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Natural Resources Journal & New Mexico Law Review, School of Law Annual Report 2010 - 2011

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THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW
ANNUAL REPORT JULY 2010 - JUNE 2011
KEVIN K. WASHBURN, DEAN

Contents:

1. Staff Appointments [1]	10. New Mexico Law Review and Natural Resources Journal [23]
2. Admissions and Financial Aid [4]	11. Career and Student Services Office [27]
3. Registrar's Office [6]	12. Student Honors and Awards [31]
4. Curriculum Committee [6]	13. Institute of Public Law [38]
5. Indian Law Program [7]	14. Development & Alumni Affairs [54]
6. Clinical Programs [10]	15. Judicial Selection [56]
7. Guanajuato Summer Program [13]	16. Judicial Compensation Commission [57]
8. Law Library [14]	17. Faculty Honors and Awards [57]
9. Information Technology and Media Center [21]	18. Faculty Publications [60]

STAFF APPOINTMENTS AND SEPARATIONS

FACULTY ADDITIONS:

Gordon Rahn joined the University of New Mexico School of Law's Innocence and Justice Project as a Research Professor after spending ten years with the Kentucky Innocence Project as its project coordinator. He helped establish the Kentucky Innocence Project (KIP) in the Department of Public Advocacy, Kentucky's statewide public defender office. He also developed partnerships with the University of Kentucky's College of Law, Chase College of Law at Northern Kentucky University, the University of Louisville's Brandeis College of Law and the graduate program in Criminal Justice at Eastern Kentucky University, so that students could participate through externships in the program.

Jennifer Landau joined the University of New Mexico School of Law's Medical-Legal Alliance as a part time Research Professor.

FACULTY SEPARATIONS:

Professor of Law J. Michael Norwood retired effective June 30, 2011

Associate Professor of Law Erik Gerding resigned effective June 30, 2011

ADJUNCT FACULTY:

Samantha Adams, Modrall Sperling Roehl Harris & Sisk PA

Cynthia Aragon Stanaland, Aragon and Soto Hall, LLC

Tim Adler, Sutin Thayer Browne PC

George Bach, Bach and Garcia, LLC

A. Brent Bailey, Dixon Scholl & Bailey PA

Attorney, Client Management software used in the Clinical Law Program, will be installed on a server and all clinic workstations to be used in conjunction with a document assembly program, Hot Docs. 50 new workstations and four new computers will be purchased and installed for Law School faculty, staff, and clinic students.

NEW MEXICO LAW REVIEW AND NATURAL RESOURCES JOURNAL

Effective with this reporting period, the segment of the UNMSOL Journals program that comprises the *Natural Resources Journal* (NRJ) and the *New Mexico Law Review* (NMLR) was re-aligned under Carol Parker, Associate Dean for Finance and Administration, and the UNMSOL Library administration; it was formerly under the School itself. Lynne Arany, formerly titled Director of Publications, was renamed as Managing Editor; she remains the sole full-time staff dedicated to editorial, production, student-training, and quality standards oversight. The responsibilities of the former Business Manager, Jessica Leary (retired June 2010), were redistributed and are now shared by Arany and UNMSOL Library Business Operations Librarian, Marquita Harnett. Work Study support for the Journals was eliminated in Fall 2011, as part of a substantial cost-cutting program. Also on the budget front, UNMSOL direct funding for student recruitment, team-building events, and conference attendance has been eliminated; however, with the registration of both Journals as UNM student organizations in 2010–11, limited GPSA/SBA funds have become available for some of these needs. This year, too, NRJ's internal leadership structure changed to match the NMLR's, wherein the Faculty Editor-in-Chief position became a Faculty Advisor role instead; Reed Benson remained in this slot for the NRJ and Michael Browde continued for the NMLR. Last, the program's move to Library admin brought a refurbishment of the Journal Suite workspace; the attractive new layout has enhanced the opportunity for collegiality and information exchange among the three Journals that share the space: NRJ, NMLR, and the Tribal Law Journal.

EDUCATIONAL MISSION:

The educational mission of Journal work remains a priority. UNMSOL is a small school and the respectively small all-student Boards (3Ls) and Staffs (2Ls) are under great pressure to deliver high-quality scholarship in a timely way—and the competition among all law schools for promising professional articles is stiff. Two major changes have potential ramifications for future success:

- UNMSOL Journals Committee & Course Credits: A joint Faculty–Student Committee investigated the credit structure for Journal work this year, and, tied into the School's writing requirement, a decision was made to reduce Journal credits effective with the class of 2013. Incoming 2L staff (for Fall 2011) remained enthusiastic, however Journal work—historically a credit/no credit structure—has proven to take a back-seat to graded classes as each semester progresses. Whether the pool of potential candidates will shrink might be watched as well.
- Publication Frequency to 2 issues/year: Both Journals decided in 2010–11 to drop from 3 issues/year to 2, effective with their 2011–12 volume years. The necessity for timely publication was a key factor, as were the potential benefits of on-time releases: higher-quality professional contributions and better rankings. The expectation is that a similar amount of total articles per volume-year could still be published, however the economies of workflow

and focus would allow students to concentrate on improving content and procedures—and aid them in wrapping-up their Journal responsibilities as soon after graduation as possible.

Other concerns for our historically entrenched Journal model—one that is difficult to change, due to annually changing student leadership and editorial team—include a severely diminished subscription base and a need to match online publication models to legal publishing needs. Prior to this reporting year, the Journals had firmly established their online presence with improved UNMSOL website pages and a commitment to posting current-article PDFs while gradually populating the site with a searchable Back Issues component. In 2010–11, Professor Parker presented an opportunity to move more fully into the online journal universe, with an Open Access software solution, OJS (Open Journal Systems). The concept was intriguing to the students, but the time they had to devote to testing was limited. In the first half of academic year 2011–12, Lynne Arany is charged with an initial hands-on adaptation of each Journal’s workflow to OJS’s capabilities; the plan is to then engage the students in the testing process and, barring unforeseen incompatibilities, complete the transition by Spring 2012. Support and guidance for this project is provided via the OJS software developers, Associate Professor of Law Librarianship Ernesto Longa, and UNMSOL webmaster Adam Byrd. Future analysis might entail a deeper exploration of unique aspects of legal publications and enhanced search capabilities that are not fully developed in the currently available OJS modules.

Despite diminished staffing, and other challenges most law journals face, progress here at UNMSOL has been significant. Stepped-up training and instruction have paid-off. In conjunction with the Student Boards and the Adjunct Faculty who teach the regularly scheduled UNMSOL curriculum (2L Journal seminars), Lynne Arany continued her program of instructional handouts and editorial training; she taught two or more sections of each Journal’s class a semester, as well as offered ad hoc group and individual guidance as needed. The students in turn built their own internal “shadowing” and mentoring programs. Biweekly meetings with each Journal’s leadership proved a fruitful way of assessing workflow, helping them plan and anticipate/meet schedules effectively. With the tremendous support of a committed NRJ team, a substantial backlog that had been in place for many years was effectively caught up. With Professor Browde’s support, NMLR has begun to adopt similar procedures, placing them on track for the same positive results within the next year.

Over the term of this report, the following journal issues were published, and searchable article PDFs simultaneously placed on the UNMSOL website:

- **NRJ** (5 issues): Vol. 49, No. 3+4; Vol. 50, No.’s 1, 2, and 3 (Vol. 51, No. 1 arrived in August 2011).
- **NMLR** (4 issues): Vol. 39, No. 3; Vol. 40, No.’s 1, 2, and 3.

Two related areas to this track record—specifically in the technical and procedural realms—merit some comments and recommendations:

- **Submissions:** At specific intervals throughout the year, the Journals are inundated by new article submissions (sent predominately via an electronic service, BePress). To meet our desired publication schedules, it is critical for the review process to begin (for the next

volume-year) as soon as the new Boards have been determined in the Spring of their 2L year. Methods to manage this process could use more development.

- **Word Processing/File Management:** A critical factor in a productive legal-journal workflow is the technical condition of the manuscript files we work with; this is complicated by the now almost even use of Macs and PCs, and multiple, not fully compatible, versions of Word. With related delays (and student frustration) growing—and considering the headway that has been made in this last year to convert our page make-up workflow to using cost-saving Macros for our page make-up process—we hope that UNMSOL might broaden their Mac/Word support in the near future.

SPECIAL EVENTS, SPEAKING ENGAGEMENTS, & CONFERENCES:

2010 was an important anniversary year for each Journal: the 50th for NRJ, and the 40th for NMLR. These landmarks were noted in a special feature in the 2011 issue of the UNM Law Alumni magazine, along with online articles and other observances. The NRJ and NMLR were also proud to participate as the only student groups granted permission to present tables at the prestigious “60 for 60” alumni event here, in November 2010.

Lynne Arany was the guest speaker on “Publication Management and Academic Journals” at a symposium sponsored by the Technical Communication Program at New Mexico Tech in October 2010. She attended the 2011 annual Society for Scholarly Publishing (SSP) Conference in Boston this past spring; the SSP event focuses on content management workflows, cutting-edge digital initiatives, and electronic publishing technologies, and supports Open Access. In October 2010, she attended (via Web) the Duke University conference, “Implementing the Durham Statement: Best Practices for Open Access Law Journals.” Professor Parker procured scholarship funds to allow Ashleigh Morris (NRJ) and D’Ontae Sylvertooth (NMLR), each a co-Editor-in-Chief from their journal, to attend that same 2010 Duke conference in person; and, an incoming co-Editor-in Chief from each journal (Dan Akenhead, NRJ; Chris McNair, NMLR) attended the annual National Conference for Law Reviews (NCLR), in San Diego, in Spring 2011.

NOTES FROM THE STUDENT EDITORS-IN-CHIEF:

NRJ 2010–11 | Co-Editors-in-Chief: Maggie Lane & Ashleigh Morris

Board: 12 members; Student Staff: 11 members

“Our mission going into the 2010–11 academic year was to finally reconcile the backlog that has been looming over the Journal like a rain cloud for the past several years. We are proud to announce that we finished the year on track... Now that we are publishing fewer issues per year, the focus of the Journal should shift to focus on our quality and visibility. We hope these changes put the Journal in a better position moving forward.”

Journals Committee Report: Charged with the task of reassessing the journal writing requirement and determining future credit hour allocations, the committee ultimately decided (and received approval by the faculty at large):

Beginning with the 2012–13 Staff (2Ls), NRJ members will receive 1 credit per semester their second year, and 2 credits per semester their third year. And, Journal members will satisfy the Law School writing requirement through one of several Natural Resources-related seminars; Journal members will receive independent credit for the completion of the writing seminar. Should a NRJ writing seminar be created in the future (specific to Journal service rather than general Natural Resources seminars), the Journal credit allocation will increase to 2 second-year credits per semester. Note: The 2011–12 Board (3Ls) will retain the existing credit structure (3 credits per semester their third year; 2 credits in the Fall and Spring semesters of their second year).

Natural Resources Committee Report: One NRJ Editor-in-Chief served on the School’s Natural Resources Committee. Among other accomplishments, the committee gained faculty approval for a new Spring Law School course that would provide an overview of natural resources and environmental issues and also help acquaint potential NRJ members with NRJ issues in the Spring of their 1L year. The committee also discussed ways to strengthen ties between the Natural Resources faculty, the Utton Center, and the NRJ. One proposal was for the Utton Center to co-sponsor a biennial symposium with the NRJ, which would need to be considered further by both the NRJ and Utton Center.

Faculty Advisory Board (non-UNMSOL): In his new capacity as NRJ Faculty Advisor, Professor Benson spearheaded the formation of a multi-disciplinary NRJ Advisory Board. These pre-eminent scholars from a range of universities can be tapped to help assess articles beyond student expertise.

Board Positions: We continued to tweak our Board positions in response to the rapidly changing demands of modern journal publishing. This reporting year was the first that we had a Student Managing Editor slot, and we feel it was instrumental in the progress we made. We learned though that the submission review process needed bolstering, so in time for the Spring 2011 selections for the new (2011–12) Board, we added a hybrid Articles Selections/Manuscript Editor position.

Training: The outgoing 2010–11 Board dedicated a great deal of the Spring semester to enhancing the training, shadowing, and mentoring of our incoming Board members. This was accomplished through not only pairing up the outgoing members with incoming members, but also through partnered/supervised technical and substantive editing assignments and articles selection exercises. We feel this legacy must continue.

NMLR 2010–11 | Co-Editors-in-Chief: Jennifer Duprez & D’Ontae Sylvertooth

Board: 16 members; Student Staff: 13 members

“Online access has greatly increased the need for a faster turnaround. Authors, now more than ever, want their articles published as soon as possible....As for recommendations, we would emphasize the need for a greater presence online. This year we made many changes but were unable to devote the time and energy needed to explore our online resources. Not only should we make our articles available online through our website, but major changes need to be made to the

website itself [to improve the experience].”

Rededication to NM Issues: We determined early on that Volume 41 would represent a landmark in NMLR history: we happily chose to rededicate the journal to exploring issues that have a direct impact on the state of New Mexico. In one initiative to that end, we reached out to the New Mexico legal community for their suggestions and input on key topics. We hope this effort will become a tradition as well as strengthen our ties with the New Mexico judiciary in particular; further, we hope we have laid the ground work for some exceptional articles in the future. By going to two issues per year (from three), it is our hope that we can expedite the publication process, retain the best authors, and gain a better experience—and result—for all those involved.

Student Articles: In recent years, the NMLR published all accepted student articles in the final issue of the volume-year. We were of the opinion that this strategy denied the student authors appropriate visibility; their topics could be important, but journal readers might overlook that last issue. With Volume 41—and we hope going forward—we are devoting a section to student articles in each issue.

Journals Committee Report: NMLR members offered mixed support for the committee decisions in response to the School’s concern about compliance with its writing requirement. Beginning with the 2012–13 Staff (2Ls), NMLR members will receive 2 credits per semester. Additionally, a graded classroom component was added for the staff during the Fall semester of their first (2L) year on NMLR, through which the staff is able to complete their writing requirement. Note: The 2011–12 Board (3Ls) will retain the existing credit structure (3 credits per semester their third year).

Seminar programming: 2010–11 was the last year the staff (2Ls) seminar had a fully student-devised curriculum and agenda. The framework of it continued to function in support of the case note and comment articles NMLR 2Ls have been required to complete. This year the syllabus was primarily coordinated by the co-Editors-in-Chief, and classes were taught by a variety of guest instructors including NMLR Faculty Advisor, Professor Michael Browde; law librarian Eileen Cohen; Publications Director Lynne Arany; and others.

CAREER AND STUDENT SERVICES OFFICE

The Career & Student Services Office (CSSO) at University of New Mexico Law School serves the career, professional development, and academic support needs of students and graduates of the Law School as well as the employment needs of law firms, government agencies and non-profit groups in the state and beyond. The CSSO has impacted the lives of students and graduates in many ways. Some of the efforts of the CSSO are annual and continuing. Such continuing efforts include: One-on-one career and academic counseling of law students; designing and implementing of academic support programs for students at risk; assisting students with disabilities; a formal On-Campus-Interview program; mentoring programs, such as the State Bar Young Lawyers Division Mentorship Program; participation in local and regional career fairs;