School of Law Annual Report 1988-1989

School of Law Dean

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REPORT OF THE
SCHOOL OF LAW

July 1, 1988 - June 30, 1989

Theodore Parnall, Dean
INTRODUCTION

Since the last annual report, (i) in addition to demonstrating their increasing skills in advocacy and mediation, our students have won national and regional awards, (ii) members of our faculty have produced valuable scholarship and have been recognized for their excellence in the teaching of trial advocacy by the American College of Trial Attorneys, and (iii) our alumni have achieved additional positions of service to the State of New Mexico.

The Law School received new responsibility during the past year in the area of selection of New Mexico's judges. Since the adoption of an amendment to the state constitution in November, 1988, the Law School has been the organizational center for New Mexico's judicial selection commissions.

The Law School also organized, pursuant to a contract with the federal government, the first extended Spanish language legal education program for public prosecutors from Latin America. This was in addition to new curricular offerings in health law, Indian law and mediation/alternative dispute resolution.

The law students were also successful during the past year: victories in regional competitions, an excellent rate
(88%) of passing for first-time takers of the Bar Exam, and success in the job market were among the notable achievements for the year.

A. Significant Achievements

1. Law School Wins Gumpert Award

The American College of Trial Lawyers selected the University of New Mexico School of Law for its 1989 Emil Gumpert Award for Excellence in the Teaching of Trial Advocacy. The national award is accompanied by a $25,000 stipend.

The award also puts UNM in prestigious company. Since the award was first made in 1976, recipients have included Harvard, Yale, Cornell, New York University and the University of California.

"I think it's an extremely nice compliment to this law school to be selected," said Stuart Shanor, a Roswell-based lawyer and ACTL member who performed an on-site evaluation of UNM for the group's award committee.

"UNM," he said, "has done a very unique and thorough job of developing a clinical program in a less populous metropolitan area.

"It's really a hands-on experience," he added.

"You have students learning how to develop their
files, how to keep themselves alerted to deadlines and to properly communicate with the client.

2. **Law School/USAID Latin American Project**

Fifteen Peruvian attorneys were introduced to the U.S. criminal justice system by faculty at the University of New Mexico School of Law. The program, put together under a $110,000 contract with the U.S. Agency for International Development, drew eight prosecutors from the capital city of Lima and eight others from the cities of Cuzco, Arequipa, Trujillo, Chiclayo and Ica.

The agency selected UNM for the grant because of the large number of bilingual law professors at the Law School. The program was conducted entirely in Spanish and was coordinated by Professor William MacPherson. Participating law school faculty included professors Antoinette Sedillo Lopez, Chuck DuMars, Jose Martinez, Leo Romero and Anita Morse.

The Peruvian visitors, whose legal system is based on the French Civil Code, were treated to an overview of U.S. jurisprudence. That was followed by a short course on criminal procedure that
featured visits to Bernalillo County Metropolitan and District Courts, as well as the Federal Courthouse in Albuquerque.

3. The U.S. Department of Education recently awarded the UNM Law Clinic an $82,000 grant to expand its offerings. A portion of the grant will be used to create two new clinical building-block courses to be offered to second-year students. These courses will link the first-year curriculum and the clinic by introducing clinical skills training as preparation for a more advanced clinical experience. The advanced clinic, to be offered in the third year to students who have completed the two preparatory courses, is now in the design phase. It is likely to include a mix of complex cases, as well as a classroom component focusing on advanced lawyer skills, analysis of legal institutions, professional ethics and the role of the lawyer in society. The new, sequenced curriculum is for students who wish to emphasize professional skills training and preparation for the actual practice of law in their legal education.

Three adjunct faculty will assist in the new
clinical course offerings: C. LeRoy Hansen, of Civerolo, Hansen & Wolf; Marian Mathews, formerly of Mathews, Crider, Calvert & Bingham, and now with the New Mexico Attorney General's office; and William Snead, of Ortega & Snead.

4. Kennedy Visit Announced
The Hon. Anthony M. Kennedy, associate justice of the U.S. Supreme Court, will visit the University of New Mexico law school next January to deliver the 35th annual John Field Simms Memorial Lecture. Kennedy will deliver, "The Rule of Law: The Idea and the Reality," on Jan. 23 at 7 p.m. in UNM's Continuing Education Auditorium on the north campus.

The John Field Simms Memorial Lectureship was established in 1954 by Albert Gallatin Simms in memory of his brother. John Field Simms was an eminent trial attorney, distinguished public servant and a former justice of the New Mexico Supreme Court. He also served as a member of the university's board of regents.

In addition to delivering the lecture Kennedy will meet informally with friends, students, faculty and alumni during his three-day visit.
5. **Law/Medical Cooperation**

UNM's first-year law and medical students met for an exchange of views on ethics and professional responsibility on November 16, 1988. Two hundred students and 20 law and medical school faculty participated in the seminar, the first of its kind at the School.

Robert Schwartz, professor of law, Gregory Franchini, Director of Medical Student Education in Psychiatry and assistant professor of Psychiatry and, Scott S. Obenshain, assistant dean of Undergraduate Medical Education and professor of Pediatrics, coordinated the event which permitted law students and medical students to confront each other over the roles of the two professions in society.

According to Schwartz, the seminar's objective was to acquaint both law and medical students as early as possible in their educations with some of the basic ethical questions common to law and medicine and to develop interprofessional understanding of these difficult issues.

6. The New Mexico Constitution was amended in November, 1988. The amendment doubled the law
practice experience required for district court judges (3 to 6 years), tripled that required for appellate judges (3 to 10 years) and provided for a new method of selecting judges. When a judicial vacancy occurs, the governor must now fill it only with a person who has been nominated and recommended to him by one of 15 separate judicial nominating commissions (one for each of the 13 judicial districts, one for the Supreme Court and the Court of Appeals and one for the Albuquerque metropolitan court). The constitution goes on to provide that the dean of the UNM Law School has the apparently non-delegable job to serve as chairperson of all fifteen commissions. Between January 3rd and July 1st, 1989 over eighty people, serving on five separate commissions, interviewed a total of 115 candidates and recommended 24 persons for the eight judicial vacancies. The Governor made his appointments from those persons recommended and New Mexico had its first judges and justices selected under the new system.

7. Lewis Gift

The UNM School of Law received $25,000 in
December, 1988 from the Reginald F. Lewis Foundation. The Foundation was established by Lewis, an international financier.

The gift will be used for student financial aid, to support other law school programs, and for the "Reginald F. Lewis Prize" of approximately $5,000. In making the gift, Lewis said he believed that the law could be a meaningful way to create positive change that benefits U.S. society and hoped this contribution would foster the law school's efforts.

Lewis, 45, is Chairman of TLC Beatrice International, one of the world's major food companies with sales in 1986 of $2.5 billion. He also serves as Chairman and Chief Executive Officer of TLC Group, L.P., a Wall Street investment firm.

8. **Board of Visitors**

Members of the Board of Visitors spent January 25, 1989 at the law school attending classes and observing programs. They convened to critique and advise the school on curricular matters and the School's role in advancing professionalism in the Bar. Members who attended: Ted Parnall, Frederick
H. Sherman, Deming attorney; Kevin B. Gover, Albuquerque attorney; Delfido R. Conroy, Belen attorney; The Honorable Mary C. Walters, former Justice NM Supreme Court; Linda McDonald, Executive Director, NM Bar Association; Sarah Singleton, Santa Fe attorney; Robert Kestenbaum, VP and General Counsel, Sandia Corp.; Charles Pharris, President, NM State Bar; The Honorable Ray Austin, Justice Navajo Supreme Court; The Honorable H. Vern Payne, former Chief Justice, NM Supreme Court; Mary E. Lebeck, Albuquerque attorney.

9. Keleher & McLeod Honors Professor
A banquet honoring Ted Occhialino as the first Keleher & McLeod Professor was given January 28, 1989 at the Albuquerque Country Club by the Keleher & McLeod firm. Over 200 firm members, faculty, and friends attended.

10. Law Students Win Regional Competition
Two teams from the school of Law competed in the national finals of the Mock Trial Competition held in March, 1989 in Dallas, Texas. Both teams had been successful in reaching the final round of the Regional Championship held in Albuquerque, February 9-11.
The annual competition is sponsored by the American Bar Association, the American College of Trial Lawyers and the Texas Young Lawyers Association.

The two UNM teams were selected over 15 other teams representing the following nine law schools: Arizona State University, Brigham Young, Colorado, Denver, Lewis and Clark, Puget Sound, and Willamette.

The UNM team, which included Steve Scholl and Mary Dougherty, both third-year students, and Phyllis Bergsma, a second-year student, defeated Puget Sound in one of the final rounds. UNM students Barbara Arbuckle and Rebecca Madrid, second-year, and Joe Wosick, third-year, successfully opposed Willamette in the other final elimination round.

11. Students Win Lewis Prize

Two students who have just graduated from the University of New Mexico School of Law shared the first annual $5,000 Reginald Lewis Award. A panel of judges selected papers submitted by Martin Esquivel and Robert G. Cates on the topic of eliminating racism in the United States by the year 2000.
The prize was established earlier this year with a $25,000 gift from Reginald F. Lewis, a prominent Wall Street financier. (See item 7)
The papers were judged by a panel that included the Honorable Dan Sosa Jr., Chief Justice of the New Mexico Supreme Court, Metropolitan Court Judge Tommy Jewell and Albuquerque lawyers Susan M. Williams, Joseph Goldberg and James O. Browning.

12. A third-year Law student, Mr. Lawrence M. Leshin, was the National first place winner of the 1989 Law Student essay contest on Insurance Law sponsored by the Federation of Insurance and Corporate Counsel Foundation. Mr. Leshin's essay "Getting Your Constitutional Challenges to Punitive Damages Before the Supreme Court" won the $2,500 National prize and entitles the Law School to an additional $3,000 Scholarship fund.

13. Faculty Notes
   a. Professor Barbara Bergman recently held a training seminar for the Public Defender's Office. During the 1988-89 academic year she published Tactics for Confronting DNA Fingerprint Evidence, 3 BNA Criminal Trial

c. Professor Sherri Burr has been appointed to the Executive Committee of the AALS Section on International Law. Burr also spoke on "The International Legal Implications of Apartheid" at the New Mexico NAACP's annual convention held in October 1988 in Alamagordo. She also spoke to middle school students on "Space Law" as a part of Albuquerque Public School's Convocation Day Program.
Professor Robert Desiderio published a chapter, "Not-For-Profit Activities," in Bender's Federal Tax Service (Matthew Bender 1989) and a supplement, with Scott Taylor, "Planning Tax Exempt Organizations." He also presented "Equity and Restitution: Current Issues in Remedies," a CLE program, on Aug 25. He has been invited to participate in the first conference sponsored by the Program on Philanthropy and the Law: "Legal Issues Affecting Nonprofit Corporations," at New York University School of Law. Professor Desiderio is also a member of the CLE, Real Estate and Pro Bono Committees of the State Bar of New Mexico.

Robert J. Desiderio returned to full-time teaching at the Law School in January after two years as tax section director at Rodey, Dickason, Sloan, Akin, and Robb.

After two years of preparation, an interdisciplinary university task force is close to winning approval for a new graduate program in water resources administration - one which draws heavily on the talents of law
school faculty.
The proposed curriculum addresses key
dilemmas facing water administrators in an
era when the conflicting needs of rapidly
growing cities and agricultural users often
lead to litigation, according to Law
Professor Charles DuMars.
While water policy once was set by dam-
building civil engineers, today's
administrators need a grounding in
disciplines as diverse as law, economics,
hydrology, biology, urban planning and public
administration, he said.
As codirector of the Natural Resources
Center, DuMars and NRC associate director
Michele Minnis have helped draft the program
proposal, which calls for the first classes
to begin in January, 1989.
The two-year master's program would be
overseen by a steering committee appointed by
the NRC and run on a day-to-day basis through
the Division of Public Administration, but
would not otherwise be attached to a
university department.
Professor DuMars attended the Western States Water Council meeting with State Engineer Steve Reynolds recently. He also presided over a panel at the New Mexico Water conference on October 27, 1988. He has also been involved in developing a proposal for a summer legal institute in May with Professor Bill MacPherson who was recently in Mexico working on this exchange program.

f. Professor Jim Ellis gave the law school much visibility recently in connection with the Johnny Paul Penry case heard by the U.S. Supreme Court and the resulting national media attention on capital punishment for the mentally retarded. Ellis appeared on national and local television as well as public TV and radio. Ellis is on leave this year and is in Washington D.C. at American University. He is president of the American Association on Mental Retardation.

g. Professor Garrett Flickinger served as president of the UNM Faculty Senate for the 1988-89 academic year. He attended the LSAC Annual Meeting in June 1989 and was the
chairman of the Entertainment Committee.

Professor Christian G. Fritz, professor of law, is the 1989 recipient of the Ron and Susan Friedman Faculty Award.

The award, established by Ron Friedman, a 1971 UNM law grad and his wife, Susan, is given to recognize a faculty member's contribution to the law school. Friedman is in private practice in State College, Penn.

Fritz, who joined the law faculty in 1987 as a visiting professor, received a B.A. and a Ph.D. from the University of California at Berkeley and a J.D. from the University of California, Hastings College of Law.

Fritz writes and lectures extensively on legal history.

Professor Fritz spoke on "Comparative Dimensions On Law and Legal History" at the May 1 Law Day Seminar sponsored by the Albuquerque Bar Association. He also delivered "More than 'Shreds and Patches': California's 1849 Déclaration of Rights," at a conference on the California Constitution sponsored by University of California,
Professor Fritz also published an article in the October, 1988 issue of the American Journal of Legal History on Chinese habeas corpus cases in the federal courts of the nineteenth century. His co-authored, "California Legal History: A Bibliographic Essay" was published in the Southern California Quarterly, Summer 1988. Fritz was also a member of the Program Committee of the 1988 Annual Meeting of the American Society of Legal History and presented two papers at another legal history conference discussing the Spanish influence on the development of the West and the treatment of the Chinese under Western law.

Professor Fred Hart has been re-elected to the Law School Admissions Council's Board of Trustees. In addition, he is on AALS Committees for Hiring Minority Faculty and Clinical Law, and is on both the ABA Accreditation Committee and ABA Committee on Professional Skills.
j. **Professor Michele Hermann** has been very active in bringing alternative dispute resolution to the law school. She has conducted several innovative mediation trainings for both lawyers and law students and has added a mediation component to the first-year advocacy program.

k. **Professor Suedeen Kelly** presented the "Future of New Mexico Natural Gas" at the Second Annual Gas Conference sponsored by the New Mexico Oil Conservation Division. She also coauthored, with Hank Jenkins-Smith, "Law and Politics of Regulation in New Mexico" to be published in *New Mexico Government* (Garcia & Hain, ed., 3d ed.) in 1989. Professor Kelly also has had a very active speaking schedule. She presented "Economic Regulation in New Mexico" at the Economic Education Workshop, sponsored by the Better Business Bureau Education foundation in Albuquerque in June; "Where Now For New Mexico Natural Gas?" at the Second Annual Gas Marketing Conference held in Santa Fe in April, 1989; "Competition in the Natural Gas Industry," and moderated a
panel at Current Issues Challenging the Regulatory Process held by New Mexico State University in Santa Fe in March, 1989. Professor Kelly has been appointed to the AALS Committee on the Teaching of Legislative Law. She has also been elected as Vice-Chair of the Energy Committee of the ABA's Committee on Administrative and Regulatory Procedure.

1. **Professor Antoinette Sedillo Lopez** was the guest speaker at the University of Wisconsin School of Law's Faculty Colloquium in March, 1989. She spoke on maternal-fetal conflicts. In June, 1989 she joined Lee Teitelbaum and Jeff Jenkins to present "Gender Difference in Legal Education and Legal Careers" at the Law and Society Conference, also held in Madison, Wisconsin. Sedillo-Lopez also recently reviewed **Land Use, A.S. Mather, Longman Group U.K. Limited. 1986, in the Natural Resources Journal, Winter 1989.**

Antoinette Sedillo Lopez was the seminar moderator for "Professional Responsibility: Professional and Ethical Issues Facing
Minority Lawyers" at the National Hispanic Bar Convention held in Albuquerque in September, 1988.

m. **Professor Alfred Mathewson** moderated "Business Development and Commercial Law" at the National Hispanic Bar Convention in September, 1988. Mathewson was on leave during 1988-89, teaching at the University of Colorado School of Law.

n. **Professor of Law and Law Library Director Anita Morse** has published "Pandora's Box: An Essay Review of American Law and Literature on Prostitution" in the *Wisconsin Women's Law Journal*. In the article, she acknowledges UNM law professor Chris Fritz for his assistance and suggestions. Professor Morse is on leave this year. She will be working on advanced research at the University of Michigan.

o. **Professor Mario E. "Ted" Occhialino** was named the law faculty's first Keleher and McLeod Professor of Law.

The professorship was funded in part through a $67,000 donation from the Albuquerque law
firm of Keleher and McLeod.


Professor Leo Romero was named Associate Dean for Academic Affairs at the UNM School of Law, effective January, 1989.

As Associate Dean, Romero is responsible for faculty development, scholarship, and curriculum.

Professor Romero joined the law faculty in 1972. He teaches Evidence Trial Practice, Criminal Law, and Criminal Procedure. For the 1987-88 academic year he held the distinguished Visiting Howrey Professorship of Trial Advocacy, an endowed chair, at George Washington University in Washington, D.C.

Associate Dean Romero is also a member of the New Mexico Bar Task Force on Minorities in the Profession. Romero was a NITA team leader at the Southwest Regional meeting held in Dallas in June.


r. Professor Robert L. Schwartz has been named
the law faculty's first Henry Weihofen Professor of Law.
The professorship was funded through donations from alumni and friends and a match by special funds. The Class of 1968 also contributed to this professorship. Weihofen was one of the first law school faculty members, joining the faculty in 1948. He officially retired in 1972, but continued to teach for many years. Professor Weihofen is an internationally recognized expert in forensic psychiatry. Under the terms of the donation Schwartz receives a salary supplement for 2 years in addition to travel and research funds. Weihofen Professor Schwartz was a co-organizer for the National Conference of the State Judiciary on Bioethical Issues, held Sept. 7-10, 1989 in Reno, Nev.
The conference was part of a grant and is sponsored by The Women's Judges' Fund for Justice, The Institute of Public Law, UNM and the National Judicial College.
Two judges chosen by the chief justices of
each state and other representatives involved in bioethical issues will attend the conference.

s. Professor Scott Taylor spoke on tribal taxation at the Rocky Mountain Mineral Institute. He also has been invited, with Professor Desiderio, to participate in the first conference sponsored by the Program on Philanthropy and the Law: "Legal Issues Affecting Nonprofit Corporations," at New York University School of Law.

Professor Scott Taylor has had his article, "Many Perspectives of Taxing Captive Insurance," accepted for publication in Georgetown University's Tax Law Journal. He also published an article on captive insurance in the October 24 issue of Tax Notes.

t. Professor Al Utton was among 20 scholars invited by the Rockefeller Foundation from throughout the world to spend one month at the foundation's palace in Bellagio, Italy. The highly prestigious award is made to senior scholars only, to complete works in progress.
Professor Utton worked with Professor Robert Hayton of City University of New York on treaty practice governing international groundwaters.

Other work by Utton includes a completed chapter on U.S.-Mexico Water Relations in *Southwestern Water Issues*, to be published by NM Press; a chapter on International Streams and Lakes in the treatise *Water and Water Rights* to be published by Michie, and a work in progress on the Legal Aspects of Groundwater Problems in the California Baja Area.

Professor Utton organized a U.S.-Mexico press seminar on U.S.-Mexican legal, political, and economic issues. Editors and associate editors from major southwestern newspapers attended the three-day seminar held October 16-18, 1988 in Santa Fe. The underlying theme of the seminar stressed the great importance of a friendly and stable Mexico to the United States, and the critical need for a better understanding of Mexico on the part of the U.S. public,
according to Clint Smith, consulting professor of Latin American Studies at Stanford University and program officer for the William and Flora Hewlett Foundation. The conference was sponsored by the Inter American Press Association, UNM's Latin American Institute, and UNM's International Transboundary Center, which is funded by a grant from the Hewlett Foundation.

As president of the Law School Admission Council, Associate Dean Peter Winograd presided at the Council's Annual Meeting in San Diego, which was attended by more than 300 law school representatives. Winograd also was appointed vice chair of the American Bar Association's "Task Force on Law Schools and the Profession: Narrowing the Gap." He served as Chair of the Government Relations and Student Financial Aid Committee, the ABA Section on Legal Education and Admissions to the Bar and as ABA accreditation team member to the Georgia State University College of Law.
B. **Significant Plans and Recommendations**

No significant changes in Law School policies, programs or procedures are contemplated. We will continue to place emphasis on the following areas that have traditionally been of special interest to the Law School:

1. Clinical Law
2. Natural Resources
3. Indian Law
4. Laws affecting New Mexico's economic and social development

The Law School has also increased its involvement in the following areas:

1. Alternative dispute resolution
2. U.S./Mexico legal issues
3. Continuing Legal Education
4. Health/Aging legal issues

C. **Appointments to Faculty**

There were no permanent appointments to the Law Faculty during 1988-89. The following professors returned from leaves of absence:

Professor Robert Desiderio
Professor Ann Scales
Professor Scott Taylor
Visiting Faculty Members during 1988-89 were:

Mary Beth West
Franklin Gill

D. Separation from Faculty

Tom J. Farer, professor of Law and former president of UNM, resigned effective December 31, 1988. Farer will remain at the American University, Washington D.C., where he has been teaching since last January in its School of International Service.

E. Sponsored Research and Other Projects. The Law School's efforts in the area of sponsored research are directed principally through the following divisions or related entities:

1. The Institute of Public Law (Research Professor Paul Nathanson, director): was founded in 1969 as the public service arm of the Law School. It operates on funds from the university, and contracts and grants with various state agencies and other organizations. Total external contracts and grants and sales of materials for 1988-89 exceeded $500,000, a significant increase over the previous year. The Institute's

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annual report is annexed as Exhibit A.

2. The International Transboundary Resources Center (Professor Al Utton, Director) has received external funding for the two-year period 1987-89 from both the Ford Foundation and the William and Flora Hewlett Foundation in the total amount of $232,000.

3. The Clinical Law Program (Professor J. Michael Norwood, Director) was awarded a one-year grant from the U.S. Department of Education in the amount of $82,000 for its professional skills project. (see item 3 above)

4. The Natural Resources Center (Co-directors: Professor Lee Brown (Economics), Professor Charles DuMars (Law) is an organization for the advancement of interdisciplinary education, research, and public service programs focused on resource and environmental issues, with offices in both the Law School and the Department of Economics. It operates on funds from the University and contracts and grants with state agencies and other organizations. Total external contracts and
grants for 1988-89 were approximately $100,000. The NRC's annual report is annexed as Exhibit B.

5. The American Indian Law Center, formed in the 1960's as a unit of the Law School, gained independent status as an Indian-controlled non-profit organization in 1976. The Law School and the Center continue to work together closely in many projects. In 1988-89, the Center generated a total of approximately $850,000, of which $170,000 was for the re-established pre-law summer program.

F. Affirmative Action

1. Faculty. Of the permanent School of Law faculty, the Law School now has the following number of women or minority faculty members:

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>2</td>
</tr>
<tr>
<td>Hispanic</td>
<td>4</td>
</tr>
<tr>
<td>Women</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27</strong></td>
</tr>
</tbody>
</table>

2. Students.

   a) entering class

   Of 108 entering students in the 1989-90
School year, 51 are women; 33 are Hispanic, 1 Black, 6 Native American and 2 are Asian-American; minority students account for approximately 38% of the 108 members of the entering class.

b) total

Of 326 law students at the commencement of the 1989-90 academic year, 155 are women; 86 are Hispanic; 4 are Black; 16 Native American; and 6 are Asian-American. Minority students account for approximately 34% of the 326 law students.
INSTITUTE OF PUBLIC LAW
YEAR-END FINANCIAL STATEMENT
FY 1988-89

UNM Allocation

Carryforward for FY 1987-88 $116,400.00
Adjustment for FY 87-88 IDC $14,884.85
Net UNM Allocation (14,727.35)

$116,557.50

Revenues from Contracts and Grants (cash basis):

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>AARP</td>
<td>$64,000.00</td>
</tr>
<tr>
<td>Ali-Abba</td>
<td>7,246.00</td>
</tr>
<tr>
<td>Butterworth Legal Publishers</td>
<td>17,022.79</td>
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<tr>
<td>Corporation Commission</td>
<td>1,611.84</td>
</tr>
<tr>
<td>Environmental Protection Agency</td>
<td>42,152.00</td>
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<tr>
<td>Employment Security Division</td>
<td>11,500.00</td>
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<tr>
<td>State Environmental Improvement Division</td>
<td>99,736.50</td>
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<tr>
<td>State HED</td>
<td>12,122.58</td>
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<tr>
<td>HHS, Discharge Planning</td>
<td>63,155.38</td>
</tr>
<tr>
<td>Ittleson Foundation Grant</td>
<td>40,000.00</td>
</tr>
<tr>
<td>Law School - Judicial Selection</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Medical School - Families First</td>
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<tr>
<td>Medical School - Student Values</td>
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<tr>
<td>State Justice Institute</td>
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<tr>
<td>Traffic Safety Bureau - 87-88</td>
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<tr>
<td>Traffic Safety Bureau - 88-89</td>
<td>93,309.65</td>
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<td>TSB Special Publication</td>
<td>1,481.50</td>
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<tr>
<td>University Counsel</td>
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Total Revenues from Contracts & Grants $523,740.53

Revenues from Sales of Materials (cash basis): 22,102.47

TOTAL REVENUES $562,400.50

Expenditures:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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</thead>
<tbody>
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<td>Salaries</td>
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<tr>
<td>Fringe Benefits</td>
<td>80,928.96</td>
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<td>Equipment/Furniture</td>
<td>2,039.30</td>
</tr>
<tr>
<td>Building Improvements</td>
<td>3,700.01</td>
</tr>
<tr>
<td>Travel</td>
<td>6,459.14</td>
</tr>
<tr>
<td>Materials &amp; Services</td>
<td>100,686.50</td>
</tr>
</tbody>
</table>

TOTAL EXPENDITURES $613,374.45

Revenue Carried Forward: $49,026.05

* Actual expenses for the Ittleson Grant were $18,876.30 as of 6/30/89.
** Actual expenses for the SJI Grant were $36,412.64 as of 6/30/89.
The Institute of Public Law is a non-profit institute providing quality legal and technical services to a variety of government agencies and national public interest groups. Founded as the public-service arm of the University of New Mexico School of Law in 1969, the Institute forms an important link between New Mexico's only law school, government agencies and the community at large.

The Institute offers nearly twenty years of research and drafting experience on a wide spectrum of public law subjects. IPL serves as a valuable resource for purposes of research, analysis and drafting which assists government officials and others in their policymaking roles. It has prepared rules, regulations, legal manuals, issue papers, opinions, and proposed legislation on topics ranging from narrow legal questions to broad policy issues. IPL staff members work with employees in state and federal government as well as faculty of the Law School and other departments within the University.

The Institute is largely self-supporting. Although it receives an annual allocation from the University of New Mexico, revenues from contracts with government and public interest organizations comprise the main source of its budget. The New Mexico Supreme Court, the Office of the Governor, the Environmental Improvement Division of the Health and Environment Department, the Economic Security Division of the Department of Labor, the New Mexico Public Service Commission, the Corporation Commission and the New Mexico Traffic Safety Bureau are just a few of the organizations in New Mexico to which the Institute has provided services.

On the national level, the Institute has worked extensively with the American Association of Retired Persons, the Environmental Protection Agency, and the Department of Health and Human Services. In addition, the Institute has received grants from several national private foundations.

IPL's long-term involvement with public law and increasing involvement in environmental, aging and health issues can be seen from the following examples of projects undertaken during the past few years.

Training Programs

On behalf of the state Environmental Improvement Division, the Institute designed and coordinated a three-day Underground Storage Conference and Trade Show held in Albuquerque. The conference,
which took place in April 1989, attracted over 400 tank owners and other persons interested in and affected by EID's new regulations on underground petroleum and hazardous substance tanks.

The Institute recently conducted a four-day training program for New Mexico Department of Labor adjudicators. The participatory curriculum focused on skills in three areas: fact-finding, reasoning and legal writing.

Under a federal grant administered by the New Mexico Traffic Safety Bureau, the Institute coordinates statewide meetings for the Bureau about DWI and other traffic safety issues, and provides training for prosecutors and judges on DWI prosecution and sentencing.

The Administration on Aging has provided funding for "Statewide Training for Discharge Planners Serving Older Persons in New Mexico." This grant was funded pursuant to the Department of Health and Human Services: Office of Human Development Services Coordinated Discretionary Funds Program. Working with the New Mexico Association for Continuity of Care, the state and area Agencies on Aging, and the University of New Mexico Center for Aging Research, Education and Service, the Institute provided training to those individuals throughout the state who participate in the process of providing continuity of care for older adults. Considering the timeliness of the issue of premature or inappropriate discharge of Medicare patients from hospitals, this program was designed to create a discharge planning system that ensures a smooth transition from the hospital to the next level of care and focuses on the health and well-being of the older person, especially the frail older person.

The Institute's Center for Health Law and Ethics has received the following grant awards:

The Center received a one-year grant from the Retirement Research Foundation to develop, implement, and evaluate a Medical Treatment Guardian Program serving hospitals in the Albuquerque and Santa Fe areas. The Medical Treatment Guardian Program for hospitalized elderly patients provides temporary medical guardians for decisionally incapacitated, frail elderly patients with no known family, next of kin, or decision maker. These temporary medical guardians are certified to serve as court-appointed treatment guardians after successfully completing the training program developed and delivered by project staff and consultants.

One of the tools developed for the Medical Treatment Guardian Program is a document called the Values History. It has formed the basis for the National Values History Project, funded by the Ittleson Foundation for 18 months through 1990. The Values History is a document through which individuals may express their wishes and preferences, not only about specific medical treatments, but about the whole range of personal values which ought to be considered when any medical decision is made on their behalf. The document is being piloted in New Mexico and at selected sites around the country.
several versions of the form available, including an intergenerational form.

A joint contract has been awarded to the IPL, the Women Judges' Fund for Justice, and the National Judicial College by the State Justice Institute to create an 18-month project focusing on a three-day National Conference of the State Judiciary on Bioethical Issues. The conference, postconference education materials and technical assistance will acquaint state trial and appellate judges and other members of the legal community with current research on issues of bioethics and their relation to judicial decision making, as well as prepare the judges to present judicial education programs in the field of bioethics. Chief justices of each state, the District of Columbia, and all American territories will be asked to select two participants to attend the conference, which is scheduled for September 7-10, 1989.

Center staff also are working on other health law and ethics resource products, including: analysis of the current malpractice situation and its affect, if any, on the provision of obstetrical and gynecological services throughout New Mexico; and a comparison of the values used by medical and law students when resolving ethical dilemmas.

Drafting and Codification of Statutes and Regulations

IPL has broad experience in statutory and regulatory drafting and codification. Institute staff work closely with designated agency staff to design the statutory or regulatory framework, draft appropriate language, assist in public hearings and incorporate public comments into final rules and regulations.

For New Mexico's Environmental Improvement Division, IPL drafted rules for hearing procedures to be followed in the review of groundwater discharge plans. Over the past three years, the Institute has been drafting and assisting the Environmental Improvement Division with the implementation of regulations for the agency's Underground Storage Tank Program.

Under contract with the State Corporation Commission, IPL participated in the development of regulations for the new Insurance Code. Institute staff attended hearings, researched, and drafted regulations on several aspects of the Code. The Institute also worked with the Commission's Insurance Department to prepare regulations for risk retention groups and the New Mexico Patient's Compensation Fund.

Under a contract with the New Mexico Public Service Commission, the Institute revised the Commission's Rules of Practice and Procedure. IPL also drafted the Commission's regulations setting forth procedures for the rate cases of small water utilities, rural electric cooperatives, and water and sanitation districts, and assisted the Commission in the design and preparation of other rules and regulations.
IPL worked closely with the UNM Office of the General Counsel to draft procedures for the University governing student grievances, discrimination allegations, and sexual harassment complaints.

IPL staff attorneys drafted a major revision of the New Mexico Criminal Code. The code was drafted after researching laws from other states and current New Mexico law. Extensive commentaries were written for each provision of the proposed new code.

Until 1986, on behalf of the New Mexico Compilation Commission, the Institute compiled and supervised the publication of the legislation signed into law each year. The Institute researched conflicts and other problems for the Supreme Court's Advisory Committee in 1978, prepared requests for proposals and drafted new contracts with publishers and data base management consultants. In addition, staff designed and developed computer and other systems for the efficient administration of a complex data processing task. In 1977, the Institute recompiled the New Mexico statutes and, in 1986, recompiled the two volumes of Supreme Court rules.

Research and Analysis

The Office of Health Policy and Planning of the New Mexico Health and Environment Department awarded the Institute a contract to assist the Governor's Health Policy Advisory Committee with the development of a report, action plan and supporting documents for a health policy plan for New Mexico. The Institute's Center for Health Law and Ethics staff attended meetings, drafted policy statements, goals and objectives, provided summary reports and coordinated the final writing of the report. This report will direct the course New Mexico takes in many areas regarding health in the coming years.

IPL, under contract with the American Association of Retired Persons in Washington, D.C., prepared a 400-page background paper on medical malpractice and the elderly in 1986, as well as a substantial report on the liability insurance crisis. The documents were used by AARP to decide on its national legislative policy agenda with regard to these issues. The institute has prepared numerous policy papers for AARP during the past few years. These papers have dealt with tort reform, product liability and medical malpractice.

The Institute has completed work on a project funded by the AARP to examine surrogate financial management legislation in each of the 50 states, the District of Columbia and the Virgin Islands. The extensive final report includes information on such mechanisms as durable powers of attorney, conservatorship, and trusts; makes specific recommendations for improving state legislation; and provides examples of existing legislation that incorporate the recommendations. The manual will be published by the AARP.

At the request of the state Environmental Improvement Division, the Institute has studied the availability and affordability of pollution liability insurance for underground storage tanks and continues to monitor that insurance market for the agency. Under a federal
Environmental Protection Agency grant, the Institute has developed a handbook to assist the states in assessing the feasibility and design of state-sponsored insurance program for owners and operators of petroleum underground storage tanks. The handbook offers a detailed description of the concept of a state-sponsored insurance program and the options states should consider when designing a program to meet federal financial responsibility requirements on underground storage tanks.

The New Mexico Legislature has since funded a study of the feasibility of a self-insurance program for tank owners in New Mexico. The Institute will be conducting the study under the direction of the Environmental Improvement Division, which will report its findings and recommendations to the legislature in early 1990.

In 1986, Institute staff served as a locally-based Washington office for the Governor. Focusing heavily on federal funding issues, the Institute collected and analyzed legal and factual information about federal activities. In the process, IPL worked with New Mexico's congressional delegation as well as with the staff of a number of congressional committees.

IPL, with funding from the State Office on Aging, has researched and prepared curriculum materials for use in secondary and higher education in New Mexico regarding issues affecting the aging population. Special emphasis was placed on intergenerational policy questions, such as allocation of health care, social security, and family and government responsibility with regard to the elderly. Also, the Institute has just completed an intergenerational program funded by the Villers Foundation. The Institute developed a program of town meetings to create intergenerational dialogue about public policy issues involving high school students and community elders. This program was replicated with great success at several high schools nationwide.

Under a federal grant administered by the New Mexico Traffic Safety Bureau, IPL provides legal research for the Bureau on various traffic safety issues, including DWI. Traffic Safety Bureau personnel request research on DWI and other traffic related issues. IPL staff attorneys research problems and prepare memoranda containing a full analysis and conclusion for the requesting party. In addition, the Institute prepared a comprehensive study on the disposition of over 500 DWI cases in Bernalillo County's Metropolitan Court. Institute personnel will present the results of that study at the International Traffic Records Forum in El Paso, Texas, July 1989.

Manual Publication and Newsletters

IPL has published various manuals over the years. These have been designed for use by the private bar of New Mexico or have been prepared specifically for state agencies or the courts. In their preparation, IPL has tapped both its in-house staff expertise and the expertise of various law faculty members. IPL also works with technical experts outside the university community.
Under a grant administered by the state Traffic Safety Bureau, IPL has published several manuals dealing with the subject of driving while intoxicated. In 1984 and 1985, the Prosecutor's Manual for DWI Cases and the companion Trial Notebook were authored by a law professor and edited by IPL staff. The 1986 volume, Prosecutor's Manual for Vehicular Homicide Cases, was authored and edited by IPL staff attorneys.

Revisions to the Juvenile Probation Officers Manual were prepared by the Institute in 1986. This manual is a reference source and operations guide intended for everyday use by professionals in the field of juvenile justice. Similarly, the Institute prepared and updated benchbooks for judges of the courts of limited jurisdiction. The Metropolitan Court Benchbook, the Magistrate's Benchbook and the Municipal Court Benchbook each outline the procedures judges must follow in the cases they hear.

IPL has also designed, prepared and distributed newsletters, which have proven to be an excellent method of communicating with selected audiences in a regular and informative fashion. Since 1985, the Institute has published The Traffic Safety Newsletter, a monthly newsletter focusing on local and national traffic safety issues. Published for the state Traffic Safety Bureau, the newsletter focuses particular emphasis on the issues surrounding driving while intoxicated. The Institute also publishes a newsletter for EID's Underground Storage Tank Program. Tank Notes is distributed quarterly to approximately 4000 tank owners. At one time the Institute updated state agencies regularly on the federal budget process through the IPL Bulletin, a weekly newsletter.

For New Mexico attorneys, IPL publishes a monthly Case Indexing Service, which indexes all published New Mexico judicial opinions by subject matter until they appear in the New Mexico Digest.

The Institute of Public Law welcomes inquiries about past projects and possibilities for future projects.

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EXHIBIT B
1. Significant Developments During the Academic Year

The 1988-89 academic year has seen a continuation of growth and expansion within the Natural Resources Center (NRC). Projects and programs embarked upon last year have proceeded in their development this past year.

A. The Division of Public Administration/Natural Resources Center (DPA/NRC) was chosen as the joint organizational home for the proposed Master of Water Resources Administration degree program. Three proposals were submitted (from Geography, Community & Regional Planning, and DPA/NRC). Members of the Interdisciplinary Water Curriculum Committee who were not party to any of the three proposals submitted their choices to Vice President F. Chris Garcia, and, while all three proposals received favourable comments, the DPA/NRC proposal was endorsed unanimously. Therefore the water program will be housed administratively with Public Administration while policy and admissions will be determined by a Faculty Steering Committee appointed by the Co-Directors of the NRC.

B. The Master of Water Resources Administration (MWRA) proposal itself is moving through the approval process. This interdisciplinary master's program of 36 credit hours is comprised of a proposed curriculum drawn from the natural sciences, social sciences, engineering, law, administration, and communication, plus three interdisciplinary courses. Both New Mexico State and
New Mexico Tech are supportive of the proposal, and plan to implement a collaborative relationship with UNM, through use of television instruction. The proposal has received approval from the university committees that were charged with reviewing it, was officially adopted by the Regents at their September 12 meeting, and will be considered by the Commission on Higher Education in late September. If approved by that body and the State Board of Finance, the program will be in place to begin officially in the spring semester (January 1990).

C. The MWRA program has attracted the interest of a number of prospective students throughout the United State and even internationally. Approximately 80 individuals have expressed interest in the program, the majority of which are in the Southwest, but inquiries have come also from Costa Rica, Mauritania, Uganda, and Somalia, plus the eastern U.S. Of these 80 prospective students, it is estimated there will be around 20-25 students who enroll in the program at its inception.

D. The three interdisciplinary courses which will be included in the MWRA were offered this year on an experimental basis. The first course provided an overview of water resources, institutions, and issues in the Rio Grande basin, the second focused on design and use of computer models for analyzing problems of water availability and quality, and the third engaged students in a field research project located on Isleta Pueblo. A communications skills lab course accompanied each of the interdisciplinary courses as a corequisite. A total of approximately 60 students enrolled in the three courses, and the response to all three courses was excellent, although there are some areas which need improvement, changing, and/or elaboration.
E. The Natural Resources Center Certificate was awarded to nine students this academic year. Seven of these students received their law degree along with the NRC Certificate, and two received their Masters of Public Administration. This certification identifies the student as having completed the natural resources program.

F. Six NRC Associates were named in June as the Faculty Scholars for the fall semester. The Faculty Scholars Program releases faculty members from their teaching obligations for one semester to conduct an interdisciplinary research project. The program is sponsored by the offices of the UNM vice presidents for Research and Academic Affairs. The six NRC Associates chosen in June call themselves the "Rio Grande Basin Interdisciplinary Group" and they will be studying prospective changes in that basin due to global climate change. The six Faculty Scholars are Charles DuMars, Law; James Gosz, Biology; Michele Minnis, Associate Director of NRC; Chris Nunn, Economics; Stephen Thompson, Geography; and Bruce Thomson, Civil Engineering.

G. On May 23, 1989 the Public Lands Forum: Wilderness Issues was held on UNM campus. U.S. Senator Pete V. Domenici had requested that the Natural Resources Center co-sponsor this forum with him. Approximately 300 people representing various perspectives on wilderness issues attended the day-long session which addressed two principal issues: water rights and grazing rights. Former Secretary of the Interior Stewart L. Udall gave the historical perspective to the Wilderness Act, which is 25 years old this year, in his keynote address. Senator Domenici was enthusiastic about the interaction of ideas expressed by the various representatives of divergent viewpoints, and suggested that a Wilderness Working Group be formed to continue with the questions raised at the Forum. This group has
been formed and the work is continuing, with Chuck DuMars and Lee Brown, Co-Directors of the NRC, as Chair and Vice-Chair respectively of the eight-person group.

H. The Water Rights Transfer Study, begun in the fall of 1987, will continue until spring of 1990. Lee Brown is principal investigator from New Mexico in a study of the procedures and costs entailed in transferring water rights in six western states. The study is sponsored by the U.S. Geological Survey and is being conducted simultaneously in the six states by a team of lawyers and economists in each state. The New Mexico Water Resources Research Institute and UNM have provided matching funds for New Mexico's team, which includes Chuck DuMars (Law) and Tim De Young (Public Administration), as well as Sue Anderson, a graduate student in Public Administration.

2. Significant Plans and Recommendations for the Near Future

A. The Master of Water Resources Administration program, discussed in section 1 - B, will begin January 1990 if the approval process has been completed favourably this fall. This interdisciplinary program draws from eleven departments/units (Architecture & Planning, Biology, Civil Engineering, Communication, Economics, Geography, Geology, Law, Natural Resources Center, Political Science, and Division of Public Administration).

B. Appointment of the Steering Committee for the MWRA program will take place this fall. Chuck DuMars and Lee Brown, as Co-Chairmen of the NRC will officially appoint the Committee from the membership of the water administration program. James Gosz, Co-Chairman of the water program, will advise in the appointments.
C. The Faculty Scholars, discussed in section 1 - F, are housed on the second floor at 1805 Roma NE (the Faculty Club building). Their research will continue throughout the fall semester. They have already met with a team from Los Alamos National Labs that is addressing the same issue of global climate change. Hopefully their research will continue beyond the completion of their term as Faculty Scholars and as their topic becomes increasingly critical globally.

D. The proposed Wilderness Working Group, discussed in section 1 - G, is comprised of the following individuals: Judy Bishop, New Mexico Wilderness Coalition; F. Lee Brown, UNM Natural Resources Center; Frank A. DuBois, New Mexico Secretary of Agriculture; Charles T. DuMars, UNM Natural Resources Center; Bud Eppers, New Mexico Cattle Growers' Association; Steve Reynolds, New Mexico State Engineer; Charles L. Wiggins, Sierra Club; and Larry Woodard, Bureau of Land Management. Senator Pete Domenici has requested that the group make an effort to reach resolutions on the questions of water rights and grazing rights by the end of this calendar year. His proposal is currently under review by the entire New Mexico Congressional delegation.

E. The Water Rights Transfer Study, discussed in section 1 - H, has entered into its final quarter. Data that has been gathered is being analyzed, and several representative case studies are receiving extended and detailed review and analysis. The work to be completed in these final months are the summary analysis and reports, the comparative analysis and synthesis, the identification of possible changes in the water transfer procedures, and the final report.
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3. Appointments to Staff

Three additional UNM professors joined the NRC Associates this past year. The three are Douglas G. Brookins, Professor of Geology; Min Kantrowitz, Instructor of Architecture & Planning; and Janice Ellen Schuetz, Professor of Communication. The expertise of Min Kantrowitz was utilized spring semester when the second interdisciplinary water course was offered. Both Jan Schuetz and Doug Brookins contributed to teaching of the third interdisciplinary water course which was offered this last summer. With Jan Schuetz joining the water program, it brings to eleven the departments/units involved.

4. Separations from Staff

Denise Fort, who had been one of the NRC Associates from the School of Law, resigned this past year. She has moved to the West Coast.

5. Publications

The Natural Resources Journal and CIRT are both described in the annual report from the UNM School of Law.
11 September 1989

To: Ted Parnall, Dean of Law
From: Robin Morgan
Subject: Annual Report - Section on NATURAL RESOURCES JOURNAL & CIRT

Here are the paragraphs concerning the NATURAL RESOURCES JOURNAL and CIRT for inclusion in the Law Annual Report.

The Natural Resources Journal (NRJ), under the leadership of UNM Law Professor Albert E. Utton, has completed its 29th year of publication. This year there was a special wilderness issue, corresponding with the 25th anniversary of the Wilderness Act. Other special issues of the NRJ include... (were there others?)

Total subscriptions are approximately... (how many?) and include subscribers from throughout the United States and many foreign countries.

The International Transboundary Resources Center/Centro Internacional de Recursos Transfronterizos (CIRT) was established by Professor Utton and Alberto Szekely, a Mexican scholar. In addition to sponsorship of a variety of international conferences and research projects, CIRT publishes a triannual newsletter which addresses issues that jointly affect northern Mexico and the southwestern United States. It is in its second year of publication.

cc: Peggy Lovato