

Meeting Minutes for Faculty Meeting January 15, 2019

The meeting was called to order at 3:06 p.m. by Dean Sergio Pareja, once a quorum was reached. The following people were present for at least some portion of the meeting:

Faculty: Maryam Ahranjani, George Bach, Camille Carey, Paul Figueroa, Steven Homer, Lucrecia Jaramillo, Jennifer Laws, Nathalie Martin, Serge Martinez, Alfred Mathewson, Jennifer Moore, Aliza Organick, Daniel Ortega, Mary Leto Pareja, Sergio Pareja, Michelle Rigual, Leo Romero, Laura Spitz, David Stout, Carol Suzuki, Sherri Thomas, Peter Winograd (*17 needed for quorum; names that count toward quorum in bold*)

Staff: Beverly Akin, Chad Covey, David Pallozzi, Heather Harrington

Students: Erika Avila Stephanz, Jared Armijo, Jessica Arreola

ANNOUNCEMENTS

- Dean Pareja welcomed Professor Jennifer Moore back from her sabbatical.
- Dean Pareja thanked Sherri Thomas for stepping in as Associate Dean of Equity & Inclusion.
- Dean Pareja welcomed Professor Paul Figueroa, our newest faculty member, to the law school and to his first faculty meeting.
- Dean Pareja updated the faculty regarding his heavy judicial selection commitments and noted that he will be out of the office a lot in the coming weeks for hearings. When he is not available, all matters should be directed to Vice Dean Carey.
- Dean Pareja reminded the faculty that Judge Ken Starr will be delivering the *John Field Simms, Sr. Memorial Lecture* on Wednesday January 23, 2019 in the Forum. The event will begin with a book signing at 4:45 p.m., with the lecture starting promptly at 5:30 p.m. Registration is required to attend the lecture. As of today, we have received between 200 and 240 RSVPs. There will be a small reception afterwards in the King Room. If you would like to attend the reception, please let Dean Pareja know.
- Assistant Dean Heather Harrington introduced Karen Lucero, the new SHAC counselor, who is certified as a Licensed Professional Clinical Counselor, International Clinical Gambling Counselor, and Licensed Substance Abuse Associate. Ms. Lucero office is located in Room 3250.
- Associate Dean Sherri Thomas announced that she and Professor Nathalie Martin are trying to create more opportunities for the faculty to come together. They have set aside January 25, 2019, from 11:00 a.m. to noon in the King Room for a gathering to discuss teaching, instruction issues, classroom management, and conflicts in the classroom between students. If you cannot make this session, there will be other sessions. They encourage faculty to email them proposed future discussion topics.
- Professor Carol Suzuki announced that UNM has retained Wheless Partners to assist in its search for a Senior Vice President for Finance & Administration. Professor Suzuki is serving on the search committee. If anyone is interested in applying for this position, please contact Professor Suzuki directly. Information about the search can be found here:
<https://executivesearch.unm.edu/finance-and-administration/search-committee.html>.

ACTION ITEM: Approval of Minutes from November 13, 2018 faculty meeting – Dean Sergio

Pareja: A motion was made, and seconded, to approve the minutes from the November 13, 2018, faculty meeting. The motion passed with no nay votes and with four abstentions.

ACTION ITEM: Vote on whether to make permanent the temporary externship compensation provision that the faculty adopted two years ago – Professor David Stout:

Professor Stout handed out letters of support from three students and advocated for making the temporary policy permanent. The letters of support are attached as **Exhibit A**. Professor Stout moved that the faculty make the temporary provision permanent. The motion was seconded, and discussion ensued. After much discussion, the motion was voted on and passed with no nay votes and one abstention. The policy as adopted now reads as follows:

“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. An externship 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.”

ACTION ITEM: Vote on approval of MSL Bulletin – Vice Dean Camille Carey: Vice Dean Carey announced that the MSL Bulletin was now finished. She thanked Daniel Ortega for all the work he did on it. Vice Dean Carey explained that there are subtle difference between the MSL Bulletin and the JD Bulletin, such as grading and required classes. Also, in some instances, the MSL Bulletin refers students back to main campus because they are graduate students not J.D. students. Vice Dean Carey then moved for the faculty to approve the MSL Bulletin as drafted and circulated. The motion was seconded, and discussion ensued. After much discussion, the motion was voted on and passed with no nay votes and with one abstention. The MSL Bulletin will be posted on the intranet.

Faculty Hiring Update – Associate Dean Nathalie Martin, Chair of the Faculty Appointments

Committee: Associate Dean Martin briefly updated the faculty on where things stand with the last faculty hire for the year (Oil & Gas). Associate Dean Martin said that there were twenty-six applicants for this position, and the pool has been narrowed down to two finalists. Associate Dean Martin thanked Professor Reed Benson for all his help and also noted that Alex Ritchie gave us some very helpful input. Associate Dean Martin gave a brief overview of the two candidates, Joseph A. Schremmer, who will be interviewing on January 28, 2019, and Frédéric Gilles Sourgens, who will be interviewing on February 1, 2019.

Announcement Regarding Meetings with the Associate Dean of Institutional Climate & Equity –

Associate Dean Sherri Thomas: Associate Dean Sherri Thomas indicated that she has already started meeting with faculty and staff members and that at some point she will be reaching out to student organizations to set up times to meet regarding their views about the climate or issues that they believe have not been addressed by the law school. Associate Dean Thomas stated that everyone she has met with is enthusiastic about making the law school a better place. Associate Dean Thomas expressed that this is not a “one and done thing.” Through small conversations, small changes will begin. Please note that Associate Dean Thomas will be emailing you to meet to discuss climate and is looking for suggestions to move things in a positive direction.

ACTION ITEM: Vote on replacing CHLP and Practicum with Anatomy of a Law Practice as a pilot course – Vice Dean Camille Carey, Chair of the Curriculum Committee: Vice Dean Carey brought forth a proposal that came from the Curriculum Committee and that has already been circulated among the

faculty. The proposal is attached as **Exhibit B**. In short, the Committee is proposing that CHLP and Practicum be eliminated as required first year courses. They would be replaced by a required 3-credit course that is tentatively being called *Anatomy of a Law Practice (ALP)*, which would incorporate certain aspects of Practicum. The proposal was to do this as a two-year pilot course beginning in the 2019 fall semester. CHLP could continue to exist as an upper division elective, but it would no longer be required. Because this was a motion from a committee, no second was needed. After much discussion, Professor Mary Pareja, a member of the Curriculum Committee, proposed a friendly amendment to the proposal that would make it a three-year trial period with annual reviews and improvements. The rest of the committee agreed to the friendly amendment. The amendment changes paragraph 2 of the proposal to read as follows:

“Beginning with the class entering in the Fall Semester of 2019, all full-time 1L students will be required to take Anatomy of Law Practice (ALP), or similarly-named course, for 3 credits in the Fall Semester, as a pilot course for 3 years. The Curriculum Committee and the Associate Dean for Academic Affairs will review the effectiveness of the course each year and at the end of the trial period to determine whether ALP should become a permanent requirement in the 1L curriculum beyond the 2-year pilot period. This course was proposed by the Experiential Learning Committee in the Spring Semester of 2017 and was approved by the Curriculum Committee on March 1, 2018.”

The motion was voted on, including the friendly amendment. It passed unanimously. The full proposal, as adopted, is attached as **Exhibit C**.

EXECUTIVE SESSION:

ACTION ITEM #1:

Approval of Minutes from November 20, 2018 executive session faculty meeting – Dean Sergio Pareja: A motion was made, and seconded, to approve the minutes. The motion passed with no nay votes and three abstentions

ACTION ITEM #2:

Approval of Minutes from December 4, 2018 executive session faculty meeting – Dean Sergio Pareja: A motion was made, and seconded, to approve the minutes. The motion passed with no nay votes and two abstentions.

ACTION ITEM #3:

Approval of Minutes from December 18, 2018 executive session faculty meeting – Dean Sergio Pareja: A motion was made, and seconded, to approve the minutes. The motion passed with no nay votes and five abstentions.

ACTION ITEM #4:

Vote on emeritus status for Alfred Mathewson and Marsha Baum – Dean Sergio Pareja:

A motion was made and seconded to grant emeritus status to Alfred Mathewson. When voted on, it passed.

A motion was made and seconded to grant emeritus status to Marsha Baum. When voted on, it passed.

The meeting was adjourned at 4:31 p.m.

Exhibit A

To: Jared Armijo, 2L Faculty Representative
From: Mara Yarbrough, President, Association of Public Interest Law
Re: Allow students to receive both credit and pay for externships
Date: January 14, 2019

Dear Mr. Armijo,

As the President of the Student Association of Public Interest Law (APIL), I am writing to urge the faculty to support students' receiving both academic credit and pay for externships in the public sector, with nonprofit organizations, and for *pro bono* work within the private sector. Permitting students to receive both credit and pay for such externships encourages them to explore careers in public interest law.

The field of public interest law serves clients and communities who cannot afford to hire attorneys from private firms. Public sector and nonprofit organizations have relatively little funding compared to private firms, a disparity that puts them at a disadvantage for recruiting law students. During students' law school tenure, opportunities do exist for public interest legal externships and internships, but financial obstacles can cause students to veer away from such experience in favor of private sector experience. As law students evaluate their career options, many who might otherwise consider a public interest legal career may instead turn to the private sector for financial reasons. Allowing students to receive both credit and pay for externships incentivizes students to choose externships in public sector and nonprofit organizations, thereby furthering their interests in public interest legal careers.

Externships cost money, as much per credit hour as any other law school class. A student who needs to work to help pay for school may be discouraged from taking an externship if, on top of paying for the credit hours, she/he could not receive funding for the work. The result of this dynamic would be to deter students from gaining experience in the public sector and nonprofit legal worlds. And, if fewer law students seek experience in these realms, public sector and nonprofit organizations will be deprived of up-and-coming legal talent.

I received two fellowships last summer, and, because of those fellowships, I was able to accept an externship with the Santa Fe Public Schools. The fellowships allowed me to pay for the externship, for which I received academic credit, without increasing my student loans. They also helped me manage my and my child's expenses while allowing me to devote my time to gaining legal experience rather than to working for income in a non-legal job. With the fellowship support, I was able to advance my goal of practicing public interest law by gaining experience in the public sector and by working with nonprofit organizations that partnered with the Santa Fe Public Schools.

I urge the faculty to allow students to receive both academic credit and pay for externships in the public sector, with nonprofit organizations, and for *pro bono* work in private firms. By doing so, the UNM School of Law will benefit both students and communities by encouraging law students to pursue experiences and, ultimately, careers in public interest law.

Thank you for your consideration.

Sincerely,

Mara Yarbrough
President, Association of Student Interest Law (APIL)

January 14, 2019

Lily Hofstra
UNMSOL J.D. Candidate, Class of 2020
American Bar Association John J. Curtin, Jr. Justice Fund,
Commission on Homelessness and Poverty, Fellow
Association of Public Interest Law, Fellow
Young Lawyers Division, State Bar of New Mexico, Fellow

To whom it may concern:

My name is Lily Hofstra, and I am a second-year law student at UNM. I am writing to urge UNMSOL to continue allowing students to receive both credit and funding for externship positions. I feel very strongly that students should be allowed to receive credit and funding for two main reasons. First, law school is an enormous financial burden. Many students, including myself, have to take out large student loans to pay for law school. These loans create stress, worry, and anxiety on top of the academic law school experience. If students are not allowed to receive funding and credit for externship work, this burden will only increase.

Second, externing in public interest work is undoubtedly an extremely value experience for students. This past summer I externed at Pegasus Legal Services for Children and New Mexico Appleseed. Both are non-profit organizations that advocate for the well-being of New Mexico's most disadvantaged children and youth. I spent the summer helping represent children and youth in abuse and neglect cases, delinquency proceedings, and special education cases, in addition to working on policy related to homelessness issues and health care access for youth. It was important to me to enroll in the externship class as part of my summer work because the class provides valuable support to students during the externship experience.

It is fundamentally important to allow students to receive credit for work experiences that are meaningful, for the public good, and that remind students of the ways in which they can use a legal education after graduating to improve the lives of marginalized people in New Mexico.

In order to receive externship credit, the student must pay for the credit hours. This means the student is increasing their debt by paying for the credit hours. Personally, if I was not allowed to receive funding for my externship positions, I likely would not have been able to take the positions at Pegasus and Appleseed. It is unrealistic, and disheartening, to expect students to be able to work without getting paid in an externship position and to have go into further debt paying the school for the experience.

I am extremely concerned that if UNMSOL does not allow students to receive credit and funding for externships, many fewer students will find it feasible to do public interest work. Please do not prevent students from getting credit for their hard work and from making money to cover some living and education expenses. If this policy is changed, students may be forced to forego working for organizations and agencies that truly make New Mexico a better place to live.

Please let me know if you have any questions or would like further information about my experiences. I appreciate your consideration.

Sincerely,
Lily Hofstra

Harrigan, Heather

From: Toya, Roshanna
Sent: Friday, January 11, 2019 2:14 PM
To: Harrigan, Heather
Subject: Statement re Paid Extern Work

Dear Faculty,

I write today to express my support for the opportunity for law students to be able to accept paid employment or fellowships while also receiving academic credit for the same employment.

During the summer after my 1L year I was able to get academic credit while working in a position that was also paid. I was very thankful and felt fortunate to receive the benefit of both an opportunity for academic credit and compensation. It definitely helped me advance the credits I needed for law school while also allowing me to be able provide for my family.

As students we often have limited or no income. Not all students have generous financial aid or scholarships that will fund them to get academic credit for their experiential learning opportunities. When we are required to pay for these learning experiences it can be stressful and burdensome because it takes away from other paid work opportunities. Allowing students to accept employment or fellowships that are paid and for academic credit is a very beneficial situation. Students can pay for their credit hours more comfortably while also being able to meet their own financial obligations.

I strongly encourage UNM School of Law to continue affording this opportunity to law students.

Sincerely,
Roshanna Toya
UNM School of Law
Juris Doctor Candidate 2019
Tribal Law Journal, Co-Editor in Chief

Exhibit B

CHLP/ALP Proposal

January 9, 2019

1. Beginning with the class entering in the Fall Semester of 2019, CHLP and Practicum will not be required 1L courses and will no longer be requirements for graduation.
2. Beginning with the class entering in the Fall Semester of 2019, all full-time 1L students will be required to take Anatomy of Law Practice (ALP) for 3 credits in the Fall Semester, as a pilot course for 2 years. The Curriculum Committee and the Associate Dean for Academic Affairs will review the effectiveness of the course to determine whether ALP should become a permanent requirement in the 1L curriculum beyond the 2-year pilot period. This course was proposed by the Experiential Learning Committee in the Spring Semester of 2017 and was approved by the Curriculum Committee on March 1, 2018.
3. Flex-time students who are admitted to the law school for or after the Fall Semester of 2019 will enroll in ALP in their 2L year. Flex-time students and other students who were admitted to the law school prior to the Fall Semester of 2019 who have not taken CHLP will be required to take a course with significant comparative, historical, or critical legal perspectives as an alternate requirement of graduation. The Associate Dean for Academic Affairs will determine which courses satisfy this requirement. These students will have registration priority for that course. The Bulletin and Handbook of Policies shall be amended as follows: at page 6, under “Expanded First-Year Flex Program,” remove the reference to “CHLP” and replace it with “Anatomy of Law Practice (ALP)”.

Exhibit C

CHLP/ALP Proposal

January 9, 2019

1. Beginning with the class entering in the Fall Semester of 2019, CHLP and Practicum will not be required 1L courses and will no longer be requirements for graduation.
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