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School of Law Annual Report 1962-1963

School of Law Dean

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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:

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<tr>
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<th>1963-64 Projected</th>
<th>1962-63 Actual</th>
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<tbody>
<tr>
<td>First Year</td>
<td>60</td>
<td>49</td>
</tr>
<tr>
<td>Second Year</td>
<td>23</td>
<td>17</td>
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<tr>
<td>Third Year</td>
<td>15 9 8</td>
<td>75</td>
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</tbody>
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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. Reisiger, of Truth or Consequences, has created a scholarship of $1,000, and the family and friends of the late Thomas J. Habry, 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

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

Weihofen, 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


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. I, No. 11, June 13, 1963

Countryman, Vern

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

Finman, Ted


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.


Vernon, David H.


5. Other research projects in progress

Clark, 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.).

**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.**


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


**Finman, Ted**

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

**Poldervaart, Arie**


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 activities**

**Clark, 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, continued**

**Utton, 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 Ill.

8. **Non-teaching University service**

**Clark, 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, continued**

- **Poldervaart, 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 Tenure
  - Appointed 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-making

9. **Public service**

- **Clark, Robert Emmet**
  - Counsel to Planned Parenthood Association of Dona Ana County, New Mexico
  - Special Counsel for Director, Rio Grande Zoo, Albuquerque

- **Countryman, 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