

**UNM SCHOOL OF LAW  
FACULTY MEETING**

**Tuesday, May 8, 2012**

The meeting was called to order at 3:12 p.m.

*Attendance*

*Faculty:* Grace Allison, George Bach, Marsha Baum, Reed Benson, Sherri Burr, Camille Carey, Barbara Creel, Chris Fritz, Eileen Gauna, Scott Hughes, Pam Lambert, April Land, Nathalie Martin, Alfred Mathewson, Max Minzner, Jenny Moore, Daniel Ortega, Carol Parker, Dave Sidhu, Kevin Washburn, Christine Zuni Cruz

*Sr. Staff/Staff:* Sandra Bauman, Hannah Farrington, Stephanie Grant, Heather Harrigan, Bonnie Stepleton

**I. Announcements**

- a. Dean Kevin Washburn informed faculty about the ground conditions in the area traditionally used for commencement, and the alternate arrangements being made for Saturday's ceremony in response to those conditions.
- b. Professor Nathalie Martin announced she and Professor Emeritus Fred Hart are working on an amicus brief, representing civic groups, for the first foreclosure to make it to the Supreme Court.
- c. Associate Dean Carol Parker invited faculty members to sign a petition in support of the initiative to form a provisional AALS section group on Law School Administration and Finance.
- d. Professor Sherri Burr reminded faculty of Friday's Honors and Awards Ceremony and described some improvements to the usual format.
- e. Dean Washburn acknowledged the following individuals for joining and contributing to the Law School's educational and service missions in their respective capacities: Grace Allison, George Bach, Dave Sidhu, Max Minzner, and Heather Harrigan.
- f. Dean Washburn notified the faculty that Stephanie Grant is processing the summer research grants and will be providing contracts for faculty to sign. He thanked Assistant Dean Hannah Farrington for her fundraising work that facilitated these awards.
- g. Dean Washburn spoke about the Judicial Education Center's busy summer schedule, asked faculty members to be willing to pitch in if requested within their expertise, and thanked Pam Lambert for all her work.

**II. Approval of April 24, 2012, Faculty Meeting 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. Proposed C100 Policy - Associate Dean Carol Parker**

- a. Associate Dean Parker recapped last meeting's discussion, and reviewed the main campus faculty workload policy.

- b. She distributed the Committee's recommendation for a rubric with regard to metrics for scholarship only. (Addendum I)
  - c. After a period of discussion the faculty voted to approve the committee's recommendation with 12 in favor, one opposed and one abstention.
- IV. International Committee Report - Research Professor Daniel Ortega
- a. Professor Ortega referred faculty to the Committee's printed report (Addendum II) made available during the meeting.
  - b. He briefly described the main areas noted in the report, as an informational resource to the faculty at this point, as none of these items are being brought for a vote at this point.
    - i. Expanding the Mexico Foreign Diplomat program to two diplomats per year if the Mexican government approves. Consensus of the faculty led Dean Washburn to declare his willingness to administratively implement this should it be approved by Mexico.
    - ii. Hosting up to four Mexican prosecutors in a certificate program similar to the diplomat program as the Mexican legal system changes from written to oral advocacy. This would be under an initiative by the Mexican government, which has not yet been fully implemented.
    - iii. Exploring a proposal, fully supported by Professor Sergio Pareja, to launch a summer program in Madrid, Spain, similar to that in Guanajuato, Mexico.
  - c. Conversation on all three items ensued throughout the presentation. Additional questions, concerns or objections should be addressed to the Committee, Professor Ortega, or Dean Washburn.
- V. Process for Deciding Whether to Hire Faculty Next Year - Dean Kevin Washburn
- a. Senior staff and research faculty were offered the opportunity to leave for this topic of discussion.
  - b. Dean Washburn offered his perspective on the potential hiring plan he would provide the provost when asked to do so.
  - c. Dean Washburn would like the faculty to consider meeting once during the summer, potentially a half or full day, to hone in on how they would like to proceed.
  - d. Discussion ensued, with a strong consensus for having a facilitator involved to assist the faculty in working through some existing difficulties.
  - e. Dean Washburn invited faculty to contact him with additional thoughts, comments, or facilitator recommendations. His office will offer some potential dates in July for the meeting.

The meeting was adjourned at 4:37 p.m.

Respectfully submitted,

Sandra Bauman  
Administrative Assistant to the Dean

## Addendum I

### UNM Law Faculty Scholarly Workload Rubric\* (Adopted 5/8/12)

Possible Units Available	0	1-2	3-5	6-8	9
<b>Workload Descriptor</b>	<b>No Research or Creative Work</b>	<b>Inadequate Research or Creative Work</b>	<b>Appropriate Research or Creative Work</b>	<b>Substantial Research or Creative Work</b>	<b>Extensive Research or Creative Work</b>
<b>Descriptor Definition</b>	Faculty member engaged in no recognizable research or creative activities	Faculty member engaged in research or creative activities that did not rise to an appropriate level	Faculty member is engaged in activities that further a scholarly agenda	Faculty member is engaged in multiple and varied activities that further a scholarly agenda	Faculty member is engaged in large or comprehensive activities that further a scholarly agenda
<b>Examples of Activities**</b>	All of faculty member's activities are best described as teaching or service rather than research or creative works	The vast majority of faculty member's activities are best described as teaching or service rather than research or creative work, with only minimal progress made to advance ongoing scholarly project(s); some other modest contributions may have been made.	<p>Appropriate progress made to advance ongoing scholarly projects such as a book, article or practice manual</p> <p>Such work is defined as that which is deep and engaging with significant original thought and analysis; that which will be disseminated to as to be available to persons outside the School of Law community; that which reflects originality, creativity, and intellectual inquiry; and that which advances knowledge and understanding of matters related to law or justice.</p> <p>Progress that results in the publication of law review article, book chapter, or law practice manual in an academic year is rebuttably presumed to satisfy the definition of a disseminated scholarly work.</p>	Two or three activities of an 'Appropriate' nature	Four or more activities of an 'Appropriate' nature

\* UNM Faculty Handbook Section C 100 governs academic workload <http://handbook.unm.edu/C100.html>. Law faculty workload units for teaching, research and creative work, and service must be reported to the Provost's Office by the Law School Dean's Office each semester. The Provost's Office currently allows the Law School the flexibility to award up to nine units for teaching, up to nine units for research and creative works, and up to three units for service per semester; however, a normal academic workload each semester will generate 12 units earned through a combination of scholarship, teaching and service. How units are generated for "research or creative work, sponsored research, committee assignments, student advisement, direction of theses and dissertations, and administrative or supervisory duties" must be defined by the Law faculty. This rubric forms the basis by which the Law Dean shall assign units for Law faculty research and creative work each semester. **IT IS PRESUMED THAT THE VAST MAJORITY OF FACULTY ACHIEVEMENT WITH RESPECT TO RESEARCH AND CREATIVE WORK IN ANY GIVEN SEMESTER WILL FALL WITHIN THE 3-5 UNIT RANGE GIVEN OTHER TEACHING AND SERVICE OBLIGATIONS.**

## Addendum II

### **International Programs Committee Report May 8, 2012**

**2011-12 Members:** Sherri Burr, Antoinette Sedillo López, Jenny Moore, Daniel Ortega (Chair), Ted Parnall, and Andrew Apodaca

#### **1. Potential Expansion of Visiting-Scholar/Diplomat Program from 1 to 2 Diplomats per Year**

##### **UNMSOL-Mexican Secretariat of Foreign Relations - Overview of Visiting-Scholar Program**

The Mexican Secretariat of Foreign Relations visiting-scholar program at UNM School of Law was established by a November 10, 1989 “Cooperation Agreement between the *Secretaría de Relaciones Exteriores* of the United Mexican States and the University of New Mexico School of Law.” Many issues arise at Mexican consulates in the U.S. concerning criminal law, criminal procedure, family law, and immigration. Therefore, the purpose of this one-year program is to train career diplomats in the Mexican Foreign Service to understand and analyze legal issues that arise under U.S. law in their daily work at diplomatic posts in the U.S. Participants are selected by the Mexican Secretariat of Foreign Relations. Exams and papers are not required of the diplomat because this is an ungraded certificate program rather than a degree program. The diplomat’s official status at UNM is “Visiting Scholar,” which allows him or her to audit any law school course with the instructor’s approval.

During the fall semester, the diplomat selects courses to audit in consultation with the Program Director. Typical course selections include Legal Research and Writing, Comparative and Historical Legal Perspectives, Torts, Criminal Law, and Practicum, but the diplomat may choose a different mix of courses most relevant to his or her interests and career aspirations. The principal goal of the fall semester is to give the diplomat a broad orientation to U.S. law and basic research skills. Toward the end of fall semester, the diplomat proposes a research-paper topic to the Secretariat for its formal approval so that research can begin in January. At this time, the diplomat also chooses up to two spring-semester classes to audit. Common selections relevant to some consular work are immigration law, international law, human rights, and criminal procedure, but the diplomat may audit any two courses with the instructor’s approval.

In January, the Program Director and diplomat attend an introductory meeting with the judges (Judge Ross Sánchez and Judge Jackie Flores) who supervise the diplomat’s State District Court internship during the spring semester. The goal of the internship is to give the diplomat an in-depth understanding of a state-level criminal-justice system. The diplomat also begins researching his or her paper, and has regular progress meetings with the Program Director. Drafts of the research paper are reviewed by the Program Director and a law professor with subject matter expertise. The paper is completed during the summer.

In June, the diplomat begins an internship at the Federal Public Defender's office that typically ends in mid-July. The goal is for the diplomat to learn how the FPD office operates, especially as it relates to consular functions. For example, he/she interviews Mexican-citizen defendants to help prepare their defense.

The diplomat completes his or her visit to the law school in August, whereupon a certificate of completion is awarded.

The law school benefits from this program because the diplomats bring a distinct perspective that greatly enriches class discussions. This program also enhances the positive relationship between the University of New Mexico and the Consulate of Mexico in Albuquerque, which is the highest-ranking diplomatic post in the State of New Mexico.

Consequences for faculty if 2 visitors come each year:

- a. One or two faculty member-subject matter experts would need to comment on and oversee two research papers rather than one.
- b. Two visiting scholar-diplomats rather than one would audit some classes.

Current Status: Mauricio Ibarra, Consul of Mexico in Albuquerque, has said that the Secretariat likely will approve this expansion, but he is awaiting official word from Mexico City.

**On April 4, 2012, the International Programs Committee voted to recommend to the faculty that this expansion be approved, assuming that the Government of Mexico approves it.**

## **2. Potential Program for Visiting Mexican Prosecutors**

“In June 2008, Mexico amended its constitution to mandate the transformation of its criminal justice system. The Federal Constitutional Reform, *Reforma Constitucional en Materia de Justicia Penal y Seguridad Pública*, which mandated that all Mexican states and federal jurisdictions transform from the written, inquisitorial criminal justice system to a more transparent oral, adversarial system by 2016, is the most important reform in the field of justice and public safety adopted by Mexico since 1917.” <http://www.usaid.gov/mx/ruleoflaweng.html>.

Two major distinctions between the US criminal justice system and the new Mexican oral advocacy system are that in Mexico the finders of fact will be three-judge panels rather than juries, and there are no rules of evidence.

In early January Daniel Ortega spoke by phone with Mr. Charles Jakosa, who manages the Rule of Law Program that is part of the Mérida Initiative (<http://www.usaid.gov/mx/ruleoflaweng.html>). Mr. Jakosa is based at the US Embassy in Mexico City. It is possible that Mr. Jakosa could fund one or two Mexican prosecutors per year to spend time in New Mexico observing proceedings in state and municipal court, and auditing, e.g., Evidence and Trial Practice, Criminal Law and Practice, Criminal Procedure I, and/or Criminal Procedure II.

The prosecutors would need to be fluent in English. UNM School of Law would determine the level of fluency required, depending on the content of the training. The participants likely would be state prosecutors. Their employer must agree to rehire them or continue their employment while they visit New Mexico, and the prosecutors must commit to return to their old job. The US Department of State would make a grant for the total cost of the program to UNM, which would award a scholarship to each participant to cover the total cost. It is okay with the US Department of State if this were a certificate program rather than an LLM program (as in the visiting scholar-diplomat program). A one-semester visit may make more sense than a two-semester or 12-month visit because it probably would produce a larger pool of candidates since participants must uproot themselves from their homes and jobs.

Mr. Jakosa would need to receive a request for these visits from the *Procuraduría General de la República* (Federal Prosecutor's Office) in Mexico. Daniel Ortega met with Consul Ibarra on Feb. 3 to explore whether the Consulate would support the development of this program and help with the request for funding from the PGR. The Consul reacted favorably, but the latest news from Mr. Jakosa is that this project will not take place in 2012 due to the July presidential elections and other current projects of the Federal Prosecutor's Office.

**On April 4, 2012, the International Programs Committee voted to recommend to the faculty that this program be established, assuming that the Government of Mexico approves it.**

### **3. Inquiry from Sergio Pareja**

Sergio Pareja sought the Committee's advice in mid-January about expanding the law school's relationship with the Institute of International Legal Studies at the Universidad Rey Juan Carlos in Madrid, where he is spending his sabbatical. At present, Sergio and Prof. Bruno Aguilera of URJC are focused on two possibilities for expanding the relationship between UNM and URJC:

a. Madrid Summer Law Institute: Establish a program in Madrid that would run for four weeks in June, which is the ideal month at URJC because classrooms and offices are available then.

**On April 4, 2012, the International Programs Committee voted to authorize Sergio to investigate the feasibility of a Madrid Summer Law Institute and submit a proposal to the Committee. Sergio submitted the proposal on April 26<sup>th</sup>. The Committee will meet next week to discuss the proposal. Sergio would like to launch the institute in 2013 or 2014. Students would earn 5 credit hours.**

b. URJC-UNM student exchange: Bruno Aguilera would welcome one or two visiting exchange students from UNM for a semester and would like to send one or two URJC students to UNM for a semester to take 1L courses. Bruno's Institute would award the URJC students a certificate upon completion of their studies at UNM. Sergio is now working on a renewal of the expired all-discipline UNM-URJC exchange agreement that resulted from Bruno's visits to the law school several years ago.