

Chapman, Reva

From: Scarnecchia, Suellen
Sent: Monday, December 06, 2004 2:25 PM
To: CarrilloCruz, Lynn; O'Reilly, Patrick; Bradley, Shelby; Senior Admin Staff; Faculty
Cc: Chapman, Reva
Subject: Agenda for tomorrow's meeting

We are scheduled to meet as a faculty tomorrow, 12/7, at 3pm in Room 2405. Refreshments will be served.

The Agenda:

1. Approval of minutes
2. Dean's Report
3. Associate Deans' Report
4. Santa Fe Presence Committee – Leo Romero
5. International Committee (curriculum discussion) – Daniel Ortega

Suellen Scarnecchia
Dean, Univ of New Mexico School of Law
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FACULTY MEETING AGENDA
December 7, 2004

1. Approval of Minutes
2. Dean's Report
3. Associate Deans and Directors Reports
4. Santa Fe Presence Committee – Leo Romero
5. International Committee (Curriculum Discussion) – Daniel Ortega
6. Curriculum Committee: Con Law and LAP Requirements – Jenny Moore/Nathalie Martin

Faculty Meeting Minutes
December 7, 2004

Present: Scarnecchia, Parker, Suzuki, Moore, Martin, Homer, Romero, Lopez, Valencia-Weber, Schwartz, Bay, Rapaport, Bobroff, Winograd, Burr, Hughes, Hall, Bergman, Fritz, Norwood, Browde

Students: Carillo-Cruz, O'Reilly

The meeting was called to order at 3:13 pm.

I. Approval of Minutes

The minutes of November 23, 2004 were approved unanimously.

II. Dean's Report

- A. Dean Scarnecchia reported that she attended the CLE at Sea, put on by the NM State Bar, and that it was a good networking opportunity.
- B. Efforts are being made to deal with the sound problems in the building, and the issue has been referred to the remodeling department. Initial funding has been approved for soundproofing.
- C. New furniture has been ordered for the Venue. A staff survey has been conducted and everyone is encouraged to provide feedback on the operations.

III. Associate Deans and Directors Reports

A. Lopez:

Associate Dean Lopez asked the faculty to clarify the language in our policies to reflect that externships can only be taken by students after the first-year required curriculum has been completed. The motion passed.

B. Parker:

- 1. Library Director Parker reported that the first scanned exams went up on the intranet, and that steps have been taken to ensure that they are not altered.
- 2. Paperwork is in place to begin spending the library's legislative allocation on monographs. This funding must be spent in this fiscal year.
- 3. Legal history treatises database will be demonstrated at 2:30 pm on Thursday, December 9, in the Library conference room.

IV. Santa Fe Presence Committee – Romero (Report attached)

- A. The Committee recommends a pilot project to offer law courses over the regular term and the summer in Santa Fe to students, lawyers and government officials.
- B. Credits would not be transferable by non-JD students for JD credit.

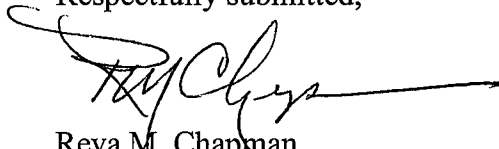
- C. Conditions of implementation of the pilot:
 - 1. Will not draw resources from current JD program.
 - 2. Will not offer 1st year courses.
 - 3. Will not dilute the curriculum at the Law School.
 - 4. Will need separate funding.
 - D. Univ. of Oregon has established a Portland presence, and the good-will generated has been incredible. It has increased the externship and CLE programs.
 - E. UNM School of Public Administration offers various courses in Santa Fe.
 - F. Lopez suggested asking for money from the Summer in the Southwest program for Summer 2006.
 - G. Burr has funding for Art law courses, and can work with the committee to apply one of these courses to the Santa Fe program.
 - H. The committee's preference is to have these courses taught by full-time law professors, although adjuncts could be used. It is suggested that there would be two or three courses during the term and two or three during the summer.
 - I. Martin suggested that the students from Santa Fe be surveyed about what they would think, and also ask the Santa Fe Bar about what would work for them.
 - J. Scarnecchia suggested that she should start talking to the UNM administration about keeping some tuition money to fund the pilot/program. All CLE funds would be retained to fund the program.
 - K. Romero, on behalf of the Committee, made the motion to have the faculty endorse the proposal for a pilot project to establish a Santa Fe presence. The motion passed.
- V. Curriculum Committee – Con Law and LAP Requirements – Moore/Martin
- A. By unanimous accord, the Committee moved that the faculty approve the following:
 - 1. Take LAP (three credits) out of the second term of the first year curriculum, replace it with required Con Law (three credits).
 - 2. Second years will take required Con Rights (as a four credit course) in first term.
 - 3. Offer Administrative Law regularly as an elective.
 - B. After discussion, Moore, representing the Committee, amended the above to say that the faculty commit to a three credit Con Rights course, with a professor's option to offer it as a four credit course.
 - C. The motion passed as amended.

- VI. International Programs Committee - Ortega
- A. The Committee has been discussing adding more international content to the required curriculum.
 - B. Three possibilities:
 - 1. Make International Law a first year required course.
 - 2. Internationalize the first year curriculum by adding specific content in one week sessions.
 - 3. Add a distribution requirement by students taking one of a list of offered international courses.
 - C. Valencia-Weber reported to committee that it would be of value for Indian Law students to have a basis in International law.
 - D. Comments are solicited from the faculty to the Committee members.

Dean Scarnecchia announced that she will be informing the faculty of next term's faculty meeting schedule soon.

The meeting was adjourned at 4:24 pm.

Respectfully submitted,



Reva M. Chapman
Administrative Assistant to Dean Suellyn Scarnecchia.

Chapman, Reva

From: Scarnecchia, Suellyn
Sent: Monday, November 01, 2004 6:42 AM
To: Chapman, Reva
Subject: FW: Report of the Ad Hoc Committee on a Santa Fe Presence

Hi Reva, Please save this document -- we will want to distribute for the ~~November~~^{December} faculty meeting. Please remind me a week in advance that this needs to go on the agenda and be distributed ahead of time. Thanks!

From: Romero, Leo
Sent: Fri 10/22/2004 3:46 PM
To: Scarnecchia, Suellyn
Subject: Report of the Ad Hoc Committee on a Santa Fe Presence

Suellyn:

Attached is the Report of the Ad Hoc Committee on a Santa Fe Presence. Please review and let me know if there is anything that should be added to the report, or deleted.

Since I will be out of town for the next two meetings, you might want to distribute the Report at the next meeting, ask for feedback, and then bring it to the faculty at a later meeting for a vote. I am confident that the other members of the Committee could respond to questions at the faculty meeting. If you prefer to wait until I return, please let me know.

Leo

Leo M. Romero
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School of Law
Albuquerque, NM 87131
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FAX: (505) 277-0451
E-mail: romero@law.unm.edu

REPORT OF THE AD HOC COMMITTEE ON A LAW SCHOOL PRESENCE IN SANTA FE

October 25, 2004

Introduction

Dean Suellyn Scarnecchia appointed the following to an Ad Hoc Committee on a Santa Fe Presence:

Leo Romero, Chair
Chris Fritz
Em Hall
Susan Mitchell
Pat Trainor
Peter Winograd

The background for this Committee started about a year ago with an inquiry from some Santa Fe lawyers about the possibility of offering law courses in Santa Fe. A contingent of three lawyers from Santa Fe met with the Dean and presented their reasons for the Law School to establish a presence in Santa Fe. This contingent included Toney Anaya, former Governor of New Mexico and current president of the Highlands University Board of Regents; Michael Sutin, attorney in the Santa Fe office of Sutin Thayer and Browne; and Fred Rowe, retired attorney who spent his career with Kirkland and Ellis and who now lives in Santa Fe and had become involved in the Santa Fe community. They noted a demand for law courses in Santa Fe and northern New Mexico, especially by the many civil servants working for the state, county and local governments. In addition, they requested that degree courses be offered to make it easier for Santa Fe residents to pursue a law degree. Finally, they suggested that the Santa Fe Community College would be willing to provide the Law School with space for courses rent free.

This request for a Law School presence in Santa Fe coincided with the development of the Law School's Strategic Plan to "extend the School of Law's educational reach to lawyers and non-lawyers." This objective also coincides with the UNM Strategic Plan. According to the Law School Strategic Plan (Draft 9/7/04), our outreach objective is "to raise revenue for the Law School, to expand our role in the University of New Mexico, and to expand our service to the State of New Mexico." In order to accomplish this objective, the Strategic Plan states that we should consider implementing a number of strategies that relate directly to the establishment of a Santa Fe presence. The most relevant strategies in the Plan are set forth below:

1. Increase the number of Law School courses open to non-law UNM students.
2. Increase the number of law faculty members teaching undergraduate or non-law graduate courses.
3. Increase the number of continuing legal education (CLE) courses sponsored by the School of Law or taught by faculty members each year.
4. Offer a series of courses or a curriculum for non-lawyers interested in legal education without pursuing a J.D. degree.

5. Extend the J.D. program beyond the Albuquerque campus.

Because the request for a Santa Fe Presence is consistent with the Law School's Strategic Plan, the Dean appointed this Ad Hoc Committee to consider whether the Law School should establish such a presence, what the nature of that presence should be, and what issues need to be addressed. The Ad Hoc Committee considered the following issues:

1. What courses should be offered (degree, non-degree, clinic, summer courses)
2. What facilities could be used
3. What would be the cost and where would the money come from
4. What approvals would be required (Law faculty, UNM, CHE, ABA)
5. What conditions should be imposed on a Santa Fe presence

Recommendation

The Ad Hoc Committee recommends to the faculty that it approve a pilot program in Santa Fe for the summer and fall of 2005 subject to the conditions set forth below. The pilot program would include the following:

1. The Law School would offer two or three courses in Santa Fe in the summer and an additional two or three in the fall of 2005.
2. The courses would be offered in the late afternoon, beginning around 5:00 pm., so students could attend classes after work.
3. The courses would be open to (a) our J.D. students for credit, (b) to non-degree students with a Bachelor's degree and perhaps some background in the subject matter, and (c) to attorneys who want CLE credit.
4. The course offerings would include some core courses like Criminal Procedure and Property II, as well as subjects of particular interest to government workers in Santa Fe like Water Law, Indian Law, Art Law, Legal History, and State and Local Taxation. (These courses are merely illustrative of the courses that might attract be offered. A survey might better identify the courses that would have a real draw in Santa Fe.)
5. Core courses offered in Santa Fe would duplicate courses offered on the Albuquerque campus.
6. The courses would be taught by full-time law faculty members, although adjunct professors could be used in exceptional circumstances.

Conditions

The Ad Hoc Committee makes the above recommendation subject to the following conditions:

1. The Law School's presence in Santa Fe cannot be allowed to have a negative effect on the Albuquerque J.D. program. This condition means that a Santa Fe

presence shall not drain resources from the Albuquerque campus and shall not dilute the curriculum offered at the Albuquerque campus.

2. The first year curriculum of the J.D. program shall be offered only on the Albuquerque campus.
3. Separate funding for a Santa Fe presence should be obtained. This means that the Law School budget should not subsidize a Santa Fe presence.
4. Courses taken for non-degree credit shall not count toward the J.D. degree if the student later is admitted to the Law School degree program (ABA requirement).
5. No more than 15 credit hours taken at the Santa Fe location could count toward the J.D. degree (ABA maximum without further approval).

Rationale

The Ad Hoc Committee considered the costs and benefits of offering law courses in Santa Fe, and concluded that the benefits outweigh the costs. A Law School presence in Santa Fe would bring some of our courses to the many civil servants who work for the state, county, and city. We are told that there is a demand for law courses in Santa Fe, and there is no basis for questioning that assertion. Assuming the demand for law courses in Santa Fe, a Law School presence in the State's capitol should have tangible benefits. It would help educate many in state government who could not otherwise take law courses. It would also create goodwill for the Law School and University among state legislators and government officials. This goodwill could result in a line item appropriation to support a permanent presence in Santa Fe. A pilot program would test the demand and would demonstrate our genuine interest in reaching out to teach law to non-lawyers and to students outside of the Albuquerque campus. If the demand does not exist or is so minimal to not justify a Santa Fe presence, we need not make the presence permanent.

The Committee also saw some benefits in offering law courses in Santa Fe in the summer. Law courses involving subjects like Public Lands Law, Indian Law, Art Law, or Legal History, if properly advertised, could attract J.D. students from other ABA accredited law schools. These students could be charged a fee in addition to tuition, much like the fee charged to non-consortium students who attend our Guanajuato summer program. Santa Fe has more of an appeal to outsiders than does Albuquerque, and a presence there might help us realize the summer school of the Southwest that we have long talked about.

Several other law schools that have established branches away from the primary location have reported real support for the branches. The University of Oregon School of Law, for example, recently opened a branch in Portland, about 120 miles from the school's home in Eugene. The dean reported that Portland alumni, the bar, the judiciary, and legislators have been very receptive to the law school's presence in Portland.

A Santa Fe presence would present no ABA accreditation or oversight issues. The ABA standards govern a law school's "Branch Campus" or "Satellite Campus." The pilot Santa Fe presence recommended by the Ad Hoc Committee does not come under the definition of either a "Branch Campus" (a place where a student can complete a degree program away from the main

campus) or “Satellite Campus” (a place where a student can take 16 or more credit hours, but is less than a Branch). The Committee’s recommendation limits the number of credit hours to 15 that count toward the J.D. degree.

University regulations would also permit the Law School to offer non-degree courses in Santa Fe as recommended, since a person with a Bachelor’s degree can take an unlimited number of non-degree courses. Moreover, no approval from the University would be required to offer off campus courses already approved by the University Curriculum Committee. Furthermore, no approval by the Commission on Higher Education (CHE) would be required.

The Ad Hoc Committee also considered the administrative concerns that a Santa Fe presence would entail but decided to address those issues only if the law faculty decides to approve the recommended pilot program. The Committee identified the following administrative issues, recognizing that others will undoubtedly arise:

1. Listing and advertising the Law School’s course offerings (e.g. in the state employee list serve, local newspapers, Law School website, University catalog)
2. Admission and registration of students
3. Tuition charges for degree and non-degree students
4. Tuition charges for CLE students
5. Staffing and customer service
6. Obtaining and monitoring facilities in Santa Fe

Respectfully submitted,
Ad Hoc Committee on a Santa Fe Presence

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