

Faculty Meeting
UNM School of Law
April 24, 1978
Conference Room; 4:00 p.m.

MINUTES

Present: Desiderio, DuMars, W. Ellis, Flickinger, Goldberg, Gonzales, Hart, Hermann, Kovnat, MacPherson, Martinez, Minzner, Montez, Muir, Norwood, Occhialino, Parnall, Romero, Schwartz, Senescu, Stelzner, Teitelbaum, Utton, Winograd; Student Representatives Fenoglio and Perelson

The meeting was called to order by Dean Hart; minutes of the meeting of April 17, 1978, were approved.

Ms. Perelson suggested that more volumes of general law interest be made available to students in the law-medical bookstore.

The faculty was reminded that course descriptions are to be distributed among students for both fall and spring semesters (meeting of March 20, 1978).

Dean announced that the dedication of the building is scheduled for next fall, probably just after elections. He also spoke on budgetary matters and funds available for additional faculty.

Desiderio led the discussion on next year's schedules, pointing out that Torts is reduced to 3 credits and a new course, Perspective in Tort Law, is offered next spring, being an elective for first year and taught for one credit by Desiderio, Goldberg, and Occhialino. Faculty approved the first year curriculum for both semesters.

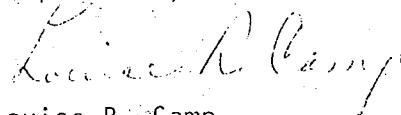
With the addition of a two-hour Trial Practice course taught by Richard Ransom, limited to 12 students, during the fall semester, the faculty approved the upperclass curriculum as proposed.

Discussion then focused on the proposed Clinical Program, Professor Hermann explaining the proposed handling of Centrolegal. She requested that the six-hour portion of field experience be given letter grades. Motion failed. The new skills course proposed for spring semester, Arraignment Intake, was described by Professor Hermann. A motion to make this course unavailable to first-year students failed to pass.

Upon vote, the proposal for Clinical Program was accepted.

Meeting adjourned.

Respectfully submitted,



Louise R. Camp
Sec'y

CLINICAL COURSES

OFFERING SHEET

Semester I, 1978-79

SKILLS COURSES

711	Accounting for Lawyers	1	?
710	Pre-Trial Practice	2	Norwood, Snead
714	Law Office Management		?
705	Lawyering Theory ¹	2	Hermann

FIELD EXPERIENCES

700	Criminal Practice Clinic	3	Norwood
719	Prison Legal Services	3	?
720	Law Office	3	MacPherson
731	Centro Legal ²	8	Hermann
723	District Attorney Program	6	Martinez, MacPherson
721	Law Intern Programs	3	Simson

¹Centro Legal students are required to take this course. Other students may take the course with permission of Professor Hermann.

²6 hours are for the Centro Legal "area" experience and 2 hours are for an orientation seminar. Role of the Lawyer is a co-requisite.

CLINICAL COURSES

OFFERING SHEET

Semester II, 1978-79

SKILLS COURSES

715	Interviewing and Counseling	2	Simson
713	Trial Practice	3	Norwood, Snead
	Arraignment Intake ¹	3	Hermann

FIELD EXPERIENCES

700	Criminal Practice Clinic	3	Norwood
719	Prison Legal Services	3	?
720	Law Office	3	Simson
731	Centro Legal	3	Gonzales
723	District Attorney Program	6	Martinez
721	Law Intern Programs (no criminal defense interns)	3	MacPherson, Hermann

OTHER

751	Advanced Spanish for Lawyers	2	Marquez
750	Professional Responsibility ¹	2	MacPherson

¹First-year elective.

TO: Bill MacPherson

FROM: Jose L. Martinez

RE: Proposal to expand the present D.A. Misdemeanor Clinical Program from a three-hour course to a five or six-hour course, commencing fall semester, 1978.

As per our numerous conversations, I would like to outline my concept of such a course and solicit your response to such a course change. I would also like to make this proposal to the Curriculum Committee.

I feel there is considerable need and justification for such a course. Our mutual experience with the larger, more intense summer law office clinic serves as a direct example. I feel we should combine the present D.A. Misdemeanor course (3 hours) and the D.A. Felony course (3 hours) which we could call the Criminal Prosecution Clinic. Basically, we would keep the strengths of each course and try to minimize or eliminate the weaknesses of each. We have also frequently discussed our need to beef-up our classroom component and to move a little more towards simulation and problem-solving. As you know, we have had a number of students over the years who have taken both of the present courses, so that I feel there would be adequate student interest. Finally, the larger course would give a more balanced, uniform and realistic exposure to the total picture of criminal prosecution in our society. In essence, the thrust of the course would be to prepare our students for entry into careers in criminal prosecution and defense work.

Basically, the course would keep the present 12-hour per week "real life" experience of prosecuting misdemeanors on a fixed schedule in the Magistrate Court, for roughly three hours of credit. This would remain on the same supervised basis as at present. The additional two or three hours would be composed of two two-hour class sessions each week, with additional individual simulation

sessions as needed via videotape. The class sessions would cover via prepared materials and simulation of assigned problems (with appropriate individual critiques) the areas which we have been touching on in our present D.A. classes, in considerably more depth and other general areas which, due to the lack of time in a semester, we have not covered. The core concept of the expanded classroom/simulation component would be to introduce the students to the basic doctrines and problem areas of criminal practice. Once a student has completed the course, my own goal would be that the student would have a firm basic understanding of the entire criminal justice system so that he or she could easily move into a job as a prosecutor (or a public defender or defense lawyer since almost all knowledge and skills will be readily transferable) with at least a fairly sophisticated introductory possession of basic skills and knowledge.

Substantively, without coming close to exhausting the possible list of areas that could be covered, I would propose to cover in depth the following areas. Each subject area would be one or two class sessions, with the students reading basic existing materials, with emphasis of particular considerations or problem areas being provided through assigned and highly focused problems. Particular subject areas would also draw on acknowledged experts within the area from within and without the present faculty. I would also propose that either evidence or criminal procedure courses be a pre-requisite for enrollment.

1. Crime as a social problem generally and in New Mexico in particular, with a full discussion of competing theories and practices of punishment and rehabilitation. Emphasis would be given to several selected areas:

- a. Sex crimes
- b. White collar crimes
- c. Drug offenses
- d. Juvenile offenders

2. The role of the prosecutor in society. The office, statutory duties and limitations, immunities. Specific and detailed emphasis would be given

to the ABA Standards, specific references in the Code of Professional Responsibility and the evolving cases on prosecutorial misconduct.

3. The Grand Jury system and the preliminary hearing. Here emphasis would be placed on existing materials and on the notion of prosecutorial discretion.

4. Pretrial considerations. Emphasis would be on probable cause hearings, bail, discovery, motions to suppress, confidential informants, witness preparation and investigation techniques.

5. Trial considerations. This would have more of a skills/problem type of approach. Topics to be emphasized in detail would be:

- a. Jury selection
- b. Opening statements
- c. Case presentation and organization
- d. Examination of witnesses
- e. Objections
- f. Closing argument

6. Selected general problems in criminal law, with assigned simulation problems.

- a. Survey of scientific evidence, fingerprints, handwriting analysis, ballistics, and general chemical analysis.
- b. The problem of insanity or competence and medical testimony generally, with an emphasis on the presentation and cross examination of the medical or psychological expert in a trial context.
- c. The polygraph and other truth-detecting devices.

7. The peno-correctional, probation and parole systems.

8. The criminal appeals process and the collateral attack process, with an emphasis on the New Mexico criminal appellate system and on the law of habeas corpus.

TO: Desi

FROM: Michele

DATE: March 27, 1978

RE: Proposals for Centro Legal in Fall, 1978

In order to raise the students' level of basic lawyering skills to that necessary for minimal competence in client representation, I propose that we precede the semester with a two-week intensive training session to be required by all Centro students. This course would meet approximately 10 hours per day and would combine lecture, simulation, demonstration and field observation as teaching techniques. Such a course would obviate the need for prerequisites, thus making Centro available for both second and third year students. The course would receive three credits.

During the semester I would like to teach a three or four-credit lawyering Theory class. This would be required of all Centro students, and if other clinic students were to be involved, would be taught at greater levels of generality. The latter course would be preferable, particularly if other clinical faculty were to team teach with me, both because it would encourage more inter-clinical involvement and because it would help the students to synthesize more broadly from their own experiences. This class would be graded and a final examination would be given.

I would also like to teach a Centro Legal seminar in which the students performed role-playing exercises built off the theory class and related directly to their field experiences. The students should receive four credits for the seminar and their Centro field work of 24 hours minimum per week.

Finally, I would like to require "Role of the lawyer" as a co-requisite for students taking Centro. I would work with Lee to develop teaching materials dealing with problems which the students regularly face in the field. This would reinforce the direct and practical nexus between professional responsibility and the students' actual lawyering work.