

April 16, 1990

Faculty Meeting Minutes

School of Law

Dean's Conference Room, 4:00 PM

PRESENT: Bergman, Browde, Burr, Desiderio, DuMars, Flickinger, Gill, Godfrey, Gonzales, Kelly, Kovnat, Mathewson, Nathanson, Norwood, Occhialino, Parnall, Romero, Sanders, Scheible, Schwartz, Taylor, Utton, West, and Winograd.

Student Representatives: Cantwell, Rasheed, and Singdahlsen.

Others Present: Kanter, Lester, and Price.

Upon proper motion and second the minutes of the March 5, 1990 faculty meeting were approved.

Dean's Report:

Dean Parnall reported on the Law School's 1990-91 budget allocation. The Dean will be meeting with Vice President Risser on Wednesday to discuss possibilities for further instructional support since the current allocation is significantly less than requested. Discussion ensued about the School of Law's and UNM's general financial situation. Dean Parnall also reported that the Law Library received \$140,000 for capital improvements and Judicial Selection again received a \$50,000 appropriation for fiscal year 1990-91.

Report of the Honors and Awards Committee:

After the student representatives left the meeting, the recommendations of the Honors and Awards Committee for 1990 Third Year Student Awards were distributed and discussed by Professor Suedeen Kelly and Associate Dean Winograd. After review and discussion, the faculty voted unanimously to approve the Committee's recommendations with modifications.

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Professor Rob Schwartz reported that the National Health Lawyers Association Education Foundation is sponsoring a \$1000 Health Law Scholarship and one week in Washington, DC for a second-year law student proficient in health law. The subcommittee appointed by the Dean to review student applications for this scholarship made a unanimous recommendation as to the recipient of this scholarship. After proper motion and second, the faculty approved the subcommittee's recommendation.

Dean Parnall reviewed the current status of student participation in the competition for the Reginald Lewis Prize and requested faculty input into this process.

Associate Dean Winograd reminded the faculty that the Third-Year Honors and Awards Banquet is scheduled for Friday, May 11, 1990.

Report of the Curriculum Committee:

Upon the return of the student representatives and student Curriculum Committee member, Dana Kanter, Professor Ruth Kovnat distributed the proposed School of Law Curriculum for 1990-91 and discussed the following recommendations for curricular changes:

1) In order to balance the required credit hours per semester for first-year students, Criminal Law (3 credits) should be offered in the Fall and Torts (4 credits) should be offered in the Spring. This is the opposite order from past first-year course offerings.

2) The commitment to the focus on research and writing should be continued by offering:

- First-year courses Legal Research, Reasoning, and Writing and Advocacy.
- Ten upper-level seminars or planning courses, in addition to Advanced Legal Research and Advanced Legal Writing.

3) The School of Law should continue its commitment to its Indian Law program by offering Indian Law, Indian Issues in both Federal Jurisdiction and the Conflict of Laws, and Pueblo Law.

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After discussion of the report it was moved and seconded to approve the curriculum for 1990-91. The motion passed unanimously. The faculty joined Chuck DuMars in congratulating Professor Kovnat for a job well done.

Further discussion ensued regarding continuing courses with low class enrollments, particularly with regard to courses taught by adjunct law instructors. Dean Parnall will prepare a report to the faculty on these issues.

Report of the Ad-Hoc Committee on Co-Curricular Activities:

Associate Dean Leo Romero distributed the proposed policy on co-curricular activities and discussed the process of developing this proposal. It was the consensus of those present to consider each section of the proposal separately, for approval. After extensive discussion, the sections of the proposal regarding student credit for participation in co-curricular activities, faculty teaching credit, grades, and scholarship grants for co-curricular competitions were each approved as amended (see attached policy). After further discussion about the proposal regarding scholarship grants for student participation in Law School publications, a motion was made to table Section 4B until the next faculty meeting. The motion passed.

The next faculty meeting was scheduled for 4:00 PM, Monday, April 23, 1990.

The meeting was adjourned at 6:15 pm.



E.A. Jenkins-Smith
Faculty Secretary

PART I
1990-91 CURRICULUM

First Year Offerings

<u>FALL</u>	<u>SPRING</u>
Criminal Law (3) Sec. 1: Romero Sec. 2: Ellis, J.	Civil Proc. I (3) Sec. 1: Browde Sec. 2: DuMars
Contracts (4) Sec. 1: Desiderio Sec. 2: Sanders	Torts (4) Sec. 1: Kovnat Sec. 2: Scales
Intro. to Legal History (2) Sec. 1 & 2: Fritz	Legislative & Admin. Processes (3) Sec. 1: Kelly Sec. 2: Schwartz
Property I (4) Sec. 1: Flickinger Sec. 2: Burr	Advocacy (4) Sec. 1: Sanders Sec. 2: Scales Sec. 3: Hall Sec. 4: Occhialino Sec. 5: Browde Sec. 6: Ellis, W.
Prop. I/Legal Anal. Workshop (4) Hall	
Legal Reasoning, Resrch. & Writing (3) Sec. 1: DuMars Sec. 2: Hart Sec. 3: Mathewson Sec. 4: Kovnat Sec. 5: Fritz Sec. 6: MacPherson	Elective

Second & Third Year Offerings

<u>*PRE-FALL</u>	<u>INTERSESSION</u>
Clinical Skills: Staff Mediation Skills: Staff	Trial Practice (3) _____ Mediation (3) Hermann *Clinical Skills: Staff
* Scheduled for the week before Fall Semester begins. Courses run for 40 hours during that week. =====	* Scheduled for the week before Spring Semester begins. Course runs for 40 hours during that week. =====
<u>FALL</u>	<u>SPRING</u>
Intro./Con. Law (3) Sec. 1: Browde Sec. 2: Ellis, J.	Business Associations I (3) Parnall Federal Jurisdiction (3) Kovnat Fed. Jur.: Indian Issues (1) Kovnat Remedies (3) Desiderio
Conflict of Laws (3) Occhialino Conflicts: Indian Issues (1) Occhialino	

PART II

1990-91 FACULTY TEACHING ASSIGNMENTS

FALL

SPRING

Browde	Intro. Constitutional Law (3) Appellate Prac. & Advocacy (3)	Civil Procedure I (3) Advocacy (4)
Bergman	Evidence/Trial Practice (6)	Clinic
Burr	Property I (4) International Law (3)	Intellectual Property (3) Sem/Art Law (2)
Desiderio	Contracts (4) Federal Income Tax (3)	Remedies (3) Business Planning (3)
DuMars	LRRW (3) Law and Economics (3)	Water Law (3) Civil Procedure I (3)
Ellis, J.	Intro. Constitutional Law (3) Criminal Law (3)	Constitutional Rights (4) Sem/Mental Health & Disability Law (2)
Ellis, W.	Oil & Gas I (3) Community Property (3)	N.M. Comm. Property (1) Clinic or Advocacy
Flickinger	Property I (4) Property II (3)	Wills & Trusts (3)
Fritz	Intro. Legal History (2) (2 secs.) LRRW (3)	Property II (3) Sem/Const. History (3)
Gonzales	<i>ON LEAVE</i>	<i>ON LEAVE</i>
Hall	Prop. I/Legal Anal. Wkshp. (4) Natural Resources Law: Water Law (1) Mining Law (1) Oil & Gas (1)	Advocacy (4) Federal Public Lands (3)
Hart	LRRW (3) Comm. Trans. I (Art. 9) (3)	Comm. Trans. IIA (Negotiability) (3) Consumer Law (3)
Hermann	Clinic INTERSESSION: Mediation (2)	Intro. to A. D. R. (2) Family Law Mediation (2)

PART II

1990-91 FACULTY TEACHING ASSIGNMENTS

(Continued)

FALL

SPRING

West Indian Law (3)

Martinez Clinic

Sem/Adv. Tort Litigtn. (3)
Trial Practice (3)

Gibbs Evidence (3)
Clinic

Cook Criminal Procedure (3)
Clinic

Price Adv. Legal Writing (2)

LAW SCHOOL POLICY ON CO-CURRICULAR ACTIVITIES

(Adopted April 16, 1990)

1. Student Credit for Participation

A. Student members of the staffs of the Natural Resources Journal and the New Mexico Law Review shall receive one hour¹ of academic credit per semester.

B. Student members of any teams representing the Law School in competitions shall receive no more than two hours of academic credit but only if the competition is included in the curriculum approved by the Faculty.

Commentary: This proposal requires approval by the Curriculum Committee and the Faculty for academic credit to be awarded for participation in co-curricular activities. The Natural Resources Journal, the New Mexico Law Review, the National Moot Court team, the Jessup International Moot Court team and the Mock Trial Team are listed in the current curriculum and carry academic credit. Inclusion in the curriculum of the Law School represents a determination that participation in the activity provides a valuable educational experience which merits academic credit. Curricular and faculty approval also assures that adequate administrative support and travel expenses will be committed to every recognized co-curricular activity.

For activities that are not currently listed in the curriculum, this proposal contemplates the adoption of the procedure recommended by the Curriculum Committee in its report to the Faculty, dated April 13, 1987. Although the Faculty took no formal action on the recommendation, the Curriculum Committee suggested a process for formal law school recognition of credit for participation in competitions beyond those currently included in the curriculum. This process would require a faculty member's willingness to supervise the students and to certify that participation in the new competition will be worthy of two hours of academic credit. In addition, in order to accommodate adjustments in the institutional life of the law school, proposals for certification as a co-curricular activity should be submitted no later than March 1 of the year before the activity in order to be eligible for formal law school recognition and academic credit.

1. First semester staff members of the Natural Resources Journal and the New Mexico Law Review enroll in a seminar related to their casenotes, and for that semester only, they receive two hours of academic credit. After the initial semester, staff members receive one hour of credit per semester.

2. Faculty Teaching Credit

A. A faculty member supervising one of the Law School's publications should receive teaching credit for one course in each semester.

B. A faculty member supervising one of the teams representing the Law School in a competition, approved by the Curriculum Committee and Faculty should receive teaching credit for one course.

Commentary: Awarding faculty teaching credit for supervision of co-curricular activities reflects the Law School's commitment to the educational experience gained by the participating students. Faculty supervision insures the educational value for students and justifies the academic credit. Faculty teaching credit also reflects the institutional commitment to prevent faculty overloads. Faculty supervision of such activities should not detract from the other courses assigned to the individual professor or from the scholarship obligation. This proposal does not mandate faculty teaching credit for supervision of co-curricular activities, but teaching credit should be the rule rather than the exception. For example, some competitions may not allow intensive faculty supervision. For such competitions, student participation may warrant academic credit but no faculty teaching credit. This proposal also does not link student academic credit with faculty teaching credit. The proposal contemplates that students may receive two credit hours for participating in a competition, and the faculty supervisor receives two, one, or no hours of teaching credit. Although matching student credit with faculty teaching credit should be the norm, the award of faculty teaching credit should not determine whether students should receive academic credit.

3. Grades

Students participating in all co-curricular activities shall receive either credit or no credit. No grades shall be assigned for participation.

Commentary: Participation in co-curricular activities does not easily lend itself to the discriminations that grades reflect. Besides, participation will be reflected on the students' transcripts and resumes.

4. Scholarship Grants

A. For co-curricular competitions, only need-based grants may be awarded to the student team members.

C. Students participating in co-curricular activities who believe their earnings will be substantially reduced because of these law school activities may apply to the Financial Aid Committee to be treated as if they would not earn any income during the semester of participation.

Commentary:

Section A: This proposal concerns participation in competition-type co-curricular activities only; it does not address participation in the two Law School publications, which is the subject of Section B. The proposal reflects the view that students should not receive money for participating in an educational activity for which credit is given. Indeed, Law School policy prohibits students in clinical externships from earning money for their clinical work. This proposal also assumes that students will continue to participate in such activities because of the educational benefits and future employment opportunities to be gained. The Law School spends significant sums of money on the co-curricular activities, such as travel to the sites of the various competitions, that inure to the benefit of the participating students. In view of the money spent to support co-curricular activities and the value of these activities to the students, an additional benefit in the form of an automatic tuition grant seems unwarranted and unnecessary. If economic considerations are a concern for some students who would like to participate in co-curricular activities, financial aid should be available for such students based on financial need. In other words, the only grants for students in such activities should be need-based financial aid and not automatic scholarship grants.

Section C: This proposal recognizes that students should not be penalized economically for participating in a co-curricular activity. Some students who would like to participate may need financial assistance. Since need is normally computed according to a formula which assumes that all students will work during the semester, the proposal permits students in co-curricular activities to apply to the Financial Aid Committee to be treated as if they would not work during the semester of participation. The effect of this proposal will be to permit students to participate in co-curricular activities without also having to work. Students with need will qualify for financial aid, and the determination of need will reflect the fact that students who participate in co-curricular activities will lose employment income.

PROPOSED POLICY OPTIONS

(Not Yet Adopted)

4. Scholarship Grants

B. For the Law School publications, no consensus among the members of the Committee emerged for any of the four positions set forth below:

1. Only need-based grants may be awarded to the student members of the Law School publications; or

2. Student editors of the Law School publications shall continue to receive scholarship grants under the current formula which awards seven full annual tuition grants to each publication for division among the editors; or

3. Student editors of the Law School publications shall continue to receive scholarship grants, but the number of scholarship grants awarded to each publication shall remain at seven and the dollar amount shall remain at the current level of the 1989-90 tuition; or

4. After 1991-92, only need-based grants may be awarded to student members of the Law School publications.

Commentary:

Section B: This section presents four alternative positions concerning tuition grants for student editors of the two Law School publications. This section does not address tuition grants for student participation in competitions.

Position B 1: The first position reflects the same view set forth in the Commentary to Section A. This position does not distinguish between students participating in competitions and those serving as student editors of the Journal and Law Review.

Position B 2: The second position reflects the view that automatic grants for work on the two publications rewards merit and that such a reward is essential to attract students to serve as student editors for the Journal and the Law Review. This position recognizes the value of the two publications to the scholarship mission of the Law School (as distinguished from the competitions) and assumes that the Journal and Review would be harmed if tuition grants were not available as an additional inducement for student participation. This view also takes into account the fact that tuition grants do not go to all staff members but only to third year students who serve as editors after completing a year as staff members. Proponents of this position believe that

this long term commitment to the publications deserves the tuition grants. The second position does not recommend tuition grants for students participating in any of the competitions because of a belief that students will still compete for positions on the various teams without the added inducement of a scholarship award.

Position B 3: The third position represents a compromise between the first and second alternatives. This position recognizes that students should not be rewarded with money for work that carries academic credit, but also fears that implementation of such a policy might harm the two publications in the short term. Because of current expectations, position B 3 proposes a cap on the tuition grants by freezing both the number and amount of grants. Such a freeze will mean that future tuition increases will not be reflected in the tuition grants for the student editors. Over the long term and with inflation, the amount of money available for the student editors will represent a smaller and smaller percentage of the tuition.

Position B 4: The fourth position proposes that the tuition grants end after the current first year class graduates. This position establishes a "sunset" provision for the current practice of providing fourteen tuition grants to the editors of the two Law School publications. After 1991-92, this position proposes the same policy for the Journal and Law Review that the Faculty adopted for the competitions. Only need-based grants may be awarded to student members of the two publications.