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Natural Resources Journal & New Mexico Law Review, Annual Reports 2005 - 2006

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**THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW
ANNUAL REPORT JULY 2005-JUNE 2006
SUELLYN SCARNECCHIA, DEAN**

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STAFF APPOINTMENTS AND SEPARATIONS

Faculty

Permanent Faculty:

Professor Sheryl Wolf retired from the law faculty at the end of the 2005-06 academic year. Professor J. Michael Norwood was appointed Associate Dean for Academic Affairs beginning July 1, 2005.

Visiting Faculty:

Eleven visitors taught at the Law School during one or both semesters of 2005-06: Cynthia Aragon, Gary Conine, Charles Daniels, Joseph Freedman, Eileen Gauna, Evan Hobbs, Keith Lundin, Stewart Paley, Theresa Player, Lisa Torracco, and Robert Yazzie.

Cynthia Aragon taught in the Law School's Southwest Indian Law Clinic during the fall and spring semesters. Ms. Aragon was formerly an attorney with Law Access and an Assistant District Attorney with the Bernalillo County District Attorney's Office.

Gary Conine joined the law faculty during the fall semester as the Judge Leon Karelitz Chair in Oil and Gas. Mr. Conine, who held the Karelitz Chair during the spring of 2004, formerly taught oil and gas law at the University of Houston Law Center.

NEW MEXICO LAW REVIEW

The New Mexico Law Review has had a busy year! The 2005–2006 editorial board oversaw the publication of the last issue of Volume 35 in late 2005 and then prepared their three issues of Volume 36 for publication, the last of which will be published in December of 2006. These Law Review issues included articles on topics ranging from statutes of limitations applied to minors to incorporating international norms into the Supreme Court’s constitutional jurisprudence. In March of 2006, the Law Review hosted its annual Awards Banquet, organized by Mark S. Barron, which honored New Mexico Supreme Court Justice Patricio M. Serna and University of New Mexico School of Law Professor James W. Ellis for excellence in legal jurisprudence. In addition, the NMLR hosted two CLEs, organized by Anita Kelley, for local practitioners. The first, titled “Incorporating ADR Skills into Client Management,” looked at the lawyer’s professional responsibility to use skills such as ADR to facilitate the attorney-client- relationship. The second CLE, titled “Who Let the Blawgs In (and what do I do with them now that they’re here?),” looked at issues of law in light of emerging technology. In 2006, the Law Review will publish the remaining two issues for Volume 36 while simultaneously preparing Volume 37 for publication in 2007. Professor Michael Browde continues his work as the faculty advisor for the NMLR, joined by Susan Tackman, Publication Administrator, and Jessica Leary, Business Manager.

NATURAL RESOURCES JOURNAL

In the reporting period from July 2005 to June 2006 the Natural Resources Journal published four issues, volume 45, numbers 1 through 4. Each issue followed the format now established for the Journal, opening with an essay, followed by several substantive academic pieces, and ending with reviews of natural resource literature of various lengths. Despite the regular format, the issues varied greatly. Volume 45, number 3, for example, was primarily devoted to an exhaustive article summarizing and integrating the law governing an oilfield operator’s fiduciary duty to other interested parties. By contrast, volume 45, number 4 contained seven extremely diverse articles ranging from a religious writer’s essay on Irish wells to a literary critic’s analysis of a New Mexico Supreme Court decision.

In the reporting period, the Journal continued the recently established pattern of sponsoring one conference per period. This period the Journal, in conjunction with The Utton Center, sponsored a conference that looked at issues regarding the Rio Grande and its reservoirs. Experts in river and reservoir management came to Albuquerque from around New Mexico and neighboring Texas and presented papers before a substantial audience. These papers, which address issues of water storage and usage, have been edited and will be combined in a Natural Resources Journal issue to be published in the next publishing period.

In addition, the Natural Resources Journal continues to move forward in reestablishing and maintaining its longstanding tradition of excellence among academic natural resource publications. Working with many authors across numerous disciplines, the Journal is now assembling a wide range of essays on subjects as diverse as forestry and the role of science in water management and formal articles ranging from a history of the 1916 National Park Service organic act to the future of TMDL programs.

The Journal continues to reassess its place in a rapidly changing world of academic publications with an eye toward shaping its content to an appropriate niche.

UTTON TRANSBOUNDARY RESOURCES CENTER

This year the Utton Center has overseen the completion of the Model Interstate Water Compact Project. The Compact is the culmination of a four year effort beginning with a national conference that addressed interdisciplinary approaches to interstate water issues and a second that addressed cross-cultural issues followed by almost two years of comprehensive research and drafting by Jerome C. Muys and George W. Sherk. Muys and Associates of Washington, D.C., was selected to draft the Model Compact after a nationwide search. They helped create an advisory committee of over 30 governmental and private water resource experts who were invited to a three day workshop to provide advice on the components of the model. A draft was circulated to the committee and other experts for their comments. The final version of the Compact consists of a preamble and 12 articles, each with its own commentary section explaining the rationale for the article. It is hoped that the Model Interstate Water Compact will provide a mechanism for states to manage their interstate water conflicts without litigation. The Model Compact can also be used to help manage water resources that cross international boundaries. The drafters have made presentations regarding the Compact to a number of water conferences around the country, and the Center plans its own Continuing Legal Education Conference concerning the Model Compact in May, 2007. This project was funded in large part by the Department of Energy grant which comprised the initial funding of the Center, and also by the Thaw Charitable Trust and the Healy Foundation. The Winter edition of the Natural Resources Journal will include the full compact with commentaries. The Model Compact can be accessed on the Utton Center's website at <http://uttoncenter.unm.edu>.

During this reporting year the Utton Center entered into a contract with Sandia National Laboratories to assist in the development of a roadmap for the DOE regarding the energy water nexus. The Utton Center assisted in identifying critical participants for three regional needs-based workshops and helped lead workshop sessions and make presentations regarding the role of legal and regulatory policy. The final step was the drafting of sections of the Roadmap Report related to policy issues such as integrated resource planning. The Center established a small advisory committee of national water policy experts to advise the Center on this work and provide the breadth needed for this kind of an effort. The Center also developed a database for collecting and maintaining research on the subject. A license has been obtained through UNM Libraries to establish the database with access through the UNM Libros system. The UNM Law Library is interested in carrying on with the database as a permanent part of its resources.

The Ombudsman pilot project established with funding from the New Mexico State Legislature to assist the courts by educating *pro se* parties who are claimants to the Lower Rio Grande adjudication is continuing. A video and manual have been completed in English and Spanish and will be distributed. The Center will continue to establish mechanisms to provide information to the thousands of people who are parties to this adjudication. The project is an on-going one with