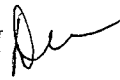




The University of New Mexico

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M E M O R A N D U M

TO: LAW FACULTY
FROM: ROBERT J. DESIDERIO, DEAN 
DATE: SEPTEMBER 10, 1999
SUBJECT: FACULTY MEETING

**Faculty Meeting Agenda
Monday, September 13, 1999
Dean's Conference Room
4:00 p.m.**

1. Approval of Minutes of August 30, 1999 Faculty Meeting
2. Dean's Report
3. Legal Writing Program Staffing Implementation (Action Item) – Associate Dean Mathewson
4. Upperclass Writing Requirement Motion (Action Item) – Associate Dean Winograd
5. Mandatory Academic Workshop for Students on Probation (Action Item) – Professors Ted Occhialino and Antoinette Sedillo Lopez
6. New Business

RJD:mb

September 13, 1999

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

PRESENT: Blumenfeld, Bobroff, Browde, Burr, Canova, Desiderio, DuMars, Gill, Gonzales, Hall, Hart, Hughes, Land, Lopez, MacPherson, Martin, Martinez, Mathewson, Montoya, Moore, Norwood, Occhialino, Romero, Schwartz, Taylor, Winograd, Zuni-Cruz

Student Representative: Chris Berkheimer

Others: James Noel

ABSENT: Baum, Bergman, Ellis, Fort, Goble, Wolf

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

Professor Franklin Gill asked the faculty to encourage 2Ls and 3Ls to sign up for the Jessup Moot Court Team for this year.

James Noel, 3L, announced to the faculty that Patrick Kennedy will be the emcee at a Democratic Party fundraiser in Las Cruces on October 1.

Associate Dean Peter A. Winograd reminded the faculty that the deadline to nominate students for the Seth and Rodey scholarships is Monday, September 20, 1999.

After proper motion and second, the minutes of the August 30, 1999, faculty meeting were approved as distributed.

Dean's Report:

Dean Desiderio reported that the visit by James Rogers went very well. He was very impressed with the law school, especially the students. Mr. Rogers will join the law school Board of Visitors and will assist with our fundraising efforts. He also contributed \$50,000 to the law school building expansion fund.

The Mazria Riskin Odems firm has scheduled a meeting on September 22 and will present us with a revised set of plans and a scale model of the new addition. Dean Desiderio reported that he has contacted Intel regarding a contribution to the infrastructure of the building. He reported that he has a commitment from the Trial Lawyers of \$190,000 and that the Butt, Thornton and Baehr firm has just pledged \$30,000. The current total of pledges for the building is \$400,000.

Legal Writing Program Staffing Implementation:

Professors Ted Occhialino and Rob Schwartz took the following motion off the table for faculty discussion:

The faculty reaffirms its decision of December 9, 1996, to hire two writing instructors to assist the director of the writing program in conducting the first-year writing program at this law school. The director and the two instructors will be responsible for teaching the LRRW and Advocacy courses.

If other funds are not available to hire those instructors, the funds that become available as a result of the next open faculty position will be used to hire them, subject to the approval of the University. Because it seems very likely that the resources to hire the writing instructors will be available by the beginning of the 2000-2001 academic year, the faculty recruitment committee will conduct a national search for the two writing instructors during the fall of 1999.

The faculty reaffirms its decision of April 29, 1996, to reduce the Advocacy course from 4 credits to 3 credits (already done) and to introduce into the first year curriculum a new course, Lawyering Process, which will cover legal analysis and reasoning skills; the faculty also reconfirms its decision to teach the course in small sections using tenured and tenure-track faculty.

Dean Desiderio announced that at the present time there are no faculty openings and there will be no hiring for next year.

Professor Occhialino also distributed an alternative proposal, the core of which is:

The next available faculty slot will be left unfilled and the money will be used to do a national search for two additional full-time writing instructors who will be hired for non-tenure track positions.

Barbara Blumenfeld and the two additional writing instructors will have primary responsibility for planning and teaching the current LRRW and Advocacy courses.

Any full-time faculty member who wants to teach either LRRW or Advocacy in any given year may do so. When this occurs, the Dean, in consultation with Barbara and the curriculum committee will determine the best use of the time of the writing instructor who thereby will be displaced by a full-time member of the faculty.

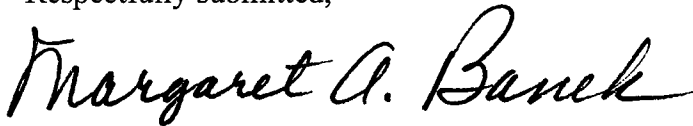
Professor Schwartz stated that the above motion or the alternative proposal will bring consistency to our writing program and better and more effective legal writing courses and called for a national search for the legal writing directors.

After a time of discussion, Associate Dean Alfred Mathewson moved to table the May 10 motion and the September 13 alternative proposal to the next regularly scheduled faculty meeting to allow the faculty to consider and discuss the two proposals. The motion was seconded by Professor Antoinette Sedillo Lopez and when voted on, the motion carried.

Because of the lateness of the hour, Dean Desiderio postponed the rest of the agenda items until the next regularly scheduled faculty meeting.

The meeting adjourned at 5:35 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

:mb

X-Sender: schwartz@law.unm.edu
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.6 (32)
Date: Tue, 07 Sep 1999 21:22:58 -0600
To: faculty@law.unm.edu
From: Rob Schwartz <schwartz@law.unm.edu>
Subject: The Legal Writing Program -- LRRW and Advocacy

*Rob Schwartz
Faculty*

MEMORANDUM

To: The Faculty
From: Rob Schwartz
Re: The Legal Writing Program -- LRRW and Advocacy
Date: 7 September 1999

I appreciate the willingness of the faculty to address our writing program at our faculty meeting next Monday. Three years ago we decided to change the staffing of LRRW and Advocacy so that each would be taught by full time non-tenure track instructors rather than tenured and tenure track professors. We have not implemented that change because we have not had the resources to hire the required two legal writing instructors. The motion before the faculty next Monday would give this change higher priority by committing the law school to use the salary resources attributable to the next available tenure track faculty position to hire these legal writing instructors. While some may want the faculty to reconsider our 1996 decision, the only issue now on the agenda is whether we should implement that decision now.

Leo provided the faculty with a complete and helpful account of the history of the legal writing program over the past thirty years. I must disagree with his suggestion that Advocacy has remained virtually unchanged in the last fifteen years, however. Over the last few years our legal writing director has developed a consistent, highly organized, well structured year-long course which has been offered as LRRW (first semester) and Advocacy (second semester). Except for the name of the courses, it has little relationship to the courses offered in the mid-1980s, or the mid-1990s, for that matter. The teaching of legal writing is a highly specialized area that has developed its own literature and its own professional networks. It would be difficult to be a committed legal writing teacher without maintaining a serious academic interest in the substantial research that has been done on how legal writing is best taught.

Legal writing is now seen as something other than merely teaching the fundamentals of grammar - it is the integration of legal analysis and writing, and it provides for the explicit discussion of the structure of legal analysis. We teach legal reasoning and legal analysis in all of our first year classes. The legal writing course covers the same subject matter, but it uses a different method to do so. Instead of putting the grist of contracts or torts through the legal analysis mill to figure out how the grinding takes place, it examines the working of the mill itself.

Further, the structure of the current legal writing course is based on the assumption that legal writing and legal analysis are so intertwined that you can't be proficient at one without becoming proficient at the other. Barbara's "LRRW Materials - Teacher's Notes" provides a good explanation of this process, and I hope that the faculty will be able to review that (along with the current LRRW Course Materials) before the meeting on Monday.

We are a faculty of excellent teachers, scholars and colleagues. This excellence is what we require of tenure track law professors. On the other hand, we should recognize that teaching first year legal writing is not our greatest strength. Few of us are trained in teaching legal writing and few of us are willing to commit the time and energy to learn how to do it well.

The notion that we are all great legal writing teachers is one of our many venerable law school myths. Unfortunately, this myth is harmful to our students. Our current approach to teaching legal writing leaves many of those students inadequately trained in basic skills. Too much time in Advocacy (and in second and third year writing classes) is devoted to teaching what students should have learned in LRRW. When we press our barely willing faculty into the teaching of LRRW and Advocacy, we end up with upperclass students who have highly inconsistent writing backgrounds.

If we are truly interested in how valuable our students believe it is to have tenured and tenure track faculty, rather than full time legal writing instructors, teaching LRRW and Advocacy, we should ask them. I suspect that Barbara's students do not feel unfairly treated by their assignment to her section.

Our decision to staff the LRRW and Advocacy courses with full time instructors will free up a substantial amount of faculty time for what we do best - regular law school teaching. Assuming that one faculty position will fund two legal writing positions, hiring instructors will allow us to offer four additional courses each year. We all agree that we need to increase our offering of intense legal skills courses, like contract drafting, to second and third year students, and this move would enable us to add four of those courses. Think of what our best teachers and writers - Em and Michael, for example - have done with advanced writing courses. I believe that this would be a move welcomed by our students.

We are on the verge of having a really worthwhile LRRW and Advocacy program. We should take the final step necessary to institute that program and hire two full time legal writing instructors. Because we do not have the resources to hire legal writing instructors unless we use the salary associated with a faculty line, we should do that. The continuation of our current system of staffing LRRW and Advocacy does our students a disservice.

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September 13, 1999

STAFFING THE WRITING PROGRAM: ALTERNATIVE PROPOSAL

The Motion to confirm the prior decision to use the next available faculty position to hire two additional writing instructors who would, with Barbara Blumenfeld, have primary responsibility for teaching LWRR and Advocacy has engendered discussion which has led to the formulation of a modified proposal.

The core of this alternative proposal is:

The next available faculty slot will be left unfilled and the money will be used to do a national search for two additional full-time writing instructors who will be hired for non-tenure track positions.

Barbara Blumenfeld and the two additional writing instructors will have primary responsibility for planning and teaching the current LWRR and Advocacy courses.

Any full time faculty member who wants to teach either LWRR or Advocacy in any given year may do so. When this occurs, the Dean, in consultation with Barbara and the curriculum committee will determine the best use of the time of the writing instructor who thereby will be displaced by a full time member of the faculty.

Additional Considerations

The national search will be so conducted as to place minimum strain on the budget for hiring new faculty.

Perhaps the proposal should be modified to read that “The next available faculty slot not currently occupied by a person who regularly teaches as least half-time in the clinic” will be left unfilled and