

Minutes of Faculty Meeting September 17, 2019

The meeting was called to order at 3:03 p.m. by Dean Sergio Pareja, once a quorum was reached. The following members of the law school faculty, staff, and students were present for at least some portion of the meeting:

Faculty: George Bach, Reed Benson, Camille Carey, Elizabeth Elia, Scott England, Paul Figueroa, Veronica Gonzales-Zamora, Marc-Tizoc González, Vinay Harpalani, Steven Homer, John Kang, Joshua Kastenber, April Land, John LaVelle, Jennifer Laws, Ernesto Longa, Nathalie Martin, Serge Martinez, Jennifer Moore, Adrian Oglesby, **Aliza Organick**, Gabe Pacyniak, Mary Leto Pareja, Sergio Pareja, Sonia Gipson Rankin, Michelle Rigual, Leo Romero, Joseph Schremmer, Laura Spitz, Sarah Steadman, David Stout, Carol Suzuki, Sherri Thomas, Gloria Valencia-Weber, **Cliff Villa**, Samuel Winder, Peter Winograd, **Jeanette Wolfley**, and **Christine Zuni Cruz** (*20 needed for quorum; names that count toward quorum in bold*)

Staff: Beverly Akin, Krista Allen, Chad Covey, Hannah Farrington, Beth Gillia, Stephanie Grant, and Ernest Tafoya

Students: Jarred Armijo, Jessica Arreola

ANNOUNCEMENTS:

Dean Pareja announced that it is with personal regret but warm wishes that at the end of this academic year Jeanette Wolfley will be retiring.

ACTION ITEM: Approval of Minutes from August 20, 2019 faculty meeting – Dean Sergio Pareja: A motion was made and seconded to approve the minutes. There was no discussion. The minutes were approved with no nay votes and two abstentions.

ACTION ITEM: Appointment of primary and alternate representatives to the AALS House of Representatives – Dean Sergio Pareja: We need to select faculty members to represent us at the annual AALS conference, which is being held in Washington, D.C. in early January. The representative needs to attend the First Meeting of the AALS House at 3:30 p.m. on Friday, January 3, and the Second Meeting of the AALS House at 4:30 p.m. on Saturday, January 4. Associate Dean Sherri Thomas volunteered to be the primary representative, and Professor Michelle Rigual volunteered to be the alternate representative. The faculty supported this by unanimous affirmation.

Report on the roles of the Utton Transboundary Resource Center, the American Indian Law Center, and the Institute for Public Law– Adrian Oglesby, Helen Padilla, and Beth Gillia:

Beth Gillia, the Director of the Institute of Public Law (IPL), gave an overview of the history of IPL. She noted that IPL, which is part of UNM School of Law, has three centers: (1) the Judicial Education Center (JEC), (2) the Corinne Wolfe Center for Child and Family Justice (CWC), and (3) the Legal Practice and Training Center (LPTC). Founded in about 1969, IPL has and still serves as the public service arm of the School of Law. All three centers regularly receiving legislative funding and grants from the state and federal government. JEC provides numerous conferences and seminars for judges, hearing officers,

domestic violence commissioners, court clerks, court supervisors, court mediators, and Navajo interpreters. The New Mexico Supreme Court Foster Care Task Force (now the Children's Court Improvement Commission) originally established the CWC. The CWC was named in honor of Corinne Wolfe, an original member of the Task Force and a lifelong advocate for children. The CWC does not provide legal services, advice, or representation to individuals. However the CWC does provide training and education on lawyering, which addresses health harming legal needs, policy advocacy, and law related to housing, income security, health care, domestic violence. The LPTC provides services in civics education, continuing legal education (CLE) and student training at the law school, ranging from externships to paid positions, offering law students experience in public interest law and exposure to the New Mexico judiciary, legal community, public schools, and state agencies. In 2016, the UNM School of Law received a grant from the W.K. Kellogg Foundation to establish the Child & Family Justice Initiative ("CFJI"), and many aspects of that grant are administered through the CWC. The goal of the CFJI to pursue justice and racial equity for New Mexico's most vulnerable children and families.

Adrian Oglesby, the Director of the Utton Transboundary Resource Center (the Utton Center), noted that the Utton Center was established at UNM School of Law to carry on the exceptional work of the late Professor Albert E. Utton, who founded and directed the activities of the International Transboundary Resources Center at the law school. Acknowledged worldwide as a scholar and expert in his field, Professor Utton brought together academics, scientists, and policymakers to resolve border issues over resources. The Utton Center is funded in part through an annual appropriation from the New Mexico state legislature and income from grants, contracts, workshops, and publications. Support from donors greatly expands the capacity of the Utton Center to help address natural resources policy, planning, education, and community support needs in New Mexico. The Utton Center provides authoritative and independent information on water policy and legal issues for New Mexico. Research projects include drought resilience, water policy and management, water and economic development in rural New Mexico, local food and small agriculture, and community outreach.

Helen Padilla, the Director of the American Indian Law Center (AILC), noted that AILC was established in 1967 by UNM School of Law, but it has since become a separate non-profit entity and is the oldest existing Indian-managed and Indian-operated legal and public policy organization in the country serving to strengthen, promote, and honor self-sustaining American Indian and Alaska Native communities through education, training, and leadership. It has worked with officials from over 20 states and hundreds of tribes, and it has trained thousands of professionals and paraprofessionals. Because of this, the AILC has an in-depth knowledge about tribal institutions, including tribal courts and their place in tribal government, and about tribal, state, and federal relations. AILC's mission is focused on three main areas:

- *Pre-Law Summer Institute (PLSI)* provides training and technical assistance to tribes, tribal organizations, and tribal courts; legal and policy analysis on various issues important to tribal governments; and preparatory legal education to individuals.

- *Policy & Legal Analysis* provides important and timely information to tribal governments and communities to make informed legal or policy decisions on numerous critical issues such as: judicial systems, federal and state administrative regulations and legislation, Indian social and health services, infrastructure development, and intergovernmental relationship building.
- *Southwest Intertribal Court of Appeals (SWITCA)* Program provides an appellate court forum for tribes located in New Mexico, Arizona, southern Colorado, and west Texas.

Report on possible 3+3 (B.A./J.D.) and 3+1 (B.A./M.S.L.) degree programs – Dean Sergio Pareja:

Dean Pareja informed the faculty that he and Vice Dean Camille Carey were in discussion with the Dean of the Honors College and the Chairs of the Departments of Psychology, Philosophy, English, Political Science, and History regarding the possibility of creating a 3 + 3 program. If established, the basic idea is that students would get their B.A. and J.D. degrees in a total of six years. In general, in their junior year, students would take the LSAT and apply to law school. If accepted, they would start J.D. classes the following year (*i.e.*, during what normally would be their senior year). Some of the J.D. courses would also count toward their B.A. degree. Similarly, they are exploring the possibility an abbreviated program leading to a B.A and M.S.L degree. Dean Pareja noted that we are still in the initial discussion phase of exploring these possibilities. Any final plan would need to be approved by the full faculty.

Report on Innocence & Justice Project (IJP) – Dean Sergio Pareja – On Tuesday, September 3, Dean Pareja and Vice Dean Cary met with members of the external IJP Board regarding the future of the program. Dean Pareja explained to the Board that IJP is a very important and valuable program but that we have to face some financial realities. In recent years, the law school has lost over \$750,000 in annual Instruction & General (I&G) funding (we currently receive about \$6.1 million in I&G funding per year, down from nearly \$6.9 million). At its peak, IJP cost over \$300,000 per year to operate, and it served 7 or 8 students per year. Most of the funding at that time came from a grant which ended a few years ago. Two years ago, Dean Pareja reached out to full-time faculty to see if anybody would be willing to run the program. Professor Barbara Creel stepped up to the plate, but it has meant that she is spread extremely thin. This has greatly reduced the cost of running the program, but the current model is not financially sustainable. Furthermore, even if we had the funds, there are other priorities that would come first. For example, Dean Pareja would place having a full-time mental health counselor for students at the top of his list of priorities. Student well-being and mental health is of fundamental importance. In addition, even with all the faculty hiring we have been doing, we are going to end up down by one faculty member (we do not have the funds to replace Yael Cannon in the Child & Family Justice Clinic). If we had additional funds, hiring another tenure-track faculty member for the Child & Family Justice Clinic would be a very high priority item for Dean Pareja. We are also facing a greatly reduced class size, which in part is due to competition with other law schools that are offering better scholarships than we can afford. In terms of budgetary concerns, that is one of Dean Pareja's highest priorities. We are now exploring ways to modify this project to allow students to continue to do post-conviction relief work in a way that will fit within our budgetary constraints. Professor Barbara Creel has offered to supervise a small number of cases through an advanced Wrongful Convictions class (perhaps a Wrongful Convictions Practicum). We also are going to explore additional possibilities, such as

partnering with the local public defender's office so that students could extern in the habeas unit to get post-conviction relief experience. Discussions are ongoing, and Dean Pareja always welcomes suggestions.

Report from student representatives on food service at the law school – Jessica Arreola, 2L Representative, and Jared Armijo, 3L Representative: The company that runs the Venue, Chartwells, is no longer planning to serve food at the Venue after the fall semester. They control the Venue, and Dean Pareja has been informed that they lose approximately \$35,000 to \$40,000 a year on the Venue. The revenue loss is due to staffing costs and, significantly, food spoilage due to the low number of food purchases that happen there. Dean Pareja is getting feedback on what our options might be, and Jessica and Jared provided the faculty with a report from their survey of students. It was clear that, at a minimum, there is a desire to have coffee as well as additional refrigerators and microwaves if there will not be food service there. Professor Elizabeth Elia and Associate Dean Serge Martinez noted that they are looking into options with small businesses that may want to come to the law school to sell food. We also are investigating high-end vending machine options. While the law school does not have any say over Chartwells' decision, we recognize the importance of having food options at the law school. We continue to welcome suggestions.

Report on Lab – Associate Dean Serge Martinez and Professor Steven Homer: Associate Dean Martinez updated the faculty on how Lab was going. You may recall that it is the 1L course that replaced CHLP and Practicum, and it is currently being co-taught by Associate Dean Martinez and Professor Homer. We are trying to give the students the opportunity to acquire and hone lawyering skills that they will need in their profession. Some goals are to instill ideas of personal responsibility, professional identity, and becoming a lawyer, as well as to help students to contextualize other classes and understand what happens in the lawyer's office and in court in order for them to get comfortable in their new roles. The class has been divided into two large groups and then subdivided into three smaller sections that each work with an adjunct professor to go through exercises and simulations. The adjunct professors are fondly called "Labjuncts." Professor Homer thanked Associate Dean Martinez for summarizing the course and for a great working relationship. Professor Homer informed the faculty that one of the experiments being done in Lab is that, often when teaching a skills course, the natural instinct is to begin where the lawyer begins; however, that is not the most intuitive place for a novice to begin. Therefore, the class starts with negotiations, given that everyone has done some sort of negotiation in their lives as opposed to counseling a client or interviewing a client. We will have more of a sense of how well this course has worked after the semester ends.

Announcement regarding judicial clerkships – Dean Sergio Pareja: Dean Pareja informed the faculty that he had met with Bonnie Stapleton, Hannah Farrington, Andy Schultz, and U.S. District Court Chief Judge Chip Johnson, who had requested the meeting. As Dean Pareja understood it, Chief Judge Johnson wanted to encourage more of our students to apply for judicial clerkships. U.S. District Court Judge Ken Gonzales, from Las Cruces, recently told Dean Pareja a similar thing over breakfast. The message they wanted to convey to the faculty was that, if you have really strong students, please talk with them about judicial clerkships.

Accommodations – Vice Dean Camille Carey and Bonnie Stepleton, Director of Student and Career Services: Vice Dean Cary informed the faculty that the ABA requires us to have a written policy on student accommodations. This issue has come up recently because faculty members have started to express concerns that they are being told that some students can miss many classes due to accommodations. We want to comply with our legal obligation to provide accommodations, and we also want to provide written clarity regarding what is permitted under our policy. Bonnie Stepleton has graciously offered to work on a draft of the policy, which will be presented to the faculty for further discussion.

Report on 1L class and M.S.L. class – Dean Sergio Pareja: Dean Pareja presented the faculty with a working draft of the historic demographics of our incoming 1L classes. The draft for the last three years, as updated, is attached as **Exhibit A**. This draft goes back to the 1L class that entered in 2017, although Dean Pareja hopes to provide the faculty with several more years of data before the October faculty meeting. For a frame of reference, Dean Pareja directed people to look at the second column, which indicates the number of applications received each year. As you can see, the number of applications has been decreasing. This year’s entering class consists of 82 students, of which 50 percent are members of minority groups. To compare, last year we had an incoming class of 107 students, of which 51 percent were members of minority groups. The year before that, we had an entering class of 120 students, of which 45 percent were members of minority groups. After meeting with the Admissions Committee and looking at the numbers, Dean Pareja noted that he does not intend to “audit” the committee’s admissions decisions unless presented with serious evidence of problems in their decision-making. That has not happened. In fact, Dean Pareja believes that the committee has done a wonderful job of bringing in a diverse and highly qualified 1L class during a challenging time period. The number of applications we’ve been receiving is simply down, but that does not seem to be changing the relative demographics of our entering class in a material way. Dean Pareja continues to explore ways to increase the number of applications and our realization rate. We will have a more extensive discussion about admissions at the October faculty meeting. Information on our newest M.S.L. class is attached as **Exhibit B**.

EXECUTIVE SESSION (Order of the Coif faculty only):

ACTION ITEM: Vote on Order of the Coif status for faculty members – Dean Sergio Pareja: A motion was made to invite all voting faculty members, including lecturers on the law and law library faculty, to become member of the Order of the Coif, unless they do not want be members. The motion was seconded, and it passed unanimously.

The meeting was adjourned by unanimous consent at 5:00 p.m.

Exhibit A

2019 Incoming 1L Class	Median GPA: 3.47			Median LSAT: 155						
Ethnicity	Applicants	Ethnicity % of Total Applicants	Denied	Denied % of Total Applicants	Admitted	Admitted % of Total Applicants	Ethnicity % of Total Admitted	Withdrew before Decision	Matriculated	Ethnicity % of Total Matriculated
American Native/Alaskan Native	39	7.37	19	3.59	17	3.21	6.97	3	8	9.76
Asian	18	3.40	6	1.13	12	2.26	4.92	0	2	2.44
Black/African American	16	3.02	11	2.08	5	0.95	2.05	0	2	2.44
Caucasian/White	256	48.39	119	22.50	130	24.57	53.28	7	36	43.90
Hispanic	175	33.08	106	20.04	67	12.67	27.46	2	29	35.37
Native Hawaiian	2	0.38	0	0.00	2	0.38	0.82	0	0	0.00
Did Not Indicate	23	4.35	12	2.27	11	2.08	4.51	0	5	6.10
Totals	529		273		244			12	82	
2018 Incoming 1L Class	Median GPA: 3.40			Median LSAT: 153						
Ethnicity	Applicants	Ethnicity % of Total Applicants	Denied	Denied % of Total Applicants	Admitted	Admitted % of Total Applicants	Ethnicity % of Total Admitted	Withdrew before Decision	Matriculated	Ethnicity % of Total Matriculated
American Native/Alaskan Native	45	7.87	24	4.20	21	3.67	7.50	0	11	10.38
Asian	27	4.72	13	2.27	12	2.10	4.29	2	2	1.89
Black/African American	17	2.97	8	1.40	9	1.57	3.21	0	3	2.83
Caucasian/White	280	48.95	119	20.80	149	26.05	53.21	12	43	40.57
Hispanic	166	29.02	96	16.78	68	11.89	24.29	2	38	35.85
Native Hawaiian	0	0.00	0	0.00	0	0.00	0.00	0	0	0.00
Did Not Indicate	37	6.47	15	2.62	21	3.67	7.50	1	9	8.49
Totals	572		275		280			17	106	
2017 Incoming 1L Class	Median GPA: 3.46			Median LSAT: 153						
Ethnicity	Applicants	Ethnicity % of Total Applicants	Denied	Denied % of Total Applicants	Admitted	Admitted % of Total Applicants	Ethnicity % of Total Admitted	Withdrew before Decision	Matriculated	Ethnicity % of Total Matriculated
American Native/Alaskan Native	45	6.53	19	2.76	22	3.19	6.77	4	9	7.50
Asian	32	4.64	22	3.19	10	1.45	3.08	0	4	3.33
Black/African American	27	3.92	14	2.03	12	1.74	3.69	1	5	4.17
Caucasian/White	330	47.90	154	22.35	172	24.96	52.92	4	54	45.00
Hispanic	208	30.19	123	17.85	82	11.90	25.23	3	36	30.00
Native Hawaiian	3	0.44	2	0.29	1	0.15	0.31	0	1	0.83
Did Not Indicate	44	6.39	18	2.61	26	3.77	8.00	0	11	9.17
Totals	689		352		325			12	120	

Exhibit B

Master of Studies in Law (MSL)	Median GPA: 3.37			
	Applicants	Denied	Admitted	Matriculated
Totals	11	2	9	6
Demographics for MSL Matriculants	Totals			
Female	6			
Male	0			
Residents	6			
Non Residents	0			
Average Age	45			
Represented Colleges/Universities	4			
Majors	6			
Ethnicity				
American Native/Alaskan Native	1			
Caucasian/White	3			
Hispanic	2			

