


The University of New Mexico

School of Law
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Memorandum

Date: April 15, 1993
To: Faculty
From: Leo Romero, Dean 
Re: Faculty Meeting

**Agenda
Faculty Meeting
April 19, 1993**

1. Smoking Policy
2. Curriculum Committee Report
3. Orientation Schedule
4. Fall Break
5. AF & T Proposed Revisions
6. Honors and Awards Committee Report

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April 19, 1993

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

PRESENT: Bergman, Browde, Burr, Ellis, J., Flickinger, Fort, Fritz, Gill, Gonzales, Hall, Hart, Jenkins-Smith, Kovnat, Lester, MacPherson, Martinez, J., Montoya, Nathanson, Norwood, Occhialino, Parnall, Romero, Sanders, Scheible, Taylor, Utton, Valencia-Weber, and Winograd.

Student Representatives: Benavidez, Kingen, and Leavengood.
Other Students Present: Anderson.

The meeting was called to order by Dean Leo Romero.

After proper motion and second, the minutes of the April 5, 1993 faculty meeting were approved.

Dean's Report:

- Dean Romero has been notified that Hillary Rodham Clinton will not be able to attend our May 1993 Commencement ceremonies.
- The Southwest Indian Law Clinic proposal has been approved by the New Mexico Legislature and Governor Bruce King. The School will be receiving an additional \$80,000 in state general funds to support this new component of the clinical program. The faculty joined Dean Romero in commending third-year law student Jackie Rashleger, who single-handedly shepherded this concept through the legislative process. The Dean will soon appoint a planning committee to integrate this new clinic into our existing program and asked for membership suggestions.
- Congratulations were offered to three law students who have recently been elected to national offices in the Native American Law Students Association (NALSA). Levon Henry (2L) has been elected President, Marla Big Boy (1L) has been elected Vice President, and Raymond Etcitty (2L) will serve as the Area Representative for the Southwest National Chapter of NALSA.
- Professor Ann Scales and her affiliation with the UNM School of Law were mentioned in an April 9, 1993 *Wall Street Journal* article regarding her assessment of the Anita Hill/Clarence Thomas situation in a book review.
- Various faculty employment opportunities were announced. The folder with additional information about these and other faculty positions and deanships is available from Trish Bianchi.
- UNM President, Richard Peck, has asked to meet and talk with the School of Law faculty as part of his discussions with faculty throughout the University. Although originally scheduled to attend today's meeting, because of a lengthy agenda Dean Romero has rescheduled President Peck's meeting for the Monday, April 26, 1993 faculty meeting. President Peck will join the faculty at 4:30 PM.

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- Dean Romero was delighted to announce that Judith Anspach has accepted our offer for the Law Library Director position and will join the School in early August. The Dean thanked the members of the Search Committee for their efforts throughout this lengthy process.
- Acting Law Librarian Lorraine Lester and members of the Law Library staff were commended for hosting the Southwest Association of Law Libraries (SWALL) here in Albuquerque last week, particularly given the concurrent visit of the reaccreditation team.
- Dean Romero reported that after receiving faculty input about his proposal to establish a Computer and Technology unit led by a director, he has decided to appoint Professor J. Michael Norwood to this position effective this summer. This position will not be a full-time position, but will provide one-quarter release time to compensate for the additional duties.

Site Evaluation Report:

Dean Romero reported on last week's site evaluation for reaccreditation by the ABA and AALS. The Dean met with members of the team for an exit interview late Friday afternoon and reviewed the following areas of concern:

- Law Library: Three areas were identified: 1) a lack of leadership, which hopefully will be solved by Judith Anspach's arrival; 2) while service to the bench and bar is a strength, service to these groups affects the level of service to faculty and students; and 3) the acquisitions budget is too low and should be \$500,000 annually at a minimum.
- Facilities. Lack of sufficient space was noted and planning for future needs was recommended.
- Faculty. First, the inspectors shared a sense that the focus of faculty scholarship is New Mexico law and writings designed to assist the bench and bar. They recommended that the Dean provide increased financial incentives to stimulate research on national legal issues, bring in visitors with serious scholarship interests, and have more faculty colloquia on current research. Second, although faculty and students have a good rapport in the classroom, teaching skills are uneven. In addition, student tardiness to class was noted and it was suggested that the School's casual style might encourage such student behavior. A faculty retreat on teaching was suggested.
- Budget. Three areas were identified as needing additional resources: 1) faculty salaries, 2) Law Library acquisitions, and 3) faculty summer research grants.
- Curriculum. The team noted apparent criticism of the first-year course on Legal History and suggested that the School encourage more interdisciplinary courses in the curriculum.
- Placement. A placement director is needed.
- Students. In all student contacts, the team was pleased to see that the student body is very supportive of the School's faculty and staff.

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- Grading. There was some concern that grades are too high, particularly in first-year classes. The team also noted an unevenness in grades between sections for the same courses, particularly in the first year.
- Clinic. The clinical faculty need to keep themselves engaged so as not to become burned out (although this is not uncommon with clinical faculty) and engage in more scholarship concerning clinical education.

In addition, the list of scholarly writings provided to the inspection team proved to be incomplete. Professor Green, the team member in charge of this section of the site evaluation, has asked that copies of missing items be assembled and mailed to him by the end of this week. Dean Romero asked the members of the faculty to review this list to ensure that all their works from 1990-93 are included so that a comprehensive picture of scholarly writings may be provided to the team.

Dean Sullivan, Chair of the inspection team, has set a May 15, 1993 deadline for the team members to submit each of the sections for which they are responsible. Thus Dean Romero expects the formal inspection report in June. Copies of that report will be made available to the faculty.

Smoking Policy:

Discussion of the smoking policy proposal (tabled at the March 8, 1993 meeting) resumed. Scott Taylor, Chair of the Student Affairs Committee, distributed copies of the proposal and reviewed Committee actions and additional background on this issue. The effective date of the proposal would be June 1, 1993. First-year student representative, Joe Leavengood, reported on his discussions with students, including smokers, and the Bratton Hall building supervisor regarding the building ventilation system. Professor Taylor introduced first-year student, Pat Anderson, at this time and commended her for providing the Committee and the Dean with background information on the smoking issue. Further discussion affirmed that passage of this policy as proposed would ban smoking in the faculty lounge and other open areas of the building. In addition, smoking would be prohibited in all classrooms as of June 1st, including periods when they are used for final exams. The question was called and the motion carried. The policy is as follows:

SMOKING POLICY (effective June 1, 1993)

Bratton Hall, the location of the University of New Mexico School of Law, is a smoke-free building with the exception of single occupancy offices and the American Indian Law Center.

Curriculum Committee Report:

Professor Maureen Sanders, Chair of the Curriculum Committee, presented two items approved by the Committee for faculty consideration. First, the Committee proposed establishing a "Clinic + Ethics + 1 course" semester. It was suggested that the faculty adopt a policy where this would be a norm so that students would be limited to 12-13 credits in order to focus on these courses in a single semester. A student would need to petition the Dean for an exception to this policy; however, for those students enrolled in the Summer, only Clinic and Ethics would be allowed. For those students enrolled in a full

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year of Clinic, Ethics would be required in the first semester only. This proposed change would be effective with the class entering in the Fall of 1993. In addition, the Committee requested that the Dean commit to offering Ethics each summer beginning with Summer 1994. The faculty discussed this proposal briefly and requested more student input into this proposal. Dean Romero requested a written proposal from the Committee which would be circulated, particularly for student comment, and deferred action to a later faculty meeting.

Professor Sanders also presented a proposal that the School initiate a Southwest-oriented summer school program effective with Summer 1994. This proposal was previously circulated and received student comment. Professor Ted Occhialino discussed additional details about this proposal, including funding issues, enrichment opportunities for faculty and students, fund-raising potential, and logistics. Because the Committee wishes to obtain final approval on the proposal before this summer, the faculty were asked to provide additional input to the Committee soon.

Orientation Schedule:

Associate Dean Peter Winograd reviewed prior years' first-year class meetings scheduled as part of the orientation program. Unless he hears otherwise, last year's plan of one meeting per course plus three general meetings will be repeated for this year. Faculty discussion ensued focusing upon the early scheduling of Law and Medicine Day and the break in course continuity that event causes. Associate Dean Ruth Kovnat agreed to attempt to schedule this first-year student activity later in the semester this year. Hearing no further comment, the 1993 orientation will be scheduled along the same format as last year's.

Proposed Revisions to UNM's Academic Freedom and Tenure Policy:

Associate Dean Ruth Kovnat reviewed the background of efforts to revise the University's Academic Freedom and Tenure (AFT) policy. Several proposed changes could have an impact on the School of Law policy and Associate Dean Kovnat urged faculty to review these sections in particular: 1) proposed changes in the review process will require deans to affirmatively elicit written evaluations for each candidate for tenure and 2) proposed changes allow non-tenured faculty to participate in the review process, but when they do participate their votes and recommendations must be distinguished from those by tenured members. Copies of the policy are available from Peggy Lovato. Associate Dean Kovnat requested that members of the faculty review the proposed changes so that a full discussion may be scheduled prior to the May 9, 1993 general faculty vote.

Fall Break:

Professor Ted Occhialino presented and reviewed a motion (see attached) to establish a Fall Break effective with the 1993-94 academic year. After a proper second, discussion arose about conflicts with December Commencement dates, redesigning the fall semester exam period, first-year student "dead-days", and the amount of student input this proposal has received. Professor Occhialino then moved to table this proposal to the next faculty meeting in order to obtain additional student input. After proper second, the motion to table was approved.

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Other Business:

- Professor Maureen Sanders requested that the early start date in spring semester be revisited and reevaluated.
- Dean Romero reported that Accepted Applicants Day was held today and was highly successful. Thanks were offered to Susan Mitchell, Maureen Sanders, and Peter Winograd for their efforts in this annual event.
- With greatly mixed feelings, the Dean reported that three members of the faculty have highly lucrative offers for positions at other institutions. Professor Michele Hermann will be on leave next fall as a distinguished professor at Ohio State University College of Law. Professor Ted Parnall has been offered a three-year position with the USAID based in Jakarta, Indonesia to work on economic development issues in Southeast Asia. Finally, Associate Dean Peter Winograd has been asked to accept the position of Executive Director and President of Law School Admission Services and must make a decision about the offer shortly. Although each would be sorely missed, these offers speak highly of each of them and the School.
- Nan Burke (3L) and David Johnson (2L) have recently published papers according to a report from Professor Robert Desiderio. The faculty joined Dean Romero in congratulating these two students.

Report of the Honors and Awards Committee:

After the student representatives left the meeting, the recommendations of the Honors and Awards Committee for 1993 Third-Year Student Awards were distributed and discussed by Professor Barbara Bergman, Chair of the Committee, and Associate Dean Winograd. After review and discussion, the faculty voted to approve the Committee's recommendations with modifications.

Thesis Honors:

Professor Barbara Bergman discussed the outside review process and presented the nominations for 1992 Thesis Honors from the Honors and Awards Committee:

Lauren M. Baldwin	"A State Judicial Standards Committee vs. A Runaway Judge (Judges as Conscientious Objectors to the Death Penalty: Is There Judicial Life After <u>Gregg</u> for Those Who Wish to Judge Without Killing?)"
J. Gary Biddle	"Maui County, Hawaii: Land Use Decisions and Dilemmas"
M. Lynne Bruzzese	"Trusteeship and Self-Determination: A Comparative Study of United States Policy in Micronesia and Indian Country"
Suzanne (Shana) Judge	"International Penal Laws and Their Application In U.S. and Mexican Prisons"

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Andrew McGuire

"Hernandez v. New Mexico: Could It Happen Here?"

Jolie Nagel-Maszk

"The Impact of Idaho v. Wright On The Admissibility of Hearsay in Child Abuse Cases"

In addition, Professor Bergman announced that papers by Mr. Biddle, Ms. Bruzzese, and Mr. McGuire were selected by the outside judges to receive writing prizes.

Thesis honors notations will be placed on each of the individual's transcripts. Also a notice of these awards will be placed in the *Bar Bulletin* and copies of the papers will be made available to interested members of the Bar. After proper motion and second, the nominations of the Committee were accepted as presented.

The meeting was adjourned at 5:40 PM.



E.A. Jenkins-Smith
Faculty Secretary

APR 15 1993

To: Deans Romero, Winograd and Kovnat
From: Ted Occhialino
Re: Agenda for Next Faculty Meeting

Acting in response to the suggestion of several faculty members, I will make the following Motion at the next faculty meeting.

Please add the issue to the agenda and circulate the Motion with the Agenda that will be distributed to the faculty and student participants at the faculty meeting.

Thank you.

MOTION

Beginning with the 1993-94 academic year, the School of Law shall follow the portion of the University Calendar observing as a holiday the Fall Break which next year is set for October 14-15, 1993.

To accomplish this goal in 1993 while remaining in compliance with ABA/AALS rules pertaining to required class days, the Associate Dean shall extend the Fall semester by adding two days to the end of the class period for first year students (moving back the last class from Wednesday, Nov. 24, 1993 to Tuesday, November 30, 1993), two days to the end of the class period for other students (moving back the last day of class from Wednesday, December 1, 1993 to Friday, December 3, 1993), and, if necessary, adding up to two days to the exam period (changing the last day of the exam period from Saturday, December 18, 1993 to Tuesday, December 21, 1993).

In future years, the Associate Dean should make equivalent suitable arrangements to provide for Fall Break while complying with ABA/AALS requirements.