



MEMORANDUM

January 18, 2004

TO: Faculty Members

FR: Suellyn Scarnecchia

RE: Admissions Policy Review

I want to outline for you the process I anticipate using for our Admissions Policy Review. The process is designed to permit input by all faculty members, to identify our common ground, and to focus discussion in a productive and meaningful way.

First, the Admissions Committee, chaired by Dick Gonzales, has prepared a preliminary report. The report outlines current practice and discusses our current policy in light of *Grutter*. Dick sent the report to all of you in December and again last week. We will have copies available at the January 20 faculty meeting.

Second, Susan Mitchell and Dick will present admissions data to the faculty at the January 20 meeting. This meeting is meant to give us a common grounding in the data related to admissions at UNM. Questions about the data presented will be welcome and I will welcome and record requests for other data.

Third, I am hoping that each of you will give me your view of our current policy and practice. Rather than opening a faculty meeting to general discussion, I would like to first gather individual views and use that information to move us toward consensus or, at least, to sharpen and focus our differences.

I hope that each of you will take the time to reflect on our current policy and practice, the data provided, and your own view of our students, to give me feedback. You may choose to provide your thoughts in writing and I am attaching a form to facilitate written feedback. Or, you may make an appointment with me to discuss your thoughts in person. I will attach available times/dates for those discussions to facilitate the scheduling. I will treat your feedback confidentially and will report to the faculty only general commonalities and differences.

I am distributing to all of you a copy of Justice O'Connor's opinion in the *Grutter* case, as well as an article co-authored by Cruz Reynoso from the Journal of Legal Education that sets out a national perspective on diversity in legal education. They may be helpful in evaluating our current policy and practices.

After I have received your personal viewpoints, I will determine and report to you proposed next steps in the process. My goal is to complete the review of the policy and our practices in time to give any resulting new direction to the 2004-05 Admissions Committee.

## ADMISSIONS FEEDBACK MEETINGS SCHEDULE

PLEASE CONTACT REVA CHAPMAN (277-4700 or [chapman@law.unm.edu](mailto:chapman@law.unm.edu)) IF YOU WOULD LIKE TO TAKE ONE OF THE FOLLOWING MEETING TIMES TO DISCUSS THE ADMISSIONS REVIEW WITH ME

Saturday, January 24:	2 pm 3 pm 4 pm
Tuesday, January 27:	4:30 pm
Wednesday, January 28:	12:30 pm 2:30 pm 3:30 pm
Thursday, January 29:	3 pm 4 pm
Friday, January 30:	8 am 9 am 10 am 2 pm 3 pm
Saturday, January 31:	10 am 11 am 12 pm 2 pm 3 pm

ADMISSIONS FEEDBACK FORM

RETURN TO SUELLYN SCARNECCHIA ([scarneccchia@law.unm.edu](mailto:scarneccchia@law.unm.edu)) by 2/3/04

YOUR NAME \_\_\_\_\_

Please give me your feedback on our current Admissions policy and practice by **Tuesday, February 3, 2004**. I am interested in receiving your view and feel free to use the following questions as an outline or not. The series of questions at the close of the Admissions Committee's 12/17/03 memo to the faculty may also be helpful. If you would rather schedule an individual meeting with me to discuss your views, please do.

1. How would you define our mission as it relates to admissions?
  
2. What factors should we weigh in the admissions process beyond LSAT scores and UGPA?
  
3. Comment on our current goal of 85-90% resident enrollment.
  
4. What are your observations of our recent efforts to develop a diverse class? How can we improve our diversity if you believe that we should?
  
5. In general, what concerns do you have about our current policy? What changes would you make?
  
6. In general, what concerns do you have about our current admissions practices? What changes would you make in our current admissions practices?
  
7. What new strategies would you recommend to improve our admissions program?
  
8. Would you be willing to serve on the Admissions Committee in the next few years?

Faculty Meeting Minutes  
January 20, 2004

Present: Scarnecchia, Sedillo Lopez, Toraco, Gonzales, Moore, Wolf, Hall, Romero, Land, Winograd, Hughes, Blumenfeld, Deloria, Montoya, Gomez, Valencia-Weber, Bobroff, Zuni-Cruz, Occhialino, LaVelle, Fort

Students: Gonzales, Begaye

Others: Mitchell, Dean, Ortega, Feldman, Trainor

The meeting was called to order at 4:06 pm.

Jenny Moore was welcomed as the new Dean for Academic Affairs.

The Law School table at the roundhouse on January 26 (UNM Day at the Legislature) will highlight SILC and their achievements.

Admission Policy Review:

- I. Faculty were given a memo from Professor Dick Gonzales, Admissions Committee Chair, describing the Admission Review process, a handout of Justice O'Connor's opinion on the Grutter case, and a Journal of Legal Education article about admissions. Dean Scarnecchia made the following points:
  - a. Admissions policy is to be reviewed regularly, and is now especially timely due to the Grutter decision.
  - b. Dick Gonzales authored the report for all to review.
  - c. Dean Scarnecchia has set aside times for one-on-one conversations with her for faculty to discuss their suggestions and concerns privately and a feedback form was provided to submit comments in writing.
  - d. Dean Scarnecchia explained that she is looking for, in admissions conversations between faculty members, to model for the students how to address questions on difficult topics, where strong opinions exist.
- II. Gonzales Report:
  - a. Contains the current policy from 1996, has not been reviewed since then, as the Grutter decision was pending, and it was decided to wait until the decision was handed down.
  - b. Describes the current policy, and the practice in implementing the policy. At the end is a list of issues that may be brought up, but this list is not exhaustive.
  - c. Admissions Committee members are Catherine Begaye (3L), Susan Mitchell, Dick Gonzales, Sherry Wolf and April Land.
  - d. Data was distributed for the faculty to peruse. Outside of this meeting, the data will be available from the Admissions Office.

## e. Faculty Input:

1. It was brought up that the appointments to the committee should be made very carefully, with an eye to diversity and the desired class to be admitted.
2. MACUA has guidelines for training committee members, if training is desired.
3. Tuition residency is determined differently than admission residency consideration. Tuition residency is rigid – admission residency is determined by a collection of factors.
4. Discussion is needed on the role/desires of the PREPP program, and whether nominations can be made in committee aside from admission process. Also, PLSI is not to be considered a remedial program.
5. Knowledge of whether an applicant is the first of their family to attend law school is only gleaned if the applicant discloses the information in their personal statement. The question is not on the application.
6. Think about expanding the admissions committee size, to expand diversity and feedback.
7. “Expedited” applications are reviewed at the meeting, and can either be admitted by consensus, or put back in the circulation pool. May have as many as four or five a week. Some non-residents are rejected out of hand; if it is clear to Susan and Dick that the applicant’s file is especially weak.
8. The UNM Medical school interviews their applicants, and so gets a different feel for that person. Their standards are based on whether the applicant would be a good physician. Thus, perhaps, a paper review might lack certain information that would help in determining whether a person would make a good lawyer – i.e., good interpersonal skills.
9. As part of revising the application, give the applicant more information on what would help the applicant in getting a favorable decision. Perhaps, training sessions? A full-time advisor, and open-houses meet with the applicants and help them understand how to put together a personal statement. One of the downsides is that all applicants coming from the California system (the model in the above suggested changes) write the same personal statements. Also, there seem to be a lot of people writing personal statements for applicants.
10. LSAC published a report that had models of admission systems where race could not be taken into consideration, including ways of capturing information in the application. The report may have information that the Law School should consider adopting.

## III. Data

- a. Information includes where the applicant is from, where they graduated, when they matriculated, those that withdrew after they were admitted, those that withdrew after they deposited their \$100, those that withdrew before a decision was made, those that are considered residents, those that are considered non-residents. In the decision column, those that are blank are those that had incomplete files. Also indicated is the applicant's ethnicity, according to UNM's guidelines. Information is provided over a five-year period. Breakouts are by gender, median age, ethnicity, LSAT, and date of matriculation. Statistically, the numbers are too low to provide an idea of trends.
- b. A question was asked about the diversity of the various pools – those non-residents that are rejected before committee, the expedited files that are admitted without circulation, and those residents that are circulated.
- c. Last year and this year (ongoing) are years of growth of applications to law schools nationwide.
- d. Where are students going who were admitted but withdrew, and those that were declined?
- e. Would like to see the totals of resident/non-resident not broken down by ethnicity or other classification.
- f. Numbers can be graphed, with caution, to pull some trends.
- g. Does data exist indicating demographics on applicants ten or fifteen years past? The Law School has poor data on alumni, but bar passage data does exist. Perhaps creating alumni questionnaires indicating satisfaction with job, contributions to the field, law school satisfaction would be helpful. Also, attrition rate data exists and should be reviewed.
- h. Who is applying v. who used to apply? Who, from NM, takes the LSAT? How many of them are applying to NM, and if they don't, why not? The numbers of how many applicants only applied to UNM School of Law can be discovered, and it can also be found if they matriculate somewhere else.
- i. This breakout doesn't exist on a normal basis; the data set was hand-calculated. Thus, it doesn't exist past 2001 in any collated form beyond raw data.
- j. It was suggested that the Law School track students put through CLEO or the Instituto to bar passage. This would help in determining "at-risk" candidates, and a candidate's ability to succeed beyond the LSAT score.
- k. What are the factors that determine who, of the resident pool, end up being admitted? This knowledge may be used to help in strengthening the pools.

- l. Is the definition of “success” clear? What does success mean to the members of the committee? The committee responded that they talk about the ability to complete law school. They don’t talk so much about passing the bar, but whether the applicants can do the work to graduate.
- m. It was also suggested that the committee give the faculty some files from the last year to evaluate, then come back and see what the results are. This would allow the move from the general data to the concrete.
- n. The UNM Medical school is considering a conditional admissions program based on operational necessity – trying to identify the medical needs/deficits of the state. CA also thinking of matching applicants to law school to specific needs of a community, such as rural areas with no lawyers. Can the Law School find a way to match needs to resources?

On the Admission Policy Review, Dean Scarnecchia has asked faculty to provide written feedback and meet with her one-on-one by February 3.

Dean Scarnecchia thanked Susan Mitchell for putting the data together.

The meeting was adjourned at 5:38 pm.

Respectfully submitted,



Reva M. Chapman  
Administrative Assistant to Dean Suellen Scarnecchia



## MEMORANDUM

**TO:** Faculty  
**FROM:** Admissions Committee  
**DATE:** December 17, 2003  
**SUBJECT:** UNM School of Law Admissions Policy and Practice

### 1. Introduction.

The current UNM School of Law Admissions Policy<sup>1</sup> was adopted by the faculty on February 12, 1996, following the Fifth Circuit's invalidation earlier that year of the University of Texas' admissions policy in *Hopwood v. State of Texas*, 84 F.3d 720 (5th Cir., 1996). Although the Supreme Court declined to review *Hopwood*, the UNM faculty nevertheless thought it prudent to review its admissions policy because it was becoming increasingly apparent that state university and professional schools' race-sensitive admissions practices would likely be the subject of judicial scrutiny in the future.

The new policy reaffirmed the law school's commitment to a diverse student body, but eliminated the previous practice that involved consideration by the Admissions Committee of two separate pools of applicants: regular applicants, and high-risk applicants (who tended to be disproportionately minority). High-risk applicants were those whose academic predictors, such as LSAT scores and/or undergraduate record, suggested that they were likely to have difficulty succeeding in their law school studies

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<sup>1</sup> A copy of the current UNM School of Law Admissions Policy is attached as Appendix A. Nothing in this report is intended to modify, supplant or amend that policy. Rather, the purpose of this report is to summarize for the faculty the current policy and the manner in which it has been implemented since its adoption. Because such a summary may inevitably suggest -- by omission, further explication or otherwise -- a departure from the policy, the Admissions Committee wishes to emphasize that in the event there is any perceived inconsistency between the policy and this report, it is the policy that remains in effect until such time as the faculty chooses to amend it.

without further preparation. Under that policy, applicants from the high-risk pool were admitted conditionally upon their successful completion of one of the summer programs, either the law school's *Instituto Preparativo Legal*<sup>2</sup> or the American Indian Law Center's Pre-Law Summer Institute.

Under the current policy, all applications are reviewed by the Admissions Committee without initial regard for conditional admission. The policy prescribes a class consisting of between 105 and 110 students, of whom approximately 85 – 90% should be New Mexico residents. Committee members consider a wide range of factors, including quantifiable predictors such as LSAT scores, undergraduate grades and the Predicted First Year Index calculated by the Law School Data Assembly Service (LSDAS). The committee also considers a broad variety of non-quantifiable factors, including, *inter alia*: state of residency; rigor of undergraduate education and curriculum; letters of recommendation; the applicant's personal statement; life experiences that will produce a student body with diverse perspectives (such as employment, indicia of social commitment, non-academic interests, travel etc.); race and ethnicity; and any evidence that the applicant has overcome educational/economic/social barriers to success. The committee makes no attempt to prescribe the weight to be accorded any of these factors, but instead expects committee members to exercise judgment and discretion, informed nevertheless by a common commitment to excellence and diversity in the student body.

The policy itself provides that it is subject to review by the faculty every five years or upon request by the dean. As the five-year anniversary approached, however, the question of race-sensitive law school admissions practices was then under litigation at the University of Michigan. The UNM law school faculty decided to delay consideration of its policy pending resolution of the Michigan case. On June 23, 2003, the U.S. Supreme Court decided *Grutter v. Bollinger*, 539 U.S. \_\_\_, 123 S.Ct. 2325 (2003). The Court, by a 5 – 4 vote in an opinion written by Justice O'Connor, upheld the University of Michigan Law School's admissions policy, which sought to achieve a diverse student body by considering the race and ethnicity of applicants along with other factors. Accordingly, the UNM law faculty now undertakes its review of its admissions policy.

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<sup>2</sup> Prior to the advent of *Instituto*, some applicants were admitted conditioned upon completion of the summer program sponsored by the Council on Legal Education Opportunity (CLEO).

## 2. Preliminary Review to Determine Compliance with *Grutter*.

The first order of business this year for the Admissions Committee has been to review the current policy to determine whether it complies with the requirements of *Grutter*. Copies of the text of the decision and the UNM policy were distributed to each member of the committee, which then met to discuss the members' views on the matter.

Although a detailed analysis of the *Grutter* opinion is beyond the scope of this report, it is important to understand the broad outlines of the Court's decision. *Grutter* specifically answered the question that had been left open (or more precisely, left in confusion) in *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978). In that case the Court struck down a set-aside program that reserved for minorities 16 of 100 seats in a state medical school class. Justice Powell's opinion, announcing the judgment of the Court, was the only one of six separate opinions filed by the Justices that specifically approved the university's use of race to further the attainment of a diverse student body. In the ensuing 25 years, legal debate on the subject has speculated about the legitimacy of race-conscious admissions policies at state universities. Justice O'Connor's opinion in *Grutter* endorses Justice Powell's view in *Bakke* that universities do have a compelling interest in achieving diversity among their students and that a narrowly-tailored admissions policy that considers race as one of many factors does not violate equal protection guarantees.

Nevertheless, a school's permissible pursuit of diversity is not unbounded, according to *Grutter*. A simple, fixed policy of achieving racial parity through a quota system in which a number or proportion of seats are reserved for minorities is impermissible. Similarly, a "bonus points" system for minority status may not be used.<sup>3</sup> Instead the school may consider race or ethnicity only as a "plus" factor in a process that provides for individual consideration of each applicant in a flexible, nonmechanical way. Nor can the school use separate admissions tracks or pools for minority applicants. At the same time however, *Grutter* acknowledges that the school may pay "[s]ome attention to numbers" without creating a quota system, and that (quoting Justice Powell in *Bakke*)

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<sup>3</sup> In a companion case, *Gratz v. Bollinger*, 539 U.S. \_\_\_\_, 123 S.Ct. \_\_\_\_ (2003) the Court invalidated the University of Michigan's undergraduate admissions policy that automatically awarded 20 points to applicants based on race.

“a permissible goal...require[s] only a good faith effort...to come within a range demarcated by the goal itself.” Thus, a school may establish a flexible “goal” for student body diversity based, presumably (although the Court is not explicit on this point) on, e.g., its applicant pool, or its state population, or the community from which it receives its students – whichever seems to the school most appropriate.

Finally, Justice O’Connor rules that “race-conscious admissions policies must be limited in time” and that “all governmental use of race must have a logical end point.” A school can meet this “durational requirement” by adopting sunset provisions and periodic reviews of the policy. She further expresses the hope “that 25 years from now, the use of racial preferences will no longer be necessary....”

Following its review of the current policy in light of *Grutter*, the Admissions Committee is of the unanimous view that the policy is in compliance with legal standards.

### **3. Admissions Process.**

#### *Admissions Committee.*

The 5-member Admissions Committee consists of three faculty members, the Director of Admissions and a student elected by the student body.<sup>4</sup> Applications are considered on a rolling basis, that is, they are reviewed as they are completed. The committee meets weekly and normally begins considering applications in November of each year as the first files received are completed. The volume of applications increases steadily through the winter and into the spring. During the height of the review process, usually in March and early April, committee members may consider 50 to 60 applications each week until the process is completed in May. All applicants are notified by May 1.

#### *Applicant Pool.*

The size of UNM’s applicant pool fluctuates yearly, generally in accordance with national trends. In 2001, for example, the school received a total of 650 applications; in 2002, 781. The ratio of resident to nonresident applications tends to remain fairly stable from year to year: in 2001 38% of the applicants were New Mexico residents; in 2002, 37% were residents.

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<sup>4</sup> At the time of this report the committee consists of Professors Sheryl Wolf, April Land and Richard Gonzales (chair); Susan Mitchell (Director of Admissions); and Catherine A. Begaye (3L, student).

### *Committee Review of Applications.*

As application materials are received by the Admissions Office the admissions staff compiles them into files. Each file is made up of the application form, the LSDAS report (containing LSAT score[s]; undergraduate and graduate college records; writing sample; and copies of recommendations sent to the LSDAS), the applicant's personal statement and any letters of recommendation that may have been sent directly to the school. The Director of Admissions and the committee chair conduct a preliminary review of all nonresident applications to determine which should be circulated to the full committee (any doubts are resolved in favor of circulation). The files (all resident applications and those nonresidents selected by the Admissions Director) are grouped into batches of five and then circulated to every member of the committee, who reviews each file individually prior to the weekly committee meeting. Each committee member maintains a binder containing voting sheets for each applicant.

During the weekly committee meeting, each member gives each application a numerical score ranging from 5 (high) to 1 (low). The scores and individual totals are recorded. At this stage, applicants receiving particularly high ratings – say, a total score of 24 or 25 – are admitted. Similarly, those receiving particularly low ratings – 5 or 6 – may be denied.<sup>5</sup> The remainder are placed in what is referred to as the “Middle Group” for further consideration. The committee members' voting sheets become useful later in the process when the committee reviews files from the Middle Group.

After the first few meetings, as the committee develops a sense of the overall strength of the applicant pool, the Admissions Director recommends to the committee that resident applicants with a total score above perhaps 22 and nonresidents above 23 be admitted.<sup>6</sup> These numbers may be adjusted periodically, depending on the nature of the applicant pool and the number of applicants admitted to that time.

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<sup>5</sup> As a practical matter, the committee denies very few low-scoring applicants at this early stage. Instead, they are generally placed in the Middle Group.

<sup>6</sup> The differential reflects the admissions policy favoring resident applicants.

### *Expedited Applications.*

In addition to the applicant files described above, the Director selects newly-received applications that she determines to be extraordinarily well-qualified (based on all of the factors described in the admissions policy). These “expedited” files are brought directly to the next committee meeting without prior circulation to the members. The committee reviews and discusses these files. If the committee consensus is to admit the applicant, then a letter of acceptance is sent immediately. If there is no such consensus, then the file is circulated according to the normal procedure. The purpose of this expedited procedure is to ensure that the most highly-qualified applicants, both resident and non-resident, receive confirmation of their admission at the earliest practicable time.

### *Consideration of the Middle Group; the “Yes/No” Process.*

Applicants who are neither admitted nor denied during the initial review process by the committee are held in the Middle Group for reconsideration, usually toward the end of April. Based on the number of applicants thus far admitted and the number of seat deposits received, the Director estimates the number of additional acceptances that will be necessary to fill the class. Each committee member then selects from the Middle Group that number of his or her top candidates. Those selections are communicated to the Admissions Office staff, who calculate the number of “Yes” votes for each of the remaining applicants in the Middle Group. The committee then meets to determine which of these candidates has the greatest support; those receiving the most “Yes” votes are admitted. Applicants who receive little or no further support are denied admission. The remainder are contacted by the Admissions Office and asked whether they wish to remain on the waiting list, to be considered over the summer if admitted applicants decide not to enroll.

### *Waiting List.*

Throughout the late spring and summer, as the list of potential matriculants shrinks, the committee determines whether to admit additional applicants from the waiting list. Because it is not always possible to convene the full committee during the summer, the process is conducted with whichever members are available, or, on occasion and with the approval of the other members, by the Director and the chair. This process continues until the beginning of classes in the fall.

*Seat Deposit.*

Accepted applicants must submit a \$100 deposit by April 15 (or two weeks from the date of the acceptance letter, whichever is later). The deposit is applied to tuition if the applicant enrolls. The purpose of the deposit is to enable the committee to determine how many of the accepted applicants are likely to matriculate, and thus to facilitate the admission of further candidates in order to fill the class of 105 – 110 students.

**4. Recruitment.**

*Outreach Activities.*

The Admissions Office plans and directs a broad range of recruitment activities to encourage application to the UNM School of Law, especially by individuals from New Mexico, and to encourage admitted applicants to enroll. The Admissions Office also conducts and participates in early outreach programs to encourage the pursuit of legal careers. The law school hosts a variety of open house programs, individual visits and tours. Law school representatives attend the Law School Admissions Council's Washington, D.C., forum. The school maintains a list serve for admitted students; sends direct mailings (catalogs and other publications) to targeted potential applicants; participates in outreach programs to high school juniors and seniors and in the LSAC's National Minority Recruitment Program held each February. The Admissions Office also works to create and strengthen partnerships with departments on campus, departments at the state's other four-year institutions, pre-law advisers both within the state and regionally, and other prelaw programs such as the American Indian Law Center's Pre-Law Summer Institute and CLEO.

Each year during the fall semester the law school sends representatives, including faculty, students and Admissions staff, to the Career Day of every four-year college in New Mexico. In recent years the law school has also participated in career fairs and law days at colleges in neighboring states. The representatives speak with interested students, distribute literature about the UNM School of Law and discuss the law school application process.

### *Merit Scholarships.*

In an effort to attract the strongest candidates to the UNM School of Law, the faculty has authorized a limited number of merit scholarships. These include 12 to 13 one-year, full tuition grants to New Mexico residents. In addition, the faculty has authorized two Faculty Fellowships (for either residents or nonresidents), which consist full tuition grants plus ten monthly \$500 living allowance payments, books and supplies, and UNM student health insurance. Fellowships are renewable annually for students who maintain a 3.0 cumulative grade average. The law school has a Memorandum of Agreement with the Navajo Nation, which provides for \$7500 in matching funds to Navajo students. In addition, grants in the amount of in-state tuition are awarded to all eligible Native American students.

### *Admitted Applicants' Day.*

In March of each year, the Admissions Office organizes the first of two Admitted Applicants' Days. Applicants who have received acceptance letters are invited to come to the law school to speak to other students, faculty and staff; to tour the building; to receive information about law school services (financial aid, career services, etc.); and to participate in a program – sometimes a panel discussion on some issue of current interest to the legal community – designed to help them decide whether law school, UNM in particular, should be their choice. A second Admitted Applicants' Day is held in April, after the admissions process has been completed.

## **5. Summer Programs.**

### *Pre-Enrollment Preparatory Program (PREPP)*

An earlier program, *Instituto Preparativo Legal*, a remedial program operated by the law school for high risk, conditional acceptees, has been replaced by the Pre-Enrollment Preparatory Program (PREPP), a four-week program running throughout the month of June. The cost of the program, including instruction costs of approximately \$12,500, is funded by the law school. The purpose of PREPP is to provide entering law students with the skills that are important to success in law school, including: (1) the



ability to read complex materials with understanding and insight; (2) the ability to understand a structure of relationships, draw conclusions about the structure and make deductions; and (3) the ability to understand, analyze, criticize and complete a variety of arguments, to identify issues, recognize assumptions or chains of reasoning, draw reasonable conclusions from evidence and detect reasoning errors. At the end of the program, students are expected to have a solid grasp of the critical thinking skills that are essential not only to success in law school, but to the practice of law.

As the file review process moves forward, the committee determines whether any of the admitted candidates should be required to participate in PREPP as a pre-condition to matriculation. In years past the committee was able to identify approximately 20 applicants whose academic backgrounds suggested that they would have difficulty with the rigor of law school and whose admissions, accordingly, should be made conditional on successful completion of the program.

The mandatory nature of the summer program, however, has been the subject of some controversy. Some participants have complained that their conditional admission and mandatory enrollment in the summer program stigmatized them in the eyes of their fellow students; moreover, some said, they were denied the opportunity to work during the summer, which left them strapped financially by the time classes began. Others who did not take part in the program complained that those who did had an advantage once classes began in the fall. Moreover, UNM has lost conditionally-admitted applicants who were admitted unconditionally at other law schools.

In 2002, the committee reassessed the criteria for requiring successful completion of the summer program as a condition of admission. Instead of applying a somewhat

inflexible standard based on relatively low LSAT scores and/or undergraduate grades, the committee attempted to evaluate in each case, based on the totality of the circumstances, whether the summer program should be required. To be sure, the committee's judgment was informed to some extent by on-going criticisms of the conditional admissions policy, and by competition with other law schools for those students. At the same time, however, it was apparent that only a very small number of applicants – perhaps three or four – were clearly in need of advance preparation, a number too small to justify a full summer program. Accordingly, the committee, in consultation with the Dean and the Associate Dean, decided that year for the first time to open the PREPP program, free of charge, to any accepted applicant on a first-come, space-available basis. Those whom the committee felt would most benefit from the program were especially encouraged to apply, but their admission to law school was not made conditional on their participation. As a result, the 2002 PREPP class was made up of 20 students representing a broad cross-section of what was to become the first year class.

The following year, the committee again determined that only a small number of those who had been accepted were in clear need of a remedial summer program. Accordingly, the 2003 PREPP program was voluntary.

The voluntary nature of the program has, however, presented some unanticipated problems. Instructors have indicated that some of the student participants have not been fully engaged in their studies and have, at times, been inadequately prepared for class. This matter might be addressed by grading the course and according it some law school academic credit, perhaps one or two credit hours. Another issue that has been raised by students is that because PREPP is offered at the beginning of the summer, some of them

have had to quit jobs in order to participate, thereby losing several weeks of income.

Some have suggested that the program be offered at the end of the summer, which would enable them to continue to earn income before beginning their studies.

#### *PLSI Summer Indian Program.*

The American Indian Law Center (AILC) operates the Pre-Law Summer Institute (PLSI), an eight-week program for aspiring Native American law students. In many ways PLSI functions similarly to the law school's own PREPP program: students read and brief cases, study legal analysis, write legal memoranda and other documents and are tested on their developing skills. The admissions committee receives a number of applications from promising, but high-risk Native Americans. In these cases, the committee works closely with AILC to determine whether the PLSI program might be advisable. In many cases, successful completion of PLSI has been an important factor in the favorable consideration of a law school application.

Over the summer a number of PLSI students who have not applied to UNM become interested in doing so. The Admissions Committee actively solicits applications from these students. These late applications are then considered (usually toward the end of the summer) by the Director, the committee chair and other members of the committee who are available. All accepted Native American applicants are awarded grants in the amount of resident tuition, the cost of which is shared equally by the university and the law school. Nonresidents are responsible for the difference between resident and nonresident tuition.

#### **6. Issues for Discussion.**

The committee acknowledges that individual faculty members may propose additional matters that merit discussion, but offers the following for the purpose of initiating debate:

- Is the current class size, 105 – 110 entering students, appropriate for the school?
- Should the policy mandating that 85 – 90% of the students be New Mexico residents be retained?
- Does the current student body reflect the school's aspirations for excellence?

- Has the school been successful in enrolling the best of its accepted applicants?
- Why are some applicants choosing to attend other schools? Should this be a cause for concern?
- Has the recent implementation of merit scholarships been effective in attracting students?
- Is the school marketing itself effectively?
- Does the current student body reflect the school's aspirations for diversity?
  - What should the school look like, and why?
  - Does the school have a rational sense of its relevant constituency? New Mexico? The Southwest? The West? The Nation? The applicant pool?
- Do the admissions procedures comply with current legal requirements?
- Are the admissions procedures effective in according full, individual consideration to each applicant?
- Are the admissions standards appropriate for attracting an excellent and diverse student body?
- Should the law school continue to accept "high risk" applicants?
  - If so, what are the assumptions on which such a policy is based? E.g.,
    - that the school will be unable to attract a diverse student body otherwise?
    - that high risk applicants are more likely to remain in New Mexico to represent underserved populations?
    - that the law school should provide opportunities to individuals who would otherwise be unable to attend law school?
  - If not, what will be the consequences of abandoning the policy?
  - What factors define "high risk"?
- Should the law school maintain its summer pre-law program?
  - What is the purpose of the program? How should the program be structured to effect that objective?
  - Has the program been effective in preparing students for law school?

- Should the program be targeted toward certain students? If so, which ones?
- Should participation in a summer program be mandatory for some students? If so, what criteria are appropriate?

## Appendix A

### **The University of New Mexico School of Law ADMISSION POLICY**

Adopted by the faculty  
February 12, 1996

The faculty at the University of New Mexico School of Law is committed to excellence and diversity in its student body. Indeed, we believe that diverse backgrounds, experiences, and perspectives among the student body help to insure a dynamic, productive, and positive learning experience. In seeking to achieve diversity, the admission committee is instructed to consider a wide range of factors in evaluating applicants for admission, including but not limited to: demonstrated intellectual capacity, academic achievement, employment history, life experiences (including those related to ethnicity and national origin), academic and personal motivation, commitment to public service, the extent to which the applicant has overcome educational and/or economic obstacles, and other indicia that the applicant can succeed in law studies and make a significant contribution to the law school community.

Applicants are to be evaluated for their potential for academic success in law school and their potential to contribute to an enriching educational environment while in law school. As in most law schools, undergraduate grade point (UGPA) and performance on the Law School Admission Test (LSAT) are important factors in evaluating that potential. UGPA and LSAT scores are considered along with all other factors in deciding which students from among a very talented and qualified pool should be admitted to this law school. Unlike some law schools, however, the University of New Mexico does not use any presumptive cutoff points that rely solely on the combination of UGPA and LSAT scores. While high UGPA or LSAT scores are positive factors and low UGPA and LSAT scores negative factors, UGPA and LSAT scores at one extreme or the other do not automatically grant or preclude admission. Admission decisions at the UNM School of Law are made by a five-person admission committee, which includes a third-year student elected by the student body. We believe that their collective judgment provides for fairer and more balanced decisions concerning the selection of a diverse entering class. Each member of the admission committee evaluates all resident applications. All non-resident applications are prescreened by the director of admission.

Applicants are advised that important documents in this evaluation are the letters of recommendation, LSDAS report which includes their academic transcript and LSAT score(s), the personal statement, as well as any other relevant information provided by the applicant. Each of these documents provide members of the admission committee with important information about each applicant which in turn allows each member to make the difficult determinations on admission. Applicants are well advised to give considerable attention to each of the required documents to insure that the completed application fully and accurately reflects the applicant's individual background, abilities, qualifications and goals. The combined evaluation and judgment of the entire committee is then used to decide which applicants should be admitted. The law school does not grant personal

interviews as part of the evaluative process because it does not have the resources to conduct the number of interviews which would be required.

Applicants with relatively low undergraduate grades and/or LSAT scores, but with overall records demonstrating that they have overcome educational and/or economic obstacles and show other indicia that they can succeed in law studies, may be admitted conditioned on their successful completion of an approved prelaw program.

Since this school is a publicly funded institution and the only law school in the state, New Mexico residents are given preference, although nonresident applications are encouraged. The admission committee seeks to admit an entering class comprised of approximately 85 to 90 percent New Mexico residents and 10 to 15 percent nonresidents. Geographical distribution from within the state also may be a factor in selecting the entering class as part of our search for diversity.

It has been our experience that a large percentage of the applicant pool is qualified to be admitted to law school, and if admitted would succeed in law school. Given the small size of this law school, however, the applicant pool must be reduced to approximately 200 admittees in order to fill an entering class of approximately 105 to 110 members. Of necessity, therefore, many qualified applicants are regrettably denied admission.

The deadline for applications for admission for the fall semester is the preceding February 15th. Some applicants may be admitted on a rolling admissions basis, but action on all completed applications will be made by May 1 of that year. The use of a post-May 1 waiting list may result in the admission of some applicants after that date.

The School of Law adheres to the equal opportunity policies of the University of New Mexico and make appropriate accommodations for admittees with disabilities.

This policy shall be subject to periodic review by the faculty every five years or at an earlier date as requested by the dean.