

April 15, 1991

Faculty Meeting Minutes
School of Law
Dean's Conference Room, 4:00 PM

PRESENT: Bergman, Browde, Burr, Desiderio, DuMars, Ellis, J., Ellis, W., Flickinger, Fritz, Gill, Hall, Hermann, Jenkins-Smith, Kelly, Kovnat, Lester, Occhialino, Price, Romero, Sanders, Scales, Schwartz, Sedillo Lopez, Utton, and West.
Student Representatives: Cantwell, Kanter (student member of Curriculum Committee), and Singdahlsen.

The meeting was called to order by Interim Dean Utton.

Deans Reports:

- A report on the Dean's search was made by Interim Dean Utton. Highlights of Professors Weidner's and Beale's visits were reviewed. Associate Dean Hornstein is scheduled to visit this week and Associate Dean Romero will be interviewed next week. The faculty were urged to participate in the activities related to the search process.

- Interim Dean Utton reported on a meeting with the University Provost's office regarding the School of Law's promotion policies and practices. The indication from this meeting is that standards for promotion and tenure will be raised, particularly with regard to publication requirements. This trend was discussed, as well as the School's current policy, comparisons to peer institutions, and past promotion practices.

- Associate Dean Romero reported on the April 3, 1991 meeting with Interim Provost Risser and Interim Dean Utton regarding the university budget reallocation process and the School of Law. Questions discussed during this meeting included the Law School's low faculty salaries, programmatic overextension, maintaining sufficient scholarly activities for a national reputation, participation in University interdisciplinary programs, and entrepreneurial faculty activities. The Law School's concerns about the utilization of the University's funding formula as the basis for internal budget allocation decisions were discussed, and Provost Risser gave assurances that the formula would not be solely used for allocation decisions for the School of Law. After faculty discussion, Dean Utton reiterated that the two messages to be taken from this meeting are 1) no new programs, and 2) that this process is in response to the University Regents' desire for reallocation.

- Associate Dean Romero also provided an update on the U.S.-Mexico Trade Law Institute proposal. The ABA is still very interested in locating the Institute at the UNM School of Law and meetings are scheduled for April 16, 1991 with the head of the ABA International Law Section's Mexican Law Committee to discuss budgetary requirements and possible sources of funding. It was reported that the New Mexico Bar Association and several local law firms are very supportive of the Institute being located in Albuquerque.

Interim Dean Utton declared a quorum and the minutes of the March 25, 1991 meeting were discussed. After proper motion and second, the minutes of the meeting were approved with the following correction (underlined):

"Interim Dean Utton reported that interviews with the decanal candidates are being scheduled for April."

April 15, 1991

Report on Masters of Water Resources Administration Tenure-Track Question:

Professor Ruth Kovnat announced that Denise Forte is being made an offer for the position of Academic Director of the Masters of Water Resources Administration program. She also reported that Ms. Forte has been advised to meet with Interim Dean Utton, as well as the chairman of the Law School's Promotion, Tenure, and Reappointment Subcommittee. After discussion of the implications of an off-budget Law tenure-track line, it was requested that a formal written agreement regarding Ms. Forte's tenure-track arrangements be prepared.

Report of the Curriculum Committee:

Professor Kovnat distributed the proposed School of Law Curriculum for 1991-92 and discussed the following recommendations for curricular changes:

- 1) No changes are proposed in the first-year curriculum. However, scheduling changes are suggested for Spring Semester to work around Advocacy time requirements.

Discussion about this recommendation included: first-year student sentiments, flexible scheduling and its pedagogical implications, and the focus and role of Advocacy in the first-year curriculum. In addition, Professor DuMars stated, for the record, that due to the structure and content of this year's Advocacy course, he has never had more poorly prepared students nor has had to work as hard as in his current Civil Procedure I section.

It was moved and seconded to permit Associate Dean Winograd to schedule Torts, Civil Procedure I, and Legislative/Administrative Processes for an additional hour per week in the Spring Semester, with the intent that those professors can use the extra hour in some weeks to compensate for cancelled classes in other weeks. These arrangements will be made in consultation with the Advocacy faculty. (For example, for a three-hour course which meets for 45 hours per semester, the new schedule will add 15 additional hours, and the professor will be expected to teach 45 of those 60 hours.) The motion carried.

It was further moved and seconded that Advocacy be shifted to the first semester of the second-year curriculum and that Introduction to Constitutional Law, with an additional writing component, be moved to the second semester of the first-year program. This motion was seconded but was withdrawn after discussion. An alternative motion was offered that the Dean appoint an ad hoc committee, with student members, to review the entire writing program at the School of Law and report back to the faculty no later than December 1, 1991. After discussing the need for significant participation of the Curriculum Committee in this endeavor, and ensuring the inclusion of legal research as a component of this study, the motion passed.

Professor Kovnat then presented proposed changes in the upper level offerings:

- 2) Additional seminar courses (twelve) are included so that, together with the planning courses, they provide opportunities for students to satisfy the advanced writing requirement. Thus, individual research credits are intended to supplement available seminar or planning courses only when a student makes a case that his or her research interest is outside the subject area of the existing courses. The additional seminars reflect the advanced writing requirement adopted by the faculty in 1989.
- 3) The current advanced writing requirement mandates that all papers written to satisfy this requirement be read by a second faculty member.

April 15, 1991

The Committee recommends deleting the second-reader requirement as it is unworkable and burdensome.

Extensive discussion about these two proposals focused on issues of quality, timing, equity, scope, scheduling, and faculty interests and participation. The vote to adopt the Committee's recommendation to delete the second-reader requirement failed.

Discussion continued regarding the need to communicate more effectively to students the intended purpose of the advanced writing requirement. Ms. Jenkins-Smith reported that of the current 101 degree candidates for May graduation, 87 have not yet completed their writing requirement. It was then moved that students be required to complete the advanced writing requirement by the beginning of their sixth semester and that students who have not done so must petition an Associate Dean to be allowed to fulfill the requirement during their sixth semester. The motion was seconded and carried.

After proper motion and second, the proposed 1991-92 curriculum was adopted. Professor Kovnat has scheduled a student meeting to present the curriculum for April 18, 1991 at 12:30 pm.

A motion was then offered that the second-reader requirement of the advanced writing requirement be satisfied by members of the law faculty, judiciary, or practicing lawyers recruited by the supervising member of the faculty. The motion was seconded but was withdrawn after further discussion.

Following comments regarding the evaluation of adjunct faculty, it was the consensus of the faculty to explore this issue further at a future faculty meeting. Associate Dean Romero and Interim Dean Utton will provide further information on student course evaluations of adjuncts for the faculty.

Report of the Honors and Awards Committee:

After the student representatives left the meeting, the recommendations of the Honors and Awards Committee for 1991 Third-Year Student Awards were distributed and discussed by Professor Michele Hermann. After review and discussion, the faculty voted unanimously to approve the Committee's recommendations with modifications.

Petition for Extension of Incompletes:

Liz Jenkins-Smith presented a petition for Professor Ann Scales on behalf of second-year student Anne Waters to extend her Fall Semester 1990 Incomplete deadline. Ms. Waters requested an extension to the end of Summer 1991 to complete work in two courses: Problems in Jurisprudence and Individual Research. The petition was granted.

The Report of the Financial Aid Committee was deferred to the next faculty meeting.

The meeting was adjourned at 6:00 pm.



E.A. Jenkins-Smith
Faculty Secretary