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School of Law Annual Report 1960-1961

School of Law Dean

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The Report of the School of Law
July 1, 1960 - June 30, 1961
Vern Countryman, Dean

I. GENERAL SCHOOL INFORMATION

A. Significant achievements during the
academic year 1960-61

The law school graduated its twelfth class of 8 members. There are now 222 graduates of the University of New Mexico School of Law. One additional student will complete the requirements for the LL.B. degree during the summer session. Of our total graduates, 170 are now practicing law in New Mexico and they constitute about 20% of the practicing bar of the state.

During the year 1960-61, the new combined six-year course of college and law study approved by the University faculty last year and described in last year's report was approved by both of our accrediting agencies--the Association of American Law Schools and the American Bar Association. With this approval, we will be able to put the program into full effect Semester I, 1961-62.

By action approved by the University faculty on April 3, 1961, the Law school has also raised the requirements for all students entering the school other than through the combined program. The minimum requirements are now a baccalaureate degree from an accredited college or university based upon at least a 2.0 or C average, or completion of three-fourths of the work acceptable for a baccalaureate degree in residence at an accredited college or university with a cumulative average of 2.5. But those are only

minimum requirements. Final selection of applicants will be based upon an appraisal of the content as well as the scholastic record of undergraduate work, scores in required legal aptitude tests and, if necessary, a personal interview.

This revision represents a departure from the quantitative standard which became effective Semester I, 1960-61, when a prior baccalaureate degree was required for all entering students. But nothing in our experience tends to justify that requirement. Prior to 1960, when the degree was not required, 48% of our students nonetheless had a prior degree before entering the school. The law school performance of the prior-degree group was indistinguishable from the performance of those who entered law school after three years of college work.

The attrition rate in the first year of the class which entered after the degree requirement was imposed was 67%, of which 20% represents suspensions, 27% represents those who dropped out while on probation and 20% represents those who dropped out while in good standing. The comparable figures for the school's fourteen year history are: total attrition, 64%; suspensions, 23%; dropped while on probation, 19%; dropped while in good standing, 22%.

The revision does represent a raising of qualitative admission requirements which is amply justified by the above figures on attrition. With improved admissions standards, the total of 42% representing those who in the past were suspended or who dropped out while in scholastic difficulty should be substantially reduced.

In March, 1961, the school published the first issue of the Natural Resources Journal. Our estimate of the interest in such a Journal was borne out by the fact that the first issue went to a subscription list of more than 600. That issue contained articles on various aspects of natural resources use and development by five lawyers, one geographer and one economist and, in the New Mexico Section, articles on various aspects of state law by one former and two present members of the Law faculty and by three law students. We are satisfied that the quality of the work published fully meets our aspirations.

By legislation enacted in the 1961 session of the state legislature, the five Justices of the State Supreme Court were for the first time authorized to employ law clerks to assist them with their work, a practice followed by the judges of the federal courts and of many other state courts. Four of the five clerks employed by our Court for 1961-62 are graduates of this school.

B. Significant plans and recommendations for the near future

The law school faces two serious and related problems: enrollments and scholarship funds.

The problem of declining enrollments is a national rather than a local problem. Total law school enrollments in the United States have declined from 56,102 in 1949 to 43,671 in 1960, a 21% drop. Our enrollments approximated the same pattern until 1959, dropping from 116 in 1948 to 85 in 1959, a decline of 26%.

But in 1960, with the introduction of the prior degree requirements, enrollment declined to 59, reflecting an entering class of only 35 as against 52 for 1959.

We believe that, in large part, the decline in enrollment both nationally and locally is due to the competing glamour of a scientific career in the modern world. In co-operation with the State Bar's Committee on the Law School we are planning to initiate pre-law clubs in the various high schools, colleges and universities in the state in an effort to interest more students in the law as a career and in this school in particular.

In part, too, as mentioned in our last report, our own difficulty is that we are unable to compete for superior New Mexico undergraduate students with other law schools whose scholarship funds are more substantial. We recently surveyed the scholarship funds available in ten other law schools in this region for the year 1959-60, and found the average to be \$4,000 per annum and the range to be from \$250 to \$11,775 per annum. The large eastern schools which make a deliberate effort to attract students from western states have, of course, much greater scholarship funds. Tuition scholarships allocated to this law school and private gifts to the school make available \$2,940 per year in scholarship funds which may be awarded to only eleven students per year, the largest award being the \$500 non-resident tuition scholarship and the largest cash award being \$250 per year.

The dearth of scholarship funds bears also upon the problem of the attrition rate. While we have no precise records of the reasons motivating the 22% of our students who drop

out while in good academic standing, we know that financial difficulty is the chief reason.

We have recently completed a drive among our alumni to raise an Alumni Fund for the law school, with a view to using at least a part of it for scholarship aid. The drive has yielded \$3,846 in cash and \$4,780 in pledges payable in the next two years. In conjunction with a special committee appointed by the State Bar Commissioners to work with the faculty on problems of the law school, we are now planning an appeal to the state bar association for contributions to a Scholarship Fund.

C. Appointments to staff

Effective September 1, 1960, Jack L. Krener was appointed Assistant Professor of Law. Mr. Krener holds the B.A. and M.A. degrees from Columbia University and the LL.B. and LL.M. degrees from New York University. He is currently completing requirements at New York University for the J.S.D. degree. Mr. Krener devotes one-half of his time to teaching and one-half to editing and managing the Natural Resources Journal. His appointment brings the total law school faculty to nine, the first increase since 1949.

D. Separations from staff

None

E. Gifts

The Albuquerque Journal Publishing Company, which

made similar \$10,000 gifts in 1958 and 1959, in 1960 made a gift of \$5,000 to the law school library to be used for special collections in honor of the memory of T. M. Pepperday. These gifts have been of extreme value to the law school, which faces a tremendous task in building an adequate law library for the use of students and the legal profession.

Following the death of Dean Emeritus Alfred L. Gausewitz on May 31, 1960, and at the request of his family, friends and admirers made contributions to the law school to create a fund in his memory. Contributions now total \$1,341.59. The Albuquerque Bar Association, which had for some years past contributed \$50 per year to an Alfred L. Gausewitz scholarship, has now agreed to increase its contribution by the amount necessary to supplement income from this fund so that a \$150 scholarship may be awarded in Dean Gausewitz's memory.

In early 1960 the law school began a campaign to raise funds to finance the publication of the Natural Resources Journal during its first three or four years while circulation is being built up. Appeals addressed to private companies, organizations and individuals yielded \$7,032.85, almost exactly one-half of our \$14,000 goal. We now have an application pending with Resources for The Future, Inc. and have been informally advised that it will make a \$5,000 grant to the Journal.

As already reported, our alumni have contributed \$3,846 and pledged an additional \$4,780 payable in the next two years to a Law School Alumni Fund. Pending the payment of pledges, we have arranged with the University Comptroller to invest \$2,500 of these funds and will use the income to provide a \$125 scholarship.

II COMPOSITE OF INFORMATION REQUESTED ON INDIVIDUAL BIOGRAPHICAL SUPPLEMENTS

1. Advanced study

Professor David H. Vernon attended the workshop on International Legal Relations, University of California at Berkeley, June 12 through July 14, 1961.

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

Professor R. Dale Swihart was visiting Assistant Professor of Law, University of Indiana, summer of 1960.

3. New scholastic honors, fellowships, etc.

CLARK, ROBERT EMMET

Awarded Ford Foundation Law Fellowship on February 9, 1961, for academic year 1961-62, for research and study in Israel and Arab countries on Public Control of Water Resources.

COUNTRYMAN, VERN

\$4,000 award from National Council of Legal Clinics to aid preparation of teaching materials on professional responsibility.

WEIHOFEN, HENRY

Made honorary member of Inter-Mountain Psychiatric Association, March, 1961.

4. Publications

CLARK, ROBERT EMMET

"New Water Law Problems and Old Public Law Principles," 32 Rocky Mountain Law Review 437 (1960).

h. Publications - continued

CLARK, ROBERT EMMET - continued

"The Pueblo Rights Doctrine in New Mexico,"
35 New Mexico Historical Review 265 (1960).

"Ground Water Legislation in the Light of
Experience in the Western States," 22 Montana
Law Review 42 (1960).

"Marital Property Problems of New Residents,"
99 Trusts & Estates 1080 (1960).

"An Open Letter to a University Board of Regents,"
46 American Bar Association Journal 1330 (1960).

"Review of Colorado Water Resources Conference,"
1 Natural Resources Journal 195 (1961).

COUNTRYMAN, VERN

"For a New Exemption Policy in Bankruptcy,"
15 Rutgers Law Review 678 (1960).

Book Review: Lattin, The Law of Corporations,
39 No. Car. Law Review 115 (1960).

KRONER, JACK L.

"Self-Incrimination: The External Reach of the
Privilege," 60 Columbia Law Review 816-38 (1960).

"Foreword," 1 Natural Resources Journal viii-ix
(1961).

Selected cases for and did legal research on
Trotta, Labor Arbitration (1961).

POLDERVAART, ARIE

"New Mexico Probate Manual" (1961).

SEED, VERIE R.

Title II, American Law of Mining (1960).

"Toward Clarification of New Mexico's Real
Property Statutes," 1 Natural Resources Journal
163 (1961).

4. Publications - continuedVERNON, DAVID H.

"Jurisdiction to Annul," 10 Journal of Public Law 47 (1961).

"Statutes of Limitation in the Conflict of Laws: Borrowing Statutes," Reprint: 4 Personal Injury Commentator 8 (1961).

"Annulment of Marriages in New Mexico," 1 Natural Resources Journal 146 (1961).

WEIHOFEN, HENRY

"Institutional Treatment of Persons Acquitted by Reason of Insanity," 38 Texas Law Review 849 (1960).

"The Proposed New Mexico Criminal Code," 1 Natural Resources Journal 1 (1961).

"Legal Writing Style" (1961).

5. Other research projects in progress or completed during period.CLARK, ROBERT EMMET

Research on and preparation of teaching materials on New Mexico Water Law decisions in progress.

COUNTRYMAN, VERN

Teaching materials on professional responsibility--to be completed January 1962.

Attachment in New Mexico--to be published in Natural Resources Journal.

Casebook on The Law of Debtor and Creditor--to be completed January 1962 and published by Little, Brown & Co.

FINEAN, TED

In progress: article on Rule 36, Federal Rules of Civil Procedure.

5. Other research projects in progress or completed during period - continued

KRONER, JACK L.

Co-author, "Manual on Railroad Disciplinary Hearings," to be published 1961.

Completing article on "Disciplinary Hearings under the Railroad Adjustment Board."

At work on J.S.D. thesis, "Minor Disputes under the Railway Labor Act."

SWIHART, R. DALE

"Federal Taxation of Life Insurance"--article to be published in the Indiana Law Journal.

Preparation of class materials for Estate Planning and problems for the Taxation course.

VERNON, DAVID H.

"Recorded Chattel Security Interests in the Conflict of Laws"--in progress--to be published in the Iowa Law Review.

Part II of "Annulment of Marriages in New Mexico"--to be published in the Natural Resources Journal.

WEIHOFEN, HENRY

Worked on chapters for book, "The Law of Criminal Correction," sponsored by National Institute on Crime and Delinquency.

6. Activities in learned and professional societies

CLARK, ROBERT EMMET

Paper on Ground Water Legislation before Fifth Annual Water Resources Conference, Bozeman, Montana, September 9, 1960.

Comments on Retirement of Justice James B. McChes, Supreme Court of New Mexico, before State Bar of New Mexico Annual Convention, Carlsbad, New Mexico, October 22, 1960.

Member, Committee on Judicial Selection, State Bar of New Mexico.

6. Activities in learned and professional societies - continuedCLARK, ROBERT EMMET - continued

State Bar of Arizona, Annual Convention, Phoenix,
April 20-22, 1961.

COUNTRYMAN, VERN

Attended meetings of American Bar Association,
Association of American Law Schools, Conference
of Western Law Schools and State Bar of New Mexico.

Spoke before meetings of Conference of Western Law
Schools, State Bar of New Mexico and Roswell Bar
Association.

FINMAN, TED

Attended annual meeting of Association of American
Law Schools, Philadelphia, December, 1960.

FOLDERVAART, ARLE

Chairman, State Bar Commission on Uniform State Laws.

Participated in annual conference of National
Commissioners on Uniform State Laws in Washington,
D. C. during August, 1960, as Chairman of New Mexico
Commission for Promotion of Uniform State Laws.

Vice chairman, New Mexico State Library Commission.

SEED, VERLE R.

6th Annual Rocky Mountain Mineral Law Institute,
Boulder, Colorado, July 28-30, 1960.

1960 annual meeting of the State Bar of New Mexico,
Carlsbad, New Mexico.

VERNON, DAVID H.

Attended meeting of Association of American Law
Schools, Philadelphia, December, 1960.

Participated in panel discussion of Professor Currie's
Conflict of Laws Theories at Conference of Western
Law Schools.

President, University of New Mexico Chapter A.A.U.P.

President, New Mexico State Conference, A.A.U.P.

6. Activities in learned and professional societies - continuedVERNON, DAVID H. - continued

Member, Committee on Academic Freedom, Association of American Law Schools.

Conducted American Association of University Professors investigation, Spokane, Washington, May 17-18, 1961.

WEIHOFEN, HENRY

Attended meeting of Association of American Law Schools, Philadelphia, December, 1960.

Member of Committee on Law and Medicine, Association of American Law Schools.

Conference of British, Canadian and American Law Teachers, New York, September, 1960.

7. Other professional activitiesCOUNTRYMAN, VERN

Spoke at Law Day ceremonies in Roswell High School and at Human Rights Day banquet of Albuquerque Association for the United Nations.

Member of Advisory Committee, Journal of Legal Education.

Member of American Bar Association Committee on Bill of Rights.

Member of American Law Schools Committee on Pre-Legal Education.

Member of State Bar of New Mexico Committee on Public Relations.

Member of Albuquerque Bar Association Committee on Continuing Legal Education and Law School.

FOLDERVAART, ARTIE

Talks on "The Uniform Commercial Code."

7. Other professional activities - continuedSWIHART, R. DALE

Talk, "Lifetime Estate Planning"--Business Women's Club.

Talk, "Tort Liability of School Nurses"--NMEA Nurses Section.

VERNON, DAVID H.

Lectures on Uniform Commercial Code, Farmington, May 19-20, 1961.

Series of lectures on Uniform Commercial Code for members of the bar and laymen, sponsored by the Albuquerque National Bank.

Several talks to civic groups concerning the need for integrated housing in New Mexico.

WEIHOFEN, HENRY

Lectures, speeches, etc. delivered before:

California Correction, Probation and Parole Association, Long Beach, California, June 8, 1960.

Symposium on the Mentally Ill Offender, Atascadero State Hospital, Atascadero, California, June 20-21, 1960.

Wyoming Conference on Mental Health, Jackson, Wyoming, June 30-July 2, 1960.

Conference of Chief Justices, Baltimore, Maryland, August 26, 1960.

Conference of British, Canadian and American Law Teachers, New York, September 5-8, 1960.

B'nai B'rith, March, 1961.

Inter-Mountain Psychiatric Association, Las Vegas, Nevada, March 23-26, 1961.

Business and Professional Women, Albuquerque, May 17, 1961.

Television program, People, Behavior and Crime, February 5, 12, 19, 1961.

Unitarian Church, March, 1961.

7. Other professional activities - continuedWEIHOFEN, HENRY - continued

Labor arbitrations in Borger, Texas, Ambrosia Lake and Albuquerque, New Mexico.

8. Non-teaching University serviceCLARK, ROBERT EMMET

Member, Committee on Insurance and Retirement.
Appearance before Committee of New Mexico Senate in name of Committee.

COUNTRYMAN, VERN

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

FINMAN, TED

Member of Committee on Educational Television Compensation Policy.

Member of General Honors Council.

FOIDERVAART, ARIE

University Library Committee.

Phi Kappa Phi Nominating Committee.

SEED, VERLE R.

Elected faculty representative on the Administrative Committee.

SWIHART, R. DALE

University Curricula Committee.

Administrator, State Bar Loan Fund.

VERNON, DAVID H.

Member, Committee on Academic Freedom and Tenure.

Member, Patent Committee

Chairman, Special Committee of Policy Committee to draft academic freedom and tenure policy for University.

8. Non-teaching University service - continuedWEIHOFEN, HENRY

Member, Policy Committee.

9. Public serviceCLARK, ROBERT EMMET

Consultant to Legal Aid Society of Albuquerque.

COUNTRYMAN, VERN

Director, Legal Aid Society of Albuquerque.

Director, New Mexico Chapter, American Civil Liberties Union.

President, Albuquerque Association for the United Nations.

Member, Albuquerque Community Welfare Council.

Member, Albuquerque Citizens' Committee.

VERNON, DAVID H.

Chairman, New Mexico State Council on Human Relations.

Division Chairman, Citizens for Kennedy.

Lectures to bankers and lawyers on Uniform Commercial Code.

WEIHOFEN, HENRY

President, New Mexico Committee for Refugees.

Vice President, New Mexico Mental Health Association.

Member, Committee on Development of the Law School, New Mexico State Bar.

Member, Publications Committee, Albuquerque EAF Association.

Member, Steering Committee, New Mexico Conference of Social Welfare.

9. Public service - continuedWEIHOFEN, HENRY - continued

Member, National Advisory Council, Boston University
Law-Medicine Research Institute.

Member, Board of the Isaac Ray Award, American
Psychiatric Association.

Member, Editorial Advisory Board, Journal of Family
Law.

Member, Advisory Committee, New Mexico Department
of Public Health, Division of Mental Health.