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# School of Law Annual Report 1958-1959

School of Law Dean

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The Report of the College of Law  
July 1, 1958 - June 30, 1959  
Robert Emmet Clark, Acting Dean

1. SIGNIFICANT ACHIEVEMENTS DURING  
THE ACADEMIC YEAR 1958-59

The law school graduated its tenth class of 27 members. There are now 202 graduates of the University of New Mexico College of Law.

During the year 1958-59 the law faculty as a whole, and a special curriculum committee of the faculty, revised the law school curriculum. The primary aim of this undertaking was to meet the needs of first-year law students. We have reduced the work load from 30 hours to 27. We have instituted a course in Legal Analysis-Legal Research which combines work previously handled in other courses and takes advantage of the special training received by Mr. Swihart at Indiana University in this type of program. Other substantial changes were made in the curriculum which are omitted from discussion here. Each of these was the result of effort to 1) improve instruction and 2) capitalize on special talents of faculty members.

Through the courtesy of Charles S. Lanier, a graduate of the University of New Mexico, and the firm of which he is an officer, the New Mexico Title Company, the College of Law was able to print its first Directory of Graduates at no expense to the University. Copies have been sent to alumni, administrative officers of the University, and New Mexico law firms.

Student co-operation in the legal education process has continued successfully. The Student Bar Association sponsored bi-weekly luncheons during the year. The students participated in, and were hosts to, the Regional Moot Court Competition. The Student Bar Association sponsored, jointly with the State Bar of New Mexico and the Albuquerque Bar Association, a legal institute on May 1-2, 1959. The institute was the most successful of any offered thus far from the point of view of instruction and attendance. However, the students have some doubt about the feasibility of continuing this type of activity in conjunction with the State Bar. The problem of managing such a large institute is perhaps much more than the students should be required to handle. Some changes may be expected next year.

The Law Alumni Association commissioned John Tatschl of the Fine Arts Department to prepare a bronze plaque of Judge Sam G. Bratton, former Regent of the University and currently Chief Judge of the Tenth Circuit. The plaque will be presented to Judge Bratton in August, 1959.

On April 23, 1959, Professor Julius Stone of the University of Sydney, Australia, delivered the Simms Lecture on "International Law and the Price of Survival." On the preceding day he gave a lecture in Mitchell Hall on "The Rule of Law in the Relations of States."

During the academic year President William A. Sloan of the State Bar and Acting Dean Clark visited eight local bar associations of the state. Mr. Sloan spoke on the subject of Improving the administration of justice. Mr. Clark spoke on the functions of a University law school. Mr. Clark pointed out that the professional

responsibilities of a law school require students and faculty to undertake research, report writing and other types of work not ordinarily required in regular graduate instruction. This joint effort received favorable comment throughout the state. In November, 1958, President Sloan and Mr. Clark were on a program in Mexico City and were joined in this program by distinguished professors and leaders of the bar of the Republic of Mexico. Mr. Clark addressed the joint convention of La Barra Mexicana (one organized bar association of the City of Mexico) and the State Bar of New Mexico on the subject of "Aspectos Vitales de Una Herencia Jurídica Común," ("Vital Aspects of our Common Legal Heritage"). This address was printed in Mexico in Spanish and reproduced in English in the State Bar Proceedings of the State of New Mexico.

One of the few rewards of acting as chairman during the past year has been the opportunity to further the acquisitions of special collections for the law library in the fields of comparative jurisprudence, criminal law, family law, international law, natural resources law, procedure, taxation, and other fields designated by the law faculty.

2. SIGNIFICANT PLANS AND RECOMMENDATIONS  
FOR THE NEAR FUTURE

Immediately after the Governor's veto of the Law Journal Bill (S. 60) sponsored by the Bar, and following the selection of Mr. Countryman as the new Dean, plans were discussed for trying to obtain foundation funds to improve our program of instruction, particularly in writing, by

establishing a journal. For some time Mr. Clark has hoped that a Natural Resources Journal could be established at the University. Mr. Countryman has approached Resources for the Future, the Carnegie Institution, and the Ford Foundation with the hope of furthering this plan. At this time the prospect does not look favorable for the subsidization of a journal itself. The reason is entirely understandable: foundations generally have a policy against subsidizing publications. Mr. Countryman and Mr. Clark will continue, with the help of the entire faculty, to explore plans whereby a journal would be a vehicle of instruction, so that available funds might be obtained to improve legal education and the writing skills. A Journal of Natural Resources Law could accomplish this purpose and contribute in a neglected area of law -- i.e., water law, oil, gas and hard minerals, public lands and State-Federal problems.

A summary of several recommendations for improving the program of instruction follows. Some of these recommendations were made by law faculty committees, others, by the Acting Dean.

SUMMARY OF RECOMMENDATIONS  
FOR IMPROVING LAW CURRICULUM

1. Further inquiry into publication of law journal.
2. Additional faculty member -- one-half time editor and one-half time Legal Writing instructor.
3. Required seminars for third-year students which require additional writing.
4. Employment of graduate or research assistants in law school. At least two are needed.

5. Additional financial and clerical help for mimeographing materials prepared by faculty for class use.
6. Secretarial help during the summer months is essential. This is the period in which the law faculty is chiefly productive in terms of completing research, publications, etc.

**ADDITIONAL SUGGESTIONS DIRECTLY  
RELATED TO LAW SCHOOL PLANS AND IMPROVEMENTS**

1. Hiring and promotion policies of new faculty members. Some changes are necessary with respect to years in rank and pay scales. The University of New Mexico promotion system bears no relation whatsoever to the law school world.
2. Make the Law School Admission Test (Educational Testing Service) required for admission.
3. Establish qualitative criteria for admission beyond the first degree.

**3. APPOINTMENTS TO STAFF**

Due to the unusual circumstances last year and the fact that no successor to Dean Gausewitz had been appointed, parenthetical mention was made of the appointments of Thomas C. Chapin, effective July 1, 1958, for the academic year 1958-59, and R. Dale Swihart, effective July 1, 1958, as a regular Assistant Professor.

This report makes further parenthetical mention of the appointment of Ted Finman to the faculty, effective July 1, 1959. Mr. Finman will teach Evidence and Procedure primarily. Mr. Finman holds the B.A. degree from the University of Chicago, a similar degree from Stanford University, and an LL.B. from Stanford University Law School. At Stanford Mr. Finman graduated first in his class and was President of the Stanford Law Review.

Mr. Finman has been highly recommended to us by his former teachers and he comes to us after five years of practice. He is married and has two children.

In March, 1959 the law faculty voted unanimously to recommend the name of Vern Countryman to the University Administration for appointment as Dean of the College of Law. Subsequently Mr. Countryman accepted the appointment, to become effective July 1, 1959. Due to the pressure in winding up his practice in Washington, D. C., Mr. Countryman will not arrive in Albuquerque until about August 12. Mr. Countryman holds the B.A. and LL.B. from the University of Washington, where he was a member of Phi Beta Kappa and The Order of the Coif. He was law clerk to Justice Douglas, Sterling Fellow at Yale Law School, and a member of the Yale Law faculty for seven years. More recently he has been a partner in Shea, Graenman & Gardner, Washington, D. C. Mr. and Mrs. Countryman and their two daughters will leave Washington August 1 and will drive to Albuquerque.

#### 4. SEPARATIONS FROM THE STAFF

Assistant Professor Jerrold Walden was separated from the staff on June 30, 1959. Mr. Walden has accepted a position as Visiting Associate Professor at the University of Alabama School of Law. Mr. Finman replaces Mr. Walden.

As Indicated above, Mr. Thomas C. Chapin was appointed to the faculty for one year. He completed the year and has since left the University as of June 30, 1959.

The College of Law was saddened by the sudden death of Margaret Keiper Dailey on June 17, 1959. Mrs. Dailey was a 1951 graduate of the College, member of the State Bar of New Mexico, and was General Counsel of the Legal Aid Society of Albuquerque for eight years. As Director of Legal Aid she was a member of the law faculty.

5. PUBLICATIONS

(a) Books and Monographs

POLDERVAART, ARIE. Manual of New Mexico Justice Court Practice. Denver, Colorado: Courtright Publishing Company, 1958. 281 p.

POLDERVAART, ARIE. New Mexico Appellate Practice, Brief and Argument. Second edition. Albuquerque: University of New Mexico, 1958. 41 p.

WEIHOFEN, HENRY. In Favor of the Durham Rule. In Crime and Insanity. New York: Philosophical Library, 1958. 279 p.

(b) Articles

CLARK, ROBERT EMMET. "Guardianship of Children," Child at Law. Report of 28th Ross Pediatric Research Conference. Paper presented February 4, 1958. Published by Ross Laboratories, Columbus, Ohio (1958).

CLARK, ROBERT EMMET. "Vital Aspects of our Common Legal Heritage (Aspectos Vitales de Una Herencia Juridica Comun)." A paper given in Spanish before Joint Session of the State Bar of New Mexico and La Barra Mexicana, Mexico City, November 11, 1958. (To appear in El Foro, official publication of La Barra Mexicana. Published in English in the Proceedings of the State Bar of New Mexico, 1958.)

CLARK, ROBERT EMMET. "Water Law Institutions and the Community," New Mexico Quarterly, Volume XXVIII, 2,3,4 (1958).



5. Publications - Continued(b) Articles - continued

VERNON, DAVID H. "Some Constitutional Problems in the Conflict of Laws and Statutes of Limitations," Journal of Public Law, VII, No. 1 (July, 1958), 120-134.

WEIHOFEN, HENRY. "The Urge to Punish," Pastoral Psychology IX (June, 1958), 29-36.

WEIHOFEN, HENRY. "Current Controversies about Legal Education (A Survey)," Cleveland-Marshall Law Review, VIII (May, 1959), 199-209.

WEIHOFEN, HENRY. "Teaching of Psychiatry in Law Schools: Comment," Journal of Criminal Law, Criminology, and Police Science, XLIX (November-December, 1958), 314-15.

(c) Reviews

CLARK, ROBERT ENNET. Review of Haber and Bergen, "The Law of Water Allocation in the Eastern United States," 52 Law Library Journal 72-73 (February, 1959).

6-7. RESEARCHCLARK, ROBERT ENNET

A Study of Water Rights in the State Engineer's Office (with Nathaniel Wollman) - continued.

"Public Control of Ground Waters in the Western States," a volume in progress.

POLDERVAART, ARIE

Work on New Mexico Probate Practice Manual.

Work on Practice Manual for Small Law Libraries.

SEED, VERLE R.

First five chapters of Title II, Mineral Development of Federal Public Domain and Reserved Lands, of Treatise on American Mining Law, have gone to the printer.

6-7. Research - continuedVERNON, DAVID H.

Article: "Tolling Problems in the Conflict of Laws and Statutes of Limitation," to be published in Vanderbilt Law Review.

Article: "Survey of the Economics of the Legal Profession in New Mexico," to be published by the Bureau of Business Research.

Title XIV, American Law of Mining has been submitted to the publisher (Matthew Bender) and at least a portion of it is in galley. Publication date is uncertain.

WEINCOFFEN, HENRY

Writing of chapters for a book on "The Law of Criminal Correction," to be published by the National Probation and Parole Association.

Writing of articles to be published in Journal of Public Law, Nomos, Bulletin of the Manning Clinic.

Writing of book reviews to be published in Journal of Social Therapy, National Probation and Parole Association Journal, Journal of Criminal Law and Criminology, New Mexico Quarterly.

8-9. PROFESSIONAL ACTIVITIESCLARK, ROBERT EMMET

Of counsel, *Natress v. United States* and other San Marcial flood cases.

Member, Statewide Advisory Committee on Annual New Mexico Water Resources Conference.

New Mexico Water Resources Conference, New Mexico ASH, November 1-2, 1958.

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

Member, State Bar Committee on Publications.

8-9. PROFESSIONAL ACTIVITIESCLARK, ROBERT ENNET - Continued

Taught five-week summer session course in Public Water Law at University of Colorado.

Speeches before local County Bar Associations in New Mexico from August, 1958, through May, 1959, on "Bar Examinations and Some Whys of Legal Education (Santa Fe)", "The Functions of a University Law School (Las Cruces, Lovington, Gallup and Clovis)", "Improvement of the Administration of Justice in New Mexico" (Farmington and Santa Fe).

Board of Directors, Legal Aid Society of Albuquerque.

POLDERVAART, ARIE

Participated in annual meetings of National Commission on Uniform State Laws, Los Angeles.

Participated in annual meeting of American Association of Law Libraries, Washington, D. C.

Board member, Albuquerque Bar Association.

Vice-Chairman, New Mexico State Library Commission.

SEED, VERLE R.

Annual meeting of Rocky Mountain Mineral Law Foundation Institute, Boulder, Colorado, August, 1958. (Is Trustee of the Foundation.)

Interstate Oil Compact Commission meeting, Kansas City, November, 1958 and New Orleans, June, 1959.

VERNON, DAVID H.

Drafting of legislation prohibiting discrimination in housing; drafting of legislation regulating the sale of goods in New Mexico. (Bills were not enacted.)

Speech to Heights Lions Club on Right to Work Laws.

8-9. PROFESSIONAL ACTIVITIES - ContinuedWALDEN, JERROLD

Prepared sound track for movie, "In Pursuit of the Law."

Lecture to Physical Education students, "Tort Responsibility of Teachers"

Speaker, Career Day, Valley High School and Highland High School.

WEIHOFEN, HENRY

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

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

Member, Advisory Committee, University of Chicago Jury Project.

Talk before American Society for Legal and Political Philosophy and Round Table on Jurisprudence, Association of American Law Schools, Chicago, December 29, 1958.

LECTURES AND SPEECHES

University of New Mexico 21 Club, Albuquerque, November 17, 1958.

Conference on Immigration, Denver, Colorado, December 6, 1958.

American Association for United Nations, Albuquerque, December 13, 1958.

American Society for Legal and Political Philosophy, Chicago, December 29, 1958.

United Student Christian Fellowship, Albuquerque, January 15, 1959.

KOME TV program, "State of Mind," Albuquerque, January 21, 1959.

Legislative meeting, New Mexico Conference of Social Welfare, Santa Fe, New Mexico, January 21, 1959.

Unitarian Church, Albuquerque, January 25, 1959.

National Institute of Mental Health, Seminar on Psychiatric Problems in Medical Practice, Roswell, New Mexico, April 4, 1959.

8-9. PROFESSIONAL ACTIVITIES - Continued

WEIHOFEN, HENRY - continued

Institute on Preventive Psychiatry, University of Iowa,  
Iowa City, Iowa, April 10, 1959.

Vanderbilt University, Nashville, Tennessee, April 16, 1959.

Kiwanis Club, Albuquerque, April 22, 1959.

Albuquerque Lawyers Club, May 11, 1959.

Menninger Foundation, Topeka, Kansas, May 27, 1959.

Institute for Developing Leadership in Community Mental  
Health, Clark County Association for Mental Health,  
Las Vegas, Nevada, June 6, 1959.

Eastern New Mexico Mental Health Planning Council,  
Clovis, New Mexico, June 12, 1959.

10. STUDY AND TRAVEL

Mr. Clark attended a joint meeting of the Bar of Mexico City and the State Bar of New Mexico November 10-12, 1958 in Mexico City. On June 15, 1959 Mr. Clark began teaching a new course in Public Water Law at the University of Colorado School of Law. The session lasted five weeks. The last week of this session was combined with the Western Resources Conference, also held at Boulder. Representatives from all over the West participated, including member schools of WICHE.

After attending the annual meeting of the American Association of Law Libraries in New York City in mid-June, Mr. Poldervaart and his family traveled for seven weeks visiting fourteen South and Central American countries.

10. STUDY AND TRAVEL - Continued

Mr. Vernon was enrolled on June 15, 1959 at New York University for advanced courses in legal education under an eight-weeks fellowship granted him by that institution.

11. GIFTS

The following are all important for obviously different reasons:

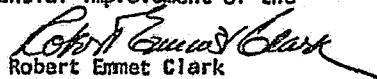
The New Mexico Title Company, through its President, Charles S. Lanier, made it possible for the College of Law to print an attractive Directory of Graduates.

Sheila Rodey Faust and Edgar Faust established the Pearce C. Rodey Memorial Award in Law in honor of Mrs. Faust's father, the late Pearce C. Rodey. This award provides \$75 annually for two prizes of \$50 and \$25 for excellence in legal writing. (This award replaces the John F. Simms Memorial Award established by Mr. Rodey.)

The Margaret Keiper Dailey Award in Law was established by relatives of Mrs. Dailey, faculty and staff of the College of Law, graduates of the College, and Legal Aid associates of Mrs. Dailey. The increment from this fund will provide book awards to students with satisfactory scholastic achievements and "those qualities of heart and mind that distinguished Mrs. Dailey's personal and professional life."

The Albuquerque Journal Publishing Company made available to the law school library in September of 1958 a gift of \$10,000 to be used for special collections in honor of the memory of T. M. Pepperday. This gift has already made possible the substantial improvement of the law library.

August 5, 1959

  
Robert Emmet Clark  
Acting Dean