

Law School Faculty Meeting  
August 24, 1987  
Conference Room, 4:00 pm

PRESENT: Bergman, Dabney, Deloria, Dixon, Dumars, Ellis, J.,  
Ellis, W., Farer, Fink, Flickinger, Fritz, Gonzales,  
Hall, Hermann, Kelly, Kovnat, MacPherson, Mathewson,  
Norwood, Occhialino, Parnall, Scales, Scheible,  
Schwartz, Sedillo-Lopez, Utton, and Winograd.  
Student Representatives: DeMartino and Whitley.  
Others Present: Beltran del Rio.

Dean Parnall introduced new members of the faculty and  
administrative staff.

Minutes of the meeting of May 18, 1987 were approved as written.

Dean's Announcements:

There has been a university-wide 1.5% budget cut made in  
instructional budgets. We will be covering this decrease by  
amounts saved through previously scheduled faculty leaves.

Income from Continuing Legal Education exceeded projections last  
year. \$25-35,000 was forecast, but approximately \$52,000 was  
earned from 17-18 activities. Approximately 670 members of the  
New Mexico Bar participated in the various programs.

Grants awarded faculty for the upcoming year include:

Alternative Dispute Resolution for the Clinic (\$52,140)  
Institute for Transboundary Resources (\$150,000)

Fundraising efforts for the period 7/1/86 through 6/30/87 were  
successful and exceeded our goal of \$150,000. The total amount  
actually raised was \$152,000, up from approximately \$50,000  
raised during the previous year. Already this year, Professor  
Emeritus Henry Weihofen has given \$50,000 for an endowed  
professorship which other friends and alums of the Law School  
will match with an additional \$17,500. Professor Weihofen has  
also completed a History of the Law School, which is now  
available.

Faculty were urged to attend events from September 8 - 12, 1987,  
celebrating the bicentennial of the U.S. Constitution, New  
Mexico's 75th anniversary of statehood, and the Law School's  
40th anniversary. Other upcoming events were announced  
including the State Bar Convention (September 24-26, 1987), the  
ABA National Conference on Skills Training (October 14-16,  
1987), and the Faculty Retreat (October 23-25, 1987) to be held  
in Taos.

Law Graduates and Honors:

The faculty, upon proper motion and second, formally certified Mary F. Chavez, Michelle L. Grisham, Leonard M. Haan, and Marjorie V. Wilson as having completed all requirements for award of the degree of Juris Doctor as Summer 1987 graduates.

The faculty, upon proper motion and second, formally awarded the following honors to members of the past year's graduating class for cumulative academic achievement through the end of Spring Semester 1987:

SUMMA CUM LAUDE: James E. Burke

MAGNA CUM LAUDE: Nikki J. Mann, Elizabeth McGrath, and Sheila S. Harris

CUM LAUDE: David L. Skinner, Jane Marx, Lisa M. Enfield, Richard D. Barish, George R. McFall, Kathryn Snedaker, and Jana L. Walker

Report from American Indian Law Center: Sam Delcoria reported on the status of the Center and discussed upcoming activities of interest in the Albuquerque area. He noted that the American Bar Association's section on Native American Law would be moving its meetings from Arizona to New Mexico for 1988 through 2000. Faculty were invited to visit the Center.

Admissions: Associate Dean Winograd reported on the status of our 1987-88 admissions. The applicant pool was up slightly and though fewer were admitted, we ended up with a larger-than-usual enrollment of 112 first-year students. For the first time in several years, no one was admitted from the waiting list. Eighty-one of the entering students were awarded their Bachelor's degrees prior to 1987. This year, females comprise 54% of the entering class, down slightly from last year. Ninety percent of the members of the first year class are New Mexico residents and seven students are visiting from other institutions this year. The median LSAT score of the entering class was 34.5 and their median UGPA was 3.19. The number of students with LSATs over 40 has increased from the level of prior years, while the UGPA figure has remained roughly constant.

Institutional ABA Membership: Dean Parnall announced that the Law School will pay the ABA group membership fee and that all faculty members could now be members of the ABA under this group membership. Associate Dean Winograd announced that certain forms would be sent out for new members. Fees for separate ABA sections must be paid by individual faculty members.

Faculty Lunches: Professor Occhialino reported on this semester's Wednesday faculty lunches. A schedule of speakers was distributed and Associate Dean Winograd reminded faculty that the 12:30 to 2:00 pm time period has been freed-up to accomodate this activity.

Classroom Attendance Policy: Copies of the criticism contained in the ABA/AALS inspection report faulting the Law School for failure to comply with ABA rules concerning student attendance at classes and the UNM Law School class attendance policy were distributed by Professor Occhialino. Discussion ensued regarding this criticism and the faculty asked Dean Parnall to send a memo to students restating the Law School policy. This memo should also explain that students may be formally informed by a faculty member as to the circumstances under which sanctions will be applied due to inadequate attendance in that particular course.

The meeting adjourned at 5:30 pm.



E. A. Jenkins-Smith, Faculty Secretary

TO: Faculty  
RE: Wednesday Lunch Guests

Peter Winograd has arranged the schedule so that no classes are scheduled for Wednesdays from 12:30 through 2:00. This was done for the express purpose of providing a time for the faculty to have lunch together while listening to a presentation by a faculty member, member of the university community or an out-of-town speaker. Please do not schedule make up classes during this time period.

Luncheon meetings will be held in the Dean's Conference Room every Wednesday at 12:30. The Dean has agreed to supply lunch at no charge to the faculty. The special guests for the first several weeks, and the topics for discussion are:

August 26---- Antoinette Sedillo-Lopez  
Work in Progress: "Reproductive Rights"

September 2-- Jim Ellis  
Death penalty cases involving mentally retarded defendants

September 9-- Cruz Reynoso  
(Tentative Topic) The Impact of the New Immigration Act

September 10- Sam Dash (Bonus Lunch)  
Topic TBA

September 16- Vera John-Steiner  
Author of "Notebooks of the Mind"  
Topic: Creativity and the act of writing

September 23- Fred Harris  
Role of the Senate in the Bork Nomination

The remainder of the schedule is still being compiled. If you would like to speak or to recommend a speaker, see Rob Schwartz, Suedeem Kelly or Ted Occhialino soon.

August 24, 1987  
FOR: FACULTY MEETING  
RE: CLASS ATTENDANCE

The ABA/AALS inspection team faulted the law school for failure to comply with ABA rules concerning student attendance at classes.

Attached are the ABA finding, the ABA Rule, the ABA construction of its Rule, and the statement of the current policy of our law school.

At today's meeting it might be useful to have a general discussion of the issue of the value of mandatory attendance, the means by which individual faculty members currently are implementing the attendance requirement, the desirability of a uniform rule throughout the law school and the issue of whether (and, if so, with what procedural safeguards) sanctions for non attendance should include refusing to allow students to sit for the exam or lowering of grades of students with frequent absences. In addition we may wish to consider whether the rules should differ for regular classes and seminars, and whether compliance with ABA requirements will have a detrimental effect on clinical programs.

## ABA REPORT

7. Miscellaneous: There are a number of minor problems that should be addressed by the dean and the faculty. The class attendance policy and the employment policy need to be reevaluated, and an effort made to enforce these policies in a more uniform manner. The school should also look at the length of its semester to determine if it meets the appropriate guidelines.

## ABA RULE

(c) Regular and punctual class attendance is necessary to satisfy residence and class hours requirements.

## ABA INTERPRETATION

Interpretation of 305(a)(iii): A student may not work in excess of 20 hours per week while attending a school on a full-time basis. The law school has the burden to show that it has adopted and enforces policies relating to class scheduling, attendance requirements, and performance standards. These restrictions also apply during the summer in the same manner as they do during the normal year if the student is enrolled for summer session. August, 1980.

# CURRENT LAW SCHOOL Policy

## 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. The policy of the UNM Law School is to require attendance at all classes, and faculty members who wish to take attendance on a daily basis are encouraged to do so.

Although in the past some individuals have felt there is a problem with the Clinical Law Program and class attendance, this should not be the case. It is true that students are occasionally scheduled for court appearances at the time that they have classes. The Clinical Program is obligated to avoid such conflicts to the extent possible, but does not have absolute control over when cases are scheduled. It has been our experience that a particular student rarely has 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 either to 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 Law Program willingly assumes.

There is 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 class without permission of the instructor. Such a situation would be extremely rare and can be dealt with when it occurs.