


The University of New Mexico

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MEMORANDUM

TO: LAW FACULTY
FROM: LEO M. ROMERO, DEAN 
DATE: April 24, 1996
SUBJECT: FACULTY MEETING

**Faculty Meeting Agenda
Monday, April 29, 1996
Dean's Conference Room
4:00 p.m.**

1. Approval of Minutes of April 15, 1996, Faculty Meeting
2. Dean's Report
3. Faculty Retreat in September
4. Curriculum Committee's Writing Program Proposal - Attached
5. New Business

LMR:mb
Attachment

April 29, 1996

Faculty Meeting Minutes

School of Law

Dean's Conference Room, 4:00 p.m.

PRESENT: Anspach, Bergman, Blumenfeld, Browde, DuMars, Fort, Hall, Hermann, Kelly, MacPherson, Mathewson, Moore, Rapaport, Romero, Sedillo Lopez, Taylor, Utton, Valencia-Weber, Wolf

ABSENT: Burr, Creel, Desiderio, Ellis, Fritz, Gill, Gonzales, Hart, Kovnat, Martinez, Montoya, Norwood, Occhialino, Schwartz, Seielstad, Simmons, Winograd, Zuni

The meeting was called to order by Dean Leo Romero.

After proper motion and second, the minutes of the April 15, 1996, meeting were approved as written.

Dean's Report:

Dean Romero reminded the faculty of the importance of getting their exams in promptly to Janet Cox so they can be copied in plenty of time before the exam. He also commended the faculty for being so prompt in getting their grades in for the fall semester, and stated that he hoped to see the spring semester grades come in on time as well.

Dean Romero announced a change in the staffing of the Instituto for this summer--because Professor Scott Taylor will now teach in the clinic this summer, Professor Ted Occhialino has agreed to teach in the Instituto with Professors Em Hall and Barbara Blumenfeld.

Information on Fulbright Scholar Awards has been received in the Dean's office and is available at Margaret Banek's desk.

Dean Romero reported that the Court of Appeals Advocacy Tournament held at the law school on April 25 was very well received, and commended Barbara Blumenfeld, Leslie Mansfield, and Scott Davidson for their efforts in organizing the tournament. He also congratulated the finalists, Brian Matise (1st place) and Valerie Davidson (2nd place).

Professor Christine Zuni will give a presentation entitled "Tribal Protection of Indigenous Women in the United States" on May 4 at the 1996 State, Tribal and Federal Judges Conference at the University of Arizona.

Dean Romero reported that he has been working with Patrick Lopez of the State Bar regarding co-sponsorship of a CLE presentation. Dean Romero also reported that Paul Nathanson has proposed using IPL staff to support any CLEs the law school would put on.

Leslie Mansfield and Aliza Organick have received a \$25,000 grant from Berkeley to support their work on the black lung and uranium exposure project.

Dean Romero announced that Todd Araujo has been elected President of the national Native American Law Student Association.

Dean Romero commended Harold "Buddy" Brown for hosting the NALSA reception for the Native American Bar Association and the ABA Task Force on Opportunities for Minorities on April 12.

Dean Romero reported that the tuition differential funds received by the law school will be used to augment the base allocation to the law library, increase the FTE of Career Counseling and Placement Director Kathy Potter from .5 to .8, and increase faculty salaries.

Faculty Retreat:

Dean Romero announced that a retreat for the law school faculty is being planned for the weekend of September 6-8, 1996, perhaps at the Sagebrush Inn in Taos. He said he would like to do some strategic planning at the retreat, and asked for suggestions for other topics to be discussed. Professor Gloria Valencia-Weber suggested discussing ways of integrating new faculty at the law school as one of the topics.

Curriculum Committee's Writing Proposal:

Curriculum Committee Chair Barbara Bergman recommended the following changes in the writing program to the faculty:

- (1) Beginning in the fall of 1997, the LRRW and Advocacy sections would be taught by the Writing Director and two writing instructors. Advocacy would be reduced from four credit hours to three.
- (2) A new course, called Lawyering Process and covering legal analysis and reasoning skills, would be taught beginning spring 1998 to first year students. This course would be taught in small sections by tenured and tenure-track faculty.
- (3) The writing thesis requirement would be modified so that it can be met in three ways--(a) as part of a seminar which the faculty member has designated as a writing course that may be used to satisfy the writing requirement; (b) part of a drafting course which the faculty member has designated as a course that may be used to satisfy the writing requirement; or (c) as a comment written for one of the law reviews or journals.

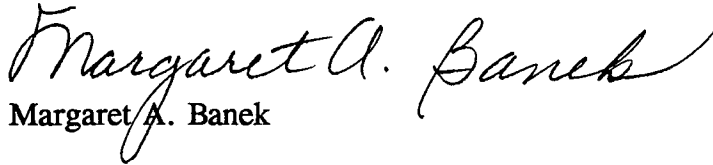
Discussion of the proposal followed. Professor Bergman asked for the faculty's approval regarding the Lawyering Process Class, a two-hour course. A motion was made by Professor Scott Taylor and seconded by Professor Al Utton for approval of the Lawyering Process class, but that approval of the remainder of the proposal should be postponed to another time. When voted on, the motion carried.

New Business:

Professor Scott Taylor made a motion to approve a variable academic credit of one or two hours for the NALSA Moot Court team. After discussion, the motion was tabled, as the proposal was not listed on the agenda and several faculty members had left the meeting. Professor Barbara Bergman stated that the Curriculum Committee will meet to discuss the request and review the policy regarding academic credit for moot court and mock trial competitions.

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Margaret A. Banek". The signature is written in black ink and is positioned above the typed name.

Margaret A. Banek

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CURRICULUM COMMITTEE'S WRITING PROGRAM PROPOSAL

The Curriculum Committee recommends that the faculty change the writing program as follows:

- (1) We recommend that the faculty adopt Barbara Blumenfeld's suggestions for the first and second semester writing courses for the first year class beginning in the fall of 1997. These LRRW and Advocacy sections would be taught by the Writing Director and two writing instructors. Advocacy would be reduced from four credit hours to three. The topics to be covered are those listed in Attachment 1. (For next year, LRRW and Advocacy would still be taught by tenure track faculty and the writing director.)

- (2) We recommend adding a new two-hour course to be called Lawyering Process to be taught beginning in the spring semester of 1998 for first year students. This course would be taught in small sections by tenured and tenure-track faculty. The purpose of this class would to give first year students an opportunity to work closely with tenured faculty and to focus upon the development of legal analysis and reasoning skills as well as learning more about the lawyer's role in the legal process. (While there would be some writing, it would be coordinated with the writing assignments in Advocacy.) Our preliminary concept for this class would be for each section to work with a single case. Each instructor could select a case file from their areas of substantive interest, and the class would explore how disputes/problems are handled by attorneys in the context of this case. The case would then be followed through the legal system. We

recognize that this means that there would be diversity in the substantive topics covered; but certain uniform basic core skills could be developed to be covered in each section.

To develop the format for this class, we propose a pilot project for the spring semester next year. For that semester, one small section of this proposed class would be offered on a lottery basis. The instructor(s) would be given the assignment of devising a suggested format for the class, including the basic core skills that would be covered in all six small sections in the future.

(3) We recommend modifying the writing thesis requirement as follows:

(A) A requirement for graduation is that each student shall complete a writing project requiring substantial research, analysis and writing through a process of successive drafts. This requirement can be met in one of three ways:

1. As part of a seminar which the faculty member has designated as a writing course that may be used to satisfy the writing requirement;
2. As part of a drafting course which the faculty member has designated as a course that may be used to satisfy the writing requirement; or
3. As a comment written for one of the law reviews or journals.

Student notes for a law review or journal would not suffice. A paper written for Independent Research standing alone would not be sufficient to meet this requirement. If a student had taken a writing seminar, drafting course or law review comment and wanted to take an additional one hour of Independent Research while completing the paper that would be permissible.

Either the Writing Director or one of the writing instructors would be the second reader

for each paper, drafting document(s), or comment submitted in fulfillment of this writing requirement. Both the supervising faculty member and the writing director/instructor's approval would be necessary before this writing requirement would be satisfied.

LEGAL COMMUNICATION SKILLS

(Note on name "legal communication skills" - Even traditional legal writing courses are much more than just "writing"; they involve interpreting the communications of others (case briefing, analysis, etc.) as well as communicating to many types of audiences both orally and in writing).

Orientation: case briefing
 court systems
 sources of the law
 course of a typical lawsuit

1st semester (Predictive legal writing):

Topics covered:

- reading/understanding/briefing cases
- synthesizing cases
- statutory interpretation
- legal analysis
- outlining
- ongoing research (not "show and tell" or "treasure hunt")
- parts of objective memorandum
- drafting memorandum
- revision of memorandum
- citations
- incorporating research into memo
- writing style and effective use of English language

Assignments:

- several short in-class/overnight exercises
- case brief
- outline
- research logs (at least 3: secondary sources; state and federal cases and statutes and updating research; legislative history, regulations, loose leaf services, etc.)
- closed memo discussion
- closed memo (including rewrite of discussion)
- citation exercise
- research memo
- research memo rewrite
- client advice letter

2nd semester (Persuasive writing):

Topics covered:

- computer research
- introduction to advocacy
- persuasive writing to avoid litigation
- more complex legal analysis and research
- elements of trial brief
- writing trial brief
- revising trial brief
- elements of appellate brief
- writing and revising appellate brief
- writing style and persuasive use of English language
- oral argument

Assignments:

- several short in-class/overnight exercises
- computer research log
- letter to adversary
- closed trial brief argument section
- closed trial brief (including rewrite of argument section)
- Research and write appellate brief
 - detailed outline of argument
 - full appellate brief
- oral argument (trial and appellate levels)

Second year, fall or spring semester (legal drafting):

Students could take a general drafting course or drafting in a specific subject area (eg. Real Estate Drafting, UCC Drafting, Family Law Drafting, Legislative Drafting, etc.).

Topics covered:

- Drafting as distinguished from legal writing
- Audience and purpose
- Writing to achieve flexibility but avoid ambiguity
- Defining terms
- Appropriate use of forms
- Drafting as preventive law (eg. contracts and agreements, legislation, wills)
- Drafting in litigation practice (eg. complaints and answers, motions, discovery documents)

Specific assignments would vary with the substantive focus of the course.

Second or third year:

Scholarly research paper.

Throughout:

Writing across the curriculum
[Zinsser: "writing is thinking is learning" - writing, thinking and learning are the same process. Students learn more when they research a topic in depth and then write on it.]

The writing director:

- in charge of first year "communication skills" curriculum
- teach one first year writing section
- oversee/coordinate/train/direct other first year writing faculty
- design special remedial programs for identified students.
- assist upper class students with writing problems
- assist in teaching/planning second year legal drafting courses