


**The University of New Mexico**

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School of Law  
Office of the Dean  
1117 Stanford NE  
Albuquerque, NM 87131-1431  
Telephone (505) 277-4700  
FAX (505) 277-0068

**MEMORANDUM**

**TO:** LAW FACULTY

**FROM:** LEO M. ROMERO, DEAN 

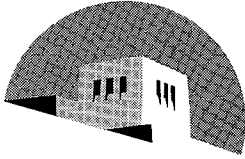
**DATE:** December 13, 1993

**SUBJECT:** FACULTY MEETING AGENDA

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**Faculty Meeting  
December 13, 1993  
Dean's Conference Room  
4:00 p.m.**

1. Approval of Minutes of November 29, 1993
2. Dean's Report
3. AALS Proposed Revisions to the Curriculum and Pedagogy Bylaws
4. Proposal for a Partnership to Provide CLE (see attachment)
5. Supreme Court Decision - Sexual Harassment (see attachment)
6. Resident Credit for Second Externship
7. Law School's 1994-95 Budget Request
8. Law School's 1994-95 Capital Improvement Project Request
9. New Business




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**MEMORANDUM**

**TO:** Faculty  
School of Law

**FROM:** Leo M. Romero   
Dean

**SUBJECT:** 1994 Spring Semester  
**FACULTY MEETING SCHEDULE**

**DATE:** December 10, 1993

**Our Faculty Meetings for the 1994 Spring Semester will be held in The Dean's Conference Room at 4:00 p.m., on the following Mondays:**

January 24, 1994

February 7, 1994 Attendance, Grading and  
Ranking Policies

February 21, 1994 Summer School of the  
Southwest

March 7, 1994 Part-time Legal Education

March 21, 1994

April 4, 1994

April 18, 1994

May 2, 1994

May 16, 1994

:ar



The University of New Mexico

PLEASE POST

MEMORANDUM

Equal Opportunity Programs  
1821 Roma NE  
Albuquerque, NM 87131-0051  
(505) 277-5251

TO: Deans, Directors, Chairs  
FROM: Office of Equal Opportunity Programs  
RE: Supreme Court Decision--Sexual Harassment  
DATE: December 1, 1993

RECEIVED DEC 06 1993

The United States Supreme Court recently issued an opinion in a sexual harassment case, Harris v. Forklift Systems, Inc., No. 92-1168. The Supreme Court has set a new standard for hostile environment workplace sexual harassment which looks to the totality of the circumstances. In order to determine whether a workplace environment is hostile or abusive the following criteria will be examined:

1. frequency of conduct
2. severity of the conduct
3. whether conduct is physically threatening or humiliating
4. whether the conduct unreasonably interferes with an employee's work performance

Essentially, to establish legal harm, a Complainant must show sexual conduct which is "abusive" given the totality of the circumstances.

**WHAT IS THE IMPACT OF THE HARRIS DECISION?**

The decision makes it possible for Complainants, who can show that they have perceived abusiveness as a result of sexual conduct (including comments) in the workplace, to present their claims to a jury absent evidence of actual harm. It is important to be aware that juries tend to decide harassment cases in favor of plaintiffs.

**WHAT CAN EMPLOYERS DO TO PROTECT THEMSELVES AGAINST HARASSMENT CLAIMS?**

Employers need to insure that the workplace is free (absolutely) of derogatory and insulting comments. Not only should employers guard against sexual innuendos, but they should insure that insulting racial and gender statements are prohibited. At least one Supreme Court Justice suggested that the new standard in the Harris case extends to cases of harassment based upon race, national origin, and religion as well.

December 13, 1993

Faculty Meeting Minutes  
School of Law  
Dean's Conference Room, 4:00 p.m.

**PRESENT:** Anspach, Bergman, Burr, Desiderio, Fort, Gill, Hall, Hart, Kelly, Martinez, J., Montoya, Norwood, Romero, Sanders, Scheible, Schwartz, Taylor, Utton, Winograd.

Student Representatives: Leavengood, Varela.

The meeting was called to order by Dean Leo Romero.

After proper motion and second, the minutes of the November 29, 1993, meeting were approved as written.

**Dean's Report:**

Dean Romero announced the appointment of Frank T. (Tom) Read as Deputy Consultant on Legal Education to the American Bar Association.

The faculty joined Dean Romero in congratulating Sheryl Scheible-Wolf on the recent publication of the book Understanding Family Law, which she co-authored.

Dean Romero announced that Antoinette Sedillo-Lopez has agreed to chair the Planning Committee for the AALS Workshop on Clinical Teaching to be held in 1995.

Dean Romero informed the faculty of the resolution passed by the AALS Judicial Conference of the United States regarding the hiring of law clerks. The resolution provides that March 1 of the year prior to clerkship inception should be the starting date for law clerk interviews. In order to provide uniformity and consistency in the judicial clerkship hiring process, law faculty members are encouraged not to send letters of recommendation until clerkship applicants have three full semesters of grades or the equivalent.

Dean Romero reported that Professor Lani Guinier of the University of Pennsylvania School of Law will deliver the keynote address at the AALS-Section on Minority Groups luncheon January 7, 1994.

Dean Romero announced that Regent Roberta Ramo has provided three complimentary one-year memberships in the American Judicature Society to the Law School.

Dean Romero announced that he had received a letter from Jack Burton inquiring if anyone on the faculty might be interested in following the drafting process and making suggestions regarding the Uniform Limited Liability Company Act. Professor Robert Desiderio is on the Committee.

Several visiting and tenure-track positions are available at the School of Law at the City University of New York. The information is available in the Dean's Office.

#### **New Clinical Practice Rule for Out-Of-State Students:**

Professor Jose Martinez reported on the new clinical practice rule the state of New Mexico is adopting for out-of-state law students. Gary O'Dowd is working on a new section of Rule 94 regarding externships which will require that the student be enrolled in an ABA-accredited school, have completed a minimum of 30 hours, be in good standing, and be enrolled in a clinical program supervised by an attorney. The clinical program must meet current ABA guidelines, and the students must be certified by the Dean of their law school as meeting the Rule's requirements.

#### **AALS Proposed Revisions to the Curriculum and Pedagogy Bylaws:**

Dean Romero asked for input regarding the memo from Carl Monk of AALS regarding the proposed revisions to Bylaw 6-9, Curriculum and Pedagogy, which was distributed before the meeting. Professor Fred Hart moved that Professor Ruth Kovnat, after hearing the discussion on the issue, be given the discretion to vote on the proposed revisions as she sees fit. Professor Maureen Sanders seconded the motion, and it carried.

#### **Proposed Partnership to Provide CLE:**

Dean Romero requested input regarding the proposal for a partnership to provide CLE. Discussion followed regarding whether the School of Law should get more involved in CLE for the alumni and members of the bar. The time may be right to reexamine the issue. It was asked what revenues we could expect, what would be needed in the way of staffing, space, etc., and whether we should continue working with the State Bar or look to others. Professor Fred Hart suggested that it be terminable, and questioned what it will do to our relationship to the State Bar and the added duties and responsibilities this will put on faculty members. Professor Maureen Sanders stated that any decision should be consistent with the State Procurement code. Professor Scott Taylor mentioned the benefits gained by interaction with practitioners, but felt attendance projections were high. Professor Rob Schwartz recommended that it be left up to the Dean to maximize the opportunity for participation and revenues and also that law students be able to attend.

#### **Sexual Harassment:**

Dean Romero called the attention of the faculty to the memo regarding the recent Supreme Court decision on sexual harassment, and asked that faculty members be aware and sensitive as to what constitutes sexual harassment.

**Resident Credit for Second Externship:**

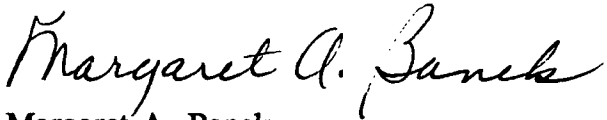
Dean Winograd asked for input regarding resident credit for externships. A student may take a second externship as long as credit hours are above 86. Discussion followed. A motion was made by Maureen Sanders and seconded by Fred Hart that students receive resident credit for a second externship. Motion carried.

**Law School's 1994-95 Budget Request:**

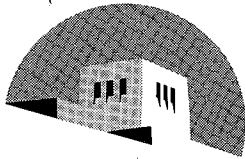
Dean Romero explained the new three-year budget cycle the Colleges will be going through, and stated that the School of Law is scheduled to go through the abbreviated budget process this year. He has asked each unit in the law school for input on operating budgets, equipment, and space. He has also asked the University administration for approval to go to the Legislature to ask for more space. With a new building, some of the space that has been allocated to specialized institutes and centers could be reclaimed by the School of Law for its primary mission of teaching and research by faculty and students.

The meeting was adjourned at 5:25 p.m.

Respectfully submitted,



Margaret A. Banek




**The University of New Mexico**

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**MEMORANDUM**

TO: Law Faculty

FROM: Leo M. Romero, Dean 

DATE: December 13, 1993

SUBJECT: Proposal for a Partnership to Provide CLE

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I have been approached by Bud Mulcock and Bob Pampell to form a partnership to provide CLE. This proposal raises several issues that require faculty consideration. First, should the law school become more involved in CLE? If so, should we operate a CLE program on our own or in partnership? Third, if we decide to go the partnership route, should we continue with the State Bar or accept the attached proposal or some version of it.

In thinking about these issues, please consider the implications of any decision on revenues, staffing, and space.

LMR:mb  
Attachment

# THE UNM SCHOOL OF LAW CONTINUING LEGAL EDUCATION PROGRAM

## A Proposal Outline for CLE Management Services

### Summary of Program and Benefits to UNM School of Law

Techtryx Systems and LA<sup>2</sup> are proposing an association with the UNM School of Law to develop a continuing legal education program (Professional Education Systems - PES), which will provide up to 12 seminars during the first year of operation. With Techtryx and LA<sup>2</sup> serving as co-administrative agents to design and deliver CLE programming, the School of Law will be able to generate a significant amount of discretionary income without incurring the overhead costs and obligations involved in managing a CLE program. We envision that the following types of programs could be offered:

- Seminars on topics for general bar audiences (e.g. civil procedure, NM Law Update, etc.)
- Specialty seminar programs for targeted audiences (e.g. taxation, bankruptcy)
- Skills development workshops in key areas (mediation, transactional law, trial practice skills)
- In-house or custom seminar programs for law firms, specialty bars, etc.

The faculty for these programs would be drawn from UNM School of Law faculty, supplemented by faculty from other law schools, and respected practitioners. All UNM School of Law faculty would receive honoraria for programs that they teach in.

Of special interest to the UNM School of Law as well, will be the development of "master class" sessions to feature national faculty conducting lectures and workshop sessions with law students. This program would "piggyback" on regular seminars scheduled for the bar. Additionally, UNM School of Law students would be able to attend seminars offered under this program for a nominal fee, or for costs to be charged against UNM's revenue split.

### UNM School of Law Responsibilities

As indicated, this association (PES) would be a "turn-key" operation for the UNM School of Law, as far as program design, development, administration, and implementation are concerned. The responsibilities of the Law School would include providing:

- MCLE accreditation status for all seminar programs;
- Mailbox for receiving registrations and other correspondence, to be picked up and processed by PES;
- Use of mailing permit for brochures to secure non-profit bulk mail rates;



- Xerox copying, bindery, and other printing support at competitive market rates for course materials, to provide additional revenue for the copy center;
- Access to UNM School of Law accounts for Westlaw and Lexis to conduct legal research in support of seminar programs;
- Coverage for program faculty and staff under UNM School of Law professional liability policy coverage;
- Audio-visual support for seminar programs, including sound, AV instructional equipment, video and audiotaping and duplicating services;
- Limited telephone support, and perhaps a telephone answering or forwarding system, to respond to basic telephone inquiries regarding seminars and other programs offered;
- Parking passes and/or parking waivers from UNM for seminar programs offered at the School of Law; and
- Training and seminar rooms when appropriate, at competitive rates.

Under this proposed association, the above services will not require the UNM School of law to incur any fixed overhead expenses; at the same time, we expect that they will result in the generation of discretionary revenue for the School. Additionally, unless we jointly determine that copying and AV services should be sub-contracted to commercial providers, additional funds will be disbursed in direct support of the copy center and the AV center in payment of services rendered. Finally, we propose that the School of Law not incur any liability for indirect expenses, whether due to low attendance or cancellation of seminar programs.

### **Techtryx/ LA<sup>2</sup> Administrative Responsibilities**

Techtryx and LA<sup>2</sup> will provide all administrative support for the design, development, delivery, evaluation, record keeping and reporting, and quality control related to seminar programs offered under this partnership. Specific areas of support include:

- Convene a CLE Advisory Committee, and ad hoc program development teams, with UNM School of Law representation, to assist in planning specific seminars;
- Identification and development, in consultation with advisory committees and appropriate UNM School of Law representatives, of specific programs to be offered under the program;
- Design, production, and distribution of brochures and other advertising materials, including placement of display ads as needed;
- Production and collation of high quality written course materials;
- Assistance in instructional design and development of visual aids to support educational quality of seminar programs;
- Contacting and contracting with faculty for seminar programs;
- Administration of all logistics for seminar rooms, refreshments, AV, etc.;
- Registration and confirmations for all attendees;
- Accounting for all receipts and expenditures associated with programs;
- Recording and reporting of MCLE and other CPE credits for attendees, including applying and reporting for out-of-state MCLE credits;

- Oversight of quality control for seminar programs, including evaluation of seminar content and instructional content and instructional design, quality standards for written materials, and faculty development programs;
- Providing legal research services to support development of curriculum and course materials;
- On-site administration of seminar programs, and
- Development and maintenance of customer database and mailing lists, to be available to the UNM School of Law for other uses.

### **Allocation of Revenues**

It is proposed that revenues from the seminar programs be allocated as follows:

- (1) reimburse direct seminar expenses (printing, course materials, faculty honoraria, postage, etc.);
- (2) indirect and direct program management fees;
- (3) establish and maintain a reserve fund for subsequent program development and support, including necessary capital purchases; and
- (4) split of net profits among Techtryx, LA<sup>2</sup>, and the UNM School of Law, based on an allocation of 1/3 for each party.

### **Financial Projections: Hypothetical Seminar Programs**

The charts which follow contain summary information for various types of CLE seminar programs that could be offered by this joint effort. The first chart shows the proposed tuition structure for each type of seminar. These tuition levels have been set at about the same level as other in-state CLE providers, except that there is a significant discounted rate built into the program for government attorneys. Paralegals are also charged at a lower rate, and of course law students are admitted to seminars at no cost to the student.

#### **PROPOSED TUITION FEES FOR SEMINARS**

	<b>Full Day Program</b>	<b>Contract Faculty</b>	<b>Half Day Program</b>	<b>Advanced One-Day</b>	<b>Advanced Series</b>
<b>Regular Tuition Fee</b>	\$129	\$139	\$79	\$179	\$325
<b>Early Bird Discount</b>	\$119	\$129	\$69	\$159	\$295
<b>Govt. Attys. Regular</b>	\$99	\$109	\$59	\$139	\$219
<b>Govt. Attys. Early Bird</b>	\$89	\$99	\$49	\$119	\$199
<b>Paralegals Regular</b>	\$79	\$79	\$49	\$99	\$139
<b>Paralegals Early Bird</b>	\$69	\$69	\$39	\$89*	\$129*
<b>Law Students</b>	Free	Free	Free		

*\* Paralegals may be excluded from certain advanced classes; tuition from these categories have not been included in the revenue projections.*

The three charts below summarize estimated revenues, expenditures, and net profits for various types of seminar programs, at three assumed levels of registration. We believe that the expense estimates, particularly the direct expenses, are toward the high end of the probable range for each seminar. In any event, all parties are committed to planning and budgeting programs so that each program will, at a minimum, break even financially on a direct and indirect cost basis.

**PROJECTED REVENUES AND EXPENSES FOR SEMINARS  
(Low Attendance Estimate)**

	<b>Full Day Program</b>	<b>Contract Faculty</b>	<b>Gvt. Atty. Program</b>	<b>Half Day Program</b>	<b>Advanced One-Day</b>	<b>Advanced Series</b>
<b>Tuition Revenues</b>	\$ 7,735.00	\$8,785.00	\$6,305.00	\$4,440.00	\$4,175.00	\$7,585.00
<b>(Estimated Attendance)</b>	65	65	65	65	25	25
<b>Direct Expenses</b>	\$4,940.00	\$5,746.00	\$3,751.00	\$2,530.00	\$2,657.00	\$5,657.50
<b>Indirect Expenses</b>	\$1,490.00	\$1,490.00	\$1,490.00	\$1,360.00	\$1,250.00	\$1,850.00
<b>Net Profit</b>	\$1,205.00	\$1,549.00	\$1,064.00	\$550.00	\$268.00	\$77.50
<b>UNM Profit Split</b>	\$401.66	\$516.33	\$354.66	\$183.33	\$89.33	\$25.66

**PROJECTED REVENUES AND EXPENSES FOR SEMINARS  
(Medium Attendance Estimate)**

	<b>Full Day Program</b>	<b>Contract Faculty</b>	<b>Gvt. Atty. Program</b>	<b>Half Day Program</b>	<b>Advanced One-Day</b>	<b>Advanced Series</b>
<b>Tuition Revenues</b>	\$12,100.00	\$13,230.00	\$9,900.00	\$7,000.00	\$7,455.00	\$9,150.00
<b>(Estimated Attendance)</b>	100	100	100	100	45	30
<b>Direct Expenses</b>	\$6,270.00	\$7,146.00	\$4,906.00	\$3,290.00	\$3,332.00	\$6,065.00
<b>Indirect Expenses</b>	\$1,700.00	\$1,700.00	\$1,700.00	\$1,600.00	\$1,370.00	\$1,880.00
<b>Net Profit</b>	\$4,130.00	\$4,384.00	\$3,294.00	\$2,110.00	\$2,753.00	\$1,205.00
<b>UNM Profit Split</b>	\$1,376.66	\$1,461.33	\$1,098.00	\$703.33	\$917.66	\$401.66

**PROJECTED REVENUES AND EXPENSES FOR SEMINARS  
(High Attendance Estimate)**

	<b>Full Day Program</b>	<b>Contract Faculty</b>	<b>Gvt. Atty. Program</b>	<b>Half Day Program</b>	<b>Advanced One-Day</b>	<b>Advanced Series</b>
<b>Tuition Revenues</b>	\$20,725.00	\$16,775.00	\$13,020.00	\$8,875.00	\$10,137.00	\$13,725.00
<b>(Estimated Attendance)</b>	175	125	125	125	60	45
<b>Direct Expenses</b>	\$9,120.00	\$8,146.00	\$6,061.00	\$3,780.63	\$3,902.00	\$7,287.50
<b>Indirect Expenses</b>	\$2,150.00	\$1,850.00	\$1,910.00	\$1,750.00	\$1,460.00	\$1,970.00
<b>Net Profit</b>	\$9,455.00	\$6,779.00	\$5,049.00	\$3,344.38	\$4,775.00	\$4,467.50
<b>UNM Profit Split</b>	\$3,151.66	\$2,259.66	\$1,683.00	\$1,114.66	\$1,591.66	\$1,489.00

Even with the low-end attendance estimates on the first chart above, each program results in a positive profit margin for UNM from the seminar. Additionally, the estimates of direct

expenses for the seminars were deliberately a bit high, leaving room for managing costs in the margin.

**UNM Margin Split Based on Hypothetical Seminar Mix**

Using the above figures, UNM would earn as much as **\$13,650** based on offering the following hypothetical matrix of 12 seminars and projected attendance during the first year of operation. This figure, remember, does not include budgeted expenses that flow directly to the law school, such as the \$2,400.00 budgeted for the AV Center under the proposed seminars, copying costs, room rentals, ~~faculty fees/honoraria~~, etc.

**SEMINAR OFFERING MATRIX  
FOR FIRST YEAR OF CLE PROGRAM OPERATION**

	Full Day Program	Contract Faculty	Gvt. Atty. Program	Half Day Program	Advanced One-Day	Advanced Series
# Seminars at Low Attendance	1			1		
# Seminars at Medium Attend.	2	2	1	1	1	1
# Seminars at High Attendance	1			1		

It is important to note that the kick-off seminar for this program should be a strong program such as an Annual Update on Civil Procedure, projected above as the full-day program with high attendance. By initiating the CLE program with a proven strong seminar, we can achieve high visibility in the marketplace very quickly, and enhance our chances for long-term success. Such a seminar will also provide an operating reserve fund to cover start-up costs for future programs.

**Summary**

The success of this CLE program hinges on the principle that we will compete effectively in the CLE market on the basis of quality. Overall program quality will be maintained by using a high-quality faculty, providing outstanding and useful written materials, and through excellence in content, curriculum design, and presentation/delivery of the information to the attendees.

This proposal, while specific and complete, leaves several issues still to be negotiated and agreed upon by the parties involved. It does, however, provide a place to start so that we can reach an agreement in principle to pursue the details of implementing the PES program in the interest of UNM, Techtryx, and LA<sup>2</sup>. Finally, we hope to develop this program so that it serves the interests of the present and future members of the bar in New Mexico.