

UNM School of Law
Faculty Meeting
August 26, 1974, 4:00 p.m.
Conference Room

MINUTES

Present: Dean Hart; Professors Desiderio, Ellis, Evans, Fink, Goldberg, Greenfield, MacPherson, Martinez, Minzner, Muir, Ragsdale, Reynoso, Romero, Simson, Teitelbaum, Utton, Walden; Assistant Dean Blackwell; Mr. Michael Alarid; Students Foy, Milne, Padilla

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

1. Motion to certify Thelma Jean Stiffarm to graduate in August was carried.
2. Sammy Pacheco was asked to speak before the faculty. After questioning and discussion, a motion to reconsider his academic suspension was defeated.
3. Michael Casey was asked to appear before the faculty. The faculty agreed to place him on probation rather than academic suspension.
4. Victor Roybal, Jr. and Edward Dean Lee were removed from probation.

The meeting was adjourned.

Respectfully submitted,



Louise R. Camp
Secretary

Camp

FACULTY COMMITTEES
1973-74

FACULTY SECRETARY:

Lou Camp

ADMISSIONS:

Parnall, Chairman; Deloria; Geer; Romero; Simson

Honors and Awards:

Goldberg, Teitelbaum, Norwood, Parnall

CURRICULUM:

Muir, Chairman; Daniels; MacPherson; Goldberg; Walden; and 3 students, one from each year to be selected by SBA

FACULTY APPOINTMENTS:

Utton, Chairman; Bingaman; Desiderio; Reynoso; Teitelbaum; Walker. It is anticipated that the SBA will appoint a separate committee on Faculty Appointments as was done last year

FINANCIAL AID FOR STUDENTS:

Daniels, Chairman; Bingaman; Deloria; Geer; Reynoso; Utton; and 3 students to be selected by SBA

READMISSION COMMITTEE:

Geer, Chairman; Parnall; Walden

PUBLICATIONS:

Utton, Chairman; Romero; Walden

BUILDING COMMITTEE:

Walker, Chairman; Bingaman; Fink; Parnall; and 3 students to be selected by SBA

INDIAN LAW CENTER:

Deloria, Chairman; O'Dowd

INSTITUTE OF PUBLIC LAW & SERVICES:

Utton, Chairman; O'Dowd

LIBRARY:

Fink, Chairman; Ellis; Goldberg; Reynoso

ARRANGEMENT FOR VISITORS:

Desiderio

SABBATICAL LEAVES:

Ellis, Chairman; Daniels; Muir

SPECIAL COMMITTEE ON STATUS OF PROFESSIONAL LIBRARIANS:

Walden, Chairman; Fink; Simson; Walker

SPECIAL COMMITTEE ON TEACHING EVALUATION:

Bingaman, Chairman; Desiderio; Goldberg; Norwood; Teitelbaum; and 3 students to be selected by SBA

SPECIAL COMMITTEE ON GRADING:

Desiderio, Chairman; Ellis; Norwood; Parnall; and 3 students selected by SBA

Student Representation:

Geer, Romero, Walker, Blackwell

430-76

1. Consistent with statements made in the 1973-74 Bulletin of the UNM School of Law, the law faculty believes:
 - (a) That the education of a lawyer must be broad enough to "encompass a full understanding of and belief in the democratic respect for the individual personality and the democratic process" and
 - (b) That "one of the great purposes of law and lawyers is to serve society ... by helping to provide conditions under which destructive animosities can grow into creative associations;"

2. The faculty further believes that creative associations, friendship and the aims of legal education are enhanced by programs of recreation, social discourse and just plain fun between and among law students, staff and faculty, including the satire and parody customarily associated with such annual events as the Skit Party and the Awards Banquet; and

3. The faculty acknowledges its responsibility to sustain and promote an environment within the law school community best calculated to permit each law student to fulfill his own educational aspirations within the framework of the programs of the law school as a whole.

THEREFORE, BE IT RESOLVED:

That the law faculty regrets the discourtesy, bad taste, rudeness, and, indeed, rancor and malice evident at the recently-held Awards Banquet, especially vis a vis the students among themselves;

That the law faculty neither intends nor desires to fix any blame or engage in recrimination over events already a part of history except to speculate how we, as individual faculty members, might somehow have failed to discharge our own responsibilities;

That the law faculty does hereby go on record, however, to express its view that conduct of the type so evident at the recent Awards Banquet detracts substantially from the quality of life within the law school community and is, therefore, to be ~~avoided~~ ^{discouraged}; and

That the Student Bar Association and individual students of the UNM School of Law be urged to join with the law faculty in promoting more positive, considerate and friendly recreational and social programs in the future, so that "destructive animosities can grow into creative associations."

THE UNIVERSITY OF NEW MEXICO

DATE: January 28, 1974

TO: Law School Community

FROM: Jon Kwako

SUBJECT: Honor Code

4-22-74

A special drafting committee has proposed a new Honor Code to be voted upon during the SBA elections. We regret the new code is slightly longer, but we hope everyone will acquaint himself or herself with it and carefully evaluate which of the two codes is more functional and just. The most significant changes proposed are the following: (1) Secrecy is at the option of the accused; (2) Creation of a grand jury type Hearing Board; (3) Selection of the Hearing and Honor Boards by lottery; (4) Proof beyond a reasonable doubt; and (5) Failure to report a violation is not in itself a violation.

Thanks to the committee members for their many hours of unglamorous researching, discussing, evaluating, and drafting. The school indeed owes Jerry Richardson, Steve Duitch, Marcia Neely, Robin Strother and Bill Tryon a debt for their unselfish and hard work.

CODE OF PROFESSIONAL CONDUCT

We, the members of the law school community, in order to promote professional integrity, and to encourage all members to act in an honest and fair manner, do adopt the Code of Professional Responsibility of the American Bar Association, and this Code of Professional Conduct.

I. DEFINITIONS

- A. Senior officer shall mean the present Student Bar Association President.
- B. Next most senior officer refers to the order of succession within the Executive Committee, to wit: First Vice President, Treasurer, Secretary, and Second Vice President.
- C. Executive Committee consists of all persons presently serving as Student Bar Association representatives.
- D. The Hearing Board, unless waived by the accused, determines if probable cause exists to initiate a proceeding under the Code.
- E. The Honor Board determines the innocence or guilt of anyone charged with violating the Code.

II. SUBSTANTIVE PROVISIONS

- A. All work shall be the product of the individual student.
- B. It shall therefore be a violation of the Code for a student:
 - 1. To use prior to, or during, an examination, assignment, or work project any information, or materials, if they are unauthorized by the faculty member concerned;
 - 2. To work longer than the time allotted for an examination.
- C. Every member of the law school community shall respect the property rights of every other member.
- D. It shall therefore be a violation of the Code for any member of the law school community:
 - 1. To take property belonging to any member, or the University, with the intent to temporarily, or permanently, deprive the owner of the property;
 - 2. To intentionally damage or hide library materials.
- E. An effective Code depends upon individual integrity and professional responsibility.

F. It shall be a violation of the Code for any member of the law school community:

1. To fail to comply with any request authorized under the Code;
2. To interfere with any proceeding under this Code, or to harass any party involved in a proceeding;
3. To reveal any information one may have concerning any secret proceeding under the Code.

III. PROCEDURE

- A. A member of the law school community who perceives or learns of an apparent honor violation should report it as soon as possible to the Senior Officer of the Executive Committee, or to the Dean. Upon notification, the Senior Officer shall act as an impartial advisor to all parties to the hearing. The Senior Officer will have no vote on guilt, innocence, sanctions, or any rulings made by any of the authorized boards, but will act only as the administrator prior, during, and subsequent to the hearings. The Senior Officer shall immediately advise the accuser that the proceedings are secret unless waived. Until the secrecy option is exercised by the accused, it is a violation of the Code to reveal any facts related to the charges or the proceedings.
- B. As soon as possible, the Senior Officer shall complete a signed, written report of the alleged violations addressed to the accused, to include the following:
 1. The nature of the violation,
 2. The date and time of the violation,
 3. The name of the accuser,
 4. A summary of the evidence compiled to that date,
 5. The date, place, and time that the Hearing Board is to convene, which is to be no later than seven (7) days from the day the accused receives the charges,
 6. The option of the accused to have the entire proceeding conducted secretly. If the accused desires such secrecy, the accused will within 48 hours after receiving the charges, so notify the Senior Officer in writing; otherwise, the proceedings will be a matter of public record and open to the public.

7. A statement including the following rights of the accused:
 - a. To testify,
 - b. To bring to any hearing any witnesses or explanatory material,
 - c. To counsel, at own expense, during all stages of the proceedings,
 - d. To confront and cross-examine any witnesses,
 - e. To inspect any evidence,
 - f. To a copy of the record of all proceedings made by a certified court reporter, or mechanical device, at the cost of the law school,
 - g. To receive a written report of the disposition of all boards convened in the matter.
- C. The Senior Officer shall appoint one member of the third-year class to investigate the alleged offenses and to present the case against the accused at each of the necessary hearings.
- D. No later than one week after presenting the accused with the written charges, but clearly after the secrecy option has been exercised, the Senior Officer shall convene the Executive Committee. Numbers shall be assigned to each student from a list of all students presently enrolled in the law school. Two numbers from each class will be drawn from the total enrollment. If necessary, additional alternates shall be drawn in like manner by convening the Executive Committee. No student shall serve on more than one board created for the same proceeding.
- E. If a person drawn by the next most senior officer, to the best knowledge of the Senior Officer, is involved in the proceedings, or has strong personal contact with the accused, and only for such reasons, the Senior Officer has the power to disqualify such person. The accused or a person selected as a board member may request disqualification. In order to exercise any such disqualification, the Senior Officer will submit a signed affidavit briefly stating the involvement necessitating a disqualification. This affidavit shall be secret and kept as part of the proceedings. The affidavit may be challenged and opened only after the Honor Board has rendered its written opinion.

- F. The day the Executive Committee is to convene, the Senior Officer will notify the accused of the option to waive any proceeding before the Hearing Board, and to appear directly before the Honor Board. Such a waiver by the accused must be in writing and state that the accused realizes that this decision is irrevocable. If the accused exercises this waiver, the Executive Committee will commence to select, as provided above, only the Honor Board.
- G. The Executive Committee will also select one faculty member from a list of three submitted by the Dean to serve as a voting member of the Honor Board.
- H. The Hearing Board will act as a grand jury. A majority vote is required for a determination that there is probable cause to bring the accused before the Honor Board. Immediately after its decision, the Hearing Board will submit a written finding, signed by the concurring members of the Board, to the Senior Officer.
- I. Both Boards will convene, as selected by the Senior Officer, elsewhere than at the law school. Neither of the authorized boards will be convened within the time allotted as final examination period at the law school.
- J. The Honor Board will not convene sooner than ten days have elapsed from the date of the Hearing Board, or its waiver, or more than 14 days after a decision by the Hearing Board.
- K. The six students selected as the Honor Board will choose from among themselves a chairperson. The Honor Board will make all rulings during its hearing, and may at any time deliberate in secret.
- L. The same Honor Board may be convened to hear no more than one set of related allegations. For allegations brought by separate accusers, arising out of different actions, and unrelated in circumstances, new boards must be selected, as provided above.
- M. The Honor Board will select one student member to express its conclusion in a written opinion, to be rendered within three days of the hearing. The opinion shall include the facts found, the Honor Board's reasoning, the decision, and the sanctions. All members must sign the written opinion. Opinions concurring and dissenting in part may also be written. A copy of such opinions will be delivered to the accused and the Dean by the chairperson of the Honor Board.
- N. The hearing by the Honor Board will be conducted as follows:
1. The Senior Officer will require each member of the Honor Board to affirm support of the Code of Professional Conduct,
 2. The Senior Officer will read the report of the alleged violation,

3. The Senior Officer may exercise his power of disqualification and replace a board member with one of the alternates selected,
 4. The Senior Officer shall, as the facilities permit, insure the separation of witnesses and generally function as a bailiff,
 5. Formal rules of evidence will not be applicable, but general principles concerning the probity and the credibility of testimony must be considered,
 6. At the conclusion of closing arguments, the Honor Board will retire to consider its verdict. Determination of guilt or innocence shall be without consideration of any sanction. The accused shall not be found guilty unless the members of the Honor Board are unanimously convinced that the accused is guilty beyond a reasonable doubt. If the accused is found guilty, the sanction to be imposed will then be considered separately. The sanction will be determined by a majority vote of the Honor Board.
- O. The sanctions which may be imposed by the Honor Board range from an oral reprimand to permanent expulsion. The Honor Board may deny or remove any student from a position of responsibility. If there is a finding of guilt, the Honor Board, as a part of its sanction, may require that the Bar Commissioners of any state be notified of its decision.
- P. After the Honor Board renders its decision, access to records of the hearing shall be limited to the accused, accused's counsel, chairperson of the Honor Board, Senior Officer, and the Dean.
- Q. Any decision of the Honor Board may be appealed to the Dean by the accused. The Dean may not increase the severity of the sanctions recommended by the Honor Board, but the Dean may reduce them. This appeal will not be a hearing de novo. The Dean may overturn a verdict, based on a review of the record, only if the verdict is not supported by the evidence. No appeal shall be allowed later than 14 days after the accused receives a copy of the Honor Board's opinion.