

The University of New Mexico

School of Law
Office of the Dean
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MEMORANDUM

TO: FACULTY

FROM: LEO M. ROMERO, DEAN *LMR*

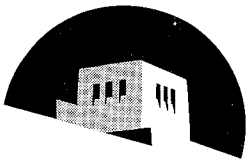
DATE: AUGUST 8, 1995

SUBJECT: 1995 FALL SEMESTER FACULTY MEETING SCHEDULE

OUR FACULTY MEETINGS FOR THE 1995 FALL SEMESTER WILL BE HELD
IN THE DEAN'S CONFERENCE ROOM AT 4:00 P.M. ON THE FOLLOWING
MONDAYS:

AUGUST 21, 1995
SEPTEMBER 11, 1995
SEPTEMBER 25, 1995
OCTOBER 9, 1995
OCTOBER 23, 1995
NOVEMBER 6, 1995
NOVEMBER 20, 1995
DECEMBER 4, 1995
DECEMBER 18, 1995

LMR:mb




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MEMORANDUM

TO: LAW FACULTY

FROM: LEO M. ROMERO, DEAN 

DATE: August 17, 1995

SUBJECT: FACULTY MEETING

**Faculty Meeting Agenda
Monday, August 21, 1995
Dean's Conference Room
4:00 p.m.**

1. Approval of Minutes of May 1, 1995, Faculty Meeting
2. Dean's Report
3. Report on Development - Jan Hosea
4. Admission Committee Report
5. Report from American Indian Law Center Committee - Scott Taylor
6. U.S.-Mexico Law Journal
7. Report on Faculty Vacancies for 1996-97
8. Clarification of Policy on Ethics and Clinic (Attached)
9. Non-ABA Transfers
10. Practice Exam Date
11. Legislative Days in Fall Semester
12. Rodey Scholarship
13. Angel Fire Lawsuit
14. New Business

LMR:mb
Attachment

August 21, 1995

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

PRESENT: Anspach, Bergman, Blumenfeld, Browde, Desiderio, DuMars, Fort, Fritz, Gill, Gomez-Palacio, Gonzales, Hall, Hart, Hermann, Kelly, Kovnat, MacPherson, Martinez, Mathewson, Montoya, Moore, Norwood, Occhialino, Rapaport, Romero, Scales, Schwartz, Sedillo Lopez, Taylor, Utton, Valencia-Weber, Winograd, Wolf, Zuni

ABSENT: Burr, Ellis, Nathanson, Sielstad, Simmons

Others: Sam Deloria, Jan Hosea, Kathy Potter

Student Representatives: Bernice Galloway, Paul Briones

The meeting was called to order by Dean Leo Romero.

After proper motion and second, the minutes of the May 1, 1995, meeting were approved as distributed.

Dean's Report:

Dean Romero noted that this is the 49th year the Law School has been in existence.

Dean Romero welcomed Professor Ruth Kovnat back from her sabbatical, Professor Hart back from his semester at St. John's, and Barbara Bergman back from Costa Rica.

Dean Romero welcomed Visiting Professors Ignacio Gomez-Palacio and Jennifer Moore. Professor Gomez-Palacio will be teaching Comparative Law and Joint Ventures in Mexico and Latin America. Professor Moore will be teaching Contracts, International Law, and Law for Refugees.

Dean Romero introduced Kathleen Potter, Director of Career Counseling and Placement at the Law School.

Professor Margaret Montoya has been selected by Secretary of Labor Robert B. Reich to serve on the National Advisory Committee to the U.S. National Administrative Office. This Committee provides advice to the NAO on issues arising under the North American Agreement on Labor Cooperation.

Professor Suedeen Kelly was a panelist and assisted in the planning of the Reno Conference of Natural Resources Law Teachers.

Professor Chuck DuMars served as Co-Chair of the Committee on the Mexico City Water Supply, a collaborative effort of the National Research Council's Water Science and Technology Board and the Mexican National Academies of Science and Engineering.

The Southwest Indian Law Clinic conducted its first community symposium on May 15, 1995 entitled "Tribal-Based Resolution of Domestic Violence Disputes."

The Justice Department and the American Bar Association settled charges that the ABA, through its law school accreditation committee, fixes the salaries of professors and other employees of those schools. Under the settlement the ABA did not admit wrongdoing but agreed not to use faculty salaries as a factor in determining whether a law school should be given its stamp of approval or to gather and disseminate data about such salaries. In addition, no more than half of the members of the accreditation committee's council can be law school deans or faculty members.

The AALS Executive Committee has given its approval for the Association to collect and disseminate salary data. The data will be collected and disseminated in a manner consistent with the antitrust laws and totally divorced from the accreditation/membership review process.

At the ABA annual meeting in Chicago, the UNM Law School VITA (Volunteer Income Tax Assistance) Program was honored as the most outstanding new program nationwide for 1995. The VITA program was done in conjunction with Professor Scott Taylor's Process of Taxation class.

The Yale Law and Policy Review and Yale Journal on Regulation plan to hold a symposium on March 1-3, 1996, at Yale Law School entitled, "Prospects for a New Federalism: Jurisdictional Competition and Competence." Information on this symposium is available from Margaret in Dean Romero's office.

Dean Leo Romero presented the faculty with his goals for the coming year. In the Development area, he would like to see annual giving increased, both unrestricted and restricted. He also hopes to see an increase in our percentage of alumni donors. He would also like to see endowments to the Law School increase.

In the area of Facilities, it is Dean Romero's goal to get funding for an addition to Bratton Hall, as space needs are at a critical point and worsening.

Regarding programs, he hopes to see our Indian Law Program continue to grow and improve. He announced that there is an Indian Law Symposium scheduled for November 16-18. He also hopes to see the U.S.-Mexico Program continue to expand, and the Natural Resources Program revitalized. He hopes to see our Clinical Program continue to improve and innovate, and pledged support to all these programs.

With respect to the law school internally, Dean Romero hopes to see us address and resolve the important issues facing us with regard to the design of the writing program in the context

of our curriculum, the role of SIP in the clinic and the curriculum overall, and the development of a long-range view of our curriculum. It is his desire to see the intellectual life of the law school enhanced, and he plans to coordinate colloquia with presentations by outside professors as well as our own law professors. The Simms Lecture with Professor Peter Arenella, scheduled for November 2, will be a highlight of this series.

Dean Romero displayed a stack of publications researched and written by the faculty of the Law School, and pointed out the quality and intellectual drive of the law school faculty.

Report on Development:

Jan Hosea, Director of Development and Alumni Relations, distributed a document of the breakdown of the results of the Annual Campaign. A total of \$957,619 was contributed during the 1994-95 campaign. She also reminded faculty that the Distinguished Alumni Achievement Award Banquet will be held October 20 honoring The Honorable Dan Sosa, Jr., John D. Robb, Jr., and presenting posthumous awards to William E. Bondurant, Jr., and Raymond W. Schowers. Jan gave an update on the Law Library fundraising campaign, chaired by Tim Sheehan, and announced that donations would be matched by the Board of Regents with one dollar for every two dollars contributed. Dean Romero expressed his appreciation to Jan for all her hard work and thanked Annual Campaign Chairman, Art Beach.

Admission Committee Report:

Professor Suedeen Kelly, Chair of the Admission Committee, reported that we received 1,136 applications for the 1995-96 school year--398 resident and 738 non-residents. The law school accepted 209 students, and the entering first year class numbers 108. This breaks down into 67 women and 41 men, 98 residents and 10 non-residents. The average age is 28.

Report from American Indian Law Center Committee:

Professor Scott Taylor reported that the Committee's focus was on the Law Center's relationship with the faculty, administration, students and the library. He encouraged faculty to increase their contact with the Center and to inform the Center when they interact with the Native American legal community. Professor Taylor asked the administration to inform the Center of all on-going law school sponsored events and activities involving the Native American community and our Native American students and to keep the Center informed of grant proposals. Professor Taylor announced that Sam Deloria and Toby Grossman are planning a seminar on Tribal-State Relations which will be coming up in the near future. It is the Committee's recommendation that this Committee become permanent. Sam Deloria spoke of his satisfaction with the Committee's report and affirmed the recommendation that this become a permanent committee.

U.S.-Mexico Law Journal:

Dean Leo Romero reported that the New Mexico Law Review cannot continue to publish the papers from the annual U.S.-Mexico Law Institute, a conference which invites Mexican, U.S. and Canadian academics and practitioners, and asked if the Law School should start a third journal, the U.S.-Mexico Law Journal. He will appoint a committee to look into the availability of student staffing, curricular objectives, financial implications, etc., and come back to the faculty this fall with recommendations and a concrete proposal.

Report on Faculty Vacancies for 1996-97:

Dean Romero reported that there are two current vacancies on the faculty: the Maureen Sanders position and the position in the Southwest Indian Law Clinic held by Visiting Professor Christine Zuni. He announced that Professor Al Utton will be retiring in December of 1996. Dean Romero asked for faculty input regarding the hiring for these vacancies--curricular needs, areas of anticipated growth, where the law school should put its resources, etc. In order to facilitate a full discussion on these matters, it was decided to call a special meeting on faculty hiring for Monday, August 28, at 4:00 p.m. Associate Dean Peter A. Winograd reminded the faculty that there is the writing director position to fill as well.

Antoinette Sedillo Lopez announced that three candidates for the Indian Law Fellow position will be interviewed in the next week and encouraged faculty meet with these candidates.

Practice Exam Date:

Associate Dean Peter A. Winograd announced that the Practice Exam will be given October 9.

Legislative Days in Fall Semester:

Associate Dean Peter A. Winograd has issued a memo stating the legislative days for the fall semester, which compensate for Labor Day, Fall Break, and Thanksgiving holidays:

Monday, November 27	Monday classes
Tuesday, November 28	Thursday classes
Wednesday, November 29	Friday classes
Thursday, November 30	Thursday classes
Friday, December 1	Friday classes

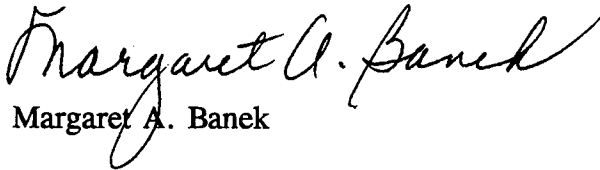
Clarification of Policy on Ethics and Clinic:

Associate Dean Peter A. Winograd reported that because of questions which have come up from current third-year students, the faculty needs to clarify the policy on the linkage of ethics and the clinic. Professor Mike Norwood stated that it was his intention when he brought the matter before the faculty to recommend that Ethics and the Clinic be linked permanently, with the exception of the D.A. Clinic, in which students can take ethics whenever they want. After discussion, Professor Ann Scales moved that (a) the class of 1996 be exempted from the co-requisite requirement of ethics and the clinic and that they be permitted to take it as a pre-requisite, and (b) that, in the future, the policy allow ad hoc exemptions only in the case of dual-degree programs when it would push a student's credit hours up to 20 or more. The motion was seconded by Barbara Bergman. After discussion, Professor Scales withdrew the second part of her motion, and when Dean Romero called the question on part (a) of the motion, it carried, with 10 votes for and 8 votes against.

Due to the lateness of the hour, it was decided to postpone the other agenda items until the September 11 faculty meeting.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,



Margaret A. Banek

mb

April 19, 1995

made by Professor Ted Occhialino stating that every student is entitled to spend three academic years at the UNM School of Law. If they qualify, they may choose to graduate early. If the student wants to take the bar exam in February of the third year, they may not enroll in additional classes. The motion was seconded by Professor Suede Kelly, and when voted on, the motion carried.

New Business:

Professor Mike Norwood moved to make ethics a co- or pre-requisite for SIP for the current second-year class. He is willing to accommodate students by offering the students a 6-credit or 9-credit option in an effort to make a fair adjustment. The motion was seconded by Professor Margaret Montoya. Professor Bill MacPherson made a friendly amendment to the motion that for the D.A. Clinic, ethics would not be a co- or pre-requisite because of scheduling problems, but that he was willing to teach an ethics component along with the program. When voted on, the motion carried.

Associate Dean Peter A. Winograd announced that the Skit Party will be held this Friday, April 21, from 6:00 - 10:00 p.m. in the BDM Conference Center.

Special Request for Graded Paper With Extended Deadline:

Associate Dean Peter A. Winograd distributed a petition for an extension for submission of papers with traditional grading from Patricia M. Monaghan (2L). After discussion, Professor Bill MacPherson moved to give the administration the discretion to allow traditional grading exemptions for excruciating circumstances. After additional discussion, Professor MacPherson withdrew his motion.

A motion was then made by Henry Alaniz to grant Patricia Monaghan's request for an extension with traditional grading. The motion was seconded by Professor Mike Norwood, and when voted on, the motion failed with seven votes in favor, eight opposed.

Calendar:

Associate Dean Peter A. Winograd distributed the 1995-96 Academic Year Calendar for the UNM School of Law to the faculty for approval. There were no objections raised.

Fall Orientation Program For New Students:

Associate Dean Peter A. Winograd distributed the draft orientation programs to the faculty and pointed out the changes in the programs--the three-session minicourse and the continuing orientation program sessions for the entire semester which are mandatory.

Due to the lateness of the hour, the last item on the agenda, Policy Regarding "D" Grades Earned by UNM Students at Other Law Schools, will be postponed until the next regular faculty meeting.

>

At the next faculty meeting, I intend to make the following motion, which, I presume, will be seconded and tabled for discussion and resolution at a subsequent meeting:

Beginning January 1, 1996, all faculty income derived from the practice of law, to the extent that income exceeds \$10,000 in any year, shall be turned over to the law school for inclusion in the law school budget and shall be subject to use at the discretion of the Dean. The Dean may agree to return some or all of the money that he receives under this motion to the faculty member who earned that money when it will be in the interest of the law school to do so.

This motion is intended to address the fact that money provides a powerful incentive to disengage from the regular faculty endeavors of teaching, scholarship and service, and this law school has become powerless in dealing with those who spend an excessive amount of time away from the school pursuing a law practice -- even when that practice violates the University's one-day-a-week rule and the ABA's limits on practice. This motion will allow the dean to collect the excess earning of a faculty member and give some additional pay to those faculty members who take up the slack created by those who spend time away from the law school engaged in the practice of law. Of course, this motion will not prohibit any faculty member who believes that his practice level contributes to his teaching at the law school from pursuing that practice; it merely prohibits him from keeping all of the money that is earned through that practice.

I would have no real objection to extending this motion to all earned income, not just income earned through the practice of law. It could include speaker honoraria, outside teaching income, book royalties, and other earned profits, whether or not related to law. On the other hand, it is hard to determine when book royalties are earned for these purposes, and it seems unfair to charge faculty who are earning royalties for books published, or work done, before this motion is adopted. In addition, writing books, doing outside teaching, and speaking at academic conferences seem closer to the heart of the role of the academic than does the practice of law, and writing and speaking seem less likely to give rise to abuse than does practice.

Although we are technically on 9 month contracts, we all realize that teaching at this law school is a full time job. We are well paid compared to both New Mexico academics and New Mexico lawyers, and I doubt that any of us thought that we were taking 32 hour/week, 9 month/year jobs when we accepted the jobs we now have. In any case, this motion would not become effective until next January 1 (it would be incorporated in the contracts we will soon be signing), and those who would rather practice law than teach at the law school under these conditions could choose not to sign those contracts.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

February 8, 1995

Mr. James P. White
Consultant on Legal Education
American Bar Association
550 West North Street
Indianapolis, Indiana 46202

Dear Mr. White:

Some time ago, you asked for written clarification of the Department's policy regarding the acceptance of credits for work awarded a grade of "D." I apologize for the delay in responding to your request, but it took some time before I could coordinate the response with all of the relevant individuals in the Department's Policy Development Division.

For reference, let me first repeat the relevant regulatory provisions. Section 600.9(a) of the Department's institutional eligibility regulations states:

Without losing its eligibility under [Part 600], an eligible institution may enter into a written agreement with another eligible institution under which the latter provides all or part of the educational program of students enrolled in the former institution if the former institution gives credit to students enrolled in that contracted program on the same basis as if it provided that program itself.

Section 600.9(b)(1) contains a similar statement dealing with a written agreement between an eligible institution and an ineligible institution or organization.

As written, these provisions apply only to contracts and formal written agreements, such as consortial arrangements, between two institutions. As explained to me by Jeff Baker, Director of the Policy Development Division, the key here is which institution awards the financial aid. If a student who has been enrolled at an institution receives financial aid from that institution to attend another institution (e.g., a foreign institution), then the home institution must accept credit for "D" work earned at the other institution if it normally accepts credits earned for "D" work on its own campus. If no financial aid is involved, or if the student receives financial aid from the other institution, then the home

Page 2 - Mr. James P. White

institution does not have to accept credit for "D" work earned at the other institution.

These provisions do not require an institution that has a policy of accepting credits earned for "D" work at its own institution to accept as transfer credit "D" work completed at another institution. Similarly, these provisions do not require the acceptance by an eligible home institution of credits for "D" work by a student who takes a leave of absence from the institution, earns the "D" grade at another institution, and then returns to the home institution.

I hope this clarifies the Department's policy regarding the acceptance of credits for work awarded a grade of "D." If you have any questions, please feel free to call me at (202) 708-7417. However, it might be better for you to talk directly with Jeff Baker. His telephone number is (202) 708-9967.

Again, I apologize for the delay; it just took a while for me to get this matter resolved with all the relevant policy personnel.

Sincerely,

Karen W. Kershenstein

Karen W. Kershenstein
Director, Accreditation
and State Liaison Division

cc: Dean Peter Winograd