

The University of New Mexico

School of Law
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MEMORANDUM

TO: LAW FACULTY

FROM: LEO M. ROMERO, DEAN *LMR*

DATE: October 5, 1994

SUBJECT: FACULTY MEETING AGENDA

**Faculty Meeting
October 10, 1994
Dean's Conference Room
4:00 p.m.**

1. Approval of Minutes of September 26, 1994, Faculty Meeting
2. Dean's Report
3. UNM Bar Exam Results - Discussion Item
4. New Lottery Procedure Report - Sheryl Scheible Wolf
5. Work-Study Research Assistants Pool - Sheryl Scheible Wolf
6. Part-Time Program - Ted Occhialino
7. Endowed Chairs and Professorships - Discussion Item
8. Southwest Summer Program - Ted Occhialino
9. Spring Exam Schedule to be Distributed with Spring Class Schedule - Discussion Item
10. What Constitutes Student Employment - Discussion Item
11. New Business

LMR:mb

October 10, 1994

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

PRESENT: Anspach, Bergman, Browde, Desiderio, DuMars, Eiriksson, Ellis, W., Fritz, Gill, Gomez, Gonzales, Hall, Harrison, Kelly, MacPherson, Martinez, Mathewson, Montoya, Norwood, Occhialino, Pearson, Romero, Scales, Schwartz, Taylor, Utton, Valencia-Weber, Winograd, Wolf, Zuni

ABSENT: Fort, Hart, Hermann, Price

Student Representative: Henry Alaniz

The meeting was called to order by Dean Leo Romero.

After proper motion and second, the minutes of the September 26, 1994, meeting were approved as distributed.

Dean's Report:

Dean Romero commended all individuals responsible for putting on the Native American Convocation and Gathering of Nations, with special thanks to Gloria Valencia-Weber, Christine Zuni, Jose Martinez, Sam Deloria, and members of NALSA.

Former Dean Tom Christopher attended the Alumni Breakfast at the State Bar Convention in Taos. Dean Romero also reported that Andy Schultz is the new President of the Alumni Association, and that Michele Hermann was presented with an award at the Convention for her ADR work for the Bar and the State of New Mexico.

Robert St. John and John Cooney, who along with Dean Romero make up the Simms Lectureship Trustees, would appreciate suggestions of names for the Simms Lecturer.

Robert Cheshire (2L) received top graduate honors for his class at the U.S. Marine Corps summer program at Quantico, Virginia.

UNM Bar Exam Results:

Dean Romero distributed the results of the July 1994 bar examination from the Board of Bar Examiners. These results show that 82% of the first-time test takers and 76% of UNM first-time test takers passed the bar exam, which is a significant drop in the UNM pass rate. After considerable discussion, Professor Ted Occhialino made a motion instructing the Dean to form an ad hoc Committee on Academic Quality which would look into the declining pass rate of UNM law school graduates, and if necessary, study academic areas which may be

factors in the decline. This Committee should report back to the faculty with recommendations by February 1, 1995. The motion was seconded by Professor Chuck DuMars, and when voted on, the motion carried.

New Lottery Procedure:

Associate Dean Sheryl Scheible Wolf reported on her lottery proposal listing two alternatives to the present random system in order to accommodate more students and help them to get into the classes they really want. The first option would be for the students to prioritize their preferences for limited enrollment courses, designating their first, second and third choices. The students who do not get their first choice would then have their second choice moved up to first, and so on. In this way, most students would get their first or second choices. The second option would be to assign each student a certain number of lottery points, and allow them to bid into limited enrollment classes. Classes would be filled by selecting students who have bid the greatest number of points for each class.

A motion was made by Professor Dick Gonzales to adopt option #1 effective spring semester 1995. The motion was seconded by Professor Al Utton, and when voted on, the motion carried.

Work-Study Research Assistants Pool:

Associate Dean Wolf reported that Judith Anspach has suggested a voluntary, experimental Research Assistants Pool which would allow faculty to assign all or part of their research hours to the library. The library faculty would train and supervise the work of each student, as well as monitor and co-sign student time sheets. After discussion, it was the consensus of the faculty to ask Professor Anspach to send out a memo asking each faculty member if he/she would be interested in assigning his/her work-study student to the pool. Associate Dean Peter A. Winograd will attach an explanation of the pool arrangement to the work-study assignment sheets.

Part-Time Program:

Professor Ted Occhialino requested that this agenda item be deferred until the next regular faculty meeting.

Southwest Summer Program:

Professor Occhialino reported that this program will not take effect next summer, and that he will request a discussion with main campus regarding charging out-of-state tuition.

Dean Romero announced that due to the lateness of the hour the remainder of the agenda items would be postponed until the next faculty meeting.

New Business:

Associate Dean Peter A. Winograd reported that John Wertheim has withdrawn from the law school in order to serve as Governor King's campaign manager.

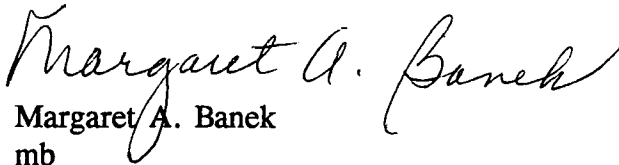
Associate Dean Winograd brought to the attention of the faculty a request from Allegra Carpenter to clarify the law school's attendance policy and how it is enforced.

The exam schedule for fall semester, 1994, will be distributed on October 11.

Professor Mike Norwood reported that at 2:00 p.m. on Wednesday, October 12, a representative of Echoing Green will be at the law school to meet with students interested in applying for the \$25,000 renewable public interest fellowships. The representative will be meeting with students in the Dean's Conference Room.

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,


Margaret A. Banek
mb

October 10, 1994

Dear UNM Law faculty:

For the benefit of greater student understanding I am writing to request a written explanation of the law school's attendance policy with regard to working students. My interest flows from the following experience.

Last fall, I made a request to Dean Winograd for permission to make accommodations in my spring semester schedule to permit me to work as a legislative analyst in the New Mexico House of Representatives during the 1994 30-day session. My request was denied. Dean Winograd explained that compromising the attendance policy was out of the question because of the ABA attendance requirements and that there was no substitute for physical presence in satisfying this requirement. ABA accreditation standard 305 provides "regular and punctual class attendance [is necessary] to satisfy residence and class hours requirements." Considering the finality of Dean Winograd's response, at that time, I didn't feel there would be any point in pursuing the option of registering part-time in the spring, because a reduced load is a vertical solution to a horizontal problem --- presumably attendance is an issue regardless of how many classes are taken. As things turned out, I later chose to attend the spring semester in Tasmania, which enabled me to work the session without further challenge to the school's attendance policy.

This semester, as a third-year student, I again approached Dean Winograd because I am contemplating the idea of working the 1995 60-day legislative session. In Dean Winograd's office, I had no sooner uttered these words when it was communicated that I could not enroll in school and work the session. I then clarified my reason for coming to the Assistant Dean's office. In fact, I wasn't requesting a waiver from the attendance policy. I simply needed information on the ramifications of delaying graduation. Upon explanation, Dean Winograd provided me with the information I sought.

At the beginning of last week, two students who know of the above situations approached me separately regarding the recent decision to grant a special waiver to John Wertheim. It is my general understanding that this waiver relieves Mr. Wertheim of the school's 20-hour per week limitation on outside work by permitting him to enroll as a part-time student. The concern raised by this decision, regardless its technical or procedural form, is that it implicitly casts a blind eye to the school's attendance requirements. In subsequent conversations with the faculty this concern has been verified. Specifically, I raised the matter with Dean Romero and was told that Mr. Wertheim's waiver (as opposed to my previous request) did not involve an exemption from the attendance policy. Yet, on the same issue Professor Desiderio stated to me that the faculty knows that Mr. Wertheim isn't attending most of his classes, but this result is

possible because the attendance policy isn't enforced. As a result, the "attendance policy distinction" seems a transparent justification for the inconsistency between the two situations.

Having related the facts as known to me, I wish to clarify that I bring this matter to your attention not to resolve a potential discrepancy between Mr. Wertheim's situation and my own. (An obvious distinction is that I didn't petition the faculty.) Nor am I particularly troubled by the school's generally relaxed enforcement of the attendance policy. (It evidences the school's respect for students.) Rather, my concern arises out of the clash of these two phenomena in situations where students don't voluntarily comply with the attendance requirements.

From a student's perspective the resulting policy appears to be that the administration not only permits students to take advantage of a weakly enforced attendance policy, but in certain circumstances will affirmatively approve a student's work schedule that by its definition precludes attendance. Meanwhile students who accept the attendance policy at face value will suffer from reduced opportunity relative to students that effectively obtain permission to escape the attendance requirements.

I recognize and appreciate the school's interest in remaining flexible to the needs of students. If the school has determined that waivers from the attendance policy are appropriate, I don't object. However, I do respectfully request that the faculty decide this matter and the procedures for obtaining such a waiver. Lastly, I request that this information be known to the students so that we may all take advantage of unique employment and educational opportunities.

I look forward to your response. Please let me know if I can be of assistance and thank you for taking the time to consider my thoughts.

Sincerely,

A handwritten signature in black ink, appearing to read "Allegra Carroll Carpenter". The signature is fluid and cursive, with a large initial "A" and "C".

Allegra Carroll Carpenter

cc: Dean Romero
Dean Winograd
Professor Desiderio
John Wertheim

Recommendation to the Faculty From the Ad Hoc Committee on
Vermont Law School's Environmental Law Semester-in-Practice in
Washington D.C. Program

I. Background

- A. Two students have petitioned to have law school (1) join consortium, and (2) award them 14 credit hours to count toward graduation, and (3) have these credit hours fulfill their ethics and Clinic requirement
- B. Joining consortium no longer a possibility for next semester
- C. This recommendation will deal only with the other two student requests

II. Description of Semester-in-Practice

A. Ethics Course

- 1. 30 classroom hours
- 2. Vermont gives 2 credits for this
- 3. Graded pass/fail

B. Final Paper

- 1. Paper on a topic that arose during their semester's practice
- 2. Vermont gives 2 seminar credits for this
- 3. Graded pass/fail

C. Mentorship

Pre-Mentorship

- 1. Semester before program begins, student completes self-assessment of current legal skills and career goals for first 5 post-graduation years of practice; develops semester-in-practice plan of study
- 2. Student is interviewed by Vermont faculty and student and faculty decide appropriate mentor placement

3. Mentor interviews student and accepts student

Mentorship

1. Student works with mentor 40 hrs./wk. for 15 weeks
2. Student keeps daily journal and e-mails/mails it to Vermont faculty
3. Student keeps time sheets
4. Student keeps file of work product and sends it to faculty for review
5. Faculty meet with mentors on an ad hoc basis

Grading

1. Vermont gives 10 practicum credits for this
2. Graded pass/fail

III. Recommendation

Grant the Petition in Part and Deny it in Part

- A. Award 2 credits for ethics course in satisfaction of our ethics requirement
- B. Do not award any credits in satisfaction of our Clinic requirement
- C. Award 4 credits for independent study upon successful completion of practicum and final paper and special UNM evaluation (discussed below)
- D. Award 6 credits for externship upon successful completion of practicum and conditioned upon students' handing in to designated UNM faculty member copies of journal, time sheets, and work product
- E. Waive our limitation on externship credits so that all 6 externship credits count toward graduation
- F. Do not award any UNM credits for the other 2 practicum credits awarded by Vermont

Take This Action on an Experimental Basis and Require Students to Complete an Evaluation of the Program

- A. This is a one-time decision limited to these students and their petition

- B. Appoint a faculty member/committee to draft a questionnaire (to be completed by the students), which is designed to gather data to enable independent UNM faculty evaluation of this program
- C. Faculty member/committee evaluate the program to (1) determine whether UNM students wishing to participate in this program in the future should have credits awarded in same manner, and (2) help UNM design its own Semester-in-DC program

Develop a UNM Semester-in-DC Program

- A. Direct the Dean of the Law School to seek outside funding of a "Professorship in D.C." which would rotate among interested faculty and enable UNM to develop a UNM faculty-supervised Semester-in-D.C. opportunity for our students (which might or might not satisfy our Clinic or ethics requirements).