

UNM School of Law
Faculty Meeting
October 8, 1973
4:00 p.m., Conference Room

MINUTES

Present: Dean Hart; Associate Dean Desiderio; Assistant Dean Geer;
Professors Bingaman, Daniels, Ellis, Goldberg, Kanowitz,
MacPherson, Minzner, Muir, Norwood, Parnall, Reynoso,
Romero, Simson, Teitelbaum, Utton, Walden, Walker;
Students Foy, Milne, Myers.

The meeting was called to order by Dean Hart, and attention was given to the following:

1. Minutes of the meeting of September 24, 1973, were approved.
2. Dean Hart distributed a report concerning the budget and a memorandum for faculty and students on the subject of class attendance, as attached.

The meeting was adjourned.

Respectfully submitted,



Louise R. Camp
Secretary

October 8, 1973

To: Law School Faculty and Students

From: Frederick M. Hart, Dean

Re: Class Attendance

The criteria for accreditation formulated by both the American Bar Association and the Association of American Law Schools requires that students regularly attend classes. I believe that we meet this requirement and it is perfectly proper for individual faculty members to determine the extent to which they will enforce the requirement. It should be clear, however, that the policy of the school is to require attendance and that all faculty members who wish to take attendance on a daily basis are encouraged to do so. I do not think that we could change this policy even if we wanted to without risk of noncompliance with the ABA and AALS regulations.

It has been brought to my attention that some individuals believe that there is a problem with the Clinical Law Program and class attendance. I believe that this is a result of a misunderstanding and that it does not in fact exist.

It is true that students are occasionally scheduled for court appearances at the time that they have classes. The Clinical Program tries to avoid this but does not have absolute control over when cases are scheduled. It has been our experience that a particular student will rarely have this conflict more than once or twice a semester and that the average number of conflicts probably is less than one per student per semester.

When such a conflict exists, it is perfectly proper for a student to request that a faculty member excuse him or her from class. When such a request is made, it is solely within the discretion of the faculty member to either grant the request or to refuse it.

If the request is refused, the Clinical Law Program will arrange for a continuance or, if that is impossible, will ensure that the client is properly represented either by another student or by a member of the faculty. This may cause some inconvenience but it is an obligation that the Clinical Program willingly assumes.

I do not think that this is quite as much of a problem as some people seem to believe. I have no reason to doubt that each faculty member will handle individual cases in a manner that is reasonable and in accord with his or her own views on class attendance. It is possible, of course, that an occasion may arise where proper representation of a client requires that a student miss a class without permission of the instructor. Such a situation would be extremely rare and I think can be dealt with when it occurs.

I

INTRODUCTION

This is a request that the University of New Mexico, through appropriate channels, ask the legislature to consider the unusual present needs of the School of Law and that the University ask that its over-all budget be increased for the 1975 fiscal year in an amount necessary to meet these needs. In connection with this budget request, there would also have to be an adjustment of the Faculty/Student ratio adopted generally for the University.

II

REASON FOR REQUEST

Although there are arguments for retaining the formula which determines the University's operating budget based upon the number of students enrolled without reference to whether such students are in graduate or undergraduate schools, the formula works to the decided disadvantage of schools such as the School of Law which are unique to the University of New Mexico and which are high cost operations. The increase in the law school enrollment during the past few years dramatically illustrates the results of strict adherence to the formula presently used.

For the 1969-70 academic year, the law school's budget (Instructional and Financial Assistance) provided \$1,797 per student. Assuming inflation at a rate of only 5% per year, this is equivalent to \$2,184 during the current year and \$2,293 for the 1974-75 fiscal year. At our present enrollment of 320 students, this amounts to a budget of \$698,880 for the present year -- \$100,800 more than actually budgeted. For next year, it would mean that the budget of the law school should be \$733,760 if we are to have the same amount available per student as we had in 1969-70. This would mean an increase in our current budget of \$135,680.

It might be assumed that the increased enrollment in the law school should lead to economics making it unnecessary to continue the per student cost at the same level. This simply is not the case in graduate education. Figures prepared by both the BEF and Morris Henderson show that the student/faculty ratio, the cost per credit hour and the size of classes at the law school evidence an extremely economical graduate division even at a per student cost of \$2,300. At the current level of funding, it is highly questionable whether an adequate legal education can be offered law students.

During the past five years, while there has been an effective reduction in the law school per student budget, the school has been faced with the necessity of adopting costly new methods of instruction. The emergence of clinical legal education, long overdue, has placed a particular strain on the budget as it requires a low student/faculty ratio. The development of courses designed to train students in the skills of advocacy has the same effect. In order to staff these courses in a marginal manner, it has been necessary to curtail electives and to increase the class size in other courses. Perhaps of greater significance, it has prevented the law school from exploring new pedagogical techniques and new types of course format that might answer some of the telling criticism of legal education.

III
NEEDS

Faculty: Appendix A is an analysis of faculty requirements of a law school having approximately 300 students. I submit that the needs presented therein are reasonable in light of the educational program that a law school should offer its students. Staffing the law school in the manner advocated by the Appendix is also reasonable if legal education is viewed as graduate-professional education.

Although the needs noted in Appendix A are not unreasonable, it is unrealistic to believe that this University or this state can presently devote resources of this magnitude to legal education. It is submitted, however, that an immediate goal ought to be that the law school faculty be increased to 30 FTE's. This would provide a 10 to 1 student/faculty ratio and an average class size of approximately 27.

Faculty Salaries: As Appendix B indicates, the faculty salaries at this law school are no longer competitive with those earned in other law schools in our locale. This was dramatized this past year when we offered a position to a young man teaching at the University of Wyoming and were unable to match the salary scale of that school. Clearly, we should not try to compete with Big Ten Schools or the California schools, but an effort should be made to compete with schools such as those compared in Appendix B.

Student Financial Aid: In 1967 the law school had \$27,000 available to provide financial assistance to students. That year 183 students were enrolled. Hence, the law school had an average of \$147.50 of financial aid money per student. Last year, the law school had \$35,000 for 308 students: an average of \$113.50. For the current year, this was reduced to \$25,000, an average of \$80.65. If we had the same per student amount this year as in 1967, we would have had \$45,725, which is \$20,725 more than was actually budgetted for the law school. If an inflation factor is added, over \$55,000 would be needed to equal what we had in 1967. That is \$30,000 less than our actual budget.

During the past two years, the law school has adopted a policy of requiring students to work for the school in return for money awarded as financial assistance. Thus, students who receive funds must help teach in the first-year writing program, tutor in the Programmed Studies course, assist in faculty research, etc. Outright grants are used almost exclusively to meet commitments we have to provide tuition scholarship for students receiving grants from federal and private sources. For example, the Council on Legal Education Opportunity this year is providing grants of \$1,000 for 27 students. We must provide tuition grants to these students as a condition of the awards.

For the current year, we were able to provide absolutely no financial assistance for first-year students.

The New Mexico Student Loan Program has helped greatly, but it is not a complete solution for graduate students. The average age of our student is 26. Many have substantial educational loans when they enroll in law school and substantial financial responsibilities. This is particularly true as we try to attract a broad spectrum of students -- including the economically disadvantaged -- to our law school.

Secretarial Assistance: The secretarial situation has deteriorated substantially in the past two years in spite of the University's attempt to provide us with additional staff. There are three primary reasons for this: (1) the increased number of applications that we process; (2) secretarial requirements of the clinical law program; and (3) the increased amount of reproduction done by the faculty in preparation of materials for class use.

Supplies and Expenses: For the current year, my estimates during the summer indicated that we would overexpend in this category by about \$8,000. To avoid this, I have taken steps that I consider drastic and unwise, but necessary: (1) we will not publish a Bulletin of the law school during this fiscal year; and (2) we levied a "tax" of \$10.00 per student to help offset the deficit.

Travel: Although the University has always been sympathetic with the needs of the law faculty to provide, without reimbursement, continuing legal education programs for local Bar Associations, the annual and semi-annual meetings of the Bar along with the normal travel incident to academic lawyers, travel funds have become increasingly scarce. A modest increase is necessary for us to continue to meet our commitments.

Equipment: Until recently, the equipment needs of the law school were limited to typewriters, desks and normal office items. Within the past few years there has been a marked increase in the need for reproduction equipment. Perhaps more importantly, the use of video equipment is becoming far more common in the instructional program.

IV

SUMMARY

The foregoing analysis dictates that I request that the law school budget be increased by no less than \$145,000 in addition to normal increases provided generally for salary increases and inflation, and in addition to the restoration of cuts made last year. Such money would be used in the following manner:

1. 4-1/2 additional faculty at \$18,000	81,000
2. To make salaries more competitive	9,000
3. Financial assistance for students	25,000
4. 3 secretaries at \$6,000	18,000
5. Supplies and Expenses	5,000
6. Travel	2,000
7. Equipment	5,000
	<hr/>
	\$145,000

LAW SCHOOL FACULTY
REQUIREMENTS

The following brief report is an evaluation of the faculty needs of a law school with an enrollment of 320 students. The total faculty requirement -- 46.72 FTE's -- so far surpasses the present staffing of the school -- 22.00 FTE's -- that the report can be challenged as unrealistic. Any such challenge, however, is based only upon the fact that the law school has managed to exist with far less resources for many years; not upon any realistic analysis of what the needs of the law school are now or have been in the past.

The projected staffing would result in a student/faculty ratio of approximately 7 to 1. Medical education, nursing education and graduate education in general have long been blessed with faculty/student ratios at or lower than this for years. Most of the discontent that lawyers and legal educators find with the present education in the law schools can be attributed to one reason: law schools have been under-financed throughout their entire history.

The amount of staffing that should be provided to a law school should not depend upon what has been traditional in the past, nor should it be based primarily upon the situation prevailing in other law schools. Rather, the question should be approached first by an evaluation of the importance to society of adequately training members of the legal profession. Assuming that this is a desirable end, there must be a consideration of the resources needed to achieve that goal.

From this approach, the following is not unrealistic. Indeed, the University is not fulfilling its responsibility to those who seek a legal education by providing anything less. We are taking three years from the lives of some of the ablest and most promising young people graduating from college today. We owe them a duty of providing a valuable educational experience during those three years. We owe a like duty to every citizen of this state for our law graduates will bear the primary responsibility of improving the legal system in the future.

I. First Year (100 students)

- a. Total of 30 credits = 3,000 credit hours
- b. 25 of 30 hours taught in 2 sections of 50 each
- c. 5 hours to be taught in 5 sections of 20 each
- d. Programmed Studies (2 sections of 10 each) = 4 credits

Faculty Needs

25 hrs. x 2 sections = 50 hrs.:	4.16 FTE
5 hrs. x 5 sections = 25 hrs.:	2.08 FTE
4 hrs. x 2 sections = 8 hrs.:	<u>.66 FTE</u>
	6.90 FTE

II. "Core" Elective Courses

A number of courses are traditionally taken by most students in either their second or third year of law school. These should be sectionalized into 2 sections of approximately 50 students each. They include:

Business Associations I	(3 hrs.)
Commercial Transactions I	(3 hrs.)
Civil Procedure I	(3 hrs.)
Criminal Procedure	(3 hrs.)
Evidence	(3 hrs.)
Federal Jurisdiction	(3 hrs.)

Wills, Trusts & Future Interests	(6 hrs.)
Property II	(3 hrs.)
Administrative Law	(3 hrs.)
Constitutional Law II	(3 hrs.)
Federal Income Tax	(3 hrs.)
Federal Estate and Gift Tax	(3 hrs.)
Conflict of Laws	(3 hrs.)
Professional Responsibility	(3 hrs.)

Thus, there is a total of 45 hours in this category: 45 credit hours x 2 sections = 90: 7.50 FTE

III. Seminar Requirement

Students are required to take at least one seminar for graduation. Seminars are limited to 12 students and each year approximately 100 students must meet this requirement. This means that a minimum of 9 seminars must be given. Realistically, at least 12 should be given to permit some flexibility. Seminars are generally 2 credits each.

12 credit hours x 2 = 24: 2.00 FTE

IV. Normal Electives for Second and Third Year

To provide student an opportunity to take courses in basic areas of the law that are taught by most law schools and to permit more depth of coverage in some areas, the following courses should be offered as electives:

<u>Courses</u>	<u>Credits</u>	<u>Courses</u>	<u>Credits</u>
Labor Law	4	Juvenile Law	3
Anti Trust Law	3	Public Utilities	3
Unfair Trade Practices	2	Corporations	6
Commercial Transactions	3	Corporation Tax	3
Creditors' Rights	2	State and Local Tax	3
Consumer Law	2	Tax Policy	3
Poverty Law	3	Advanced Procedure	4
State and Local Government	2	Indian Law	2
Jurisprudence	3	Taxation of Natural Resources	2
Law and Behavioral Sciences	3	Taxation of Partnerships	2
Constitutional Law	5	Equity	2
Comparative Law	3	Natural Resources	3
International Law	5	Oil and Gas Law	2
Environmental Law	2	Water Law	2
Mortgages	2	Legal Process	3
Legislation	2		
	89 credits		7.41 FTE

V. Clinical Law Program

It is generally recognized that one faculty person can properly supervise 10 students, each of whom are taking 3 credits. We require each student to acquire 6 hours of clinical credit for graduation. Since there are 100 graduates each year, we must provide a minimum of 600 credit hours.

$\frac{600}{10 \times 6}$ credit hours = 10 FTE

10 FTE

VI. Practice and Drafting Electives

A number of elective courses are designed either to improve advocacy skills or counselling skills of students. Because there is a need for close supervision and much personal attention in these courses, there are definite limits on the size of the classes. The following table indicates these courses, the number of students that should be accommodated each year, the maximum size that classes should be and the FTE requirements of properly staffing them.

<u>Course</u>	<u>Students to be Accommodated</u>	<u>Maximum Class Size</u>	<u>Credits</u>	<u>Teaching Hours</u>	<u>FTE</u>
Trial Practice	80	20	3	12	1.00
Estate Planning	45	15	3	9	.75
Business Planning	45	15	3	9	.75
Interviewing & Counselling	75	15	2	10	.83
Pre-Trial Practice	30	15	1	2	.17
Negotiations	60	15	2	8	.75
Fact Analysis	30	15	2	4	.33
Commercial Drafting	30	15	2	4	.33
					<u>4.91</u>

VII. Administrators

Dean-Full Time	1.0
Associate Dean-Half Time	.5
Assistant Dean-Full Time	1.0
Publications	.5
Librarian	<u>1.0</u>
	4.0

VIII. Part-Time Faculty

To be used primarily in assisting full-time faculty in teaching skills courses, practice courses and clinical courses. 2.0

IX. Social Science Professors

To provide expertise in interdisciplinary subject areas. 2.0

X. Summary

1. First-year instruction	6.90 FTE
2. "Core" elective courses	7.50 FTE
3. Seminars	2.00 FTE
4. Normal elective courses	7.41 FTE
5. Clinical Law Program	10.00 FTE
6. Practice and Drafting courses	4.91 FTE
7. Administration	4.00 FTE
8. Part-time Faculty	2.00 FTE
9. Social Sciences Professors	<u>2.00 FTE</u>
	46.72 FTE

Total Law Faculty 46.72
Student/Faculty Ratio 6.85 to 1

January 12, 1973

Dr. Chester C. Travelstead

Frederick M. Hart, Dean, School of Law

Salaries at the UNM School of Law

The data on salaries at the law schools throughout the country has recently been sent to me by the American Bar Association. Although this information is confidential in the sense that it is not to be released publically, there is no restriction upon making it available to those who have a legitimate interest in law school salaries.

A review of the figures clearly indicates that my two years as dean has been highly detrimental to the faculty with regard to the salaries that they are receiving. We are in a considerably worse position now than we were two years ago. I submit for your consideration the following figures that I have extracted from the ABA report.

A comparison of median salaries shows the following:

Comparison of Salaries
at UNM with
other law schools
(1972-73 Data)

I. Comparison of Median Salary

a. UNM:	\$18,000
b. Median of Medians (1949 schools):	\$20,000
c. Median of State Universities:	\$21,100
d. Medians of Regional Law Schools:	

Texas	26,000
Arizona	24,250
SMU	24,000
Utah	24,000
Oklahoma	21,900
Houston	20,890
Colorado	20,600
Taylor	20,550
Arkansas	20,475
Denver	20,400
Wyoming	19,475
Texas Tech	19,125
Arizona State	19,000
UNM	18,000
Oklahoma City	17,000
Montana	16,800

Dr. Chester C. Travelstead
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It might be argued that our low median salary is due to the youth of our faculty. The ABA figures do provide data broken down by number of years since a faculty member has received his Juris Doctor degree. The following figures indicate that our younger professors are doing poorly in comparison with our neighbor schools.

Using the same list of schools that comprises the first list, the following is apparent:

Average High	17,132	UNM High	15,860
Average Median	15,869	UNM Median	15,250
Average Low	15,222	UNM Low	14,600

By extrapolating figures, it is reasonable to conclude that average figures for each of the six years at the schools are as follows:

0	15,225
1	15,616
2	16,007
3	16,398
4	16,789
5	17,182

Comparing the figures with salaries at UNM which are in the category shows the following:

<u>Name</u>	<u>Years</u>	<u>Salary</u>	<u>Average at Schools Selected</u>	<u>Difference</u>
A	3	14,600	16,398	1,798
B	4	15,340	16,789	1,449
C	4	14,800	16,789	1,989
D	4	15,250	16,789	1,539
E	5	15,860	17,182	1,322

I am particularly aware of the problem that this is creating at the present time. We recently offered a position to a young faculty member from the University of Wyoming who we badly wanted to join this faculty. Unfortunately, we were not able to meet the salary that he was receiving at Wyoming without distorting our salary scale in a way which I believe unacceptable. This person was not one of national renown. He was just a good solid young teacher with considerable potential for the future. It seems to me that we ought to be able to compete with Wyoming.

EM:kgm

cc: Dr. Ferrel Heady
Mr. John Perovich