


The University of New Mexico

School of Law
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MEMORANDUM

TO: LAW FACULTY
FROM: ROBERT J. DESIDERIO, DEAN 
DATE: OCTOBER 26, 2001
SUBJECT: FACULTY MEETING

**Faculty Meeting Agenda
Tuesday, October 30, 2001
Room 2402
4:00 p.m.**

1. Approval of Minutes of September 25 and October 9, 2001 Faculty Meetings (on the intranet)
2. Dean's Report
3. Faculty Workload Motion Report – Professor Rob Schwartz
4. Time Allowed For Completion of Incompletes (Attached) – Associate Dean Winograd
5. Report of Clinical Retreat – Professor Antoinette Sedillo Lopez
6. New Business

RJD:mb
Attachment

October 30, 2001

Faculty Meeting Minutes
School of Law
Room 2402, 4:00 p.m.

Present: Baum, Bobroff, Burr, Canova, Cruz, Desiderio, Gill, Gonzales, Hall, Hughes, Kelly, Lopez, Martin, Martinez, Mathewson, Montoya, Moore, Occhialino, Rapaport, Romero, Schwartz, Taylor, Valencia-Weber, Winograd, Wolf

Student Representatives Present: Lucia Willow

Others Present: Dr. Pat Trainor

Absent: Bergman, Blumenfeld, Browde, Ellis, Fritz, Fort, Land, MacPherson, Montoya-Lewis, Norwood

Dean Robert Desiderio called the meeting to order at 4:09 p.m.

Upon proper motion and second, the minutes of the September 25, 2001 and October 9, 2001 faculty meetings were approved as distributed.

Dean's Report:

Dean Desiderio reported on the building expansion project. The contractor is currently running about three weeks behind, with a target completion date of February 1, 2002. The clinic may have to move in over the spring break in order to proceed with Phase II. The student locker rooms are finished except for the sprinklers and door. The faculty library is also almost done.

The Dean attended the Regents' Finance and Facilities meeting on Monday and received approval to begin Phase II. This is the first step of a three-step approval process, which includes the full Board of Regents and the CHE. Of the \$10.5M total project cost, the law school has \$9M in hand. The University has some contingency money available, which Dean Desiderio will ask to use to keep us going until he can raise the remainder of the money.

Associate Dean Peter Winograd reported that the law school has received twenty-three applications for the position of Career Services Director, and that four will be invited here to interview (one has since withdrawn). He is very pleased with this pool and very hopeful that we will be able to hire someone.

He also reported that few students are signing up to interview with out-of-state firms this year, and that several of those firms have canceled their on-campus interviews because of this lack of interest.

Faculty Workload Motion Report:

Professor Rob Schwartz distributed copies of his motion (attached) and reported on data he had received from other law schools regarding their faculty workload policies. The rankings of U.S. law schools take faculty workload policies and academic scholarship into consideration, but also a more balanced workload would allow faculty to teach, write, and still have a life. The ABA lists the UNM School of Law with a teaching load of 10.4 hours (the median is 10.1).

Professor Schwartz requested that faculty contact him to volunteer for a working group that would "tweak" this proposal. He will check to see how our current policy links up with University policy. The motion will be taken up at the next faculty meeting for approval.

Time Allowed for Completion of Incompletes:

Associate Dean Peter A. Winograd asked for a motion to approve the policy (attached) effective for the fall semester of 2001. The motion was made by Professor Sherri Burr and seconded by Professor Antoinette Sedillo Lopez. A motion to amend the 5-month time period to 8 months was made by Professor Scott Hughes, but the motion did not receive a second. Past semesters will fall under the old rule; starting with the current semester, the new rule will be in effect. When voted on, the motion carried.

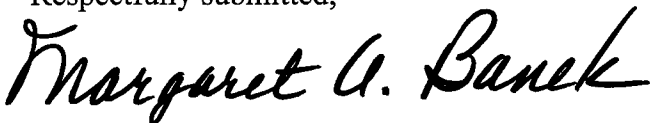
Report of Clinical Retreat:

Professor Antoinette Sedillo Lopez, Director of the Clinic, reported that the report of the clinic retreat (attached) had been distributed by e-mail.

Professor Rob Schwartz, Vice Chair of the UNM Law School Dean Search Committee, reported that the Committee is starting to review applications now and reminded faculty to make phone calls to encourage excellent candidates to apply and to assure them that it is an open process.

The meeting adjourned at 5:20 p.m.

Respectfully submitted,



Margaret A. Banek

Attachments

**MOTION REGARDING FACULTY ACADEMIC LOAD
1 MAY 2001**

Except where necessary to assure adequate curricular coverage, the normal annual academic load for tenure and tenure track faculty shall be:

1. Teaching 12 credits of coursework;
2. Teaching 9 credits of coursework AND agreeing to write a substantial academic piece (or its equivalent) once every two years;
3. Teaching 9 credits of coursework AND serving as chair of a major law school committee, or
4. Teaching 6 credits of coursework AND serving as academic associate dean.

A substantial academic piece is an original writing prepared without the expectation of substantial compensation that is (1) published in a major law review or peer reviewed academic journal, (2) published as a book and widely distributed, (3) submitted as a brief to the United States or the New Mexico Supreme Court, or (4) prepared as a report which is expected to have a significant national impact. Normally, a substantial academic piece will include at least 100 manuscript pages of original creative work related to the development of the law. A faculty member who prepares two or more shorter creative original pieces that together constitute a substantial output shall meet the requirement of the production of a substantial academic piece. The dean shall work with each faculty member to inform that faculty member whether any proposed work would constitute a substantial academic piece for the purposes of this policy.

Major law school committees include the admissions committee, the curriculum committee, and such other committees designated by the dean or the faculty.

Present Incomplete Policy

The present policy for incompletes states that the grade of "I" is given only when circumstances beyond the student's control have prevented completion of the course work within the official dates of session. Requests for extension of time to fulfill requirements of a course are limited to *two* terms.

If the course requirements are not completed within two extensions, the instructor will be asked either to submit a grade of WP (withdraw pass), WF (withdraw fail) or F for the student.

Proposed Change in Policy

If course requirements are not completed within a five (5) month period after receipt of an "Incomplete", credit will not be granted for the course and, the Registrar will submit a grade of F, unless strong justification has been by the student to the instructor for a grade of WP (withdraw pass).

Time Table For Completion of an Incomplete Grade

<u>Term incomplete was received</u>	<u>Date the work must be completed</u>
Fall (December 20th)	May 20th
Spring (May 20th)	October 20th
Summer (August 1st)	January 1st

OVER

Length of Time to Complete an Incomplete

of Incompletes/Class Enrollment

Spring 2000

- Class A 3/19
Student #1: **three terms > WP**
Students #2-3: **three terms > CR**
- Class B 1/10
Student #1: **three terms > CR**
- Class C 1/13
Student #1: **three terms > CR**
- Class D 8/26
Student #1: **three terms > WP**
Student #2: **three terms > WF**
Students #3-8: **three terms > CR**
- Class E 2/11
Student #1: **three terms > F**
Student #2: **three terms > WP**

Summer 2000

- Independent Research 4/8
Student #1: **three terms > WP**
Students #2-4: **two terms > CR**
- Class B 1/11
Student #1: **two terms > CR**
- Class C 4/26
Student #1: **three terms > F**
Student #2: **three terms > CR**
Students #3-4: **two terms > CR**

Fall 2000

- Independent Research 25/27
Student #1: **three terms > WP**
Student #2: **three terms > WP**
Student #3: **three terms > CR**
Students #5-25: **two terms > CR**
- Class B 1/11
Student #1: **three terms > CR**
- Class C 3/8
Student #1: **three terms > WP**
Student #2-3: **two terms > CR**
- Class D 13/17
Student #1: **three terms > WP**
Student #2: **three terms > WP**
Student #3: **three terms > WP**
Student #4-8: **three terms > CR**
Students #9-13: **two terms > CR**
- Class E 1/6
Student #1: **two terms > CR**
- Class F 1/9
Student #1: **two terms > CR**

Total # of incompletes given to students: 68/16 classes

of students taking two terms to complete requirements: 37 (53%)

of students taking three terms to complete requirements: 18 (26%)

of students taking three terms and **NOT** completing requirements: 13 (19%)

Faculty Retreat on Clinical Legal Education

October 17, 2001

University House

The retreat generated a stimulating discussion on clinical legal education. The discussion revealed that while each of us may articulate it somewhat differently, we, as a faculty, agree that our mission is to **educate law students through service**. We also agree on several fundamental educational objectives. However, in teaching our clinical sections each of us brings something unique to bear on our vision of educational objectives. We also agreed that those of us who teach in the clinic do infuse our classroom teaching with our clinical experience in diverse ways. We should document and enhance that aspect of the law school curriculum.

The faculty rotation model has many positive characteristics. It prevents burnout and helps faculty bring their classroom experiences to the clinic and vice versa. It allows faculty the time and space for scholarship and reflection. However, it presents challenges of continuity in representation of individuals and commitments to community groups as well as challenges in program design and direction. Thus, the rotation model presents a challenge for the director in maintaining program design and charting a direction. The rotation model also poses some issues of competence in local practice and procedure. Thus, it is important to have a core group of faculty members who view their primary teaching and scholarly responsibility as clinical legal education. The core faculty members can help supervise and support the teaching of the faculty members who rotate in less frequently.

The following is a list of the aspects of our program in which there was wide agreement. This is followed by a list of areas where we have divergence in views. Finally, the group identified some action items for the future of our clinical law program. The retreat was a good beginning for me as director and I know that the faculty will participate in the continued enhancement and improvement of our clinical law program.

Shared values:

- We should serve live clients (and institutions including the state). That is, the students' experiences should be real and not simulated.
- The student should have primary professional responsibility for the representation.
- We must balance education and service to achieve our educational goals without compromising client service.
- The primary client base should be drawn from financially needy groups within the state.
- The "shadow" program in which an inexperienced clinical teacher spends a semester (as part of her/his teaching load) working with an experienced clinical teacher is an effective way to

build clinical competence in the faculty and to encourage more faculty to teach in the clinic. We should continue it, and also strive to make a back-to-back (two semester) clinical experience the norm.

- The law office management component of the clinic must be strong. Staff should be involved in training faculty as well as students about our management system. The system should continue to be designed to facilitate our rotation model.
- The MacCrate Report vision of lawyer as problem solver should be our starting point. The Report articulates the fundamental skills and values that we should work toward in our teaching, but it is not the only source for identifying skills and values. For example, multi-cultural competence is a skill that many seek to teach and develop. Another potential skill is technological competence.
- We should accommodate diversity in approaches to clinical legal education to the extent possible. The primary factor to consider in accommodating this diversity should be student needs. A secondary factor should be faculty interest.
- We should not take overly complex¹ cases that must be handed off to a new student and faculty member. If a faculty member wants to work on a complex case or project, the faculty member must agree to stay with the case after leaving the clinic or otherwise find competent representation.
- We should clearly communicate the different clinical options available to the students.
- We should continue our role as national leaders in clinical legal education.

Areas about which there was some divergence:

- Complexity. There is a range of views regarding the level of complexity appropriate for a clinical practice experience. Some ascribe to the “keep it simple” philosophy remembering that, what is simple for us, seems quite complex to students. Others feel that complex cases can provide rich learning experiences.
- Multidisciplinary practice. Some are very enthusiastic about engaging students in an exploration of using a variety of disciplines to solve client problems. Others thought our role should be to train students to practice law.
- Autonomy. There were different views about the level of autonomy that each clinic should have, as well as autonomy in teaching and case selection. Most agreed that the current approach of using faculty intake meetings for case selection and planning the large classroom experience provided a good way to monitor case selection and provide support for less experienced faculty.

¹ There is a difference of opinion about what constitutes an “overly complex” case.

- Specialization vs. general practice. Some believed that specialized clinics would offer important benefits to students and enhance the quality of representation. Others felt that it is important to meet clients' needs holistically and not limit our areas of representation beyond a poverty law focus. Still others thought that a variety of carefully selected experiences provided the maximum learning environment.

- "Hybrids" vs. core clinical faculty. It appears that the "hybrid" faculty member who rotates in and out of the clinic is the current approach. However, historically some faculty members viewed their primary responsibility as teaching in the clinic. It is uncertain how to insure that someone who commits to teach in the clinic is competent to do so and also follows through on the commitment. Many felt that we do not have sufficient number of faculty who view their primary obligation as teaching in the clinic.

Action Plan:

Convene future meetings about clinical legal education.

Work with the curriculum committee to ensure that curricular reform contains elements of clinical methodology and adequately prepares students for their clinical experiences.

Continue the "shadowing" program.

Work toward faculty teaching in the clinic two semesters in a row to enhance continuity.

Work toward developing "practice groups" or "working groups" of faculty interested in enhancing continuity, particularly with regard to commitments to community groups.

Work towards a three-year curriculum through which we could identify faculty who will be teaching in the clinic and thus increase the level of program planning and development.

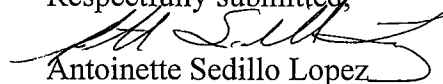
Explore strengthening the relationship with the Institute of Public Law to develop areas of shared interest.

Work with the staff to enhance their ability to teach students about law office management.

Work on integrating appropriate law office management and other technology into the clinical law program.

Plan and host the Rocky Mountain Regional Conference on Clinical Legal Education next year.

Respectfully submitted,



Antoinette Sedillo Lopez

Professor of Law & Director, Clinical Law Program