

7-1-1994

Natural Resources Journal & New Mexico Law Review, Annual Reports 1993 - 1994

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ANNUAL REPORT
OF THE
SCHOOL OF LAW

July 1, 1993 - June 30, 1994

Leo M. Romero, Dean

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Southwest Indian Law Clinic is supervised by Professor Christine P. Zuni, who was responsible for the basic planning and implementation of the SILC. In another area of the Law Clinic, the Summer 1994 clinical session will mark the completion of the third and final operating year for the Institute for Access to Justice Clinical Program (IAJ), which was funded under a series of grants from the United States Department of Education. The IAJ Clinical Program was warmly received in Albuquerque's low income communities and it is anticipated that its focus on low income community and group representation will continue in the regular case work of the Law Practice Clinic. The Law School also applied for a federal grant to fund a New Semester In Practice Program (SIP) which will begin in the Spring 1995 semester. The SIP program will allow students to receive a more focused and concentrated clinical learning experience by allowing them to devote all of their efforts for one semester to clinical education. The Law School has submitted a grant proposal to the Department of Education to provide three years' funding for this important new pilot program. It is anticipated that the SIP program, building on the focus and experience of the IAJ program, will become a basic part of the Law School's Clinical education program and a new national model for clinical education in the United States. This new effort in creating a clinical semester continues the Law School's long term emphasis on clinical education as a key component of the Law School's curriculum.

THE NATURAL RESOURCES JOURNAL

The Natural Resources Journal had an active and full publication year. The student Editorial Board was as follows:

Administrative Special Issue Editor	- Gabrielle Valdez
Lead Articles Editors	- Christina Bruff
	- Tom Kinney
	- Rich Weiner
Notes and Comments Editors	- Estelle Bowman
	- Catherine Cameron
	- Alexia Constantares
	- Lorraine Hollingsworth
	- Alberta Lux
	- Barbara Reddy
Coordinating-Processing Editors	- Claudia Gayheart
	- Terry Padilla
Natural Resources Reporter	- Suzanne Beaudette

The publication year of the Natural Resources was highlighted by the following:

Volume 33 #3 - July 1993

Harnessing International Law to Determine Israeli-Palestinian Water Rights: The Mountain Aquifer

-Eyal Benvenisti and Haim Gvirtman

The Institutional Imperative: Resolving Transboundary Water Conflict in Arid Agricultural Regions of the United States and the Commonwealth of Independent States

-Susan Buck, Gregory Gleason and Mitchel Jofuku

Legal Aspects of Transboundary River Basins in the Middle East: The Al Asi (Orontes), The Jordan and the Nile

-Dante A. Caponera

Volume 33 #4 - October 1993

The GATT-Tuna Dolphin Dispute: An Update

-Judge R. Kenton Musgrave

Impact of Land Use on Biodiversity Preservation in Nigerian Natural Ecosystems: A Review

-Gbadebo J. Osemeobo

The Endangered Species Act at Twenty: An Analytical Survey of Federal Endangered Species Protection

- Andrew Smith, Margaret Moote and Cecil Schwalbe

Volume 34 #1 - January 1994 - Special Issue entitled "Estimating CERCLA Damages"

CVM Spells Responses to Hypothetical Questions

-Peter Bohm

Was the Ohio Court Well Informed in Its Assessment of the Accuracy of the Contingent Valuation Method?

-Ronald G. Cummings and Glenn W. Harrison

Is the Glass Half Empty, Is the Glass Half Full? Compensable Damages and the Contingent Valuation Method

-David S. Brookshire and Michael McKee

Why the Ohio Case Shouldn't Matter

-Robert J. McManus, Esq.

Volume 34 #2 - April 1994

PDS Constraints on Utility Planning: A Review of Recent Visibility Litigation

- Alan P. Loeb, Esq. and Tiffany J. Elliott

State School Lands and Sustainable Resources Management: The Quest for Guiding Principles

-Jon A. Souder, Sally K. Fairfax and Larry Ruth

The Cleanup of Releases of Radioactive Materials from Commercial Low-Level Radioactive Waste Disposals Sites: Whose Jurisdiction?

-Clare Hartnett

The Natural Resources Journal is planning a Special Issue on the "International Law of Environmental Restoration" scheduled for the Fall of 1994. This is a pioneer field of international law and this issue will contribute to its development.

The Natural Resources Journal is also in the process of selecting articles for Volume 35, 1995 - the 35th Anniversary Year.

NEW MEXICO LAW REVIEW

Publications. During the 1993-94 academic year, the Law Review Editorial Board and Staff published four issues: three regular Law Review issues (March, May, & July 1994), plus the *United States-Mexico Law Journal* symposium issue (July 1994).

The Law Review's first issue contained lead articles covering various topics of interest. Some of the featured authors were Dean Rosemary C. Salomone of St. John's University School of Law, on public forum doctrine; Professor J. Thomas Sullivan of the University of Arkansas at Little Rock, with a response to a previous article on the New Mexico Court of Appeals' summary calendar; and Professor Henry M. Holzer, a visiting professor here at the Law School, wrote about the much publicized case of the Desert Storm woman soldier who was attacked by her First Sergeant.

The second issue was an Indian Law Symposium featuring articles written by Navajo Chief Justice Robert Yazzie, Professor Robert Laurence (recognized in the field of Indian Law), and an introduction by Senator Ben Nighthorse Campbell of Colorado. The Law School's Professors Gloria Valencia-Weber and Christine Zuni contributed articles on the tribal court system and Philip S. "Sam" Deloria gave an informal history of the American Indian Law Center located here at the Law School.

The third issue was the annual survey consisting of student-written notes on cases that significantly affected New Mexico's laws. This year there were 20 student notes published.

The fourth issue was the *United States-Mexico Law Journal*, a product of the United States-Mexico Law Institute, Inc., under the direction of Professor Franklin E. Gill. The issue contains the proceedings of the Institute's Second Annual Conference held in Santa Fe, New Mexico, October 28-30, 1993. This year's topics of discussion were *Current Issues in U.S.-Mexican Business Law: The Progress of the North American Free Trade Agreement; Enforcement of Foreign Judgments and Arbitral Awards; Secured Financing of Personal and Real Property*. The issue contains articles and panel discussions, some followed by questions and comments by the

participants, mostly taken from the transcripts of the Conference and some were papers submitted by the speakers. The Law Review staff edited the transcripts and papers for clarification, adding footnotes where appropriate. Professor Frederick M. Hart's commentary on Article 9 of the Uniform Commercial Code was translated into Spanish. There were a total of 14 article pieces and 4 panel discussions.

Write-on Competitions. The Law Review holds two write-on competitions annually. The first of these took place over the winter break period, December 1993-January 1994. The response was good with 59 packets being distributed. The Law Review also accepts papers written for the *Natural Resources Journal* competition. There were 21 papers turned in, 9 of which were written on the NRJ problem. The Board made offers of acceptance to 11 students and 10 of them accepted; all were first-year students who will be on the staff beginning Fall 1994.

The second competition was held over the summer break period with packet pickup from June 1 through July 27. A total of 35 packets were distributed. The return deadline is August 5, 1994. The 1994-95 Board will be making the selections from this competition.

Activities. Work Sessions. The Law Review held work sessions, known as "cite-checking parties," approximately once a month or when needed. These sessions have proven to be more efficient in getting articles cite-checked and edited for publication. The sessions also serve as a vehicle for staff interaction and developing comraderie which is very important for a good working relationship among the staff.

1993 United States-Mexico Law Institute Conference. Over the last weekend of October 1993, the United States-Mexico Law Institute held its Second Annual Conference in Santa Fe, New Mexico. The Law Review's editors for the *United States-Mexico Law Journal*, Andrew Abeyta and Paul Owen, attended the conference. They supervised the tape recording of the sessions, met with the speakers, and assisted with some of the activities of the conference.

National Conference of Law Reviews. The National Conference of Law Reviews, of which the Law Review is a member, held its annual meeting in San Juan, Puerto Rico, on March 16-20, 1994. The meeting was attended by incoming Editorial Board members Gregory Williams (Editor-in-Chief) and Monique Salazar (Managing Editor). They reported that they learned much about how other law reviews operate and how our law review compares with others nationwide.

Indian Law Conference. The Nineteenth Annual Federal Bar Association Indian Law Conference was held in Albuquerque on April 7-8, 1994. 1994-95 Symposium Editors, Alison Arias and Mike Witt, attended the conference in preparation for their Indian Law issue. The conference covers a broad range of topics critical to the development of Indian law. Some of the issues of this year's conference were health reform, the Endangered Species Act, economic

development, compliance with the Indian Child Welfare Act, implementation of the Indian Gaming Regulatory Act, water rights settlements, and water quality regulation in Indian country. The editors are also trying to get permission to publish some of the most significant speeches given at the "Listening Conference" held in Albuquerque this spring.

The Law Review Board. 1994-95 Editorial Board Appointments. In March, selections for the 1994-95 Editorial Board were made and a total of 14 positions were filled. The Board will again have two editors each for the symposium issue (to again be on Indian Law issues) and the *United States-Mexico Law Journal* issue.

Membership. In the spring, there was considerable discussion by both the current and new Boards and the staff about the criteria for Law Review membership and they considered the possibility of establishing a base grade point average or class standing as a condition for membership. They also discussed limiting the size of the Law Review staff because many felt that this year's staff of nearly 50 was too many and some students quit after the Fall semester because of lack of work. The 1994-95 Board will consider these changes for next year.

Future of the *United States-Mexico Law Journal*. There was also discussion regarding the future relationship between the Law Review and the *United States-Mexico Law Journal*. There was concern about just how the *Journal* will fit into future Law Review publication: will it be a permanent issue of our subscription or will it continue to be a separate issue? Because of the larger amount of work involved with its publication, should it have its own separate staff or should the Law Review continue to "share" its staff for this issue? There have been meetings with Dean Romero, Professor Gill, Director of the United States-Mexico Law Institute, the Law Review's Administrative Secretary, and the 1994-95 Editor-in-Chief concerning this issue. The meetings are continuing and hopefully this issue can be resolved soon.

Case Notes. The 1994-95 Survey Editor initiated a new approach to dealing the number of case notes she and the Notes & Comments Editors must supervise and edit. She has set two writing periods: the first set to be done over the summer and the second set during the Fall semester. This schedule should alleviate the problem of the editors being inundated with work.

Expenses. The Law Review has managed to hold down expenses this year. One area which shows a dramatic drop is in publication expenses. This was due mainly to smaller-sized books and smaller quantities printed. The basic page limit for each issue is 250 pages; the three issues this year averaged just under 200 pages. The Law Review also worked harder to limit the number of corrections made on the first and final proofs to keep down the charges for these alterations.

Future Plans. Desktop Publishing. The Law Review has been talking with the Computer And Technology Services (CATS) personnel about

acquiring new computers, a printer, and software to enable the Law Review to move into desktop publishing. Discussions are still continuing and nothing has been decided as yet.

1994 United States-Mexico Law Institute Conference. The Third Annual Conference of the United States-Mexico Law Institute is scheduled for September 15-17, 1994, in Santa Fe, New Mexico. This year's topics are "Current Issues: Corporations, Energy and Labor." As the Law Review will again publish papers from this conference, the editors for the *Journal* will be very busy upon their return to school coordinating the conference speakers/authors for the publication. With the conference being held over a month earlier this year the staff will have busier fall semester, but this should result in an earlier publication date next year.

INTERNATIONAL TRANSBOUNDARY RESOURCES CENTER
(Centro Internacional de Recursos Transfronterizos -CIRT)

The 1993-94 year has been active for CIRT. The highlights of the year have been as follows:

NAFTA and the Environment (Stanford University). In cooperation with the North America Forum at Stanford, and the Center for Latin American Studies at Stanford, CIRT helped organize an all-day conference entitled *NAFTA and the Environment: The Tuna-Dolphin Conflict*. This has and continues to be an important and controversial issue between Mexico and the United States.

The U.S.-Mexico Border (Santa Fe). In cooperation with the Udall Center at the University of Arizona and with the financial assistance of the Ford Foundation, CIRT organized a conference entitled *U.S.-Mexico Border: An International Region Under Stress*. The conference was located at La Posada de Santa Fe in Santa Fe, New Mexico. The goal of the conference was to bring together all the Ford Foundation grantees working on U.S.-Mexico projects in order to share research results and issues.

Transboundary Resources (Durham, England). In cooperation with the International Boundaries Research Unit of the University of Durham, CIRT co-sponsored an international conference entitled *Transboundary Resources: Conflict Resolution and Peaceful Management Strategies*. The program included a wide variety of topics including conservation, hydrocarbons, river basins, fisheries and mining. The Director moderated the panel on River Basins. Among the Associates of CIRT participating were: Dr. Ellen Hey of Holland, Dr. Dante Caponera of Italy, and Dr. Stephen Mumme of Colorado State University. The conference was held at the University of Durham on April 14-17, 1994.

The Rio Grande Basin (El Paso). CIRT, through its Director, participated in the planning of the Town Hall conference on *Sustainable Development for the Rio Grande/Rio Bravo Basin*. The