

The University of New Mexico

School of Law  
Office of the Dean  
1117 Stanford NE  
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MEMORANDUM

**TO:** LAW FACULTY  
**FROM:** ROBERT J. DESIDERIO, DEAN  
**DATE:** JANUARY 4, 2002  
**SUBJECT:** SPRING SEMESTER 2002 FACULTY MEETING SCHEDULE

I am scheduling the following dates for regular faculty meetings (~~notice that meetings are again scheduled on Tuesdays~~).

TUESDAY, January 15, 2002  
TUESDAY, February 5, 2002  
TUESDAY, February 26, 2002  
TUESDAY, March 19, 2002  
TUESDAY, April 9, 2002  
TUESDAY, April 30, 2002

I may have to schedule some special meetings as well. <sup>3402</sup> ("MARY WALTERS" Classroom)

All meetings will begin at 4:00 p.m. in Room ~~2405~~<sup>230</sup>. I stress that it is essential that all faculty attend faculty meetings and remain at meetings until they are adjourned. Please make the necessary arrangements to do so. If you will be unable to attend any meeting, or will have to leave before 5:30 p.m., please inform Margaret Danek at least one day in advance so I can plan accordingly. Governance of the Law School requires the dissemination of information and open discussion and debate in which all of us participate. Faculty meetings, although not the only forum for this discourse, are the primary forum.

Reva Chapman.

RJD:mb

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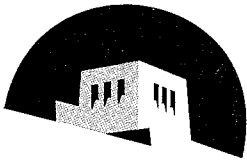
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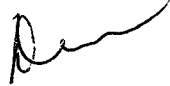


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**FROM:** ROBERT J. DESIDERIO, DEAN   
**DATE:** JANUARY 31, 2002  
**SUBJECT:** FACULTY MEETING

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**Faculty Meeting Agenda  
Tuesday, February 5, 2002  
Room 2405  
4:00 p.m.**

1. Approval of Minutes of November 20, 2001 Faculty Meeting (on the intranet)
2. Law Review Banquet Report – Bryan Davis
3. Dean's Report
4. Spring Storm Report – Dathan Weems
5. Report of Ad Hoc Committee on Release Time – Professor Elizabeth Rapaport
6. New Business

**Note: Our next meeting, February 26, will be dedicated to discussing dean candidates. I am scheduling the meeting from 4:00 to 7:00 p.m. We will provide food and drinks.**

RJD:mb

February 5, 2002

Faculty Meeting Minutes  
UNM School of Law  
Room 2405, 4:00 p.m.

Present: Baum, Bay, Bergman, Blumenfeld, Browde, Burr, Canova, Cruz, Desiderio, Gill, Hall, Hughes, Land, Lopez, MacPherson, Martin, Mathewson, Montoya-Lewis, Moore, Norwood, Occhialino, Rapaport, Romero, Schwartz, Taylor, Valencia-Weber, Winograd

Student Representative Present: Lucia Willow

Others Present: Dathan Weems

Absent: Bobroff, Ellis, Fort, Fritz, Gonzales, Hart, Kelly, Kovnat, Martinez, Montoya, O'Leary, Wolf

At 4:15 p.m., Dean Desiderio called the meeting to order. The first order of business was to adopt the minutes of the November 20, 2001 faculty meeting. A motion to adopt the minutes as distributed was made by Professor Michael Norwood and seconded by Professor Marsha Baum. When voted on, the motion carried.

Dean's Report:

Dean Desiderio announced that the February 26 faculty meeting will be used for discussion of the dean candidates. Faculty members should plan to stay until 7:00 p.m., and dinner will be provided.

Law Review Banquet Report:

Professor Michael Browde reported for Bryan Davis, Editor-in-Chief of the NM Law Review, regarding the second annual NM Law Review Alumni Dinner, which this year will honor Dean Robert Desiderio and (posthumously) Justice Mary Walters. The banquet will be held on February 22, 2002, at the Uptown Marriott. Cocktail hour begins at 6:00 p.m., with dinner and the awards at 7:00 p.m. This year's presenters are Randi McGinn, Rebecca Sitterly and Professor Browde. Professor Browde asked faculty to RSVP to Susan Tackman as soon as possible.

Spring Storm Report:

Dathan Weems, 2L, announced that a University-wide community service event, "Spring Storm," will take place on Saturday, April 6. The day will begin with breakfast for the volunteers at University Stadium. After doing about 6 hours of community service at various organizations/locations around Albuquerque, the day will end at 4:00 p.m. with a barbeque and celebration of community. Dathan urged faculty to sign up, to suggest

projects and/or donate money for them. Volunteers may specify if they prefer physical work or other work for that day.

Professor Tim Canova reported on a formal proposal he is working on in response to the Provost's call for discussion and proposals for development of UNM's international agenda. The Provost would like to develop a major international initiative at UNM that is global in scope, is distinctive, and that can involve a broad cross-section of the University. Professor Canova will send an e-mail to faculty describing his proposal, which is to put together a Center for the Development of the North American Community, and asked that they give him their input and ideas.

Dean Desiderio introduced and welcomed former U.S. Attorney Norman Bay, who is teaching Legislative and Administrative Process and Ethics this semester as a visiting professor. The Dean also indicated that Professor Bay has agreed to join the faculty next year as a visiting professor.

Dean Desiderio announced that Professor Scott Taylor has resigned his position effective at the end of the semester to teach at the University of St. Thomas School of Law in Minneapolis, Minnesota.

Dean Desiderio announced that Phase I of the building project will be complete around the first week in April. The bids have been opened and a contractor selected for Phase II, which will be a \$1.4 million project. He also reported that we have now raised \$9.2 million of the \$10.3 million needed for both phases of the construction project.

#### Report of Ad Hoc Committee on Release Time:

Professor Liz Rapaport, Chair of the Ad Hoc Committee, distributed to the faculty a motion (attached) for consideration and vote which has as its purpose to strengthen the law school's support for scholarship in view of the importance of scholarship to the teaching mission, the overall mission of the Law School, the health and standing of the law school, and the diverse faculty who serve the school. The motion was seconded by Professor Michael Norwood.

After discussion, Professor Ted Occhialino moved to amend the motion, and distributed copies of his amendment (below) to the faculty.

#### AMENDMENT

(Add to Part "2" of Current Motion between the paragraph beginning "Faculty shall . . ." and the paragraph beginning "For each course . . .")

If the FD determines, after consultation with the faculty member, that the research goals of the faculty member could substantially be met by relieving the faculty member from teaching an assigned fourth course and instead assigning the professor to teach a seminar directly related to the research project, the FD should

normally authorize the faculty member to teach the seminar as a fourth course in preference to providing a course release.

The amendment was seconded by Professor Jenny Moore.

After discussion, there were two revisions made to the amendment. Instead of the words "normally authorize," the word "encourage" was substituted. Instead of "preference to," the words, "lieu of" was substituted.

Faculty discussion ensued concerning the phrase "to develop a new course." The issue arose whether the phrase included a faculty member's preparation to teach an existing course in the curriculum for the first time. After discussion, the faculty consensus was that the phrase did not include first time preparation of an existing course in the curriculum. Nor did it include first time preparation of a course not in the curriculum for which the core of the course materials already exist, for example, where an existing casebook would provide the core of the materials used in the course.

Rather, it was the agreed-upon understanding of the faculty that the phrase referred only to situations in which the professor would engage in sustained research and planning involving the creation of materials organized in a novel and coherent form for teaching the course.

Dean Desiderio called the question, and when the faculty voted on the Committee's motion, the motion carried. When the vote was called for the amendment to the motion, the motion failed.

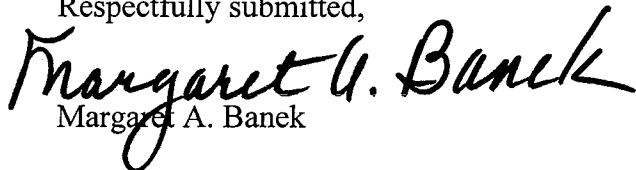
Report from Faculty Appointments Committee:

Associate Dean Alfred Mathewson reported that applications for visiting positions only are being considered for next year, and that a nationwide search will take place in the 2002-03 academic year.

Dean Desiderio announced that Professor Jim Ellis will make oral arguments in the Atkins v. Virginia death penalty case before the United States Supreme Court on February 20. Professor April Land is working with Professor Ellis on the issue of whether the death penalty can be applied when the person is mentally retarded.

The meeting adjourned at 5:20 p.m.

Respectfully submitted,

  
Margaret A. Banek

:mb

Attachment

The following is submitted for consideration and vote at the February 5, 2002, Faculty Meeting by the Ad Hoc Committee on Scholarship and Release Time, Liz Rapaport (Chair), Jim Ellis, Nathalie Martin & Mike Norwood.

### **Faculty Development and Scholarship Proposal**

The purpose of the proposal and motion is to strengthen the law school's support for scholarship in view of the importance of scholarship to the teaching mission, the overall mission of the law school, the health and standing of the law school, and the diverse faculty who serve the school. Periodic course releases are proposed for substantial scholarly projects and for substantial course development work, **subject to core curricular needs**. In addition to these periodic renewal/relief measures, faculty with meritorious projects may apply for further course relief in order to sustain intense scholarly activity, **subject to core curricular needs**. The periodic releases are anticipated to be regularly available to faculty who qualify while the additional releases are designed for faculty during periods of sustained, intense scholarly activity. The dean's discretion to release faculty for health, family, administrative, or any other reasons within the compass of his or her authority, would remain unchanged upon approval of this motion.

### **Motion**

- 1) The dean of the law school shall appoint a member of the faculty to be either the associate dean or coordinator for faculty development (FD). The decision about administrative format shall rest with the dean. The FD's responsibilities shall include the administration of the program described below as well as an appropriate mentoring program to assist junior faculty in reaching their potential as teachers and scholars.
- 2) Faculty shall be entitled to apply for one course release every three years in order to accomplish a substantial scholarly project or to develop a new course. The applicant will submit a written proposal to the FD explaining the project and the expected publication or course to be taught, including the time at which the scholarly project is expected to be completed or the semester in which the new course is expected to be taught. The timing of such releases, in the event of an approved application, shall be determined by the FD in consultation with the Associate Dean for Academic Affairs and the faculty member upon his or her request for release time, subject to core curricular needs.

For each course release granted, the faculty member shall submit to the FD a written follow up report within a year of the date of the beginning of the semester in which the release time was granted that details the work accomplished in fulfillment of the project. Future eligibility for triennial course releases and for the program described in 3) infra requires a satisfactory account of the use to which release time has been put. The FD