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School of Law Annual Report 1981-1982

School of Law Dean

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LAW SCHOOL ANNUAL REPORT
1981-82

I. Introduction

As is the case with an annual report, this report will highlight those activities which occurred during the past year and which were new, innovative or not part of the Law School's general activities. The daily education, scholarship and service activities of our faculty, students and staff are not included.

A. Educational Program

The Law school during the past few years has been reconsidering its educational program. The Curriculum Committee, starting with a report written by Professor Lee Teitelbaum for our 1979 retreat, has been reviewing our present program, considering suggestions from the faculty and isolating those processes, skills and information that future lawyers must have.

The Committee has been viewing this study from two perspectives, the first year and the upper classes. Traditionally, the first year has been dedicated to teaching legal analysis. In fact, most if not all, of our faculty believe that the primary purpose of the first year is to teach legal analysis. But teaching legal analysis has normally been accomplished through substantive courses. A conflict resulted: whether analysis or the substantive law is the primary goal of the first year curriculum. Since the general belief is that analysis is paramount, the Curriculum Committee was instructed to develop a first year program which stressed legal analysis.

The Committee's initial findings were implemented during the past academic year when a new course, Legal Analysis, was included in our first year curriculum. The goal of the course is to expose students immediately to the thinking processes of lawyers. Professor Frederick M. Hart, who established the course, developed it so that the analytical process involved with legal studies could be pursued as a subject independent of any particular substantive area. The course was offered as a single section, two-credit course; in 1982-83, it will be taught in three sections, and given four credits.

The second area upon which the Committee is focusing attention involves the upper class curriculum. It has been recognized that in the second and third years, information dissemination, skills development, and legal analysis are goals of the curriculum. The Committee and faculty are implementing these goals by developing concentrated and sequential course plans in subject matter areas and by establishing what we have termed "mini-courses".

The mini-course is the offering of a multi-credited course in generally one credit hour. It offers to students the opportunity to learn basic concepts and information in a specific substantive area without pursuing any particular issues in detail. It is more information communication than analysis. We hope that, as a result, students will be more selective in their curriculum planning and, at the same time, take a mini-course in a subject which they otherwise might not take.

The mini-courses offered this year are Federal Income Taxation, Natural Resources, Criminal Procedure, Commercial Law, Labor Law and Environmental Law. Of course, the subject matters offered in mini-course fashion will also be offered in a more traditional manner; that is, traditional two, three or four credit courses which develop the subject matter in more detail. These courses would lead to more advanced courses in the area. For example, a student who wishes to concentrate in tax law could take the three-credit Federal Income Tax course and then elect advance tax courses. On the other hand, a student who had little or no interest in tax law and who otherwise might not enroll in a tax course could take the one-credit Federal Income Tax course offered in the second semester.

The Curriculum Committee also proposed that additional upper-class requirements be included in the curriculum. The Committee believed that there are course areas to which every student should be exposed. It was also felt that since most students currently take these courses, more efficient resource allocation would be possible. This proposal will be considered by the faculty during the next academic year.

The third aspect of the educational program that has developed during the past year involves the Law Practice Clinic in our Clinical program. The Law Practice Clinic began a few years ago as the Advanced Litigation program. As it is now operated, approximately twelve students each semester participate in a general office-type practice to expose them to all aspects of a general practice, rather than to one specific area. In addition,

the Law Practice Clinic is taught by a team of teachers, one being a traditional classroom teacher, and the others being traditional clinical teachers. Also during the past semester a Visiting Professor, Wanda Foster, participated in the program.

B. Academic Standards Review

At the beginning of the academic year, the faculty met in retreat at Taos. One of the major topics of that retreat was a review of our student retention, probation and suspension policies. As a result, an ad hoc committee was appointed to review these matters in detail and make recommendations to the faculty. The committee has met continuously during the past year and has presented the first segment of its report. The report proposed a change in our procedures, recommending that, instead of presenting individual cases before the faculty as a whole, a faculty/student committee be appointed which would make initial decisions on these matters. This recommendation has been adopted by the faculty. the committee will now develop recommendations concerning appeals and standards by which particular student cases can be evaluated.

C. Moot Court, Client Counseling and Trial Advocacy Programs

The annual Rocky Mountain Moot Court Competition was held in Salt Lake City on November 7, 1981. The Law School sent two teams. For the seventh consecutive year, a New Mexico team won the regional competition and represented the region at the National Competition in New York.

The Law School also participated in the Regional Client Counseling Competition in Provo, Utah. The student team which

won our intramural competition represented the School. During the past year, Professor Helene Simson, who is the faculty advisor for the Client Counseling Competition, integrated the program into her course in Interviewing and Counseling. This permitted students to combine classroom and simulated experiences with respect to interviewing and counseling techniques.

Students also represented the School in the National Trial Advocacy program held in Portland, Oregon in February, 1982. This was sponsored by the American Bar Association and the Texas Trial Lawyers Association. The three students representing UNM School of Law were chosen after an intramural competition in which they were required to submit trial briefs. Overall, the participation in the competition was an extremely valuable and educational experience for the law students. The Law School intends to continue participating in the National Trial Competition in the future.

D. Natural Resources Journal

The quarterly NATURAL RESOURCES JOURNAL published 1,058 printed pages during 1981-82, including two symposium issues. The July 1982 issue was a symposium on Environmental Regulation and the U.S. Economy, and the October 1981 issue as a symposium on Nuclear Waste Management. The January and April 1982 issues were of varied content including articles on solar energy, acid rain pollution, mineral severance taxes, maritime boundaries, public land management, appropriative water rights systems, and international water law, among other topics.

Student Lead Articles Editors for the July 1981 issue were Carol L. Anderson and Marilyn C. O'Leary. Processing Editors were Stephen K. Bowman and Kathleen P. Watson. Note and Comment Editors were Cheryl H. Johnston and Joanne C. Reuter.

Student Lead Articles Editors for the October 1981 and January and April 1982 issues were Thomas C. Bird and Susan Tixier. Processing Editors were Terrence R. Kamm and Sandra M. Kemrer. Note and Comment Editors were Jane C. Cohen and Michele Guttmann.

Coordinating Editors on the July 1981 issue were Henry M. Peskin, Paul R. Portney, and Allen V. Kneese of Resources for the Future, Inc., Washington, D.C., while R.G. Cummings of the UNM Department of Economics served as the coordinating editor for the October symposium issue. Other UNM faculty who were published during the year were: H. Stuart Burness, Albert M. Church, and Roger D. Norton, all of the Department of Economics, and Albert E. Utton of the School of Law.

E. New Mexico Law Review

The NEW MEXICO LAW REVIEW published two issues totalling 877 printed pages during 1981-82. Topics covered included habeas corpus, unemployment compensation, capital punishment, and a survey of New Mexico law.

The student Editor-in-Chief of the Summer 1981 issue was Anne D. Goodman, with Robin Dozier Otten serving as Lead Articles Editor, Lynn Isaacson as Processing Editor, Tracy Sprouls as Notes and Comments Editor, and Judy Kelley and Joseph Werntz as Supervising Editors.

Sarah Curry Smith served as student Editor-in-Chief of the Winter 1982 Survey of New Mexico Law issue, and she also successfully negotiated for a change in frequency of publication from two to three issues annually, commencing instant 1982. Other editors of the Survey issue were Martha G. Dabney, Lead Articles; Matthew Holt, Processing; Paul E. Houston, Notes and Comments; and Jill Adams and Jocelyn Torres, Supervising.

Members of the State Bar contributing articles were: Thomas A. Donnelly and Ruth Musgrave Silver in the Summer issue, and Raymond Baehr, Daniel Dabney, Richard Hughes, David Kelsey, Suzanne Lebeck, Thomas Montoya, and Raymond Showers in the Winter issue. School of Law faculty who contributed articles were Michael B. Browde, William T. MacPherson, J. Michael Norwood, Mario E. Occhialino, Ann C. Scales and Luis G. Stelzner.

Beginning in 1982-83, the LAW REVIEW will publish three issues, one of which will be the Survey of New Mexico Law.

The LAW REVIEW continues to provide an educational experience for law students, and a working tool for members of the legal profession in New Mexico.

F. Carl Hatch Professor of Law and Public Administration

Through an endowment by Mrs. Carl Hatch, the University received a chair in Law and Public Administration in honor of the late Senator and Judge Carl Hatch. The chair is to alternate between the Law School and the Division of Public Administration. During the past semester, Sarah Weddington filled the chair at the School of Law. Ms. Weddington taught courses in Legislation

and Leadership, participated in the faculty retreat and faculty meetings, and gave many lectures in the University and community.

G. The John Field Simms Memorial Lecture

President Robert O'Neil of the University of Wisconsin System was the 1982 Simms Lecturer. President O'Neil's lecture, entitled, "Some Second Thoughts on the First Amendment," will be published in a future issue of the NEW MEXICO LAW REVIEW. President O'Neil also met with students and discussed with them issues of current concern including affirmative action and the Bakke case.

H. The Jury Project

A major research project at the Law School is the Jury Research Project. This study, undertaken by Gale Sutton-Barbere, Professor Lee Teitelbaum, and Professor Peder Johnson of the Psychology Department, is among the largest experimental investigation of jury behavior ever undertaken. It involves the running of seventy-two juries, together with a number of non-juror observers, and will employ a variety of measures (including content analysis of audiotaped jury deliberations, questionnaires of juror and non-jury participants, and outcome measures) to evaluate the extent to which juries and jurors follow both the general scheme of reasoning and specific rules for deliberation presumed by formal law in reaching their decisions. This study has been funded for the last two years by the National Science Foundation's Law and Social Science Program, and the principal investigators have just been informed that a further year's funding has been approved by the National Science Foundation.

I. The Bioethics Project

During June, the Law School provided the primary sponsorship and location for a Bioethics workshop which was co-sponsored by the School of Medicine, the State Bar, the Hastings Center, Institute of Society, Ethics, and the Life Sciences. The workshop, the first of its kind in the Southwest, brought together over 75 lawyers, physicians, philosophers, allied health care professionals, social workers, priests, and others from New Mexico and, a bit to our surprise, from all over the country. The conference presentations were organized, arranged and made through the cooperative effort of the faculties of the Schools of Law and Medicine and the leading bioethics scholars from the rest of the nation.

II. Appointments to Staff

Professor Ann Scales, who served as a Visiting Assistant Professor of Law during 1980-81, was appointed as an Assistant Professor of Law. Professor Karl Johnson also joined the faculty as a Visiting Professor of Law.

Professor Richard Bowler joined the law library faculty as an Associate Professor of Law Librarianship.

III. Separations from Staff

Professor Kurt Adamson who has been a member of the Law Library faculty left the Law School to become Associate Librarian at the Boston University Law School.

Ed Macy, a lecturer in our Clinical Program, resigned as of June 30, to join the staff of the Federal Public Defender in Albuquerque.

The Report of the Institute of Public Law
July 1, 1981 - June 30, 1982
Gary O'Dowd, Director

GOALS AND OBJECTIVES

The primary mission of the Institute of Public Law is to serve the citizens of this State by offering educational and training programs, technical and legal services and publications which will increase the productivity and responsiveness of state and local governmental entities. In recent years we have attempted to carry out this mission through a number of different programs and projects.

Educational and training programs performed in the past include teaching state and local government law to law students and to employees of the Department of Finance and Administration and Taxation and Revenue Department; teaching legislation to law students; providing training programs for Magistrates, Municipal Court Judges, Juvenile Probation Officers and other government officials; and providing in-house training and education for law students and other university students employed by the Institute.

Technical and legal services include the recompilation of the laws of New Mexico; drafting legislation; drafting rules and jury instructions for the Supreme Court of New Mexico; advising the Governor, the Secretary of Finance and Administration and the State Board of Finance; performing tax and public money studies; and creating a computerized legal data base for use by the executive, judicial and legislative branches of government containing the New Mexico Statutes, Court Rules and Instructions, parallel tables of the laws of New Mexico and Court

Opinions issued by the New Mexico Supreme Court and New Mexico Court of Appeals.

Publications include the Governor's Office Manual, the New Mexico Municipal Benchbook, the New Mexico Magistrate Benchbook, the New Mexico Juvenile Probation Officers Manual, the New Mexico Appellate Manual, the New Mexico Divorce Manual, the New Mexico Probate Manual, the New Mexico Collections Manual, Local and Federal Rules Handbook, Walden's Civil Procedure in New Mexico, Headnote and Indexing Services, and newsletters such as the School Newsletter.

POLICY AND PRIORITIES

The Institute has spent most of its time, principally because of financial considerations, in serving state officials rather than local government officials. It is believed that there is a need for the University to provide a broader range of educational and technical services to both state and local government employees. The Institute, as a part of the University Law School, is attempting to assist in carrying out this role of the University. An increasing number of law students are entering government service. The Institute is presently offering these students training through employment which will enable these students to be more productive and better informed public officers and employees. There is a need for all government employees to have a better understanding of laws enacted by the legislature which govern their day-to-day activities. It is hoped that in the future we will be able to provide educational programs for those public employees who have not had formal courses in government law. In cooperation with the Office of the Attorney General, Vance Mauney is presently writing a public purchasing manual to assist state and local government employees

in understanding the laws relating to public purchasing. Funding will be needed to publish this manual.

FINANCING

The Institute of Public Law has a timekeeping and billing system which assures that every employee, including every student employee, is accountable for both his or her billable and non-billable time. It is the goal of the Institute to bill governmental entities for employee time whenever possible. This enables us to continue to be responsive to those being served. The Institute also sells all publications of general interest at the highest reasonable market price. The Institute, however, is not viewed as a private law firm, consulting firm or publishing business, and it is therefore required to "donate" time and resources to a wide variety of programs and projects. Many costs, including some fixed costs, cannot be passed on to those who do pay for publications and educational, training and advisory services.

As programs have increased so have other costs which cannot be billed out to state and local governmental entities. Inflation has also increased the dollar cost of performing certain essential services.

The 1979-1980 fiscal year revenues of the Institute were less than the 1978-1979 revenues. The 1980-1981 fiscal year revenues were even less. This is partly because we completed the 1978 compilation of the New Mexico Statutes during the 1979-1980 fiscal year. Three permanent employees were layed off as well as six part-time temporary proofreaders to adjust expenditures to revenues. The Institute assisted in the assembly and publication of the 1982 revisions to NMSA 1978 and anticipates keeping this publication current in future fiscal years.

Although costs of the Institute have increased because of inflation, the Institute's funding for Supreme Court projects for the 1982-1983 fiscal year is the same as the 1979-1980 fiscal year. It is projected that revenues from the Supreme Court, Governor's Office, Board of Finance and Department of Finance and Administration will be far less than the pro rata cost of services performed by the Institute for these governmental entities. Projects performed at the request of legislators or the University such as the Eminent Domain Code and the enactment of the Educational Assistance Act are not funded by any outside source.

We are attaching a table of major projects performed by the Institute from 1976 through June, 1982.