

Faculty Meeting Minutes February 7, 2017

Meeting was called to order by Dean Alfred Mathewson at 3:04 p.m.

Faculty: Maryam Ahranjani, Marsha Baum, Reed Benson, Kip Bobroff, Camille Carey, Scott England, Barbara Creel, Steven Homer, Scott Hughes, Joshua Kastenber, Ruth Kovnat, April Land, Jennifer Laws, Serge Martinez, Alfred Mathewson, Jennifer Moore, Mary Pareja, Michelle Rigual, Leo Romero, David Stout, Cliff Villa, John Whitlow, Peter Winograd, Christine Zuni Cruz

Students: David Jenkins, Alan Heinz, Keri Rezac

Staff: Beverly Akin, Krista Allen, Hannah Farrington, Heather Harrigan, Chad Covey

Announcements

Dean Pareja and Dean Mathewson talked about their meeting with the Provost, noting that they spent time talking about the challenging budget situation. They noted that further cuts are very likely.

Dean Mathewson spoke about four upcoming events:

- Today: Lawyers Without Rights" exhibit, depicting fate of Jewish lawyers in Nazi Germany. Professor Burr will present on "Defining Others to Justify Abolishing Legal and Human Rights: Parallels between Jews in Nazi Germany and Free Blacks in Colonial Virginia."
- February 16, 2017: Leading legal scholar, Akhil Reed Amar, will present "The Constitution at a Crossroads." Professor Amar will discuss the constitutional significance of various modern cases and controversies - from gun control to gay rights, from the Electoral College to campaign finance - and will discuss the American constitutional project more generally. Come prepared to ask any question you like about America's constitutional system - past, present, and future.
- February 23, 2017: The Ramah Case: A Moderated UNM Law School Conversation. Regents Professor Kevin Washburn will moderate a conversation about Ramah Navajo Chapter v. Jewell, the \$940 million landmark settlement involving hundreds of tribes.
- February 25, 2017: Regional Indigenous Consultation with UN Special Rapporteur. The United Nations Special Rapporteur, Victoria Tauli-Corpuz, is currently visiting the United States attending a series of regional consultations to examine how indigenous peoples are experiencing energy development in their areas. Register for the event online.

Dean Pareja gave an update on the Madrid Summer Law Institute (MSLI). The four-week, five-credit summer law program is now filled with 50 students (30 of those spots were filled by UNM students), and there is a waiting list of six students. This has been a great response.

Dean Pareja noted that Max Minzner is leaving the Federal Energy Regulatory Commission (FERC). He is giving some thought to coming back to the UNM SOL, but he is not yet decided.

Dean Mathewson and Dean Pareja noted that Innocence and Justice Project grant funding is running out on May 31. At the present time it costs around \$300,000 a year to operate this program. The Advancement Team is actively looking for private donors, and we are looking for ideas regarding ways to keep the program going.

Deans Mathewson and Pareja then discussed their long-term plans. They both signed 3-year contracts to serve as deans, which end in the summer of 2018. The Provost needs to decide this semester whether to

extend their contracts or to conduct a national search that would begin this summer. Deans Mathewson and Pareja have asked the Provost to visit with the faculty to find out how they would like to proceed.

Both Dean Mathewson and Dean Pareja expressed a willingness to continue beyond the three-year period. Dean Pareja indicated he might be willing to extend it a bit if that's what the faculty want, but he will not extend it more than another three years. Dean Pareja noted that he is completely fine with returning to his regular faculty position at the end of his original three-year contract.

Dean Mathewson expressed in his Statement of Interest for the position that he was interested in a three-year term and had informed the Provost upon acceptance that he was planning to retire at the end of his three-year contract. He likes working with Dean Pareja and is now willing to continue a bit longer, but he does not want to extend it another three years. He prefers something shorter. They anticipate that the next dean appointed in a national search was likely to involve return to the single dean model. Both thought that the extension timeframes in which they have expressed an interest would allow for the possibility of an orderly transition back to a single dean.

Professor Mary Pareja: The faculty colloquium series will begin on Wednesday, February 8th in the New Faculty Lounge with Camille Carey and Brandi Fink. Their topic is Financial, Therapeutic, Health, and Deterrence Outcomes for Domestic Violence Tort Plaintiffs.

ACTION ITEM: Approval of Minutes from December 12, 2016 Voting Summit. A motion was made and seconded to approve the minutes. It was voted on and passed with nobody against and two abstentions.

ACTION ITEM: Approval of Minutes from January 17, 2017 faculty meeting. A motion was made and seconded, to approve the minutes. It was voted on and passed with nobody against and two abstentions.

ACTION ITEM: Proposed amendment to student voting provision of UNM School of Law Voting Policy. Professor Stout moved to strike the last sentence of Article III, Section I of the UNM School of Law Voting Policy that was adopted by Faculty Vote on January 17, 2017. Specifically, the motion was to delete the following sentence from the section on Voting by Students at faculty meetings: "Voting Privileges of any such student representatives may be revoked at any time by a majority vote of Voting Rights holders present in person at a meeting when there is a quorum." The motion was seconded. A proposed friendly amendment to delete similar language in the section dealing with Voting by Visiting Faculty was initially accepted but subsequently withdrawn. The faculty noted that the deletion of the sentence in the section on Voting by Students will have no material effect because faculty members with voting rights can, under Article VII of the Voting Policy, always amend the policy to take the voting privilege away from student representatives. After discussion, the motion was voted on and passed 20 for and 1 against with no abstentions. The amended voting policy is attached.

ACTION ITEM: Proposed amendments to the Policy on Legal Writing Faculty Appointment, Review & Promotion ("Lecturer Promotion Policy"). Professor Homer moved to approve proposed amendments to Lecturer Promotion Policy to make it consistent with the UNM School of Law Voting Policy. The motion was seconded. It was voted on and passed with nobody against and with one abstention. The amended Lecturer Promotion Policy is attached.

ACTION ITEM: Proposed amendments to externship provisions of Bulletin and Handbook of Policies ("Student Handbook"). Professor Stout moved to amend the section of the Student Handbook dealing with Externship Compensation to allow students to receive compensation for externships for which they receive academic credit. The motion provides that students may be paid for externships with (i) nonprofit organizations and (ii) private entities only if students work exclusively on pro bono matters. The motion was seconded. There was some discussion of whether New Mexico Rule 1-094 permits students to do externships in which the student acts as an attorney on behalf of clients under the supervision of a New Mexico licensed attorney. After much discussion a friendly amendment was proposed that the proposed provision allowing for compensation would sunset in exactly two years from today's date (i.e., on February 7, 2018) and that the

Curriculum Committee will be charged with looking at the data regarding the effect of allowing externships for compensation over the next two years to help the faculty to decide if the sunset provision should be removed. The friendly amendment was accepted. The proposed amendments to the externship provisions of the Student Handbook were voted on and passed 23 for, none against, and 1 abstention. The amended section of the Student Handbook on externships is attached.

Discuss office space issues – Deans Mathewson and Pareja

Deans Mathewson and Pareja: Because of the four Kellogg hires, the SOL is exploring ideas for additional office space. At this time the SOL is simply investigating the options and the cost of renovation for office space. One option would be to reuse or repurpose the faculty library which could possibly be cut in half to allow the other half to be used for office space. Another option would be to convert the classroom across from Prof. Baum's office to office space. Another option would be to utilize space in the library for additional offices. Deans Mathewson and Pareja noted that this is in the investigation stage. We are open to any suggestions and ideas that anyone may have.

Report of Bar Passage Task Force – Emeritus Professor Romero

Professor Romero passed out a copy of the task force report. Prof. Romero emphasized that the task force was made up of the Chair of the Curriculum Committee, a legal writing faculty member, a faculty member from the Clinic, a student, a faculty member from the Law and Indigenous Peoples Program, and two emeritus professors.

According to Prof. Romero, the task force viewed the various submissions from the law students and a memo from the SBA president about the consensus among the various student organizations and their recommendations. The task force also looked at other law schools and came up with the report containing recommendations which are not radical. At this point, we are not sure if the 2016 bar exam results were a blip or a trend. Historically, this school has had scores in the 80 percentile in terms of pass rate, and now have dipped down to 68 percent which is a significant drop that has major repercussions that we need to pay attention to. Some of the recommendations will require work by the administration, faculty, and faculty committees, and students.

One thing that hampered the task force was data collection. All information regarding students in any certain class has to be manually entered by hand. It should be automated. As a result, one of our recommendations is to get the system automated so we can make a more informed judgement.

The task force looked at one law school that really panicked and we some of its recommendations. At this time, we do not think its recommendations were appropriate. However, if the UNM SOL bar results are similar next summer, our suggestion is to take some of those more serious measures. For example, the University of California at Hasting is implementing timed closed book exams for all bar courses, eliminating credit / no credit grade option for bar courses requiring at least six upper division bar courses not including professional responsibility, recommending a diagnostic exam after the first year, and instituting a hard cut-off of 150 LSAT score for admission. Should the bar exam come back again with low scores this year, then it would be the recommendation of the task force to consider some of these measures. Lastly, Professor Romero thanked the task force for their time and especially thanked Heather Harrigan who was especially helpful.

Discuss faculty promotion expectations – Deans Mathewson and Pareja

While there is no clearly answer regarding UNM School of Law's publication expectations for pre-tenured faculty who are seeking promotion, we would like to start a discussion to see if it would make sense to come up with a clearer policy. Today we merely started the discussion.

Meeting was adjourned at 5:00 p.m.

UNM School of Law Voting Policy Adopted by Faculty Vote on January 17, 2017¹

This Voting Policy (this “Voting Policy”) was adopted by the majority vote of the tenure-stream law faculty, the lecturers on the law faculty, the tenure-stream law library faculty, and the lecturers on the law library faculty of the University of New Mexico School of Law (the “Law School”) present in person at a meeting of the faculty on January 17, 2017.

I. Definitions

As used in this Voting Policy, the following defined terms have the meanings indicated:

- A. “Tenure-stream law faculty” mean pre-tenure and tenured faculty of the Law School who do not primarily work in the Law Library.
- B. “Lecturers on the law faculty” mean faculty members who hold the title of “Lecturer III” (or an equivalent title in the future) at the University who teach at the Law School and who do not primarily work in the Law Library.
- C. “Tenure-stream law library faculty” mean pre-tenure and tenured faculty of the Law School who primarily work in the Law Library.
- D. “Lecturers on the law library faculty” mean faculty members who hold the title of “Lecturer III” (or an equivalent title in the future) at the University who teach at the Law School and who primarily work in the Law Library.
- E. “Professors of practice” mean faculty members of the Law School who hold the University’s “Professor of Practice” title.
- F. “Law Library” means the law library at the Law School.
- G. “University” means the University of New Mexico.
- H. “Voting Rights” means the rights to vote in accordance with, and subject to any limitations set forth in, this Voting Policy that are held by the holders of Voting Rights, which include but are not limited to the right to amend this Voting Policy and the right to extend and revoke Voting Privileges in accordance with this Voting Policy. Faculty members that hold Voting Rights at the Law School are tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty.
- I. “Voting Privileges” means privileges to vote in accordance with, and subject to any limitations set forth in, this Voting Policy that are granted by this Voting Policy, or by holders of Voting Rights in accordance with this Policy, to individuals other than holders of Voting Rights and that have not been revoked in accordance with this Voting Policy. Voting Privileges do not include the right to amend this Voting Policy or to extend or revoke Voting Privileges to other individuals under this Voting Policy. Individuals holding Voting Privileges at the Law School are certain professors of practice, certain emeritus faculty members, certain visiting professors, and certain students that are granted Voting Privileges

¹ As amended by the majority vote of the tenure-stream law faculty, the lecturers on the law faculty, the tenure-stream law library faculty, and the lecturers on the law library faculty of the Law School present in person at a meeting of the faculty on February 7, 2017.

by or in accordance with this Voting Policy that have not been revoked in accordance with this Voting Policy.

II. Committees

A. Conflicts

In the event of a conflict between this Article II of this Voting Policy relating to committees and a specific Law School policy for a committee that has been adopted at a meeting of the faculty in accordance with this Voting Policy, the specific Law School policy for that committee shall control.

B. Membership in General

As a general matter, the following people are eligible members of committees at the Law School:

1. Tenure-stream law faculty;
2. Tenure-stream law library faculty;
3. Lecturers on the law faculty;
4. Lecturers on the law library faculty;
5. Emeritus professors;
6. Institute directors;
7. Research professors;
8. Professors of practice;
9. Students;
10. Staff; and
11. Visiting faculty members.

Specific membership on Law School committees shall be determined by the dean(s) of the Law School, subject to the terms of specific Law School policies for particular committees.

C. Limitation on Membership

If a specific Law School policy or the committee's charge mandates a particular committee composition, that policy shall govern. For example, certain committees are required to have a specific number of student members.

D. Voting in General at Committee Meetings

Except as provided in a specific Law School policy for a particular committee, (a) all committee members, including the chair or co-chairs of the committee, but excluding persons that are *ex officio* members of the committee, may vote on any issue before the committee, (b)

each voting committee member that is present at a meeting of the committee shall have one vote, and (c) a majority of the voting committee members when a quorum is present may take any action in the conduct of the business of the committee.

E. Quorum

Except as provided in a specific Law School policy for a particular committee:

1. In General

A quorum of a committee is met with the presence of more than fifty percent of the voting members of the committee. For the avoidance of doubt, the chair or each co-chair shall be counted in determining if a quorum has been reached, regardless of whether the chair(s) of that particular committee may vote.

2. Electronic Participation

- a. The Law School prefers that committee members appear in person at committee meetings. Where appropriate, however, a committee member shall be deemed to be present if that member appears in person or through electronic means such as by telephone or Skype and provided that all committee members can hear each other at the same time. This right may be limited by the committee's charge.
- b. Committees may hold meetings exclusively through electronic means such as by telephone or Skype or by e-mail.

III. Faculty Meetings

A. Attendance in General

All attendees are encouraged to actively participate in any discussion at the meeting. The following people are invited and encouraged to attend faculty meetings as a matter of course:

1. Tenure-stream law faculty;
2. Tenure-stream law library faculty;
3. Lecturers on the law faculty;
4. Lecturers on the law library faculty;
5. Emeritus professors;
6. Institute directors;
7. Research professors;
8. Professors of practice;
9. One 1L student representative;
10. One 2L student representative;

11. One 3L student representative;
12. Assistant deans and senior staff, including but not limited to the Registrar and the Director of Admissions; and
13. Visiting professors.

B. Executive Sessions

In the case of confidential and private personnel matters, specifically including matters dealing with hiring and promotion of faculty and staff, matters dealing with student readmission and suspension, matters dealing with student grades, and matters dealing with student awards, the dean (or chair of the meeting) may call the meeting into executive session. In that case, the only people who may attend the executive session are:

1. Faculty members who are eligible to vote on the matter at hand;
2. Anybody specifically invited by the voting faculty to attend; and
3. Emeritus faculty regardless of whether such emeritus faculty members have Voting Privileges.

C. Voting by Tenure-Stream Law Faculty

Tenure-stream law faculty members may vote on all matters at Law School faculty meetings, including the hiring and promotion and tenure of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty.

D. Voting by Lecturers on the Law Faculty

Except as limited by University policy, lecturers on the law faculty may vote on all matters at Law School faculty meetings, including the hiring of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty, and including the promotion of lecturers on the law faculty and lecturers on the law library faculty, but excluding the promotion and tenure of tenure-stream law faculty and tenure-stream law library faculty. In general, lecturers on the law faculty shall be hired in accordance with the Law School's Policy on Legal Writing Faculty Appointment, Review & Promotion, as that policy may be amended in the future.

E. Voting by Tenure-Stream Law Library Faculty

Tenure-stream law library faculty members may vote on all matters at Law School faculty meetings, including the hiring and promotion and tenure of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty.

F. Voting by Lecturers on the Law Library Faculty

Except as limited by University policy, lecturers on the law library faculty may vote on all matters at Law School faculty meetings, including the hiring of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty, and including the promotion of lecturers on the law faculty and lecturers on the law library faculty, but excluding promotion and tenure of tenure-stream law faculty and tenure-

stream law library faculty. In general, lecturers on the law library faculty shall be hired in accordance with the Law School's Policy on Legal Writing Faculty Appointment, Review & Promotion, as that policy may be amended in the future, or in accordance with a separate policy that may be adopted at a faculty meeting in accordance with this Voting Policy with respect to the hiring and promotion of lecturers on the law library faculty.

G. Voting by Emeritus Faculty

All emeritus faculty who have taught a course, participated in a committee, or been otherwise actively engaged in faculty life at the law school within the past two years shall have Voting Privileges, which shall entitle such emeritus faculty to vote on all matters at Law School faculty meetings, including the hiring and promotion and tenure of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty. Other emeritus faculty members may attend but may not vote at faculty meetings.

H. Voting by Visiting Faculty

As a general matter, visiting faculty members may not vote at faculty meetings. However, at a faculty meeting near the beginning of any academic year or semester, the faculty members holding Voting Rights may vote to grant one or more visiting faculty members Voting Privileges for that year or semester, as the case may be. Voting Privileges granted to any such visiting faculty member shall allow the visiting faculty member to vote on all matters at Law School faculty meetings, except for the hiring and promotion and tenure of any faculty member. A visiting faculty member's Voting Privileges may be revoked at any time by a majority vote of the holders of Voting Rights present in person at a meeting when there is a quorum.

I. Voting by Students

Three student representatives, one for each Law School class, generally have Voting Privileges to vote on all matters at Law School faculty meetings, except for confidential student and personnel matters. Confidential student and personnel matters include, for example, student honors and awards and disciplinary matters, as well as faculty hiring and promotion and tenure decisions. These matters are reserved for an executive session vote outside the presence of students.

J. Voting by Professors of Practice

The law school currently does not have any professors of practice. Should the law school hire a professor of practice in the future, the faculty may, by a majority vote of faculty members with Voting Rights present in person at a meeting when there is a quorum, grant that professor of practice voting privileges to vote on all matters at Law School faculty meetings except for the promotion and tenure of any faculty member.

K. Voting by Others

Members of the staff, research faculty, and institute directors may not vote at faculty meetings.

L. Voting by the Chair(s)

The chair or co-chairs of a faculty meeting generally may vote if the vote is by secret ballot. If the vote is not by secret ballot, then the chair or co-chairs may only vote to break or make a

tie. In the case of co-chairs and a vote that is not by secret ballot, the co-chairs shall only have one vote between them to break or make a tie.

M. Voting in General at Faculty Meetings

Except as provided in Article III, Section L, each holder of Voting Rights and each holder of Voting Privileges that is entitled under this Voting Policy to vote on a matter presented for a vote at a faculty meeting shall have one vote, and any action taken on any such matter shall be decided by the vote of a majority of the holders of such Voting Rights and Voting Privileges present at the meeting when there is a quorum.

N. Quorum

A. Quorum Number

Faculty members with Voting Rights who are not on leave or sabbatical, including the dean(s), will be counted at the start of each semester. Anybody who may hold Voting Privileges, such as visitors, emeriti, or students, will not be counted. The quorum number will be set at that time. The quorum number shall equal the lowest whole number that is greater than fifty percent of the number of holders of Voting Rights who are not on leave or sabbatical at the start of the semester.

B. Attendance by Faculty Members on Leave or Sabbatical

While faculty members who are on leave or sabbatical may attend faculty meetings and vote, their attendance shall not be counted when determining if a quorum has been reached.

C. Chair(s)

For the avoidance of doubt, the chair or each co-chair shall be counted in determining if a quorum has been reached.

V. Secret Ballots

A. Faculty Meetings

The default rule at all faculty meetings is that votes are not by secret ballot. Notwithstanding the foregoing, any faculty member who is eligible to vote at the meeting may, prior to or during the meeting, make a request to the person chairing the meeting that a vote be by secret ballot. If such a request is made, then, unless otherwise prohibited by law, the vote shall be by secret ballot.

B. Committee Meetings

The default rule at all committee meetings is that votes are not by secret ballot. Notwithstanding the foregoing, any committee member who is eligible to vote at the meeting may, prior to or during the meeting, make a request to the person chairing the meeting that a vote be by secret ballot. If such a request is made, then, unless otherwise prohibited by law, the vote shall be by secret ballot.

C. Confidentiality

If a request for a secret ballot is made prior to a faculty meeting or committee meeting, then the chair of the meeting shall keep the identity of the person making the request confidential unless otherwise prohibited by law.

VII. Amending this Voting Policy

This Voting Policy may be amended in whole or in part by a majority of faculty members with Voting Rights present in person at a meeting when there is a quorum. People who hold Voting Privileges shall not have any right to vote on any amendments to this voting policy.

**POLICY ON
LEGAL WRITING FACULTY
APPOINTMENT, REVIEW & PROMOTION
Approved by the Faculty: December 6, 2016¹**

- I. Background. The Law School faculty previously approved the concept of long-term contracts for legal writing faculty. On November 26, 2013, the University Faculty Senate approved Faculty Handbook amendment C190: Lecturer Annual and Promotion Reviews. This policy implements C190 and provides procedures for the appointment, review, and promotion of legal writing faculty who are appointed as Lecturers III.
- II. Appointment & Pre-Promotion Contracts.
 - a. Appointment.
 - i. Legal writing faculty shall ordinarily be appointed to the position of Lecturer III, as defined by the University of New Mexico.
 - ii. The appointment committee for legal writing faculty who are appointed as Lecturers III shall include, if available, at least one member of the full-time legal writing faculty, and preferably at least one who holds the rank of Senior or Principal Lecturer.
 - iii. As appropriate, the hiring criteria will take into account the demands of teaching legal writing and the qualities of a successful legal writing teacher as outlined in the evaluative criteria listed below at Subsection III.b.
 - iv. The voting faculty as defined in Article III of the UNM School of Law Voting Policy may vote on the appointment, but the Dean shall make the final hiring decision, taking into account the recommendations of the appointment committee, any faculty vote, and any other relevant information.
 - v. If the Dean, in his or her discretion, determines that an applicant for lecturer has the qualifications and experience defined below at Subsection IV.a, that applicant may be appointed at the rank of Senior or Principal Lecturer.
 - b. Pre-Promotion Contracts.
 - i. Initial Contracts. The legal writing faculty member's first year of appointment is a probationary year, and the contract for that year is for one year. During the probationary year, the Director of the Legal Analysis & Communication Program will provide instruction and guidance, as appropriate, and will review the faculty member's feedback to students and classroom teaching. The Director of the Legal Analysis & Communication Program will regularly consult with the Dean about the performance of the new legal writing faculty member.
 - ii. Subsequent Contracts. Newly-appointed legal writing faculty who were appointed at the rank of Senior or Principal Lecturer and who earn positive evaluations in their first year will receive the benefits of their rank, including a contract of appropriate length, after their probationary year. Otherwise, upon positive performance in the first year, renewal contracts will be for one year, except as provided below at Subsection III.c.
- III. Annual Reviews of Legal Writing Faculty.
 - a. The Dean shall provide annual reviews of the effectiveness of legal writing faculty. While the focus of review will be on teaching, the Dean will also encourage the lecturer's growth in other areas, including scholarship, service, participation in legal

¹ As amended by the majority vote of the tenure-stream law faculty, the lecturers on the law faculty, the tenure-stream law library faculty, and the lecturers on the law library faculty of the Law School present in person at a meeting of the faculty on February 7, 2017.

writing or other professional organizations and conferences, and development of advanced legal writing courses. Subject to the discretion of the Dean, positive annual reviews should lead to renewal.

- b. Legal writing faculty will be evaluated according to the following criteria. In addition to the criteria listed below, the Dean may also consider the guidance offered by the ABA Sourcebook on Legal Writing and its suggestions for effective legal writing instruction.
 - i. Classroom teaching, including both preparation and delivery of class material;
 - ii. Problem design, including appropriateness and effectiveness in achieving teaching goals;
 - iii. Grading and assessment of student work, including the timely return of assignments;
 - iv. Quality, method, and amount of feedback provided to students;
 - v. Student guidance and conferences;
 - vi. Participation, cooperation, and collaboration in the Legal Analysis & Communication Program and its development;
 - vii. Knowledge and understanding of practice-related legal writing and its successful execution;
 - viii. Professionalism and collegiality; and
 - ix. Service to the Law School, to the University, to the legal community, to legal writing or other professional organizations, or any other equivalent service activity.
- c. Year Three Review of Pre-Promotion Lecturers.
 - i. This subsection applies to a lecturer who does not hold the rank of Senior or Principal Lecturer.
 - ii. In the third year of service at the Law School, a lecturer's annual review will include an assessment of his or her progress towards promotion. If the review is positive, the lecturer can expect an assurance that promotion expectations are being met, and the prospects for promotion are favorable. He or she will receive a two-year contract, beginning the following academic year. No formal evaluative process, other than the regular annual review conducted by the Dean, will be required prior to the lecturer becoming eligible for a two-year contract under this provision.
- d. Negative Evaluations, Non-Renewal & Remedial Plans. In the Dean's discretion, a negative evaluation may result in a remedial plan, or, if the lecturer is in the final year of his or her contract, either a remedial plan or non-renewal. The decision not to renew the lecturer's contract shall comply with the University's policies for non-renewal of lecturers.
 - i. Notice of Non-Renewal.
 - 1. For lecturers in their probationary year, the non-renewal decision shall be communicated in writing to the lecturer no later than March 31 of his or her first academic year.
 - 2. For lecturers past their probationary year, the non-renewal decision shall be communicated in writing to the lecturer no later than December 15 of the final year of the existing contract.
 - ii. Remedial Plan. If the Dean determines that a remedial plan is appropriate, the Dean shall provide the lecturer a written description of the areas in which the lecturer must improve to continue as a member of the faculty.
 - 1. The remedial plan will indicate the time by which the lecturer is expected to improve.

2. The remedial plan may indicate that if concerns are not adequately addressed, the lecturer will not be renewed.
3. Both the lecturer and the Dean must sign this document.

IV. Promotion.

- a. Standards & Criteria. Promotion to Senior or Principal Lecturer should be made after a careful review of the lecturer. The promotion is based on teaching experience and professional and leadership accomplishments and promise.
 - i. Teaching Experience. A lecturer seeking promotion must have sufficient teaching experience.
 1. Time.
 - a. A Senior Lecturer must have at least five years of continuous experience teaching at the Law School at 0.5 FTE or greater. At the discretion of the Dean, years of service at another institution of higher learning may be used to meet the years needed for promotion.
 - b. A Principal Lecturer must have at least eleven years of continuous experience teaching at the Law School at 0.5 FTE or greater. At the discretion of the Dean, years of service at another institution of higher learning may be used to meet the years needed for promotion.
 - c. For purposes of this subsection, “continuous experience teaching” shall be interpreted in the same manner as it is interpreted for tenure-track faculty at the University of New Mexico.
 2. A lecturer’s probationary year at the Law School is included in the calculation of teaching experience.
 - ii. Professional & Leadership Accomplishments & Promise.
 1. A lecturer seeking promotion must show professional and leadership accomplishments and promise. In particular, he or she must show that he or she:
 - a. Has demonstrated professional excellence and has made and will continue to make sound and valuable contributions in his or her professional areas;
 - b. Has consistently demonstrated wider service to the Law School community and its mission; and
 - c. Has shown a conscientious interest in improving his or her professional skills.
 2. A legal writing faculty member’s professional and leadership accomplishments and promise will be measured by evaluating the criteria listed above at Subsection III.b.
- b. Promotion Timeline & Process.
 - i. For purposes of this subsection, “peer faculty” are all faculty members who may vote on the promotion of lecturers under Article III of the UNM School of Law Voting Policy.
 - ii. Deadlines. In the year after a lecturer has completed the required time in service for the promotion for which he or she would be eligible, he or she may apply for promotion to Senior or Principal Lecturer. The Dean, the Faculty Retention, Promotion & Tenure Committee, and the lecturer shall observe the following process and approximate deadlines. The Dean may adjust these deadlines as necessary to ensure a fair and adequate process, or to accommodate University of New Mexico timeline changes.
 1. Early August:

- a. The Dean or the Chair of the Retention, Promotion & Tenure Committee shall notify the lecturer that he or she may be eligible for promotion. The lecturer may also submit notice to the Dean or the Chair of the Faculty Retention, Promotion & Tenure Committee of his or her intention to seek promotion.
 - b. Failure to meet this deadline shall not disqualify a lecturer from seeking promotion in that academic year.
2. Early September: the Dean shall appoint eligible tenured faculty and qualified lecturers to the Faculty Retention, Promotion & Tenure Committee to evaluate the lecturer.
 - a. The Chair of the Faculty Retention, Promotion & Tenure Committee shall appoint an appropriate subcommittee consisting of at least two tenured faculty members and a lecturer who has achieved the sought-after promotion, if available.
 - b. In selecting the subcommittee, the Dean or the Chair of the Faculty Retention, Promotion & Tenure Committee shall consult with the lecturer who will be under consideration for promotion.
 - c. Any member of the subcommittee may serve as chair of the subcommittee.
3. Early October:
 - a. The chair of the subcommittee or the Chair of the Faculty Retention, Promotion & Tenure Committee shall advise the lecturer as to the evaluation materials that will be required for the relevant time period. In general, the lecturer should expect to provide the following materials to the Faculty Retention, Promotion & Tenure Committee before the end of the fall semester:
 - i. Curriculum vitae;
 - ii. Teaching materials, including:
 1. Teaching statement or portfolio;
 2. Summary of student evaluations;
 3. Peer teaching evaluations, including general peer teaching evaluations not related to a specific course; and
 4. Course materials:
 - a. Course syllabi;
 - b. Peer teaching evaluations specific to the particular course; and
 - c. Original teaching materials;
 - iii. Service record statement; and
 - iv. Supplemental materials. These materials, such as letters of recommendation, awards, books, articles, or research grants received, are not required but they may be submitted by the lecturer for consideration. These materials must be accompanied by a comprehensive content list.
 - b. Relevant Time Period. The evaluation of a lecturer for promotion to Senior or Principal Lecturer shall be based on materials that date from the most recent of:

- i. The lecturer's appointment to the Law School faculty;
 - ii. The first year in which the lecturer received a two-year appointment as described above at Subsection III.b; or
 - iii. The lecturer's promotion to Senior Lecturer.
 4. Mid-January to early February: The subcommittee will conduct classroom visits and seek confidential feedback from current legal writing faculty.
 5. Mid-February:
 - a. The subcommittee will review the materials submitted by the lecturer, its own reports of classroom observations and feedback from current legal writing faculty, any available annual reviews by the Dean and Director of Legal Writing, and student evaluations obtained from the Registrar's office for the relevant time period. Based on these materials, the subcommittee shall prepare an initial report and recommendation. The Chair of the Faculty Retention, Promotion & Tenure Committee shall then submit the initial report and recommendation to the lecturer for review.
 - b. The lecturer may review the initial report and recommendation and may submit a written statement. If the lecturer submits a written statement, the Faculty Retention, Promotion & Tenure Committee may make changes to the report and recommendation, as it deems necessary.
 6. Late February: The Faculty Retention, Promotion & Tenure Committee shall provide its recommendation and report on lecturer promotion to the peer faculty.
 7. March 15: The Dean shall call a meeting of the peer faculty to consider the promotion application. The peer faculty will review the recommendation and report, and may take a vote on the recommendation and report.
 8. March 25: The Dean shall review the recommendation and report of the Faculty Retention, Promotion & Tenure Committee, any statement by the lecturer, and the results of any peer faculty vote, and shall make a determination on the suitability of the promotion.
 9. April 1: The Dean shall direct that all necessary documents be submitted to the Provost using the appropriate forms and process.
- c. Effect of Promotion.
 - i. Senior Lecturers will receive:
 1. Promotion to the rank of Senior Lecturer;
 2. A salary increase that is consistent with the practices of the Law School; and
 3. A two-year contract. Subject to the discretion of the Dean, Senior Lecturers whose annual evaluations demonstrate continued development and maturity with regard to their professional activities and leadership within the University can expect to maintain this rank and its benefits.
 - ii. Principal Lecturers will receive:
 1. Promotion to the rank of Principal Lecturer;
 2. A salary increase that is consistent with the practices of the Law School;

3. Eligibility for one semester of sabbatical after at least six years of service at the Law School and after every six years of additional service thereafter; and
 4. A three-year contract. Subject to the discretion of the Dean, Principal Lecturers whose annual evaluations demonstrate continued development and maturity with regard to their professional activities and leadership within the University can expect to maintain this rank and its benefits.
- d. Denial of Promotion: If the promotion is denied, the lecturer will retain his or her former title and benefits, including eligibility for a two-year term appointment as described above at Subsection III.c. The lecturer will be eligible to reapply for promotion after a two-year period.

Externships

General

Law Practice, ADR, and Judicial externships do not fulfill the clinical requirement.

In compliance with [ABA Standard 305 \(e\) \(6\)](#) a student must have successfully completed sufficient prerequisites or contemporaneously receive sufficient training to assure the quality of the student education experience in the fieldwork. A student is allowed to enroll in an initial externship with the written approval of the externship professor. The externship professor will be available to consult throughout the program. The student's externship supervisor should meet with the student at the beginning of and throughout the semester in order to provide appropriate supervision.

New Mexico Rule 1-094 requires that a student must have completed 30 hours of course work prior to the externship and be supervised by a New Mexico licensed attorney in order to "advise persons and to negotiate and to appear before the courts and administrative agencies of this state, in civil and criminal matters." A student who does not satisfy the requirements of New Mexico Rule 1-094 may not engage in the activities covered by the rule, but may still receive academic credit for other relevant law-related work that does not involve the direct representation of a client.

A student may not take an externship during his/her semester of the mandatory clinical course.

Additional Externship Credits

Students who have completed one externship will may be allowed to take additional credit hours for an approved externship provided they comply with the following:

1. Submit a written proposal for the externship to the Associate Dean for Academic Affairs and are granted written approval. The proposal should (a) identify the externship; (b) explain the reasons for the additional externship and demonstrate its educational benefit; (c) describe the expected substantial written work product.
2. Produce, as a result of the externship, a substantial written work product which will satisfy the Associate Dean for Academic Affairs.

No student shall repeat an externship for credit under the same supervising attorney or doing substantially the same work as a previous externship, as each externship should provide a different learning experience.

A student may not take more than one externship in a semester.

Externship Compensation

A student may receive compensation for an externship for which they receive academic credit provided there is written approval from the externship instructor. A student may receive reimbursement of reasonable out-of-pocket expenses related to fieldwork. Generally, externships will only be approved for fieldwork with public sector employers. Externships with private sector employers will be approved on a limited basis, provided there is a written agreement between the student, employer, and school that the student will work exclusively on pro bono matters. This policy is in compliance with the School of Law's learning outcome that students will understand the values of the profession, including the importance of community involvement and pro bono service, and the responsibility to promote justice.

This policy was amended on a provisional basis on February 7, 2017 to permit students to receive compensation for doing externships. Absent a faculty vote to extend the amended policy or to make it permanent, these changes shall expire on February 7, 2019, and the policy that existed immediately prior to February 7, 2017 shall apply. During that two-year trial period, the law school's curriculum committee shall be charged with analyzing the effect of this policy and shall recommend to the faculty whether the changes should or should not be made permanent.