean Washburn announced he will be appointing a committee to review/vet applications to the program for Fall 2012.
  
- IV. Honor Code Changes - Associate Dean Barbara Bergman
  - a. Associate Dean Bergman provided a bit of background with regard to the Honor Code, then introduced SBA President David Odegard to continue the presentation.
  - b. Mr. Odegard provided a brief overview of the proposed changes (Appendix 2) and invited questions. Discussion ensued briefly.
  - c. Upon a vote by the faculty, the proposed changes were adopted by the majority, with three abstentions and no objections.
  
- V. Student Affairs Committee Report - Professor Megan Argo
  - a. Professor Argo named the committee members involved, and provided a bit of background with regard to Late Grades issues. Mr. Odegard also spoke of circumstances of which he is aware where students were negatively impacted by late grade submission.
  - b. Professor Argo, referring faculty to the previously provided information, described the changes the Committee is proposing with regard to the faculty's late grades policy. She explained the two parts of the proposal.
  - c. Questions and discussion were invited and ensued.
    - i. Friendly amendments were proposed and accepted to
      - 1. define the grade due date to be 30 days, or the next business day thereafter, and
      - 2. not make the increased fine for "repeat offenders" retroactive beyond the starting point of the policy changes, if approved by the faculty.
  - d. A motion was made and seconded to table further discussion and voting until the next faculty meeting. The motion failed upon a vote, by show of hands, with 11 opposed and 10 in favor.
  - e. The faculty voted on the first area of proposed changes, including the friendly amendments (Appendix 3), which passed, with 12 in favor, eight opposed and three abstentions.
  - f. The faculty voted on the second area of proposed changes, which described the generation of documents and public posting of late grade submission information. The faculty did not vote to approve these changes, with 11 opposed, eight in favor and two abstentions.
  - g. Dean Washburn instructed the committee to revisit the failed portion to see if the proposals could be reworked and presented to the faculty at a future date.

- VI. Joint SBA/MALSA Proposal for Elected Student Member on the Faculty Appointments Committee - SBA President David Odegard
- a. Mr. Odegard summarized the proposal (Appendix 4), and invited questions and discussion, which ensued.
  - b. A motion was made, and seconded, to ask the SBA to hold an election for a 2L Representative to the Faculty Appointments Committee. The motion passed with one opposed and one abstention.
- VII. Proposed C100 Policy - Associate Dean Carol Parker
- a. Due to time constraints, Dean Parker announced she will provide further information at the next meeting, and ask for a faculty vote at the final meeting in May.
  - b. Dean Parker asked faculty to review the workload policy faculty received with the information for today's meeting in preparation for the next meeting.
- VIII. Honors and Awards Committee Report - Professor Sherri Burr
- a. Students were asked to leave the meeting at this point.
  - b. Professor Burr distributed the awards list for faculty to review and discuss. She acknowledged the hard work of the staff members who have helped to ensure that all awards have monetary backing this year, and thanked all of the committee members.
  - c. She provided background on the various awards, and discussion ensued.
  - d. Friendly amendments were proposed, and accepted, with regard to alternate names for two awards.
  - e. Dean Washburn, due to a prior commitment, had to leave the meeting and ceded the Chair to Associate Dean Bergman.
  - f. The vote was called on the Committee's list, including the changes proposed, and passed with 15 in favor, no one opposed and no abstentions.

The meeting was adjourned at 5:18 p.m.

Respectfully submitted,



Sandra Bauman  
Administrative Assistant to the Dean

**UNIVERSITY OF NEW MEXICO SCHOOL OF LAW  
WASHINGTON, D.C. EXPERIENTIAL ENRICHMENT PROGRAM**

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**Proposal**

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The purpose of this document is to propose the creation of a pilot program in which University of New Mexico School of Law (“UNM”) students will spend one-semester in Washington, D.C., obtaining work experience at a government agency, judge’s chambers, Congressional office, or qualified non-profit or legal aid organization. This proposal reflects a survey of similar programs established by ABA-accredited law schools and is tailored to the circumstances of our law school.

The educational and professional benefits of allowing students to obtain work experience in Washington, D.C. include:

- to supplement their doctrinal and academic studies with practical experience;
- to work with legal employers in the Washington, D.C. area, a location which has unique historical, political, and legal significance in the nation;
- to obtain work experience in settings unique to Washington, D.C. and/or not available in New Mexico;
- to develop and/or strengthen professional networks in the Washington, D.C., area, which may be helpful in securing full-time, post-graduate employment;
- to collaborate and forge stronger ties with our alumni in the Washington, D.C., area;
- to serve as ambassadors of the law school in the Washington, D.C., area legal community; and
- to share their experience and knowledge gained with other students and ultimately to the bar upon their return to the law school and the state.

In short, participating students, our D.C. area alumni, other UNM law students, and the law school as a whole stand to gain from this program.

In addition to the benefits to the students, the potential attractiveness of this program for recruiting or admissions purposes also argues in favor of this pilot program. At present, at least fifteen ABA-accredited law schools offer their students the opportunity to work full-time in Washington, D.C., for academic credit. These law schools range from the national “elite,” such

as Harvard Law School and UC Berkeley-Boalt Hall, to our regional peers, such as Arizona State University School of Law. In setting up a Washington, D.C. experiential learning program, UNM would be providing an educational and professional experience that applicants and students may not only desire, but come to expect. This program would fill the gap left between the offerings available elsewhere, and those present at UNM.

The program would consist of two components: (1) a full-time fieldwork placement, and (2) a weekly capstone seminar. First, students will be required to work at least thirty-five hours per week, for the same number of weeks as a traditional law school semester, with a government agency, judge's chambers, Congressional office, or approved non-profit or legal services organization. Every effort would be made to match students to placements based on their particular academic interests and professional goals. These fieldwork experiences are expected to be challenging and to approximate actual work engaged in by legal practitioners. UNM alumni in D.C. and faculty with connections to D.C. already have indicated their willingness to help find suitable placements for our law students. We expect that our collective ability to place students is significantly enhanced by the fact that students will be spending a fall or spring semester in D.C., not in the summer, when internship opportunities are far more competitive and scarce. (Emeritus Professor Ted Occhialino spends the fall semester in Washington and has indicated his willingness to provide oversight to the program. Thus, initially, this program will be offered only during the fall semester.) Students will not be allowed to receive compensation for the work they do at their placement. Instead, students will receive twelve-hours of credit, graded on a Credit, C-, D+, D, D- or F, for completing this component of the program.

Second, participating students will be required to attend a weekly capstone seminar on a topic relevant to their experiences in D.C. The instructor will explore in the classroom setting the lawmaking and law-changing continuum along with the perspectives of the roles lawyers play in the process and the many legal and policy career options unique to Washington, D.C. The seminar will also provide a setting for reflection through "grand rounds" style presentations by students about their placements to better connect the learning in the seminar and in the field. The students will write a substantial paper, detailing their experiences and examining substantively a topic related to their fieldwork placement. Students will receive three hours of credit, with a letter grade, for completing this component of the program. Students who do not complete either component will be subject to the traditionally applicable academic policies, and may receive an incomplete or be withdrawn as appropriate.

Emeritus Professor Occhialino will be in-residence in Washington, D.C., throughout the fall semester (as noted above). We will primarily rely upon highly qualified Washington, D.C.-area alumni as adjunct faculty to lead the seminar; grade the papers; generally ensure the smooth operation of the program; and attend to any issues that may arise during the course of the semester. In addition, Professor Barbara Bergman, who regularly travels to Washington to chair a Criminal Jury Instructions Committee, will make a minimum of two visits during the semester to visit the fieldwork placements and attend the seminar.

Only law students in their second- or third-year, in good academic standing, will be eligible to participate in the program. No more than six students will participate in this program during the pilot phase. A formal application will be required, consisting of a letter of interest,

resume, transcript, and writing sample. The selection committee will consist of three faculty members appointed by the Dean. Selection of the students will be based on various factors, including the student's academic record, motivation, capacity to work independently, and our ability to match the students' interests with possible experiential opportunities. Students, once selected, will also be paired with Washington, D.C.-area based alumni, who will serve as a student's mentor.

While participating students will pay tuition in accordance with their residence status, the Washington, D.C.-area based alumni generously have established a fellowship fund for our law students who work in Washington, D.C. full-time for a semester. The last two fellowship awards have been for \$1,000. The availability of this financial support reflects the level of interest in our D.C.-based alumni to work with and assist our current students.

It is acknowledged that participating students will be absent from the law school community for the duration of the fall semester. Their loss is not insignificant, as six students will not be taking roughly three to five classes at the law school. Their loss, however important, may be offset by the very real possibility that (1) the existence of the program may attract additional applicants to the law school, and (2) participating students, as ambassadors of the law school, may raise the profile of the law school on a national stage and may thus generate greater interest in UNM. These benefits should not be underestimated, particularly as the law school -- and other law schools -- continue to see decreased numbers of applicants in this depressed economic climate. In any case, the professional benefits to the participating students and the potential for those students to then impart those benefits to the law school upon their return to the law school and the state may be worth the "cost" of their temporary absence.

The extent of this alumni support, the success of similar programs at other law schools, and the need to help facilitate students' professional credentials during this difficult employment environment all suggest that this program is ripe for consideration at this time.

## Appendix 2

**To:** Dean Kevin Washburn  
UNM School of Law Faculty  
**From:** Ad Hoc Committee to Review Disciplinary Procedures and the Student Honor Code  
UNM School of Law Student Bar Association  
**Date:** April 2, 2012  
**Re:** Minor Changes to the Honor Code

The Ad Hoc Committee to Review Disciplinary Procedures and The Student Honor Code has recently made some changes to the Honor Code. The revised Honor Code was made available to students for comment. Many of the changes are for clarity—rephrasing and restructuring sentences to make certain provisions more understandable. The following changes have been made:

- Emphasizing that confidentiality of Honor Code investigations and hearings extends to all witnesses, investigators, and honor board members;
- Clarifying that all Students, Faculty and Staff aware of an apparent violation should report them;
- Changing that if the 3L faculty is not available to conduct investigations, it will then fall to the 2L faculty rep rather than to another 3L student;
- Amending the time to conduct a Honor Code investigation and hearing from 2 weeks to 3 weeks. (Especially in light of finals, it takes time to interview all of the witnesses and prepare a report and then send it to a hearing);
- Adding that in the case of extenuating circumstances when one Honor Board Member cannot make it to the hearing, the hearing will still be held;
- Clarifying that sanctions are not limited to those listed, and that the board can suggest any other reasonable sanction in light of the circumstances; and
- Removing the verbal reprimand from the list of appealable sanctions to the Dean.

## Appendix 3

### Amended Late Grades Policy

**Submission of Grades by Faculty:** Faculty shall submit grades for all courses to the Assistant Dean for Registration as soon as possible but no later than:

1. For classes in which an examination is given, course grades will be due 30 calendar days from the next business day the exams are available from the Registrar. If the end of this time period does not end on a business day, the course grades are due on the next business day.
2. If the class is a seminar with a paper, the grades must be submitted within 30 calendar days from the due date for the papers.
3. If the professor requires both a paper and a final examination, the final grades are due 30 calendar days from either the paper due date or from the date the examinations are delivered to the faculty member, whichever is later.
4. All clinic grades will be due one business day before the first day of the following semester of summer term.
5. The grades are due in the Registrar's Office no later than 5:00 p.m.

#### **Late Submission of Grades by Faculty**

No exceptions will be made except with the approval of the Dean for good cause shown which is normally construed as circumstances unanticipated and beyond the control of the faculty member. The affected students will be notified of any exceptions permitted by the Dean and the reason why the professor has requested the extension if the Dean concludes that such action is appropriate.

Monetary fines for the submission of late grades without an extension will be \$50 per class per day or any portion of a day that grades are late. Beginning with the Spring 2012 semester, a faculty member whose grades have been late for one or more of the preceding three semesters shall incur a fine of \$100 per day per course. (Late grades for semesters before Spring 2012 will not be considered under this policy, so the first time this repeat offender provision could possibly apply is in the Fall of 2012.) The Dean may also take into consideration the fact that a faculty member has not submitted grades in compliance with this policy and without obtaining an extension or has not paid fines that have been imposed when determining a faculty member's eligibility for summer research grants, reimbursement for professional travel, and any requests for course release or sabbaticals.



## Appendix 4

**To:** Dean Kevin Washburn  
UNM School of Law Faculty  
**From:** Mexican-American Law Student Association (MALSA)  
UNM School of Law Student Bar Association (SBA)  
**Date:** April 2, 2012  
**Re:** Request for a Faculty Appointments Committee Student Representative

The University of New Mexico School of Law has a long tradition and commitment to fostering a diverse legal education. This tradition has drawn students, faculty, and staff equally to cultivate a diverse campus. Our institution has even been recognized by the National Jurist as one of the most diverse law schools in the nation. We did not earn this recognition overnight; it took years of dedicated work. In order to continue this tradition, we as students are looking to more actively participate with faculty in shaping the administrative and academic culture as well as our educational needs. As a model, we looked to the student representative on the Dean's Admissions and Financial Aid Committee.

MALSA and SBA propose that a student representative be elected by the student body to sit as a regular member of the Faculty Appointments Committee. The student representative will work hand in hand with other Committee members throughout the hiring process. The student would be required to comply with all the rules and requirements of the Committee including but not limited to confidentiality requirements. A failure to comply would result in the student being subject to sanctions in the honor code and the administration's disciplinary procedures.

This student member will be in a unique position to participate in the workings of the Committee in its search, review, and recommendation of potential faculty. The Committee will have the benefit of a student's perspective throughout the process. Ideally, a student elected from the student body will help fulfill the academic needs of the law school, increase diversity in the faculty, and provide a more participatory and transparent administrative process.

To elect the student to participate in this committee, the SBA will add this position to its spring election. The term of office will mirror the Faculty Appointments Committee's calendar, from spring to spring. If and when this request is accepted, the SBA will conduct a special election to fill the position for the upcoming 2012-2013 school year. The SBA will then amend its Constitution to include this new position as an annually elected position.

We welcome any inquiry that the faculty have in creating this position. As such, Alex Flores, Lauren Gilmore and David Odegard will be available to meet with faculty in advance of the faculty meeting to discuss this request.

Sincerely,

The Mexican American Law Student Association  
The UNM School of Law Student Bar Association