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Introduction

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INTRODUCTION

Welcome to the second issue of Volume 37 of the New Mexico Law Review. We are very proud of our second issue because it highlights topics of particular relevance to New Mexicans as well as authors from New Mexico.

Our second issue begins with two articles that focus on education. The first article, authored by Tom I. Romero, II, is entitled *¿La Raza Latina?: Multiracial Ambivalence, Color Denial, and the Emergence of a Tri-Ethnic Jurisprudence at the End of the Twentieth Century*. The author highlights the complicated and often inconsistent transformation of the legal meanings and consequences of color and race in the final decades of the twentieth century. The author, after reviewing a number of significant cases dealing with race and ethnicity, determines that the need to create a more nuanced and sophisticated understanding of race, ethnicity, and color in equality jurisprudence still exists today.

The author of the second article explores the constitutionality of New Mexico's capital finance system for public schools. Lynn Carrillo Cruz, a University of New Mexico School of Law graduate, reviews a lawsuit brought by the Zuni Public Schools against the State of New Mexico in her article *No Cake for Zuni: The Constitutionality of New Mexico's Public School Capital Finance System*. The author concludes that the capital financing scheme does not comply with the requirements of the New Mexico Constitution. The author suggests, however, that the New Mexico Legislature could remedy the constitutional defects by apportioning the wealth of the State as a whole to finance both operating and capital school funding.

The next two articles in this issue focus on two facets of New Mexico law: The New Mexico Public Employee Bargaining Act and the New Mexico Accountant-Client Privilege. The first of these two articles is co-authored by two New Mexico practitioners, S. Barry Paisner and Michelle R. Haubert-Barela. Their article, *Correcting the Imbalance: The New Mexico Public Employee Bargaining Act and the Statutory Rights Provided to Public Employees*, examines the 2003 version of the Public Employee Bargaining Act and the protection that it affords New Mexico's public employees with respect to their ability to organize and bargain effectively. The authors conclude that collective bargaining in the public sector should not necessarily translate into either fewer rights for public employees or the inability to fully engage in the collective bargaining process.

Robert Tepper's article, *New Mexico's Accountant-Client Privilege*, follows. Mr. Tepper is a Lecturer in the Accounting Department at the Anderson School of Management, and he is a graduate of the University of New Mexico School of Law. The author discusses the nature of and justification for an accountant-client privilege, the validity of such a statutory privilege given the New Mexico Supreme Court's plenary power over rules of evidence, and the potential application of such

a privilege in New Mexico. The author suggests a need for clarity so that lawyers, accountants, and the public are aware of the validity, or invalidity, of the privilege. He notes that such clarity might arise through litigation, a constitutional amendment allowing the legislature to create evidentiary privileges, a repeal of the present accountant-client privilege, or, ideally, a harmonizing of the existing statutory provisions concerning confidential client communications.

The next article in our second issue is *Institutional Repositories and the Principle of Open Access: Changing the Way We Think About Legal Scholarship*. Carol Parker is the Law Library Director and Assistant Professor of Law at the University of New Mexico School of Law. The author discusses institutional repositories, open access to legal scholarship, and changing the way one thinks about legal scholarship. The author explores how legal scholars are currently using institutional repositories in creative new ways to publish digital objects. The author encourages law schools to adopt the principle of open access and self-archiving scholarship in repositories because it increases an author's control over his or her work while also increasing the impact of the work through expanded readership and faster access.

Our issue closes with Patrice Kunesh's *Banishment as Cultural Justice in Contemporary Tribal Legal Systems: A Postscript on Quair v. Sisco*, a sequel to her article *Banishment as Cultural Justice in Contemporary Tribal Legal Systems*, which appears in the first issue of Volume 37. In this postscript, the author reviews the district court's decision in the second case arising from the *Quair v. Sisco* dispute. The author discusses the implications of the district court's holding, with an emphasis on the ramifications of the new elements of habeas corpus review under the Indian Civil Rights Act. The author concludes that the comity model is the appropriate framework for resolution of tribal disputes arising from banishment decisions because that model follows tribal notions of respect for fairness and individual dignity.

We are pleased to announce that the New Mexico Law Review is venturing into the electronic age. We have been working with the Law Library of the New Mexico School of Law to create an institutional repository. We will collect hard-to-find sources relied upon by our authors and store those documents in our institutional repository. Our institutional repository will be searchable by Google, and the links to specific articles will be available when viewing an article electronically. If you are interested in learning more about institutional repositories, we suggest that you read Carol Parker's article published in this issue.

We hope that you enjoy our second issue of Volume 37, and we invite you to visit our institutional repository, which is available at <https://repository.unm.edu/dspace/handle/1928/3548>.