

UNM School of Law
Faculty Meeting
April 1, 1974
4:00 p.m., Conference Room

MINUTES

Present: Dean Hart; Associate Dean Desiderio; Assistant Dean Geer; Professors Bingaman, Daniels, Ellis, Goldberg, MacPherson, Muir, Parnall, Reynoso, Romero, Simson, Teitelbaum, Walden, Walker; Acting Law Librarian Coleman; Students Bryan, Lane, Myers.

Dean Hart called the meeting to order. Attention was given to the following:

1. Minutes of the meetings of March 11 and 25 were approved.
2. Dean Hart announced that Professor Flickinger will join the faculty in the spring semester, 1974-75, and that Mr. Arthur Greenfield, a New York lawyer who is to be on sabbatical leave from his firm, will be visiting our faculty on April 8 and 9.
3. Melissa Nolan reported on the services offered by the Public Information Office.
4. Chairman Pat Bryan of the Committee to Evaluate Clinical Law presented a report, which is to be made part of these minutes. Discussion followed.

The meeting was adjourned.

Respectfully submitted,

Louise R. Camp

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Secretary

Next meeting: April 15, 1974

REPORT OF THE COMMITTEE TO
EVALUATE CLINICAL LAW

The committee conducted a survey by means of a student questionnaire. Much, but not all, of the committee's report is based on responses to that questionnaire. It should be noted that the concept of clinical legal education is overwhelmingly accepted by the student body (see item 11) but there is a great deal of dissatisfaction with the present form of the clinical program (see items 13, 14). In hopes of improving the present clinical program, the committee has identified problem areas in the existing program and has proposed both short and long term solutions to those problems.

The committee identified the following items as the major problems existing in the present system:

1) Lack of substantive supervision--The committee believes that the present number of clinical law supervising attorneys is inadequate and that too much emphasis is put on paperwork supervision rather than substantive supervision. Caseload reviews do not put enough emphasis on substantive problems. Insufficient time is spent discussing the legal problems/strategy of the clinical case with the student. It should be noted that the questionnaire doesn't necessarily bear out the unanimous conclusion of the committee. [See item 6]

2) Too much emphasis on paperwork--The committee believes that academic assignments, time sheets and extensive bi-weekly reports are unnecessary and divert the student's time from obtaining practical experience. Time sheets and bi-weekly reports are commonly filled out in advance or at the end of a semester and the figures contained in those reports are inaccurate. Academic assignments are better handled within the framework of clinical and traditional classes [see item 7].

3) The amount of credit awarded to the present clinical programs is insufficient--Item 5 of the questionnaire indicates that the present programs take an average of between 16.2 to 17.5 hours per week of student time for 3 hours of clinical credit. Court dates cannot necessarily be scheduled within the student's "12 hour clinical requirement" and the resulting average clinical workload conflicts with class attendance and preparation [see items 3 and 4].

4) Procedures and programs are in a constant state of flux--Students are unable to plan their clinical experience. Procedural rules within the programs change radically (e.g. the 8 hour clinical semester was dropped after many third year students had planned on taking that course during their last semester to complete their clinical requirement). Students are unaware of the availability of several clinical programs (e.g. few students are aware that they may design their own clinical experience or that they may receive more than 3 hours of credit upon the completion of substantially more than the 120 hour requirement in a clinical semester).

5) The program places a financial burden on students--nearly 50% of the students responding to the questionnaire indicated that their financial needs require them to work and that their two clinical semesters worked a financial hardship on them [see item 12].

6) School policy--There is no effective school policy concerning conflicts between class attendance and court appearances. The ad hoc approach presently taken has caused unnecessary friction between students and certain professors.

The committee proposes the following long and short term recommendations:

1) Long term recommendations--The committee believes that the long range goal of the clinical program should be a required final practical semester. The practical semester would be open only to third year students (although this would not preclude other non-required clinical programs being offered to first and second year students). One-half of the third year class would take clinical law during the first semester and the other half would take it second semester (as determined by lottery). The committee recommends that the student would work a regular 40 hour week and would receive 12 credit hours for his/her participation in the clinical semester. The committee believes that such a program would reduce the problem of third year apathy while providing more continuity of experience. The quality of service to clients and student efficiency should be increased since almost all of the participants would have taken courses such as civil procedure, evidence, criminal procedure, trial practice, etc. The committee recognizes that the number of supervisors needed for such a program are far beyond present staffing levels and, therefore, recommend that this solution be considered as a long term goal.

2) Immediate recommendations--The committee unanimously believes that the present level of supervision is inadequate and that the school of law has a responsibility to provide, at least, a minimum level of supervision to the student. Consequently, the committee strongly recommends that the clinical requirement be reduced to 3 hours unless at least 2 more full time clinical supervisors (or their equivalent) are hired and that clinical case-loads be selectively reduced.

3) Short term recommendations--If additional clinical supervisors can be hired, the committee recommends either of the following alternatives:

a) A single semester 6 hour clinical course--The majority of the committee (4 members) favors a clinical course which would require the student to do 20 hours of clinical work per week (16 scheduled hours and 4 unscheduled hours) for 6 hours of academic credit. Such a program would do away with the in-house and out-house labels since any and all programs which could be adequately supervised would be acceptable (e.g. clinical law office, Centro-Legal, criminal practice clinic, private firms, etc.). Such a course would reduce the present financial burden that 2 clinical semesters creates while providing more continuity and hopefully more time for substantive supervision for the student. Such a requirement would allow the student to limit himself/herself to 2 additional courses and greatly reduce class conflicts.

b) A 3 hour out-house option for no credit--A minority of the committee (3 members) favors keeping the present 3 hour in-house

requirement but allowing the 3 hour out-house requirement to be waived upon certification by a lawyer, law firm, government agency, etc. that the student has done 240 hours of legal intern work. The student would receive no academic credit for the outside work. This recommendation recognizes that the present out-house program is successful only if the participating firm supervises the student properly and that a reasonable substitution for out-house experience would be outside legal work done by the student.

4) Additional recommendations--The committee makes the following miscellaneous recommendations:

a) That the school announce a policy that clinical courtroom appearances take precedence over class attendance. The committee believes that the clinical student's ethical responsibility to the client requires such a policy.

b) That the clinical law program publish a codification of rules and procedures. Such a publication would help to educate the student of the opportunities and requirements of the program.

c) That clinical academic assignments, time sheets and bi-weekly reports be eliminated.

d) That the amount of credit awarded to any particular clinical program adequately reflect actual average time spent participating in the program.

Respectfully,

The Committee to Evaluate Clinical Law
Pat Bryan, Chairperson
Jackie Robbins
John Leyba
Marion Matthews
Rob Rickard
Dave Lane
Tom Rutledge