

Faculty Meeting
Tuesday, January 16, 2018

The meeting was called to order at 3:04 p.m., once a quorum was reached. The following people were present for at least some portion of the meeting.

Faculty: **Maryam Ahranjani, George Bach, Marsha Baum, Kip Bobroff, Reed Benson, Sherri Burr, Camille Carey, Barbara Creel, Scott England, Justin, Goodman, Scott Hughes, Lucrecia Jaramillo, Joshua Kastenberg, John LaVelle, Ernesto Longa, Nathalie Martin, Serge Martinez, Alfred Mathewson, Aliza Organick, Gabriel Pacyniak, Mary Pareja, Sergio Pareja, Michelle Rigual, Leo Romero, Alexandra Siek, David Stout, Carol Suzuki, Sherri Thomas, Cliff Villa, Kevin Washburn, Peter Winograd, Jeanette Wolfley** (*17 needed for quorum; names that count toward quorum in bold*)

Student Reps: Ben Osborn, Joel Lobo

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

Announcements:

Dean Mathewson announced and congratulated the UNM School of Law Frederick Douglas Moot Court Team, which won the Western Regional Moot Court Tournament. Our team of 2Ls, Sara Klemundt and Valentina Basile, won Best Brief, and Sara Klemundt won Best Oral Advocate. The team will now be moving on to preparing for the national competition. Emeritus Professor Barbara Blumenfeld will be looking for volunteers to assist in their preparation for nationals.

Dean Pareja announced that we recently received one of our largest outright gifts by a single donor: \$2.5 million dollars. The donor in this case will remain anonymous, but the funds are being given in honor of Daniel Sisk. Mr. Sisk was the sixth lawyer to join the Modrall Sperling law firm, and he passed away this past August. The donated funds will be used to set up an endowed scholarship fund in Mr. Sisk's name, with the goal of providing one full-ride scholarship per year to an incoming 1L at UNM. The scholarship is intended to pay the recipient's full cost of attending law school, including tuition, books, and living expenses. After the first couple of years, we should generally have one 1L, one 2L and one 3L attending our law school on this scholarship. The selection criteria include a combination of GPA, LSAT score, and evidence that the recipient will have a strong commitment to the highest level of professionalism and ethics. In light of the size of this gift, we also will be naming classroom 2402 in honor of Daniel Sisk. Dean Pareja thanked Nickie Vigil and Hannah Farrington for their hard work on helping to secure this gift just before the New Year.

Dean Pareja introduced Justin Goodman, the law school's new visiting professor, and asked that all welcome him.

Sherri Thomas announced that the theme for next year's AALS annual meeting will be "Building Bridges."

Mary Pareja announced that tomorrow's colloquium, presented by Nathalie Martin, is called "Legal Education: What's Mindfulness Got to Do with It?" She invited everyone to attend the colloquium.

Lunch Drawing - Dean Mathewson and Dean Pareja – As usual, we held a drawing for one faculty member to have lunch with the deans and three law school staff members, to be paid for by the deans. This is an opportunity to help build camaraderie and talk a bit about what you do outside of work. Professor Joshua Kastenberg's name was selected.

Action Items:

Approval of Minutes from December 5, 2017 Meeting: A motion was made, and seconded, to approve the minutes. There was no discussion. The motion passed with three abstentions.

Approval of Minutes from Executive Session Faculty Meeting on January 9, 2018: A motion was made, and seconded, to approve the minutes. The floor was opened for discussion. Sherri Thomas noted that her name was incorrectly left off the minutes and offered that as a friendly amendment, which was accepted. The motion to approve the minutes, as amended, passed with two abstentions.

Bar Passage Task Force updated report - Emeritus Professor Leo Romero: The Task Force was pleased to see that UNM's first-time bar passage rate increased significantly in both 2017 sittings – to 87% in February (+16% year-over-year) and to 91% in July (+23% year-over-year). Additionally, the pass rate for repeat takers increased in both sittings in 2017 (to 53% in February and 60% in July).

Members of the Task Force reviewed available data and analysis generated from the Office of Institutional Analytics, which included information from individuals who sat for the bar examination in July 2016, February 2017, and July 2017. The relevant data included admissions credentials, law school performance, bar course selection, and participation in a commercial bar review course. The data analyst advised that the dataset is too small to conduct predictive analytics, which would require at least 1,000 datasets or approximately 10 years of graduate data.

Not surprisingly, the Task Force members noted a positive correlation between bar passage and:

- Undergraduate GPA
- 1L GPA
- Cumulative law GPA
- LSAT
- Performance on law courses covering bar topics
- High percentage completion of a commercial bar preparation course (*e.g.*, BarBri, Kaplan, Themis)

While these historical predictors correlated with bar passage, it is worth noting that they were not outcome determinative. For example, in the Class of 2017, one graduate with a 134 LSAT passed on the first attempt, while a classmate with a 156 LSAT was unsuccessful.

Although the Task Force is encouraged by the 2017 results, members want to reinforce the importance of monitoring the bar examination results of UNM graduates and the continuation of many of its previous recommendations. Moreover, passage rates continue to be unequal by racial and ethnic background and suggest that these disparities should be examined by the faculty.

Here are the current recommendations of the Task Force:

Data Collection

Because predictive models will require additional datasets, the Task Force recommends to the deans that resources continue to be allocated to the automation and analysis of relevant data.

Curriculum and Bar Courses

The Task Force once again decided that there is not enough data to recommend requiring additional courses for graduation. The Task Force continues to recommend that our students be advised regarding which courses are “bar courses” and encouraged to enroll in “a broad range of courses,” including courses required for graduation, bar courses, skills courses, and other areas of interest to students.

The Task Force commends the work of the Curriculum Committee and Associate Dean of Academic Affairs, Marsha Baum, in designing a schedule that avoids significant conflicts for bar courses to the extent possible and that meets student demand for bar courses by offering high demand classes each semester or removing class size limits.

The Task Force continues to endorse the Curriculum Committee’s recommendation to the deans that core and bar course faculty meet regularly to discuss course coverage in their courses to ensure consistency across sections for topical coverage and identify gaps in coverage that might need to be filled with additional course offerings.

Testing Policies and Practices

The Task Force continues to recommend that faculty be encouraged to consider providing more opportunities for closed-book, timed, and multiple-choice exams and other opportunities for formative feedback such as midterm exams. Faculty members are encouraged to access relevant resources in developing course and exam materials, including fellow faculty members, the Center for Teaching Excellence, the Associate Dean for Faculty Development, Nathalie Martin, and Beth Kaimowitz, Director of Academic Success. The Task Force also continues to recommend that the administration provide assistance to faculty members in writing multiple-choice questions.

The Task Force recognizes that students are responsible for their own learning and encourages all students to seek feedback from faculty members regarding their performance

on assignments and exams. This individualized feedback is essential for academic performance, bar passage, and professional development.

Student Retention and Advising

Based on a review of the class of 2017 data, the Task Force continues to recommend that the faculty consider making the following changes to the *Bulletin and Handbook of Policies*:

Mandatory Academic Advising

Students who have a cumulative GPA above 2.25 but below 2.5 must attend an academic advisement session with the Academic Dean or the Academic Dean's designees during the subsequent term's enrollment period to discuss future course selection.

Academic Warning

1. Any student whose cumulative law school GPA falls within the range of 2.00-2.25 will be placed on Academic Warning and will be notified by the Dean or Dean's designee.
2. Students placed on Academic Warning will be encouraged to seek support from the Office of Student & Career Services and the Director of Academic Success in order to improve their academic standing. Additionally, students placed on Academic Warning must attend an academic advisement session with the Director of Academic Success during the subsequent term's enrollment period to discuss future course selection.

The Task Force is encouraged that the Student Retention, Suspension & Readmission Committee is currently examining the proposed changes to the handbook and plans to bring it before the full faculty later in the spring semester.

The Task Force recommends the continuation of the Advanced Legal Analysis course that provides regular feedback to students.

Additionally, the Task Force recommends that all students continue to be given the NCBE's outlines for the Multistate Bar Examination, the Multistate Essay Examination, and the Multistate Performance Test. This year, all first-year students were offered these materials in the professional development binder provided by the Office of Student & Career Services. The material is provided to upper-class students electronically via email.

The Task Force recommends that faculty members teaching bar courses be given the NCBE outline that describes the scope of issues tested in their doctrinal area and copies of released MBE multiple-choice questions on an annual basis.

The Task Force continues to recommend that faculty teaching bar courses:

- Be available to answer any relevant questions raised by students during bar study;

- Create attack outlines for issues commonly tested in their assigned subject area;
- Conduct a one-hour attack outline/roadmap/approach review/Q&A on the subject in the weeks leading up to the bar examination; and
- For MBE subjects, attend the MBE review sessions for their subject in the Mario Mainero supplemental course and be available to respond to live questions.

The law school's license for the videos of the Mario Mainero supplemental bar course will expire after the July 2018 administration of the bar examination. The Task Force recommends that the deans and the faculty evaluate the need to continue or replace the supplemental bar program.

The Task Force commends the faculty, especially Christine Zuni Cruz and Margaret Montoya, for nimbly offering a three-credit bar preparation course in the Spring 2017 semester. The course, offered as a pilot, had impressive results with all five students successfully completing the bar exam on their first attempt. The Curriculum Committee should analyze whether the results of the course can be replicated and its cost effectiveness in order to determine if and how it should be offered again.

Future Action Items

The Task Force recommends that the deans continue to provide adequate resources to properly collect and analyze the data.

The Task Force also strongly recommends that the deans assign to a standing committee on-going review of bar performance and the law school's efforts to improve bar exam performance. Specifically, the faculty should continue to evaluate the differing results by racial and ethnic background and implement strategies to close the gap.

The Task Force, though pleased with the 2017 bar examination results, strongly recommends that both students and faculty avoid complacency. Do not assume that our bar passage rate will always be above 90%. The Class of 2017, mindful of the lower performance on the July 2016 bar exam, worked extremely hard to prepare for the exam, and the faculty took an active role in their preparation. The Task Force recommends continued attention to bar examination preparation by students and faculty.

Plan Regarding curricular reform – Associate Dean Marsha Baum apologized for being out sick, for the first week of school. She and Associate Dean Aliza Organick were planning to meet last week to talk about the combination of the Experimental Learning Committee and the Curricular Committee and the plan for curricular summits for this year. Although this is part of a much longer conversation, Associate Dean Baum stated that she wanted to get it on the agenda so that it can start being discussed. Associate Dean Baum stated that she did not have a full report today; however, she wants the faculty to know that both committees have had some good conversations around a skills-orientated curriculum as opposed to a course-based curriculum and a credit-based curriculum. They have discussed ways in which they might revamp the entire three years based on the skills we feel our students need at various points in their law school career to make them capable first year lawyers. The goal is over the next couple of months is to meet with the faculty as a whole, and the

committees plan to bring forth proposals regarding what we might be able to do at the law school. The faculty should start thinking about this. Please send suggestions to either to Associate Dean Baum or to Associate Dean Organick.

2018-19 Faculty Hiring Plan – Deans Mathewson and Pareja and Associate Dean Baum:

Dean Pareja announced that the deans are trying hard to avoid a last minute, rushed meeting at the end of the year to make hiring decisions. We are starting our discussion at today's meeting and plan to continue the discussion this semester. We ultimately hope to decide what we would like to request in terms of faculty hiring by April or May at the latest so that we can put in our hiring request by June 15. That will help us get our job listing into the first AALS publication. Assuming that our three faculty members currently on leave, Yael Cannon, Alex Ritchie, and John Whitlow, decide to leave for good this year, and assuming that two faculty members, Jim Ellis and Scott Hughes, retire at the end of this academic year, we will have lost a total of nine faculty members recently while only replacing two of them this year (most likely with Laura Spitz and Paul Figueroa). Those nine are Kevin Tu, Max Minzner, Dave Sidhu, Sherri Burr, Yael Cannon, Alex Ritchie, John Whitlow, Jim Ellis, and Scott Hughes. On top of those nine, Alfred is also likely to retire within a year. Given the severe budget cuts we have faced over the past few years, we are likely to only be able to replace five of the remaining seven slots (of the original nine). That means that, effectively, we have lost two faculty lines due to budget cuts. Because that number is just an estimate that depends on our overall budget and the salaries of new hires, it would be safest to request that next year we hire either (1) three permanent hires and two visitors or (2) four permanent hires and one visitor. If we hire visitors, we may want to think strategically in terms of recruiting and mentoring local and diverse candidates. We need to use the next few meetings to continue to talk about this as well as the teaching areas that we will be looking to cover. Some of our core needs, assuming that the planned retirements and departures happen, include Criminal Law and Procedure, Constitutional Law, Constitutional Rights, Property, Civil Procedure, Family Law, and Clinic, but we need to have a comprehensive discussion regarding curricular needs in connection with next year's hiring plan.

This year, we also need to make a decision with respect to the future of the DWI/DV Clinic and the Innocence & Justice Project (IJP). Next year will be Cynthia Armijo's final year as a visitor covering the DWI/DV Clinic, and next year will be Kip Bobroff's final year here as a visitor in SILC, which is allowing Barbara Creel to cover IJP. If DWI/DV and IJP continue to exist at this law school, the faculty generally would like to see significant involvement of our tenure-stream faculty in those programs. That, of course, takes away available people to cover doctrinal and clinical courses. One option is a model in which a visitor might cover each program for two years with a doctrinal faculty member with primary responsibility for the program rotating in to cover it every third year. While our plan to hire up to five people next year assumes that, quite apart from those hires, we will continue to pay for visitors to cover DWI/DV and IJP, the use of visitors for those programs obviously impacts our ability to hire permanent faculty members to teach doctrinal courses and clinic. Said differently, terminating one or both programs could free up funds to hire permanent faculty members. While we are not advocating for this, the faculty will need to discuss it and make some decisions this spring, given the potential impact on our upcoming hiring decisions.

A motion was made to adjourn and seconded. The meeting was adjourned at 4:16 p.m.