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School of Law Annual Report 1968-1969

School of Law Dean

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REPORT OF THE SCHOOL OF LAW
July 1, 1968--June 30, 1969
Thomas W. Christopher, Dean

I. General Information

Enrollment in the fall of 1968 was 175, as compared to 185 the previous fall, 163 in 1966, 144 in 1965, and 97 in 1964. The freshman class had 79 students, of whom 5 were in the Indian Program, and 4 were in the CLEO (Spanish-American) program; 4 were girls. Twenty-one freshman were suspended for academic reasons in February or June (26 per cent). Forty-four graduated in June 1969 (45 in June 1968, 36 in 1967, 23 in 1966, 17 in 1965).

Faculty research was excellent, and publication was quite good. Eight of thirteen teachers had publications, including four books, ten articles, three book reviews, and two book supplements. Last year, eleven of twelve teachers had publications. Thus, for the fourth year in a row, the law faculty has excelled in scholarship. This is a first rate faculty!

The program for Continuing Education for the Bar included four seminars in Albuquerque and one in Hobbs.

The Institute of Public Law and Services continued its service to the state. The Institute has one attorney and one secretary on its staff, and is assisted by law students and others. A special report is attached. This Institute is a valuable arm of the school and, given adequate support, will be of great service to the state.

The American Indian Law Center continued its service. The special program to encourage Indians to study law, now in its third year, continued

to make satisfactory progress. The enrollment for the summer workshop in 1968 was 18; of these 5 were enrolled in the fall in our law school, 4 were enrolled in Arizona State, 2 were enrolled in UCLA, one was enrolled in Harvard, and one was enrolled in the University of Idaho. A special report on this Center is attached. The University continues to receive national publicity from this Indian program.

The law students continued to participate in community service. The bail bond program was carried on by second year students, and seniors worked with the magistrates' courts. A speaker's bureau furnished law student speakers for schools and clubs in the vicinity of Albuquerque.

The school sponsored two university-wide evening meetings on "What Women Should Know About the Law," and also sponsored two university-wide lectures, one by Professor Malcolm Sharp on "Religion and Law," and another by Professor Leo Kanowitz on "Women and the Law."

Eight faculty members served on University committees: Frank Dewey, Willis Ellis, Myron Fink, Frederick Hart, Leo Kanowitz, Albert Utton, Robert Walker, and Henry Weihofen.

The faculty continued its efforts to update the curriculum, and we now have a reasonably good offering. Academic standards in the school are good -- higher than in many law schools in the Southwest.

Grants from foundations and the government continue to be good. Total funding for next year is equal to about three-fourths of the regular law school budget.

11. Faculty

Three new people joined the faculty: Assistant Professor Jerome Hoffman (July, 1968); Professor Hugh Muir (July, 1968); and Professor Jerrold L. Walden (February, 1969). Professor Albert Utton was on sabbatical for the second semester.

Professor Carl Selinger resigned on August 30, 1968, to become dean of a college in New York.

Associate Professor Walter E. Barnett was promoted to Professor on July 1, 1969.

RESPECTFULLY SUBMITTED THIS 10th DAY OF JULY, 1969.

Walter E. Barnett

Dean

Attachments:

Report on the Institute of Public Law and Services
Report on the American Indian Law Center

A REPORT ON THE INSTITUTE OF PUBLIC LAW AND SERVICES
3-6-69

1
2

3 1. Introduction

4 The Institute of Public Law and Services is a branch of the law school,
5 and its primary function is to place the facilities and talents of the law
6 school in the service of state and local government, and of the community.
7 The institute presently has a full-time director, Mr. Raymond Sawyer, but no
8 other regular employees.

9 Much of the institute's work deals with contemporary problems and has
10 current, practical application, for example, instead of a theoretical paper
11 on what a state constitution should do, the institute works with a commission
12 that is actively engaged in re-writing the constitution. Another: the new
13 Magistrate system in Albuquerque was about to break down due to lack of trained
14 personnel. The institute, with a score of law students, is assisting in getting
15 the new court off the ground.

16 Some of the work is confidential and thus does not lead to publications.
17 For example, work done for the Constitutional Revision Commission is given to
18 the Commission itself and to no one else, and the Commission uses or does not
19 use the recommendations. Work done for the Governor, the Attorney General, or
20 a member of the legislature is for that official.

21 The institute is not in the business of taking public stands on issues.
22 It does not lobby. It is a service agency for state, local, and community
23 leaders. This limitation is an important, and we think, necessary one if we
24 are to have the confidence of officials.

25 The institute makes use of law faculty and of law students, sometimes for
26 pay and sometimes without compensation.

1 The Indian Law Center is a separate organization in the law school, and
2 its activities are not included herein -- although there is overlapping in
3 the work of the two organizations. Personal activities by individual members
4 of the law faculty are not listed herein. Thus, a list of all of the public
5 services by the law school would be much longer than the present summary.

6 II. Projects and services now completed, discontinued, or dormant

7 1. Constitutional Revision: In the summer of 1966, the Institute pro-
8 vided eight background and position papers for the State Constitutional Re-
9 vision Commission. Subjects were: home rule, water law, taxation, executive
10 branch, legislative branch, exercise of judicial function by administrative
11 agencies, bill of rights, and search and seizure.

12 2. Administrative law: In 1968, the Institute prepared a draft of an
13 "Administrative Procedure Act" for New Mexico, at the request of the Governor.
14 The bill passed one house last year but died in the other. It is still an
15 active bill.

16 3. Land Titles in Northern Counties of New Mexico: Proposed legislation
17 was drafted on this subject. The director and a law professor attended a con-
18 ference with the Governor and others regarding solutions to the problem. This
19 is a current problem but the Institute is not presently doing any work thereon.

20 4. University service: The Institute sponsored two seminars for the
21 University community, each running two nights, one on retirement, and the other
22 on women and the law.

23 5. Conference on Epilepsy (with School of Medicine): This was a panel
24 discussion on legal problems arising from epilepsy. This project is dormant
25 at the moment but plans are under way for a study to be made.

1 III. Projects and Services now active or semi-active

2 1. State Purchasing System: A governor's committee of citizens is
3 actively working to overhaul the purchasing laws and regulations for the
4 state. The Institute is assisting this committee in an important way by
5 providing staff assistance and in making background studies. This is a
6 major project, requiring months of work by two of our people.

7 2. Narrow Gauge Railroad: A private group is studying ways and means
8 for operating a narrow gauge railroad in Northern New Mexico. The Institute
9 is cooperating with this group by making a study to identify legal issues that
10 will be encountered if the state undertakes to operate this railroad.

11 3. Magistrates: New Mexico has a new Magistrate system, and the Institute,
12 at the request of the judges, is providing major support to the courts in
13 Albuquerque. This support involves one faculty member and about twenty law
14 students.

15 4. Co-ops: Several groups in the state are undertaking to organize
16 co-ops for disadvantaged groups; for example, a co-op is being organized in
17 Taos to manufacture Spanish furniture. The Institute provides advice for these
18 groups on such matters as how to incorporate, tax questions, and the like. The
19 legal problems involved are complex.

20 5. Consumer Credit Code: This past semester the Institute, with student
21 assistance, made a detailed study of the Uniform Consumer Credit Code, with
22 attention to changes needed in the New Mexico law to bring the statutes in line
23 with the Uniform Code. This study, incidentally, was requested by Senator
24 Eastham. The basic work on the study has been completed.

25 6. Flood Control: The Institute is working with the Corps of Engineers
26 to draft a model flood control ordinance for this area.

1 7. Pecos River: As part of a group, the Institute is cooperating in
2; working on a survey of water problems on the Pecos River. Schemes for water
3 allocation is one of the questions being investigated.

4 8. Food and drug: Federal and state officials are involved in a
5 "self-study" of New Mexico's food and drug laws and regulations. The Institute
6 is cooperating in this study, and to date has made a report on the history of
7 food legislation in the state, and has compiled information comparing the
8 statutes of the state with those of other states. The man hours in the
9 school's work have been substantial.

10 9. Bail Bond: The Institute, using several law students, operates an
11 advisory service for the Albuquerque courts in regard to release on recog-
12 nizance of indigent prisoners who are awaiting trial.

13 10. Speaker's Bureau: Law students speak to clubs, schools, and other
14 groups on legal subjects. The Institute supervises this activity--an important
15 service for the University.

16 11. Continuing Legal Education: The Institute sponsors seminars for the
17 Bar on a regular basis. This past fall, two seminars were given, one on tax
18 problems of doing business abroad, and the other on the trial of criminal cases.
19 This semester it is sponsoring an institute on anatomy for lawyers in coopera-
20 tion with the Medical School, and one on land development law. The Institute
21 sponsors two or more such seminars a year, and it joins other groups in
22 sponsoring additional meetings and courses.

23 12. State Hospitals: The Institute is working with the New Mexico
24 Department of Hospitals and Institutions in regard to some of the legal problems
25 the Department has; one of the projects here is to gather together all of the
26 statutes that affect the various hospitals.

1 13. State Bar: The Institute works closely with the State Bar, and it
2 assists in the planning and staging of State Bar meetings. In man hours,
3 this amounts to one man for about two months.

4 14. Civil Liberty Cases: The Institute, through the efforts of a pro-
5 fessor and of several students, provides legal research services for indigent
6 defendants in civil rights matters.

7 15. Attorney General: The Institute, using staff and law students, pro-
8 vides research for the Attorney General on questions which come to that office.
9 This research is supervised and coordinated by the Director of the Institute.

10 16. Various Campus Projects: The Institute is occasionally called on
11 for assistance, usually of a limited nature, in regard to a project of a campus
12 group or committee. For example, it has just been asked to work with a campus
13 group that is exploring the possibility of junior colleges in certain areas of
14 the state. These chores require a good deal of time but they do not look too
15 impressive when set down in a report.

16 IV. Projects of the future.

17 1. Annotate for New Mexico a trial manual on the defense of criminal
18 cases. Perhaps to be done this summer.

19 2. Study legal aspects of the urban development and zoning of the Rio
20 Grande Valley. This is in the talking stage.

21 3. Training courses for judges, clerks of court, and other officials
22 who require a legal oriented training program.

23 4. The medical school is considering applying for a grant to make a study
24 of automobile accidents. The Institute is cooperating, and, if the grant is
25 received, probably will have a role in the study.

1 V. Needs of the Institute

2 The Institute should have a total of four regular professional people on
3 the staff (has one now--the director). Each of the four would have an area
4 of specialty, and this is much needed. Beyond the four regular staff members,
5 it is anticipated that additional staff would be added as needed for projects,
6 with their salaries, etc. being funded through the project.

7 VI. Cooperation with other groups

8 The Institute has a limited sphere of activity, namely, law and law re-
9 lated areas. Its work may frequently involve cooperation with other (non-law)
10 groups on and off the campus, and we welcome such cooperative action. We
11 welcome ventures in which lawyers work on problems with people of other
12 disciplines. Such cooperation gives better results, and benefits the campus,
13 including the law school.

14 VII. Justification for the Institute

15 State and local officials and agencies frequently need impartial, non-
16 political assistance. Other states for years have had groups available for
17 such assistance, some of which are independent and others operating through a
18 University. The Institute of Government, a division of the University of North
19 Carolina at Chapel Hill, is an example of the latter; organized by a law pro-
20 fessor in the 1930's, it has been remarkably successful in serving the state,
21 and it now has a large staff and budget, its own million dollar building (via
22 a gift), and a solid reputation for service and training. New Mexico is a
23 relatively poor state, and yet it has about the same problems as New York or

1 North Carolina. It makes good sense for New Mexico to make use of the law
2 school for this purpose, since such use secures the advantages of an existing
3 law library, a law faculty, physical facilities, etc.

4 From the point of view of the University, this Institute provides an
5 opportunity for service to the state on almost a day to day basis, and this
6 service frequently makes direct contact with political leaders. The possible
7 benefits to the University are obvious.

8 VIII. Risks involved

9 The Institute could use too large a percentage of the law school's re-
10 sources, which means that the faculty and students would devote more attention
11 than is desirable to local matters. A law faculty (and students) should have
12 all kinds of interests--international law, jurisprudence, labor law, civil
13 rights, etc. We must guard against pushing our people too much into local,
14 current problems. My judgment is that our present degree of involvement is
15 too large, for the long haul, but that we are justified temporarily in order
16 to get the Institute off the ground. Thus, I do not object to concentrating
17 our resources for a short period of time. Over the years, however, the
18 Institute must stand pretty much on its own feet, with faculty working with
19 it only to the extent of their interests.

1 University of New Mexico School of Law

2 AMERICAN INDIAN LAW CENTER

3 March 7, 1969

4 The American Indian Law Center is a branch of the University of
5 New Mexico law school, and reports to the law dean. It has a director,
6 Professor Frederick M. Hart, who devotes part time to this activity, and
7 a temporary associate director who is a full blood Cherokee Indian and a
8 graduate of Harvard Law School. A law faculty committee advises the
9 Center. Ultimately, the Center will have a board of advisors, to include
10 non-law people and also one or more Indians.

11 The purpose of the Center is to render services of a legal nature
12 to Indians. The primary source of funding is from government or founda-
13 tion grants, and, by and large, the financing has been on a catch-as-catch
14 can basis.

15 Present activities of the Center are:

16 1. Indian Law Student Program: This is a special program to en-
17 courage Indians to study law. This program begins with a six weeks summer
18 workshop to which are brought approximately 20 Indian college graduates.
19 Qualified students from this workshop enter law school in the fall, here
20 or elsewhere, and the Center's program continues for them through gradua-
21 tion. At present, this program has 8 students at this law school, 4 at
22 Arizona State, 2 at UCLA, one at Harvard, one at Yale, and one at Idaho,
23 for a total of 17. Various tribes are represented. If half of these
24 graduate, we probably will double the Indian lawyer population in the
25 United States. The program is funded by the O.E.O. and by the B.I.A. (See
26 folder in Appendix A.)

1 2. Navaho Courts: This is a project to overhaul the judicial
2 procedure of the Navaho Tribe. This involves reworking the code of pro-
3 cedure, rules of evidence, and court structure, as well as the drafting of
4 special codes (e.g., a juvenile code was completed last summer). Also, the
5 Navaho judges seek advice on current matters from time to time. This is a
6 major project, and an important one. The Navaho Tribe underwrites the
7 direct costs of the project.

8 3. Indian Law News Letter: The Center publishes a newsletter
9 every two weeks on legal developments, including legislation, of interest
10 to the tribes. The letter has a circulation of over 1,000 and is on a sub-
11 scription basis. (~~See sample copy in Appendix-B.~~)

12 4. Pueblos: Dr. S. D. Aberle, under a foundation grant, is working
13 with several of the pueblos in improving their government. The Institute
14 is administering this grant and is cooperating with Dr. Aberle.

15 5. Pueblo Legends: A small grant is being used to study legends
16 which have to do with law or custom. Hopefully, publication will result
17 from this study.

18 6. Books on Indian Law: The law library is building a collection
19 of books and materials on Indian legal problems. These will be housed as
20 a collection, and a separate card catalogue is being set up. This collection
21 will be available to lawyers and scholars generally. This is considered to
22 be a major project.

23 7. Conference on Civil Rights Bill: Last July, the Center sponsored
24 a three day conference at the Lawrence Ranch on the Indian Civil Rights Bill
25 of 1968. Representatives from O.E.O. Reservation Legal Programs were
26 present, along with professors from several law schools.