

**Minutes of Faculty Meeting
November 19, 2019**

The meeting was called to order at 3:06 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: Maryam Ahranjani, George Bach, Camille Carey, Barbara Creel, Scott England, Sonia Gipson Rankin, Veronica Gonzales-Zamora, Marc-Tizoc González, Vinay Harpalani, Steven Homer, John Kang, Joshua Kastenber, April Land, Jennifer Laws, Nathalie Martin, Serge Martinez, Jennifer Moore, Aliza Organick, Gabe Pacyniak, Helen Padilla, Mary Leto Pareja, Sergio Pareja, Michelle Rigual, Leo Romero, Joseph Schremmer, Alex Siek, Laura Spitz, Sarah Steadman, David Stout, Carol Suzuki, Sherri Thomas, Gloria Valencia-Weber, Cliff Villa, Peter Winograd, Christine Zuni Cruz (20 needed for quorum; names that count toward quorum in bold)

Staff: Beverly Akin, Chad Covey, Hannah Farrington, David Pallozzi, Bonnie Stepleton

Students: None in attendance

ANNOUNCEMENTS:

- Dean Sergio Pareja announced that the Assistant Director of Admissions/Student Recruitment Specialist position is posted. It has a “best consideration” date of tomorrow, November 20, and Dean Pareja asked people to encourage qualified candidates to apply for this important position. Dean Pareja noted that a J.D. is strongly preferred.
- Dean Pareja noted that the Clinic will be celebrating its 50th anniversary this summer, given that Emeritus Professor Bill MacPherson started the Clinic with its first group of students at the start of the fall semester in 1970. Dean Pareja also noted that SILC will be celebrating its 25th anniversary as well. Dean Pareja stated that he and Associate Dean Serge Martinez met with Emeritus Professor MacPherson and with Emeritus Professor Jose Martinez, who started teaching in the Clinic just a few years after it was founded, regarding the anniversary celebration. Emeritus Professor Martinez is working on a video celebrating the history of the Clinic. Dean Pareja noted that it is his understanding that our Clinic was the first mandatory clinic in the continental U.S. One possible way to celebrate is to combine the celebration with the Back-to-School BBQ in August, showing the video and inviting all former directors of the Clinic back to the law school to celebrate their work. Dean Pareja and Associate Dean Martinez welcome suggestions regarding other ways to celebrate these milestones.
- Dean Pareja distributed medals recognizing years of service at UNM to the following faculty members:
 - Professor Maryam Ahranjani – 5 years
 - Professor Serge Martinez – 5 years
 - Vice Dean Camille Carey – 10 years

- Dean Pareja gave an update on the mental health counselor position. Dean Pareja recently was able to extend our mental health counselor's half-time position for another six months, through the generous support of the Alumni Board. Dean Pareja noted that he recently had to submit a five-year budget plan to the Provost. As part of the budget plan, he was required to itemize his funding priorities, knowing that we are going to receive another budget cut for the next fiscal year. His number one priority request for recurring funding is a full-time mental health counselor at the law school.
- I.T. and Facilities Director Chad Covey reported on the status of The Venue. The Venue will be closed on December 14, 2019. In early January, high-end vending machines will be put in place. There will be four machines total, one with room temperature items, one with cold/frozen items, one items to be heated, and a high-end coffee machine. There will still be a Pepsi machine and all the vending machines in the library will be staying. In addition, an *ad hoc* committee is working to find start-ups and outside vendors to bring in as well.

ACTION ITEM: Approval of Minutes from October 15, 2019 faculty meeting – Dean Sergio Pareja: Dean Pareja asked for a motion to approve the minutes as circulated. Professor Steven Homer noted that he was not at the meeting on October 15, 2019, and his name should be removed from the minutes. A motion to approve the minutes, as corrected to reflect that Professor Homer was not at the meeting, was made and seconded. Professor Carol Suzuki raised a concern that she believes the minutes give undue weight to straw votes taken with clickers. Conversation ensued. The motion passed with two nay votes and four abstentions.

Report on Innocence & Justice Project (IJP) – Dean Sergio Pareja: Dean Pareja stated that in our current budget situation, the School of Law cannot afford to continue running IJP without either giving up a faculty line or getting a big infusion of cash. Dean Pareja noted that there is an external Board connected with IJP that is very vocal about the program. Some members of the Board have been asking New Mexico state legislators if the legislature can provide money for the program so that it can continue at the law school. This is a complicated situation because we are seeking support for other initiatives from the legislature, and it raises concerns that that support could be adversely impacted if funding comes for IJP. Also, any funding that we would get from the legislature will not come until July 1, which does not resolve the problem of funding IJP for the spring of 2020.

As the faculty knows, Professor Barbara Creel has moved out of SILC and agreed to cover core criminal law/procedure and evidence courses. As a result of this move, we are currently searching for a new faculty member to replace her in SILC. In addition to covering core doctrinal courses, she has been covering IJP as an overload. This is not a sustainable, long-term solution. Lately, we have been looking into whether it might be possible to continue some of our wrongfully-convicted / overly-incarcerated work through a Wrongful Convictions class with an added practicum component as a possible model. Another possibility, if the legislature happens to provide us with sufficient funds on July 1, could be to hire a staff attorney to continue some amount of wrongful convictions work under Professor Creel's supervision.

Dean Pareja noted that it is particularly challenging to do planning like this while simultaneously working with an outside Board. The members of this Board have stated to Dean Pareja and Vice Dean Carey that they are “not a fundraising board.” Dean Pareja provided the Board with a full accounting of all money that has been raised for the program since it began (approximately \$255,000). Those funds are now almost gone, and Dean Pareja noted that we actually have spent vastly more on the program than has been raised over the years when you factor in this semester’s visitors and Professor Creel’s time that she has devoted to this program over the past two years, neither of which appears in our accounting. Dean Pareja’s stated preference is to move forward with this work without further involvement of the Board. This project involves a commitment of a large amount of time and money. The faculty has been fully briefed on the issues and has engaged in multiple discussions about the project. Dean Pareja believes that, given all the faculty input that we have received, decisions about the future of innocence work at the law school now should be decided solely with the input of the professor teaching the course, Professor Creel, and the Vice Dean & Associate Dean for Academic Affairs, Camille Carey. Dean Pareja proposed that a straw poll be taken with clickers to get a sense if people agree with his proposed general approach, but some people expressed resistance to a straw poll, and we engaged in an extensive discussion instead.

Professor Creel reported on the history of IJP at the law school. She noted that post-conviction work is very hard, time-consuming, and traumatic. In general, the clients have been convicted of committing some of the most horrendous crimes. It is necessary to look closely at the evidence, re-interview witnesses, and review photos. IJP was originally funded with a Bloodworth Grant, which focused only cases involving provable DNA evidence. There is a narrow sliver of cases where you have DNA that still exists, and you can retest it again. With this funding, the program had a managing supervising attorney position, two staff attorneys, a paralegal, and ten students for two semesters. The director monitored the cases over the summer. That is not what we have today. What we have going forward is just Professor Creel. This semester we were fortunate to get funding to have two visiting professors, Brian Tucker and Amy Sirignano, here with us. They are supervising work-study students and independent research students.

In addition to the mail that has been coming in, which needs to be processed, we currently have cases that are in investigation status and cases that we are currently working on that are in active litigation. Professor Creel has been focusing only on the cases that we are litigating in which she is the attorney of record. We have a wrongful conviction case with a Native American and who was convicted of murder on the Navajo Nation, on which Professor Creel has worked up a challenge that has not been filed yet. There is also a parole issue, an arson case, and a couple of other indigenous justice issues.

Professor Creel has been investigating various models that other schools have as well as a non-profit-based independent innocence network. In either format, fundraising is necessary. Typically, they have a board that does fundraising; the board’s sole role is to bring money in for the program. One person alone, because of all the different needs of this program, cannot run a project like this. To do it right, it is necessary to have a managing director, an intake coordinator (who can process the mail daily), case software to manage the cases, as well as a fundraising board that is committed to donating their own time and money and finding other donors to donate money, and an investigator,

as well as a social worker to assist with people who are re-entering life outside of prison. Funds are needed to pay all of these people as well as for the DNA testing.

A broad discussion ensued, and faculty expressed a wide range of views regarding the future of the program and the status of the Board. After much discussion, and in consideration of all the input that he had received, Dean Pareja decided to move on to other topics on today's agenda without conducting a straw poll.

Report on plans regarding Wellness Center – Dean Sergio Pareja: Dean Sergio Pareja gave a quick update. He initially received a quick \$144,000 rough estimate to build a Wellness Center from UNM's Physical Plant Department (PPD) after learning from the Provost that we could request funding for relatively small capital projects on very short notice. Our request for funding was approved, and we received \$144,000 from the legislature around July 1. Our current goal is to start the work after classes end in May, with completion anticipated, hopefully, by the start of classes in August. We have since received several architectural bids and received drawings from the architect who built the Wellness Center at the Medical School. With the detailed drawing, it is estimated that the work will cost \$132,000 more than initially anticipated. We are asking the Provost if we can request these funds from legislators. It is seeming likely that we will be able to. If the money comes through, it would be on July 1, which would allow us to do the work over the summer, as we had been hoping. According to Dean Pareja, the need to request funds for competing projects highlights the challenge that we face in also seeking money for our innocence work. Professor Suzuki asked where the Wellness Center will be located and if it would be taking up educational space. Dean Pareja explained that the current plan is for people to enter the Wellness Center at the bottom of the stairs off the Forum. It would be constructed from there all the way back through the Old Faculty Lounge. It would not use up any classroom space or faculty offices.

ACTION ITEM: Possible vote on proposal for three-year pilot project to accept the GRE for law students starting in the fall of 2021 - Professor Maryam Ahranjani, Chair of Admissions Committee: Professor Ahranjani noted that Dean Pareja asked the Admissions Committee a few month ago to consider whether we should join a number of other law schools – forty or so at this point - that have started accepting the GRE in lieu of the LSAT. In our case, the committee considered that the primary goal is to potentially increase the applicant pool by targeting talented students who would not otherwise apply because they have not taken the LSAT but who have taken the GRE instead. The committee investigated, and our Director of Admissions, David Pallozzi, did a lot of work in this, including looking at the national and regional landscape. At the regional level, there are three law schools in the area that have already adopted the GRE on a trial basis, the University of Arizona, University of Texas at Austin, and Texas A&M. Mr. Pallozzi also examined the administrative aspects of adopting the GRE, and the committee considered all the information available and voted to propose a three-year pilot project to accept the GRE starting with applications that may be received beginning in the fall 2020 (*i.e.*, from students wanting to begin studies here in the fall of 2021). Professor Suzuki raised concerns regarding our recent focus on admitting students who really want to go to law school, as opposed to attending law school only because it is an option available to them, and noted that accepting the GRE could lead to the opposite result. Professor Ahranjani responded that every year is a different cycle and that we do not know what next year's applicant pool will look like. Professor Ahranjani also noted that David

had found that there has been no significant increase in applicants to law schools that have begun accepting the GRE but that the sample of schools that have done so and the short time period involved does not make the data very useful. Dean Pareja indicated that there is no need to vote on this today, given that we are talking about applications received beginning next fall. We will table the vote until our next meeting so that you can start giving some thought to the committee's recommendation. Professor Ahranjani said that anybody who wants to have further conversations about this should reach out to her.

Report on class scheduling culture - Vice Dean Camille Carey, Associate Dean Sherri

Thomas, and Associate Dean Nathalie Martin: Vice Dean Carey began by informing the faculty that scheduling this upcoming spring's classes was particularly challenging this year and that most difficult situations occurred with relatively new faculty members who have been here five years or less. As a result, she wanted to speak to the whole faculty about the culture of scheduling classes at our institution to ensure that we are all on the same page. Vice Dean Carey started by noting that we have historically been a very student-focused institution. We listen to student concerns and try to schedule classes in a way that will minimize class conflicts and maximize access to bar, certificate, and other core classes. Associate Dean Thomas then chimed in and noted that we are here to serve students, yet the current student perception is that no full-time faculty member will teach after 4:00 p.m. or on Friday afternoons. This perception hurts our institution. Associate Dean Thomas also noted that we schedule sections of first year classes to meet at the same time, and we try to ensure that there are adequate breaks between classes, and we have to be mindful of the availability of upper division courses, available classroom space, and parking congestion, and this gets even more complicated if one or more faculty members are seeking to teach only certain afternoons, for example. Anytime a faculty member requests to teach only on particular days or at particular times, it impacts other people and their ability to teach at a given time. It's extra challenging when other people also have requested a certain teaching schedule due to family schedules. Associate Dean Thomas noted that she planned her cancer treatments around her teaching schedule. Vice Dean Carey interjected that, while working on the schedule, she found that our more senior faculty were much more flexible than some of our newer faculty. Vice Dean Carey said she had thought about giving a very long list of some of the complexities of putting together the schedule but decided against doing that. She noted that she and Dean Pareja get a lot of feedback about the schedule from students, from the Graduate & Professional Student Association on main campus, from the Provost, and even from the President, and it is not good for us when that feedback is negative. Dean Carey understands that people, like her, have family obligations. She understands that people want to research and write, and that people do not want to teach certain classes at certain times. However, it is critical that we have a full curriculum that will work for all of our students, including our flex-time and MSL students. Please remember that if you ask to not teach an 8:30 a.m. class, that means that somebody else must teach at that time. In sum, Vice Dean Carey is asking our faculty to recommit to our students and to offering a curriculum that works best for our students. Associate Dean Nathalie Martin agreed and noted that we all sometimes have to teach at a time when we might not want to, such as 8:30 a.m. We also might have to teach on five different days if that is the best way for us to offer students a robust schedule of class offerings. Professor Barbara Creel noted that she never even thought to ask to teach on particular days or times. Associate Dean Emeritus Peter Winograd noted that he was responsible for making the schedule over many years

and that everyone taught at 8:30 a.m. He also noted that it was common to have classes on Friday afternoons.

Report and discussion regarding possible accelerated B.A./J.D. program – Dean Sergio

Pareja: In the interest of time this matter is being deferred for discussion at the next regular faculty meeting.

EXECUTIVE SESSION:

ACTION ITEM: Vote on rank and tenure clock of Economic Justice Clinic faculty candidates – Professor Carol Suzuki, Chair of Faculty Retention, Promotion & Tenure Committee: Professor Carol Suzuki stated that the Dean had asked the Faculty Retention, Promotion & Tenure Committee to make a recommendation to the full faculty as to the rank of two of the candidates for the Economic Justice Clinic. Those two candidates are the first choice candidate and the first of two back-up candidates. It is assumed that the second back-up candidate would receive an offer, if one is given, at the Assistant Professor level.

According to Professor Suzuki, the committee met and recommended that the first choice candidate be given an offer at the Associate Professor level. The committee recommended that, if the first back-up candidate is to get an offer, the offer to the first back-up candidate will be at the Assistant Professor level.

Dean Pareja asked if the committee had considered time until tenure for the first choice candidate. The committee did not take a formal position on that, and discussion ensued. After some discussion, Dean Pareja stated that he would initiate the offer assuming a standard three-year tenure clock for a new Associate Professor.

A motion was made to approve the plan of making an offer to the first choice candidate at the Associate Professor level. As it was a committee recommendation, no second was necessary. The motion passed with no nay votes and one abstention.

The meeting was adjourned at 5:08 p.m.