

The University of New Mexico

School of Law
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MEMORANDUM

TO: LAW FACULTY
FROM: ROBERT J. DESIDERIO, DEAN
DATE: December 3, 1998
SUBJECT: FACULTY MEETING

**Faculty Meeting Agenda
Monday, December 7, 1998
Dean's Conference Room
4:00 p.m.**

1. Approval of Minutes of November 16, 1998 Faculty Meeting
2. Dean's Report
3. Admissions and Financial Aid Committee Report - Barbara Bergman, Chair
4. Curriculum Committee Report - Jim Ellis, Chair
5. Committee on Committees Report
6. New Business

RJD:mb

December 7, 1998

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

Present: Baum, Bergman, Bobroff, Browde, Canova, Creel, Desiderio, Ellis, Fritz, Gill, Gonzales, Hall, Hart, Kelly, Martin, Martinez, Mathewson, Norwood, Occhialino, Rapaport, Winograd, Wolf.

Student Representative: O'Reilly

Others: Susan Mitchell, Harvey Morse

Absent: Blumenfeld, Dratler, DuMars, Land, Lopez, Montoya, Moore, Romero, Schwartz, Valencia-Weber, Zuni Cruz.

Dean Robert Desiderio called the meeting to order at 4:10 p.m.

A motion was made by Professor Jim Ellis and seconded by Professor Marsha Baum to approve the minutes of the November 16, 1998 faculty meeting as distributed. When voted on, the motion carried.

Dean's Report:

Dean Desiderio introduced and welcomed Harvey Morse, newly appointed Director of Development for the School of Law.

Dean Desiderio announced that the Law School Holiday Luncheon for the faculty and staff is scheduled for Tuesday, December 15, at 1:00 p.m. in the Forum, and encouraged the faculty to attend.

Dean Desiderio reminded the faculty that exams are due in to Janet Cox five days before the scheduled date of the exam, and that grades are due in to Pat Trainor, Registrar, 30 days after the last exam is given.

Dean Desiderio informed the faculty that the architect's building proposal will come before the Regents for approval at the Regents' Meeting on December 8, 1998.

Dean Desiderio announced that Vice President for Business and Finance David L. Mc Kinney will be retiring effective January 31, 1999. President Gordon has named Julie C. Weeks as Interim Vice President for Business and Finance. It was the consensus of the faculty to express their appreciation to Vice President Mc Kinney for all he has done on behalf of the Law School by hosting a luncheon here in his honor.

Admissions and Financial Aid Committee Report:

Professor Barbara Bergman, Chair of the Committee, distributed statistics from the Admissions Office showing LSAT scores for entering first-year students (residents and non-residents) from 1978 to the present. These statistics were gathered in response to a discussion at the faculty retreat regarding whether or not we are still attracting the top students. After a discussion of the statistics, which show an apparent drop in the LSAT scores of entering students, Professor Fred Hart pointed out that the presentation of the statistics was not directly comparable because of changes over the years in the LSAT score scale.

Among the problems mentioned were late notification of acceptance of non-residents and our inability to compete with the financial aid packages offered by other Universities (e.g., Arizona, Wisconsin) to Native American students. Discussion followed of options we might have, such as asking faculty who teach in an applicant's interest area to telephone the applicant in order to recruit them and sponsoring informal social functions around the state at which the Law School's strengths could be highlighted by faculty and alumni representatives.

Professor Ted Occhialino and Bidtah Becker will be recruiting at Northern Arizona University (an undergraduate school with a large Native American population), and plans are under way to recruit at the various Oklahoma universities. Professor Richard Gonzales pointed out that Native American students may be interested in other areas of the law, and not just the Indian Law program.

It was the consensus of the faculty that (1) more non-residents should be admitted in the earlier rounds, thereby giving us a better chance of recruiting them (and, thus, possibly reducing the total number of acceptances issued to non-residents), and (2) that non-resident Native Americans be counted separately, rather than included in the overall non-resident count.

Curriculum Committee Report:

Professor Jim Ellis, Chair of the Curriculum Committee, distributed a memo (attached) to the faculty proposing that law students be allowed to take up to two courses in their second or third year, with the permission of the instructor, on a credit/C-/D/F basis.

After discussion, the faculty amended the proposal to include first-year electives from the ungraded option, and to allow instructors to grant permission wholesale. Associate Dean Alfred Mathewson then called the question, and the motion carried.

Committee on Committees Report:

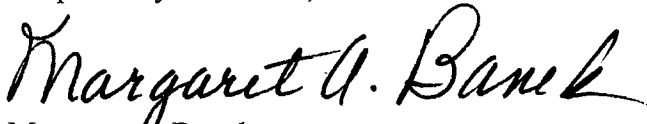
Professor Ted Occhialino reported that the Committee on Committees (made up of the two Associate Deans and the chairs of the major committees) has met.

New Business:

Associate Dean Peter A. Winograd announced that this year there will be a total of five writing prizes instead of three as in previous years, and the award for the special writing competition in memory of longtime Federal District Judge Juan Burciaga will be in the amount of \$5,000. [It was later determined that the Burciaga competition will take place in 1999-2000 rather than 1998-99.]

The meeting adjourned at 5:30 p.m.

Respectfully submitted,



Margaret A. Banek

Margaret A. Banek

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Attachment

Memorandum

To: Faculty

From: Curriculum Committee, Jim Ellis, Chair

Date: December 7, 1998

Re: Ungraded Courses

Your curriculum committee proposes that students be allowed to take up to two courses, in their second or third year, with the permission of the instructor, on a credit/C-/D/F basis. The rationale for this proposal follows.

The perceived problem. There is some perception among both students and faculty that some students make some of their personal curricular decisions based on concerns about the effect of that course on their grade point average. This can occur either (1) because it is viewed by many students as a particularly difficult course; or (2) because it is in an area (or is offered by a particular Professor) that this student has found difficult in the past. As a result, a particular student may finish law school without taking, e.g., Income Tax, or Federal Jurisdiction, or Civil Procedure II, or Constitutional Rights despite the fact that these may prove to be important in their practice. The committee is of the view that such curricular choices benefit neither the student nor the law school.

There is another manifestation of this problem that may be less troubling, but undesirable nonetheless. Some of us, at the end of the semester in challenging courses, experience a blizzard of "audit slips" of students who have become concerned about the exam and their self-predicted grade. Such students will have done the bulk of the work in the course, and yet receive no credit. Perhaps of greater concern is the fact that many of us think that a substantial amount of the learning in the course is accomplished in the period of studying for the exam and in taking the exam itself. If students could take the course on a credit/C-/D/F basis rather than switching to audit status, they would increase and cement their learning of the material, even if they were less concerned about their grade.

In addition to the concerns for individual students, this problem may also have some macro-scale impact as well. Our most challenging courses may be underenrolled because of students' fears of their performance on exams. This, in turn, might lead the instructor to worry whether the course should be watered down in order to introduce a larger number of students to the subject matter.

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Whatever the actual magnitude of these problems, there seems to be little cost to offering students a way out of the dilemma they perceive. Permitting this option for no more than two courses during a student's law school career will not effect the overall grades achieved at the law school, nor will it have other deleterious effects that we can predict.

The particulars. Under this proposal, each student would be permitted to designate one or two courses in which their work would be evaluated on a credit/C-/D/F basis. Any such designation would require the permission of the instructor.

The designation would have to be made (and approval of the instructor obtained) by a cut-off date established by the law school. (To accomplish the purposes of the proposal, the law school date should be set as late as practically possible, although instructors could set an earlier date for obtaining their permission.)

This option would not be available in First Year courses, required courses, or the clinic.

No more than one such course could be taken in a particular semester. (Thus avoiding the potential problem of students creating for themselves a "Miller Time" semester, particularly in their final semester.)

The option would be available starting in the Spring Semester of 1999. (Dean Winograd has raised the concern that we, as a general matter, should not change any rules in the middle of an academic year, but the majority of the committee felt that there would be no harm in making this option available this spring.)