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School of Law Annual Report 1962-1963

School of Law Dean

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The Report of the School of Law
July 1, 1962 - June 30, 1963
Vern Countryman, Dean

I. GENERAL SCHOOL INFORMATION

A. Significant achievements during academic year 1962-63

As noted in previous reports, the law school's most serious problems have for several years been declining enrollment and lack of adequate scholarship funds. Some progress in the solution of both of these problems was noted in last year's report. More can be noted here.

Insofar as declining enrollments were the product of attrition in the law school student body, our raised admissions standards of a year ago seemed to hold forth substantial promise. Attrition for academic reasons in last year's first-year class -- the first class under the new admissions standards -- was only 14% as against a prior average of 39%, although attrition for nonacademic reasons was 29% against a prior average of 19%.

Attrition for academic reasons in this year's first-year class was back up to 35%, but attrition for nonacademic reasons was down to 5% -- due in substantial part to our improved scholarship resources. Thus, total attrition in this year's first-year class was 40%, as against 43% last year and a prior yearly average of 58%.

Last year's report noted that, because of increasing applications, we had applied our raised admissions standards with

no loss in total enrollment. This year, applications continued to increase and, under the same standards, our total enrollment increased 30%.

Applications continue to increase, though not as rapidly as last year, indicating another substantial increase in the entering class this fall. And improved attrition rates indicate an increase also in the second- and third-year classes. Our projected enrollment for 1963-64, compared with the actual enrollment for 1962-63 is:

	<u>1963-64</u> <u>Projected</u>	<u>1962-63</u> <u>Actual</u>
First Year	60	49
Second Year	23	17
Third Year	<u>15</u>	<u>9</u>
	98	75

Our scholarship resources have continued to improve. Mrs. William Calhoun Witte has established an annual \$1,000 scholarship in memory of her father, the late Pearce C. Rodey. Mrs. Anna K. Reisinger, of Truth or Consequences, has created a scholarship of \$1,000, and the family and friends of the late Thomas J. Mabry, Sr., have begun the establishment of a scholarship in his memory. In addition, the law school will receive during the coming academic year a gift of \$50,000 from the estate of the late Mrs. Ira Rothgerber which will provide an additional \$2,500 annually in scholarship funds.

In February, 1963, the law school was inspected by the American Bar Association, one of its accrediting agencies, which conducts such inspections periodically. The concluding paragraph of the inspector's report reads as follows:

The evaluator and the Adviser feel unreservedly that the Regents and President of the University, the Dean and the faculty of the law school, and the bench and bar of the State, are entitled to high commendation for their serious and continuing interest in the work of the subject school and their fearless defense of the standards of excellence which have been maintained notwithstanding the pressures which appear to be inevitable in a public-related institution to lower them. The subject school is "not just another law school." It is a good law school. A good job has been done to date. The authorities are determined to do even better.

The inspector noted only one serious problem in the school -- a weakness in the administration of the library due to the illness of the librarian, Mr. Arie Poldervaart. Effective July 1, 1963, Mr. Poldervaart was retired for disability.

B. Significant plans and recommendations

Mr. Myron Fink, now the law librarian at Loyola University, Los Angeles, will replace Mr. Poldervaart as Law Librarian. Mr. Fink is extremely well trained and vigorous and we expect a substantial improvement in the organization and administration of the library which will be reflected in the entire operation of the school.

With other interested departments of the University, the law school has participated in plans for establishment of a

Water Resources Institute in anticipation of the passage of S. 2, 88th Cong., 1st Sess., providing for federal aid to such institutes in state colleges and universities. The program of such an institute at this University would provide extraordinary opportunities for the use of unique talents on our faculty and we are confident that both the law faculty and the Natural Resources Journal, published by the law school, can make a substantial contribution to the success of the program.

Dean Vern Countryman will be on leave of absence for the academic year 1963-64, during which time he will serve as Visiting Professor at Harvard Law School. Professor Robert Emmet Clark will serve as Acting Dean for 1963-64, as he did for 1958-59.

C. Appointments to staff

Myron Fink was appointed Associate Professor and Law Librarian effective September 1, 1963. Professor Fink received his B.A. from Cornell University With Distinction in Philosophy in 1948, his LL.B. cum laude from New York Law School in 1951 and his LL.M. magna cum laude from New York Law School in 1962. He received his M.S. in Library Science from Columbia University in 1957. He is a member of the New York bar, where he practiced for seven years. Since 1958 he has been Assistant Professor and Law Librarian at Loyola University, Los Angeles.

Daniel L. Rotenberg of Duquesne University School of Law was appointed Visiting Associate Professor for one year

beginning July 1, 1963. Professor Rotenberg received his A.B. from Indiana University in 1953 and his LL.B. With Distinction from the same University in 1955. He taught at the University of Indiana from 1957 to 1959 and since 1959 has been a member of the faculty at Duquesne.

Carl M. Selinger of Albany Law School was appointed Visiting Assistant Professor of Law for one year beginning July 1, 1963. Professor Selinger received his A.B. from the University of California at Berkeley in 1955 and his LL.B. cum laude from Harvard Law School in 1958. He was a teaching fellow at Harvard in 1960-61 and since 1961 has been a member of the law faculty at Albany.

D. Separations from staff

Assistant Professor Ted Finman, who had been on leave of absence during 1962-63 to teach at Rutgers University, resigned effective July 1, 1963, to accept a position on the law faculty of the University of Wisconsin.

Law Librarian Arie Poldervaart retired July 1, 1963, due to ill health.

11. Composite of information requested on individual biographical supplements

1. Advanced study

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2. Sabbaticals, leaves of absence, summer teaching, travel, etc.

Countryman, Vern

Visiting Professor, University of Texas
School of Law, summer of 1962

Finman, Ted

Leave of absence during 1962-63 to visit
at Rutgers Law School as Associate Professor
of Law

Seed, Verle R.

On administrative leave, March 1 to
August 1, 1962 -- travel in Europe

Swihart, R. Dale

Visiting Professor of Law, University of
Missouri, summer of 1962

Weihsfen, Henry

Leave of absence for the academic year to
serve as director of The Mental Competency
Study, The George Washington University

3. New scholastic honors, fellowships, etc.

Vernon, David H.

Fellowship, New York University Law School,
workshop for law professors teaching Contracts
(3-4 weeks), summer of 1962

4. Publications

Clark, Robert Emmet

Jordan Water, UNM Alumnus, Autumn, 1962
(continued on next page)

4. Publications, continued

Clark, Robert Emmet, continued

New Mexico Water Law Since 1955, 2 Nat. Res. J. 484 (1962)

Report on New Mexico Water Law, Water Rights Committee, Section on Mineral and Natural Resources, American Bar Association, 1962 Reports

Legal Background of Federal-State Water Rights Conflict, Proceedings of Convention of National District Attorneys Association, Los Angeles, March 11, 1963

Memo on Laylin Proposal, for International Rivers Project, New York University (submitted to Committee on Uses of Waters of International Rivers, International Law Association), Brussels, August, 1962

The Law and the Future of Saline Water Conversion, (8th Annual New Mexico Water Conference, Roswell, New Mexico, July 1 and 2, 1963)

A Note on Two Recent Decisions of the New Mexico Supreme Court, State Bar Bulletin, Vol. 1, No. 11, June 13, 1963

Countryman, Vern

Book review -- Carlin, Lawyers on Their Own, 17 Rutgers L. Rev. 671 (1963)

Finman, Ted

Implied Assertions as Hearsay: Some Criticism of the Uniform Rules of Evidence, 14 Stanford Law Review 682 (1962)

Poldervaart, Arie

New Mexico Notary Register, American Notary Register Co., Inc., Dallas, Texas

Swihart, R. Dale

Federal Taxation of New Mexico Community
Property, 3 Nat. Res. J. 104 (1963)

Utton, Albert E.

Book review, The Public Order of the Oceans,
3 Nat. Res. J. 208 (1963)

Vernon, David H.

Annulment of Marriages in New Mexico: Part II --
Proposed Statute, 2 Nat. Res. J. 271 (1963)

5. Other research projects in progressClark, Robert Emmet

Public Control of Water Resources in
Middle East (in three parts), result of
Ford Foundation grant 1961-62, in progress

Water Law of the United States
(a comprehensive work) in progress

Countryman, Vern

Cases And Comments on Debtor And Creditor --
to be published by Little, Brown & Company
in 1963

Poldervaart, Arie

Law review article, I Am A Horny Toad.
What are my rights?

Seed, Verle R.

"Acquisition of Title to Real Property in
New Mexico by Adverse Possession," prepared
for use of law students in course in Conveyancing
and for probable publication in a future issue
of Natural Resources Journal

"Report on Legal Developments With Regard
to Indian Lands in New Mexico, May 1, 1962-
April 30, 1963" for Public Lands Committee,
American Bar Association

5. Other Research projects in progress, continued

Swihart, R. Dale

Revenue Structure Study Committee, revenue bill drafting for New Mexico Legislature (project conducted jointly with Professor Vernon)

Utton, Albert E.

The International Water Rights and Obligations of the U. S. (This is part of a five-volume study entitled Water Law of the United States, which is to be published by The Allen Smith Company)

Vernon, David H.

Consumer Financing Under the Uniform Commercial Code, to be published in next issue of Boston College Industrial and Commercial Law Journal, approximately 25 pages

Annulment of Marriage: A Proposed Model Act, to be published in next issue of Journal of Public Law, approximately 40 pages

Supplement to Title 14 of American Law of Mining, in hands of publisher

Bill Drafter, with Professor Swihart, for Revenue Structure Study Committee, drafting 18-25 bills and writing explanation of them (completion of work commenced last year)

Weihofen, Henry

Directing study of the law governing mental incompetency, at The George Washington University. Sponsored by National Institute of Mental Health. Title: Mental Competency Study. To run three years.

6. Activities in learned and professional societies

Clark, Robert Emmet

Regional Meeting, American Bar Association,
Salt Lake City, June 1, 1962, Member,
Water Rights Committee

Annual meeting, American Bar Association,
San Francisco, August 5-8, 1962, Water
Rights Committee

Member, Publications Committee, State Bar
of New Mexico

Countryman, Vern

Chairman, Association of American Law
Schools Committee on Professional Responsibility

Attended Association of American Law Schools
convention, December 27-30, 1962

Finman, Ted

Attended meeting of Association of American
Law Schools, December 27-30, 1962

Poldervaart, Arie

American Association of Law Libraries
annual meeting, San Francisco, July, 1962

National Conference of Commissioners on
Uniform State Laws, 1962 Conference, Monterey,
California.

Albuquerque Bar Assoc. Judicial Liaison Committee
Swihart, R. Dale

Attended national convention of Association
of American Law Schools, December, 1962

Utton, Albert E.

International Law Association (conference
on international rivers), Brussels, Belgium,
August, 1962

(Continued on next page)

6. Activities in learned and professional societies, continued

Utton, Albert E., continued

Member of following committees:

Albuquerque Bar Association Committee
on Legal Aid
State Bar of New Mexico Committee on
Continuing Legal Education
Chairman of State Bar of New Mexico
Committee on World Peace Through Law

Vernon, David H.

Attended meeting of Association of American
Law Schools, December, 1962, as Chairman
of Committee on Academic Freedom and Tenure

Member, Advisory Board, Journal of Legal
Education

President, State Conference of A.A.U.P.
Chapters

Delegate of UNM Chapter A.A.U.P. at
National Meeting in San Francisco

Weihofen, Henry

Elected Fellow of the American Psychiatric
Association May 6, 1963

Delivered papers before:

American Society of Criminology
Armed Forces Institute of Pathology
Washington Area Council on Alcoholism
Rhode Island Psychiatric Association
American Medical Association
Meeting of Mental Health Representatives
of State Medical Associations
St. Elizabeth's Hospital Society
Harvard Medical School

7. Other professional activitiesClark, Robert Emmet

"Shirtsleeve Session" program, KNME-TV,
The First Amendment, Engel v. Vitale, panel
discussion, November, 1962

Countryman, Vern

Member, New Mexico Supreme Court's
Committee on Uniform Jury Instructions

Member, Albuquerque Bar Association
Committee on Civil Rights

Finman, Ted

Speaker at 10th Circuit Conference of
American Law Student Association; member of
panel on Professional Responsibility

Seed, Verle R.

Address on "History of Settlement of
Civil Cases Under English Common Law and
in the United States," presented at Conference
of Indian Tribal Judges at University of
New Mexico, June 4, 1963

Swihart, R. Dale

Talks on Estate Planning to Bank of
New Mexico Financial Forum and to
Progress Women's Club

Utton, Albert E.

KNME-TV, U. S. Policy and the United
Nations (panel)
KHFM, U. S. Policy and the United Nations (panel)
KNME-TV, Labor Law and the Teacher (panel)
KHFM, Capital Punishment as a Deterrent
(interview)

Talks:

Education and Freedom of Religion,
St. Joseph's College
Capital Punishment as a Deterrent, to
First Unitarian Church and to the
Albuquerque Humanists

7. Other professional activities, continuedUtton, Albert E., continued

Talks, continued

Obscenity and the Law, to Mortar Board
 What is International Law?, to Manzano
 High School
 Study Abroad, Academy for Boys

Vernon, David H.

Drafting of proposed ordinance to prohibit
 discrimination in housing in Albuquerque

Drafting of proposed state law to permit
 ordinances concerning discrimination in
 housing

Off-campus talks to Kiwanians (Highlands)
 on discrimination in housing and on tax study
 (two separate talks)

Weihofen, Henry

Testified before Judiciary Committee of
 Maryland State Legislature

Gave talks or participated in panel
 discussions before Phi Delta Phi,
 Phi Alpha Delta, Foundry Methodist Church,
 and delivered radio talks.

Testified before U. S. Senate Subcommittee
 on Constitutional Rights of the Mentally
 III.

8. Non-teaching University serviceClark, Robert Emmet

Faculty advisor to Combined Program students

Countryman, Vern

Member, Entrance and Credits Committee,
 Administrative Committee, Board of Deans

8. Non-teaching University service, continuedPoldervaart, Arie

University library committee

Seed, Verle R.

Member, Administrative Committee

Swihart, R. Dale

Policy Committee

Law School Library Committee

Administrator, State Bar Law School Loan Fund

Utton, Albert E.

Cultural Affairs Committee

Honors Council

Vernon, David H.Chairman, Committee on Academic Freedom
and TenureAppointed Chairman of ad hoc committee
concerned with student standards and
discipline

Chairman, Law School Curriculum Committee

Panel sponsored by NSA on student contributions
to University policy-making9. Public serviceClark, Robert EmmetCounsel to Planned Parenthood Association of
Dona Ana County, New MexicoSpecial Counsel for Director, Rio Grande Zoo,
AlbuquerqueCountryman, Vern

Director, Legal Aid Society of Albuquerque

Director, Albuquerque Visiting Nurses Association

9. Public Service, continued

Utton, Albert E.

President, Coronado Monument Cultural Society

Chairman, Speakers Bureau, Albuquerque
Association for the United Nations

President, Corrales Community Theater, Inc.

Vernon, David H.

Vice Chairman, New Mexico Advisory Committee
to the Federal Civil Rights Committee