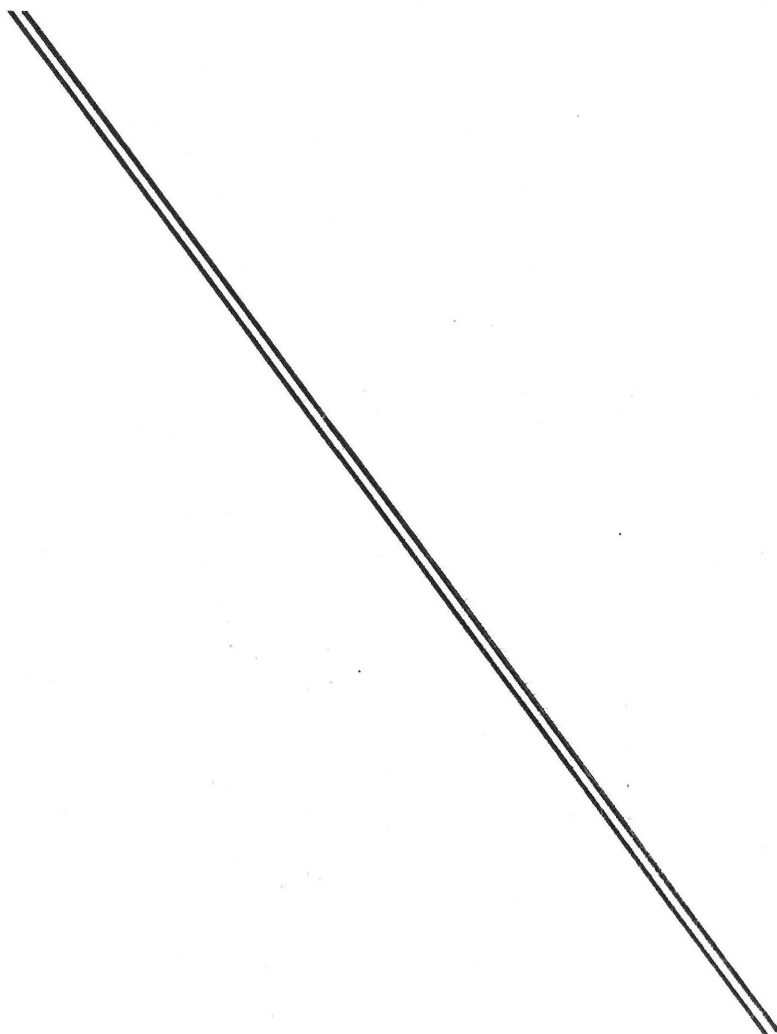


College of Law

The University of New Mexico

BULLETIN



ANNOUNCEMENTS, 1950-1951



THE FIRST GRADUATES—CLASS OF 1950

Back row, left to right: Dean A. L. Gausewitz, John R. Connelly, James D. Cowper, Thomas J. Mabry, jr., La Vor Burnham, Albert O. Lebeck, jr., Paul W. Robinson, Charles R. Zierke, William O. Jordan, Richard C. Civerolo, Avelino V. Gutierrez, Richard A. Parsons, David E. Douglas, James L. Brown, George L. Zimmerman II, Clifford J. Groh, Leslie A. Williams, George T. Harris jr. *Front row*, left to right: Benjamin T. Traub, Joe W. Wood, Monte C. Rowden, William S. Fulton, jr., George W. Walker, George T. Burr, Thomas M. Wirsching, Silas G. Henry. Not in picture: Herbert L. Cushing, Robert B. McKechnan, Paul P. Schwartz and John W. Thompson, jr. George T. Burr and Clifford J. Groh (in picture) and Joseph B. Zucht (not shown), class of January, 1951.

The University of New Mexico

BULLETIN



Announcements for
COLLEGE OF LAW

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THE UNIVERSITY OF NEW MEXICO PRESS
1950

What a man is depends on his philosophy of life. And what kind of lawyer a man is depends on his philosophy of law. His temperament and talents are of course part of his make-up and largely affect his action and the reaction of life on him. But his basic character as lawyer, the weight and color of his influence, depend on his idea and ideal of the law, its origin, function and purpose. His conception of the law is affected moreover by his conception of government, his theory of the state, its nature and purpose. And all these ideas, conceptions, and attitudes are controlled in last analysis by his belief as to man's essential nature, his relation to his fellows, and his place and purpose in the world.

Wilkin, Eternal Lawyer, Copyright 1947 by the MacMillan Company, New York, 1947, Page 208. The author, Robert N. Wilkin, is Judge of the U. S. District Court for the Northern District of Ohio. Reproduced with the written permission of the copyright owner and of the author.

CALENDAR—1950-1951

SEMESTER I, 1950-51

New Students, Tests and Instructions	September 11-12-13, Monday-Tuesday-Wednesday
Registration	September 14-15, Thursday-Friday
Late Registration Fee Applies	September 16, Saturday
Instruction Begins	September 18, Monday
Registration Closes; Last Day for Additions to Programs of Study; Change of Program Fee Applies	September 30, Saturday
Homecoming, Holiday	November 4, Saturday
Mid-Semester	November 11, Saturday
Thanksgiving Recess Begins	November 22, Wednesday, 10:00 p. m.
Classes Resume	November 27, Monday, 7:00 a. m.
End of Twelfth Week: Last Day for Removal of Incomplete Grades	December 9, Saturday
Christmas Recess Begins	December 16, Saturday, 10:00 p. m.
Classes Resume	January 2, Tuesday, 7:00 a. m.
Pre-examination Week	January 15-22, Monday-Monday
Semester Final Examinations	January 22-27, Monday-Saturday
Semester Ends	January 27, Saturday, 10:00 p. m.

SEMESTER II, 1950-51

New Students, Tests and Instructions	January 30-31, Tuesday-Wednesday
Registration	February 1-2, Thursday-Friday
Late Registration Fee Applies	February 3, Saturday
Instruction Begins	February 5, Monday
Registration Closes; Last Day for Additions to Programs of Study; Change of Program Fee Applies	February 17, Saturday
Easter Recess Begins	March 21, Wednesday, 10:00 p. m.
Classes Resume	March 26, Monday, 7:00 a. m.
Mid-Semester	March 31, Saturday
End of Twelfth Week: Last Day for Removal of Incomplete Grades	April 28, Saturday
Pre-Examination Week	May 21-28, Monday-Monday
Semester Final Examinations	May 28-June 2, Monday-Saturday
Semester Ends	June 2, Saturday, 10:00 p. m.
Baccalaureate Service	June 3, Sunday, 8:00 p. m.
Commencement Exercises	June 4, Monday, 8:00 p. m.

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THE REGENTS OF THE UNIVERSITY

The Honorable Thomas Jewett Mabry, Governor of New Mexico, ex-officio Santa Fe
Charles Rose, State Superintendent of Public Instruction of New Mexico, ex-officio Santa Fe
Judge Sam G. Bratton, President Albuquerque
Jack Korber, Vice-President Albuquerque
Mrs. John Milne, Secretary and Treasurer Albuquerque
Tibo J. Chavez Belen
Mrs. George Savage Albuquerque

COLLEGE OF LAW

Alfred LeRoy Gausewitz, B.A., LL.B., University of Minnesota; LL.M., Stanford University. Dean and Professor of Law
Owen T. Armstrong, B.A., LL.B., University of Wisconsin, Instructor
John Andrew Bauman, B.S.L., LL.B., University of Minnesota. Assistant Professor of Law. On leave 1950-1951.
Robert Emmet Clark, B.A., University of New Mexico; LL.B., University of Arizona. Assistant Professor of Law
Harvey Sheely Hoshour, A.B., LL.D., Gettysburg College; LL.B., University of Minnesota. Professor of Law
Joseph Walter Meek, B.Sc. (Bus. Ad.), LL.B., University of Arizona. Associate Professor of Law
Arie William Poldervaart, B.A., Coe College; M.A., University of Iowa; Member, New Mexico Bar. Associate Professor of Law and Law Librarian
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COLLEGE OF LAW

ADMINISTRATIVE OFFICERS

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France V. Scholes, Ph.D., Academic Vice-President

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GENERAL DIVISIONS

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Jack Ellsworth Holmes, M.A., Director Division of Government Research
Lincoln LaPaz, Ph.D., Director Institute of Meteoritics
E. B. Mann, Acting Director University Press
Thomas T. Castonguay, Ph.D., Chairman of Board, Division of Research and Development
Dexter H. Reynolds, Ph.D., Technical Director, Division of Research and Development
John Nicoll Durrie, B.A., Editor, Scholarly Publications

GENERAL INFORMATION

ACCREDITING

The University has been a member of the North Central Association of Colleges and Secondary Schools since 1922. Approval of the Association of American Universities was given to the University in 1933, and the American Association of University Women recognized the University in the same year. In 1937 the College of Engineering was approved by the Engineering Council for Professional Development. In 1948 the College of Pharmacy was accredited by the American Council on Pharmaceutical Education and in 1950, it was accredited as a Class A college by the Council. The College of Law was provisionally approved by the American Bar Association February 24, 1948, (see pp. 12-13) , and was admitted to membership in the Association of American Law Schools in December, 1948.

SITUATION

The University is situated in Albuquerque, a metropolitan area of 100,000 inhabitants. The campus lies a mile above sea level on a plateau overlooking the Rio Grande, and about 12 miles from the lofty Sandia mountains. Albuquerque is noted for its dry and sunny climate. Although the weather undergoes the normal seasonal changes, temperatures are not extreme.

The city is on the main line of the A. T. & S. F. Railway and is served by transcontinental bus and air lines. U. S. Highways 66 (the Will Rogers Highway) and 85 intersect at Albuquerque.

Historic Santa Fe is approximately sixty miles to the north, and the picturesque Indian pueblos of Taos, Jemez, Isleta, and Acoma are within easy driving distance.

HISTORY

The University of New Mexico was created by an act of the Territorial Legislature in 1889, opened as a summer normal school on June 15, 1892, and began full-term instruction on September 21 of the same year. Its development in the sixty years since its inception has been extraordinary. The 20 acres allotted by the Territorial Legislature for a campus have become more than 400; buildings have increased from a single structure to 73. Enrollment has grown from one college enrollee in 1895-96 to 4,795 registered in the fall of 1949.

The development of new colleges and divisions has kept pace with the physical growth of the institution. The College Department be-

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came the College of Literature and Arts in 1898, later changing to its present title of College of Arts and Sciences. The College of Engineering opened in 1906, and the Graduate School and Extension Division, in 1919. In 1928, the College of Education was created; in 1935, the General College; and in 1936, the College of Fine Arts. A unit of the United States Naval Reserve Officers Training Corps was established May 20, 1941. The School of Inter-American Affairs was instituted during the same year. In 1945, the following new divisions became an active part of the University program; the College of Pharmacy, the Division of Governmental Research, and the Bureau of Business Research. In 1946, the Division of Research and Development and the Institute of Meteoritics were added to the University's research program. The College of Business Administration and the College of Law were organized in the fall of 1947. An Air Force Reserve Officers Training Corps unit was established in 1949. The University has 40 instructional departments; work leading to the master's degree is offered in 27 departments, and toward the doctor's degree in eight.

University administrators have for many years realized that the situation of the University of New Mexico provides it with a wealth of source material in the historical and archaeological background of the nation, and that its proximity to the Indian, Spanish, and Mexican cultures makes it a natural place for the study and appreciation of those cultures. They have, therefore, encouraged the development of Southwestern and Latin-American studies and research. Some tangible evidences of this interest are found in the uniform architectural style (a modification of the Indian pueblo), which has been described as "The outstanding example of the effective use of regional architecture in the United States," the incorporation of the School of Inter-American Affairs, the maintenance of the Chaco Canyon site for anthropological research, and presence on the faculty of outstanding Latin-American artists and scholars, the awarding of honorary degrees to a group of distinguished Mexican educators, and the various examples of Indian, Mexican, and Spanish-American painting, carving, and weaving to be found throughout the campus buildings.

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The State Bar of New Mexico having previously adopted a resolution to that end, and the Legislature of New Mexico having made financial provision, the Regents of the University of New Mexico, on March 31, 1947, as expressly authorized by Laws 1889, Ch. 138, S15, approved the establishment of a College of Law. Professor

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Alfred L. Gausewitz, then of the University of Wisconsin, was appointed Dean on June 18, 1947, and the College admitted its first class in September, 1947. Only one class was admitted and only the first year of work given in 1947-1948. A second year of work was added for 1948-1949 and the full three-year course given in 1949-1950. There is no summer session.

AIMS AND METHODS

It is the democratic ideal, of which the Christian ethic of sympathy is a religious expression, that the human personality always be respected and that each individual be left as free to develop and express himself spiritually, politically, socially, and materially, as is compatible with the general principle. For the law, this means that every individual shall be treated on his merits, on the basis of what he is and is capable of becoming, his past life being significant only as evidence of his character and potentialities. This also means that those who seek to make and administer the law must be properly motivated, well aware of social objectives and values and sensitive to human needs and aspirations.

The aim of the College of Law will be to insure, without efforts at indoctrinating the students with particular views, that its graduates understand the democratic ideal and the role of law and of the lawyer in our striving to attain it. To this end, it will be urged that students enter the law school with as broad a cultural and educational background as it is possible for them to have. At present, the minimum requirement is, as stated below, three years of college work, with certain exceptions for persons with a maturity gained from military service or otherwise. In the College of Law, the students will not only study the ideas, ideals and the ways of life expressed in the substantive law and in legal literature, and the procedures provided for their application, but will also have kept before them the obligations of their profession.

The right of the lawyer to just compensation for his services will be recognized, but the duties of a lawyer as adviser, draftsman, negotiator, advocate, judge, legislator, teacher, official, and citizen, and the personal satisfaction to be gained from work well done, will continually be stressed as paramount to personal gain, especially to financial reward obtained for position and influence and not earned by professional services rendered.

The aim of the College of Law is to furnish its graduating students with a sound base for a program of self-education which will be continued by them throughout their lives. The law is deemed to be a flexible, living, and dynamic system of organizations, processes and

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procedures serving the purpose of (1) resolving particular conflicts of interests (adjudication) and (2) providing guides to obviate future conflicts of interests (legislation). This system is based upon a solid, although not rigid or mechanically applicable, foundation of substantive and procedural law which no official should depart from or seek to modify except in accordance with the methods of the appropriate process and after adequate notice and hearing. Therefore, the method of the College consists in the study of the organization, processes and procedures of the law as revealed in past adjudications and in legislation—legislation by private contract as well as by judicial and legislative processes—and in the study of contemporary problems in areas in which conflicting interests and opinions have not yet been resolved. The materials for such study will be selected and systematized so as to give as broad and readily grasped a coverage of legal information as possible, while at the same time providing exercise in the development of skills and encouraging an attitude of truth-seeking in research, synthesis, criticism and expression. It is expected that faculty time will permit substantially more of the course of study to consist of the study of problems by the students, individually, under the guidance and criticism of the faculty than has usually been possible in law schools; that there will be less than twenty students per faculty member. A persistent effort will be made to bring to the surface, and thereby to challenge the students with, ultimate ideals and aims and moral problems; this to the end that they will not proceed unconsciously on the basis of untested assumptions, or on the basis of their individual ideas, humanitarian or otherwise (note the difficulties suggested by the following from the declaration of trust of A. P. Giannini: "Administer this trust generously and nobly, remembering always human suffering. Let no legal technicality, ancient precedent or outmoded legal philosophy defeat the purpose of this trust."), but will realize the difficulties of human understanding and progress, and will develop in themselves the respect for, and the understanding of, government under law, the balance of boldness and humility, and the unselfish devotion to duty that are required of citizens who are members of the legal profession.

STANDARDS OF AMERICAN BAR ASSOCIATION AND OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS

The standards of the American Bar Association are as follows:

The American Bar Association is of the opinion that every candidate for admission to the bar should give evidence of graduation from a law school complying with the following standards:

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It shall require as a condition of admission at least 2 years of study in a college.

It shall require its students to pursue a course of 3 years' duration, if they devote substantially all of their working time to their studies, and a longer course equivalent in the number of working hours, if they devote only part of their working time to their studies.

It shall provide an adequate library available for the use of the students.

It shall have among its teachers a sufficient number giving their entire time to the school to insure personal acquaintance and influence with the whole student body.

The College has met these standards and was approved by the American Bar Association on February 24, 1948. This approval was "provisional." The meaning and significance of "provisional" appears from the following excerpts from publications of the Section of Legal Education and Admissions to the Bar: "The approval first given is called 'provisional approval.' This means that the school fully meets the standards of the American Bar Association, but is subject to reinspection after the lapse of a period which is usually about two years." (1944 *Review of Legal Education*, p. 23.) "No school will be given provisional approval unless in the judgment of the Council it is found to be meeting the minimum standards of the American Bar Association. The graduates of provisionally approved schools are entitled, therefore, to the full recognition of their credits by bar examiners." (Factors Bearing on the Approval, etc., May 15, 1947, p. 2.)

The standards of the Association of American Law Schools are set forth in Article Sixth of its Articles of Association. Its requirements relating to student work will be found in the Admission Requirements and Requirements for Degree set forth below, except that New Mexico will require more than the minimum amount of prelegal education required by either Association. Membership in the Association of American Law Schools was granted to the College in December, 1948.

BAR EXAMINATIONS

The degree in law from this University will not confer the privilege of practicing law in New Mexico or elsewhere. The degree will satisfy the requirement of graduation from a law school approved by the American Bar Association as a prerequisite for bar admission.

Bar examinations in New Mexico are given in the Supreme Court Building in Santa Fe commencing on the fourth Monday in Febru-

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ary and the second Monday in August of each year, unless otherwise announced. The fee for recent graduates is \$35. An applicant must be a bona fide resident of New Mexico at the time of the examination. If a six months' residence has not been established at the time of taking the examination, a license to practice law in New Mexico will be issued only if a six months' residence be completed within 18 months, from the date of examination. Residence may be established while attending this College of Law. Additional information can be obtained from Secretary, State Board of Bar Examiners, Supreme Court Building, Santa Fe, New Mexico.

LAW BUILDING

Plans are being made for construction of a law building. Until the building is completed, the school will be housed in the Stadium Building, with class rooms and three of the faculty offices nearby on the campus.

THE LIBRARY

The College of Law Library, housed separately with the law school, received an auspicious start through donation of the Francis C. Wilson, Francis E. Wood and other private law library collections. It contains over 25,000 volumes and is being augmented by approximately 250 volumes each month. The library includes comprehensive collections of British, Federal and state court reports, including special and annotated series, session laws, current state and Federal statutes, legal treatises, periodicals, encyclopedias and digests, administrative reports, and other classes of legal materials.

ADMISSION REQUIREMENTS

A candidate for the degree of Bachelor of Laws must have completed, in residence, before admission to the College of Law, at least three (two, in the case of veterans of World War II who register by the fall of 1952) years of study in a college or university, in which he has earned at least ninety (sixty in the case of veterans of World War II) semester hours of credit acceptable towards the Bachelor of Arts, Bachelor of Business Administration, or other degree at the University of New Mexico, exclusive of non-theory courses in military science, hygiene, home economics, physical education, vocal or instrumental music, or courses without intellectual content of substantial value. Such pre-legal work must have been completed with an average of "C" or better on all prelegal work, exclusive of non-theory courses (see above), undertaken (failed courses must be in-

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cluded) in all institutions attended. Credit earned through correspondence, or by examination, is not acceptable.

Applicants are required to take the Law School Admission Test (see below).

Beginning law students will be admitted at the opening of the fall semester only.

All correspondence regarding law work and entrance, all applications for admission, and all transcripts should be addressed to the Director of Admissions, University of New Mexico, Albuquerque, New Mexico.

Applications from College of Law applicants who have been graduated with a B.A. degree or its equivalent will be processed upon the receipt of a complete official transcript from the last institution attended, showing graduation and grades for all academic courses leading to the degree. Students who have earned postgraduate degrees must provide official transcripts from the institution or institutions in which such degrees were earned.

No person will be considered for admission until he has filed formal application and required transcripts, nor is he assured of entrance or rejection until he has received official notice from the Director of Admissions.

Applications and transcripts should be filed not later than August 15 for first semester registration, in order to afford time for evaluation and, if necessary, supplementation and correction. Transcripts must come directly from the registrar of the institution.

LAW SCHOOL ADMISSION TEST AND OTHER TESTS AND INQUIRIES

All applicants for admission are required to take the Law School Admission Test given by the Educational Testing Service, P. O. Box 592, Princeton, New Jersey. Tests will be given at various places throughout the United States. Information and application forms can be obtained by writing to the Educational Testing Service. These should be obtained well in advance of the examination dates, so that the application and \$10 fee can be returned ten days or more before the date of the test. Applicants who have taken this test on or after February 28, 1948, need not repeat it but must have a report of the test sent to this College, if they have not already done so. Applicants will not be excluded on the basis of the test. Residents of New Mexico may, for cause shown, be permitted to postpone the test until after they have entered the College.

Students may be required to take, without charge, speech, hearing, interest, and additional aptitude or other tests after their en-

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trance into the College, to have their pictures taken, and to answer questionnaires or oral questions as to their past and present activities relevant to their legal study.

SELECTION OF PRELAW PROGRAMS

Certain fields might be listed and recommended in which a lawyer should have at least an elementary knowledge, such as accounting, economics, English composition, speech and literature, government, history, philosophy, psychology, sociology, and anthropology. Specific subjects might be collected as required or elective subjects into a "prelaw" program. It is believed, however, that the student's interest should be the dominant guide. It was chiefly because of the importance of student interest that a survey of recommendations by leaders of the profession to the prospective law student led to the following conclusion: "Next to be observed is a unanimous *opposition to required courses* in prelegal training." Vanderbilt, *Studying Law* (1945) 650. Also, a course may vary as to content and method at different times and places. Again, while it is well to have a central interest and an aim, too early specialization is not desirable, and a student should not think of himself as primarily a "prelaw" student. Moreover, a student may not decide to study law until it is too late to meet specific requirements, or may change his mind and decide not to study law after he has taken subjects in a "prelaw" program in which he had no genuine interest. And many who finish a law course and are admitted to practice, eventually go into business, public office, or other fields in which a broad background is of great value.

For these reasons, no more specific recommendation is made at present than the broad cultural background that is afforded by the program of the College of Arts and Sciences or the cultural and business education of the College of Business Administration or a degree in any other field. There is no "Prelaw Curriculum."

One subject that is of special value to a lawyer not only because of the training in precision and clarity of thinking that it, like mathematics and the natural sciences, gives, but as a "tool," is accounting. Business Administration 5 is therefore listed in the law curriculum, but students are urged to take it before entering the College of Law. Obviously, an ability to think clearly, to read carefully and understandingly, and to speak and write well is essential. These abilities are also tools, indispensable tools. To read understandingly, and critically, requires a stock of information. But information is not as important as skills in reading, speaking, and writing, a capacity for, and a habit of, intensive application and carefulness, and high

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personal standards of accomplishment. If possible a student should take an Honors course or at least one course in which a competent job of independent writing and research is required. In these ways one will provide himself with a capacity for future development. Law touches life at so many points that one man simply cannot acquire all of the information that he may need. He can, however, equip himself with a capacity for acquiring and valuing special knowledge.

While some courses, such as a natural science with laboratory work, or a language, are valuable for their informational content as well as for their disciplinary value, other courses are in their informational aspects more directly relevant to law—economics, ethics, government, American and English constitutional history, psychology, cultural anthropology and sociology, and logic for thinking.

Not every subject can be taken. One's interest should be his chief guide. The college requirements insure against too much concentration or too great diffusion. Since the College of Law will have no summer sessions, students may make up deficiencies by attendance in summer session courses in other colleges. Elective law credit not to exceed nine credits (in addition to the recommended accounting course) will be allowed for such courses with the permission of the Dean in the case of a student who has a well considered plan for specialization (see p. 246).

Typing: Certain exercises in the law school must be typed. An ability to type will be very helpful.

SPECIAL STUDENTS

A limited number of students with fewer than the academic credits required of candidates for the law degree may be admitted as special students. An applicant for admission as a special student must be at least 23 years of age, and his experience and educational training must have been such as, in the judgment of the Law Faculty, to have specially equipped him for the successful study of Law. Application for admission as such a special student must be made to the Director of Admissions of the University well in advance of the beginning of the regular academic year for the purpose of submission to the Dean of the College of Law. Such applications will be considered and acted upon at the first meeting of the Law Faculty after September 1 of each year. Special students are not candidates for the law degree, and upon completion of their law study are not eligible for bar examinations in New Mexico nor in

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such other states as require graduation from a law school approved by the American Bar Association as a prerequisite for bar admission.

ADMISSION TO ADVANCED STANDING

A student transferring to the College of Law will not be given credit toward the law degree for credit earned at a school not a member of the Association of American Law Schools or provisionally approved by the American Bar Association, except that credit earned within three calendar years of provisional approval by the American Bar Association may be accepted. Time during which a person was in active military service will be disregarded in computing the three-year limitation.

Credit earned at a law school located outside the continental limits of the United States may be accepted, if

- a. The courses taken and completed were substantially equivalent in content and credit to courses given in an approved law school in the United States, and
- b. The school at the time of admission of the student required standards for admission substantially equivalent to those of approved law schools in the United States,

but only to the extent of work successfully completed, and not in excess of

- a. two years if the curriculum was based primarily on Anglo-American common law,
- b. otherwise, not in excess of one year.

A transferring student must present:

1. An official transcript of his prelegal course of study.
2. An official transcript of his law study.
3. A letter from the dean of the law school from which he transfers to the effect that he is presently eligible to re-register in that law school.

Admission will not be granted to a student who has been disqualified on account of low scholarship in another law school unless there is reason to believe that the failure was occasioned by factors other than lack of capacity.

REQUIREMENTS FOR BACHELOR OF LAWS DEGREE

To secure the degree in law from the University of New Mexico, a candidate for such degree must:

1. Have met fully all prelegal requirements.

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2. Have spent at least 3 full academic years in residence study of law in accredited law schools. The work of the third or last year, comprising not less than 24 semester hours of law credit, must be done in residence in this University. Residence study means "that a student has been enrolled in a schedule of work represented by a minimum of 10 class hours a week and has passed a minimum of 9 such class hours, but in case a student fails to pass work equal to 9 class hours a week, he shall not receive 'residence credit' in excess of the ratio that the hours passed bear to nine. A student enrolled in a schedule of less than 10 class hours a week shall receive 'residence credit' in the ratio that the hours passed bear to ten." *Both subject credit and residence, or time, credit are required. A student cannot earn additional residence credit by earning excessive subject credit* (see 4 below).

3. Have secured by and during such 3 or more years of residence study not less than 83 semester hours of credit of satisfactory grade in courses of law study (including "required" courses) with a scholarship index of 1 (a "C" average) on all work attempted for law credit.

4. In order that a student's final (sixth) semester of regular residence work may be accepted as a part of the required 3 full academic years of residence study of law, such student must register for not less than 10 hours and successfully complete during such semester not less than 9 semester hours of law study, even though a lesser number of hours would enable such student to meet the quantitative requirements for the law degree.

COMBINED COURSE OF STUDY LEADING TO TWO DEGREES

A candidate for a bachelor's degree in Arts and Sciences or in Business Administration may offer, in lieu of the last thirty hours at the University of New Mexico, the first full year's work (satisfactorily passed and properly certified) in the College of Law, provided that the requirements stated in the announcements of those colleges are met.

FACULTY

Professors Gausewitz (Dean), Hoshour, Seed, Weihofen; Associate Professors Meek, Poldervaart (Librarian); Assistant Professors Bauman (on leave), Clark; Instructor Armstrong; Lecturer Smith.

COURSE OF STUDY

The course of study will be determined by the faculty and may

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be changed at any time. Special lectures and services such as legal aid are not listed as courses. Brief and Argument, Office Practice, Legal Writing, Constitutional Law, and Practice Court, are "required," and all first year subjects must be taken. All other subjects are elective. The Faculty may require any course to be retaken if failed. First-year students may be required to serve as jurymen in Practice Court. All students may be required to attend special meetings called and are required to do special exercises assigned including special examinations and such services as legal aid, even though no credit be given. Casebooks and other study materials listed are subject to change.

Bar Examination Review. No instruction designed as a review course for bar examinations is offered.

ALL YEARS

ELECTIVES IN OTHER COLLEGES. Business Administration 5 (Accounting) and not to exceed 9 credits in other courses in other colleges of this University or other fully accredited institutions of higher learning may be taken for elective law credit if permission of the Dean is secured before any such course is taken and the student has a well considered plan for specialization, or other valid reason. Grades secured in such courses, however, cannot be used to raise the scholarship index for College of Law purposes, nor can such courses be used for residence credit in law.

DEPARTMENT OF INSTRUCTION

Symbols used in course descriptions: ()—Semester hours' credit; []—former course number or title.

A schedule of course offerings, including hours of meeting, is issued at the opening of each session. The University reserves the right to cancel any listed course or to make a substitution in instructors when necessary.

FIRST YEAR

101. CRIMINAL LAW. (—, 3)

Michael & Wechsler, *Criminal Law and its Administration, Cases, Statutes and Commentaries* (1940); *Federal Rules of Criminal Procedure*. The criminal law viewed as a means for the prevention of crime, the control of criminals, and the protection of individual liberty; the concepts used for the definition of criminal behavior and for prescribing the treatment of criminals; and judicial and administrative organization and procedures, all with particular attention to homicide, theft, harms to the person, potential harms, and criminal responsibility.

Gausewitz

103-104. CONTRACTS. (3, 3)

Williston, *Cases on Contracts* (5th ed.) The basic principles of the law of contracts. Mutual assent; consideration; the rights of third parties; the Statute of Frauds (relating to agreements not to be per-

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- formed within a year); the parol evidence rule; conditions (express and implied); impossibility; illegality; discharge of contracts. Hoshour
105. PERSONAL PROPERTY. (2, -)
Aigler, Bigelow & Powell, *Cases on Property*, Vol. 1. Introduction to the legal concept of property rights; possession and acquisition of ownership, finding, bailments, liens, accession and confusion, gift and fixtures. Clark
- 107-108. TORTS. (3, 2)
Schulman and James, *Cases on Torts*. A study of the different bases of tort liability, including intentional torts, negligence, and absolute liability. During the second semester, the course includes misrepresentation, defamation, and the liability of owners and occupiers of land, manufacturers and vendors of chattels, and owners of motor vehicles. Armstrong
109. CIVIL PROCEDURE I. (3, -)
Michael, *Elements of Legal Controversy*. An introduction to the study of procedural law, particularly pleading, including a study of the code cause of action, the complaint, and negative and affirmative defenses. Armstrong
111. LEGAL METHOD AND BIBLIOGRAPHY. (1, -)
Fryer & Benson, *Legal Method*. 1949; Beardsley & Orman, *Legal Bibliography and the Use of Law Books* (2nd ed.) 1947. An introduction to law study, legal analysis and synthesis, and exercises in the use of the more important law books and methods of research for the purpose of developing facility in legal research. Poldervaart
112. BRIEF AND ARGUMENT. (-, 1)
An introduction to appellate practice, preparation of briefs on appeal, and oral argument. Poldervaart
115. AGENCY AND PARTNERSHIP. (3, -)
Mathews, *Cases and Materials on Agency and Partnership* (1940). Principal and agent, master and servant, and partnerships, with some attention to sub-partnerships, limited partnerships, joint stock companies, business trusts, and coöperatives. Meek
117. ESTATES AND COVENANTS. (-, 3)
Aigler, Bigelow & Powell, *Cases on Property*. Introduction to the law of real property, estates, natural rights, profits, licenses, easements, covenants, rents, waste. Seed
121. EQUITY. (-, 3)
Cook's *Cases on Equity* (4th ed.) A study of the jurisdiction, powers, and procedures of the equity court, injunctive relief against torts, and specific performance of contracts. Armstrong

SECOND YEAR

119. SERVITUDES & CONVEYANCING. (4, -)
Aigler, Bigelow & Powell, *Cases on Property*, Vol II. Adverse possession, prescription, execution and delivery of deeds, boundaries, estoppel by deed, covenants for title, conveyances at common law, under the Statute of Uses, and under modern statutes. Seed
122. RESTITUTION. [Equity II] (2, -)
Woodruff, *Cases on Quasi-Contract* (3rd ed.) Quasi contractual remedies (both legal and equitable) available because of duress, fraud, innocent misrepresentation, mistake, illegality, and economic compulsion in the formation and discharge of contracts and other transactions. Seed
- 123-124. CONSTITUTIONAL LAW. (2, 2)
[123]. Dodd, *Cases on Constitutional Law* (4th ed.) The judicial interpreta-

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- tion and enforcement of written constitutions; separation and delegation of powers; the federal system; powers of the national government; the bill of rights, including due process and equal protection; retroactive laws. (Required) Weihofen
125. CORPORATIONS. (2, 2)
Ballantine and Lattin, *Cases and Materials on the Law of Corporations*. The principles of the law relating to business corporations; corporations as compared with partnerships, joint stock companies, business trusts; formation of corporations; separate corporate capacity in entity; criminal and tort liability of corporations; directors and management; ultra vires; rights and powers of shareholders; issue, underwriting, and marketing of securities; stock structure and classes of shares; capital requirements and dividends; purchase by a corporation of its own shares; liability of shareholders, promoters, and directors in connection with the issue of and payment for shares; transfer of shares; fundamental changes in the corporate structure; shareholders' actions. Hoshour
127. FAMILY LAW AND COMMUNITY PROPERTY. (—, 3)
Madden & Compton, *Cases on Domestic Relations* (1940). Marriage, separation and divorce; solidarity and economic relations as between husband and wife; solidarity and economic relations as between parent and child. Clark
131. TRUSTS. (—, 3)
Bogert, *Cases on Trusts* (2nd ed.) A study of the nature and creation of express trusts for private persons, charitable trusts and resulting and constructive trusts; the relationship between trustee and beneficiary, the relationship between trustee and third persons, and problems of trust administration. Clark
133. WILLS AND ADMINISTRATION OF ESTATES. (—, 2)
Mechem & Atkinson, *Cases and Materials on Wills and Administration*, 3rd ed., 1947. Descent and distribution, making and revoking of wills, probate and administration of decedents' estates. Poldervaart
134. PROBATE PRACTICE. (—, 1)
Poldervaart, *New Mexico Probate Practice and Forms*. A practical study of the methods and problems of the probate of wills and administration of estates in New Mexico. Details of the procedure for complete handling of probate matters, including the preparation of papers used in estate work. Poldervaart
135. ADMINISTRATIVE LAW. (—, 3)
Stason, *The Law of Administrative Tribunals* (2d edition). Creation of administrative tribunals and their functions; procedure before administrative tribunals; judicial relief from administrative action. Hoshour
141. LEGAL WRITING. (3, —)
Exercises and drills in legal writing and methods to be done independently by each student. Weihofen
- 143-144. LAW AND SOCIETY. (2, 3)
Stone and Simpson, *Materials on Law and Society*, (Vols. I and II). The evolution of legal institutions, with the interpolation of materials and cases, mostly from Public Utility Law and Trade Regulation Law, on government regulation of business. Weihofen
145. NEGOTIABLE INSTRUMENTS. (3, —)
Britton, *Cases on Bills and Notes*. A study of the Negotiable Instruments Law and cases on the formal requisites of negotiable bills and notes, execution and transfer of negotiable paper and obligations arising therefrom; holder in due course, equities; defenses, discharge. Meek

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165. SALES. (—, 2)
Bogert, *Cases on Sales*. Transfers of property in goods and documents of title. Meek

THIRD YEAR

129. OFFICE PRACTICE. (1, —)
Law office management, legal work handled from the attorney's office, practical exercises and lectures based on New Mexico practice, drafting of legal papers and examination of abstracts. Poldervaart
136. CASE STUDIES IN ARBITRATION AND ADMINISTRATIVE PROCEEDINGS. (—, 2)
(Not offered in 1950-1951). The detailed study of one or more actual administrative proceedings, including an analysis and review of the record and briefs, both before the administrative agency or agencies involved and on appeal to the courts if an appeal was taken; a consideration of the business and regulatory problems involved; and a review of such business adjustments as may have been required as a result of the final decision. The course will include a study of a proceeding originally brought by a Federal Commission involving the accounting for accruals under an industrial pension plan in a very large industry, including the appeal of the industry from the Commission decision to the Federal Courts; also an arbitration proceeding involving the seniority provisions of a contract between a large union and the management of a plant having approximately 2500 employees; also, if time permits, a New Mexico commission proceeding to be decided upon. Hoshour
139. LABOR LAW. (—, 3)
Cox, *Cases on Labor Law*. Historical introduction; the negotiation and administration of the collective bargaining agreement; the establishment of the collective bargaining relationship; recourse to economic weapons; the individual and the union. Weihofen
- 141-152. CIVIL PROCEDURE II. (2, 2)
Hays, *Cases and Materials on Civil Procedure*. A study of code procedure, including the commencement of an action, parties and joinder of actions, pleading, provisional remedies, discovery, pretrial hearing, trial practice, appellate review, judgments, and extraordinary remedies. Armstrong
153. SECURITY. (—, 3)
Hanna, *Cases on Security*. Suretyship, guaranty, chattel and real estate mortgages, pledges, conditional sales contracts. Seed
155. UNSECURED CREDITOR'S RIGHTS. (3, —)
Hanna & MacLachlan, *Cases on Creditor's Rights*, (4th ed.) Vol. 1. An examination of the principal remedies of unsecured creditors including enforcement of judgments, attachment and garnishment, fraudulent conveyances, general assignments, creditors agreements, and bankruptcy; acts of bankruptcy, problems of the trustee, provable claims, exemption and discharge. Clark
157. LEGISLATION. (2, —)
Read & MacDonald, *Cases and Other Material on Legislation*, 1948. Problems of legislative bodies, drafting of bills and resolutions, and the construction and interpretation of statutes. Poldervaart
159. EVIDENCE. (4, —)
McCormick, *Cases on Evidence* (2nd ed.) 1948. The nature of the trial of an issue of fact, of evidence, and of the legal rules of evidence; a critical study of the legal rules compared with the proposed Model Code of Evidence of the American Law Institute; the study of cases to ascertain the issues of each case under the substantive law and the law of pleading, to evaluate the evidence offered on such issues, and to understand the effect of legal rules; a particular study of judicial

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notice, burden of proof and presumptions, functions of the judge and jury, and of testimonial, circumstantial, and real evidence. Gausewitz

161-162. PRACTICE COURT. (1, 1)

Pleadings, motion papers, trial brief, and jury trial of an issue of fact. Staff

163. WATER LAW. (2, -)

(Materials to be selected.) Underground and surface waters, interstate streams, irrigation, and matters of particular interest in New Mexico. Seed

167. TAXATION. (-, 4)

Bruton, *Cases on Taxation* (1948 or 1950); Prentice-Hall, *Students Tax Law Service and Federal Tax Handbook*. Income, death, gift and other excise taxes, with emphasis on Federal taxes. Meek

171. LAW OF OIL AND GAS. (-, 2)

Kulp, *Cases on Oil and Gas* (3rd ed.) Nature of the property interests in oil and gas; legal interests created by oil and gas leases; validity of leases; the habendum clause; the drilling and rental clauses; assignments of the interest of the lessor and lessee; rents and royalties. Seed

173. CONFLICT OF LAWS. (3, -)

Cheatham, Dowling, Goodrich & Griswold. *Cases on Conflict of Laws*. A study of the concepts of domicile and jurisdiction of courts; the effect of foreign judgments; and the law applied to torts, contracts, and the administration of estates. Meek

175. PATENT LAW. (2, -)

Mimeographed materials to be supplied. The substantive law of patents: history, constitutional basis, congressional authority, invention, prerequisites of application, interferences, reissues, disclaimers, and patent as property. (Probably to be given in the evening in two hour sessions once a week). Smith

TUITION AND FEES

All fees are due at the time of registration. A fee of \$2.00 will be assessed if registration is not completed on the days specified.

Fees are charged according to the number of semester hours in the student's course. Auditors pay fees at the same rate as if enrolled for credit.

ADVANCE DEPOSIT

An advance deposit of \$10.00 is required of all students who desire University housing and who were not enrolled in the University of New Mexico during the semester immediately preceding the one to which they are applying for admission. The deposit will be held in deposit status so long as the student retains such housing; and it will be reduced by charges for any damage to his living quarters.

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REGISTRATION FEES, GRADUATE AND UNDERGRADUATE STUDENTS, PER SEMESTER

	More than six hours	Four to six hours	Three hours or less
Tuition *	\$ 40.00	\$20.00	\$10.00
Contingency Fee	10.00	5.00	5.00
Activities Fee	12.50
Bond Fee	5.00	5.00	3.00
Building Fee	10.00	10.00	5.00
Library Fee	5.00	5.00	3.00
	<hr/>	<hr/>	<hr/>
	\$82.50	\$45.00	\$26.00
* If a non-resident, add tuition	\$100.00	50.00	25.00
	<hr/>	<hr/>	<hr/>
	\$182.50	\$95.00	\$51.00

For other fees for special services, such as late registration, see the general University Catalog.

ACADEMIC REGULATIONS

Class Hours and Credit Hours

A class hour consists of fifty minutes. One class hour a week of recitation or lecture, throughout a semester, earns a maximum of one credit hour.

Grades

The grades awarded in all courses are indicative of the quality of work done. The significance is as follows:

- A. Excellent. 3 grade points per credit hour.
- B. Good. 2 grade points per credit hour.
- C. Average. 1 grade point per credit hour.
- D. Barely Passed. No grade points.

F. Failed. No residence or subject credit. F is also given in any course which the student drops after the fourth week of a semester while doing failing work, or drops without permission, or in which he fails to take the final examination without notice or permission.

I. Incomplete. The grade of I is given only when circumstances beyond the student's control have prevented his completing the work of a course within the official dates of a session. See "Change in Grade" below.

W. Dropped Without Discredit. W is given in any course which the student drops after the fourth week of the semester, while doing passing work.

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CR, Credit. CR is used to report satisfactory completion of an exercise.

NC, No Credit. NC is used to report unsatisfactory completion of an exercise.

PR, Progress. This grade is used to indicate that an exercise is in progress but not complete. When the exercise is completed, CR or NC is reported.

The mark of NR, No Report, is used only in official grade reports to students and parents, to indicate that the instructor has not reported a grade.

Change in Grade. No grade except I can be raised by a special examination. An I may be removed by taking the final examination the next time one is regularly given, which will usually not be before one year. This applies although the course content, instructor or credit hours (with proper adjustment) are changed. No special examination will be given except in a very special case, such as that a student needs the credit at once for a degree.

Special Examinations

Unless necessary because the student is a candidate for a degree, no special examination can be given. The examination must be taken the next time an examination in the course is regularly given.

Scholarship Index

A student's academic standing is referred to in terms of a scholarship index obtained by dividing his total number of grade points by the total number of hours attempted. All honors and prizes depending upon scholarship are determined by ranking students according to this index.

Transcript of Credits

Each time a student completes work in the University, he is entitled to one complete transcript of record without charge. For each additional copy, a charge of one dollar is made, except that when several copies are to be made at the same time, all copies in addition to the first will be charged for at the rate of twenty-five cents each. Transcripts of credits cannot be issued until all accounts with the University are settled.

If the student requires special statements to be made concerning his record, or if special forms are to be filled out, the transcript fee of \$1.00 will be charged for such service.

SCHOLASTIC STATUS. A student has the status: "in good standing,"

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"on probation," or "under suspension." The student "under suspension" may, with the approval of the college Dean, re-enroll on probation at the expiration of the suspension period.

HONORABLE DISMISSAL. The status "in good standing," or "on probation," entitles the student to honorable dismissal, and on transcripts no separate statement of honorable dismissal is necessary. Whether he completes a semester, or withdraws with permission before the end of the semester a student is entitled to honorable dismissal provided that he has the necessary scholastic status, and is in good standing regarding conduct and financial obligations. Honorable dismissal implies that the University will permit the student to re-register in the next session.

WITHDRAWAL FROM THE UNIVERSITY

When an undergraduate student wishes to cancel his registration and withdraw from the University during the semester, he should secure a withdrawal card from the Personnel office. Grades of W or F are shown on the student's record if he withdraws from the University after the first four weeks of the semester. When a student leaves the University during a semester and does not carry out his withdrawal according to this regulation, he becomes liable for a grade of F in all of his classes, even though he is passing his courses up to the time of leaving.

CHANGE IN PROGRAM OF STUDIES. The student who desires to add a course to, or drop a course from, his program of studies, should obtain from his Dean a petition for change of program of studies. The student obtains signatures called for on this form, and returns it to the office of his Dean. The Dean sends the form to the Admissions office where official entry is made on the student's record. When a student drops a course officially after the first four weeks of the semester or the second week of the summer session, he will receive a grade of W or F according to his standing in the course at the time of withdrawal.

A student is responsible for the completion of every course for which he has registered; if he drops a course at any time without filing the official change of program form, he will receive a grade of F in the course. A fee of \$1.00 is charged for any change made in the student's program of studies after the end of the second week of the semester, or after the end of the first week of the summer session.

CHANGE IN COLLEGE. A student who desires to change his registration from one college to another shall petition the Dean of his college. This petition requires approval of the Deans of both colleges and is then filed in the Admissions office.

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Scholarship Regulations

The standing of all students with respect to scholarship is checked at the end of each semester. At such times, all students who are deficient in scholarship are placed on probation, or suspended, in accordance with the regulations stated below. A student placed on probation at any time will remain on probation until the next final examination period.

Probation

A student is placed on probation at the end of any semester when the total number of points earned drops below the total number of hours which he has attempted. Hours given a mark of W will be excluded in this computation, but hours of F will be counted.

Suspension

A student is suspended for a period of one calendar year at the end of any semester when he has been placed on probation for the second successive time.

The re-admission of a suspended student after the expiration of the suspension period is contingent upon the approval of the Dean.

A student who is suspended for poor scholarship, or who, after having been placed on probation, fails to re-register for the following semester, shall be considered as on probation upon his return to the University. The same regulation applies to a student who withdraws from the University while on probation, unless his withdrawal grades make him subject to suspension.

The Dean may require a student who is on probation at the time of registration to enroll for a minimum number of hours, and he may at any time require a student on probation to drop as many hours as seems to be in excess of the student's ability.

Suspension by Scholarship Committee or Dean

Regulations on probation and suspension as described above apply only at the end of a semester. However, during the progress of any semester, the Dean may refer the case of a delinquent student to a college committee on scholarship; and such committee may recommend to the Dean probation or suspension from the University for such student.

Attention is also called to the possibility of suspension as a result of excessive absence.

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Attendance and Performance of Assignments

Students are expected to attend all meetings of the classes in which they are enrolled, including special "make-up" meetings; also to do any exercises that are required. The College is a full-time law school and schedules cannot be arranged to accommodate the outside activities of students. No extensions of the vacation periods are given to any students, regardless of the location of their homes. Non-attendance at classes due to late registration is considered the same as absence incurred after registration.

Instructors will keep a record of class attendance, and will report all absences to the Dean.

The general University rules as to attendance (General Catalog, pages 77-78) apply, and a student may be dropped from a course with a grade of F for excessive absences. But there are additional rules in the College of Law under which no absences can be ignored, no matter how excused. Attendance of at least 60 per cent of the classes is required for credit in any subject. Additional residence and subject credit is required for an aggregate of absences though the maximum for a particular course is not exceeded.

Change in Address. Each student is expected to keep the University authorities informed as to his address. Any change in address should be immediately reported to the Admissions, Dean's, and Personnel offices.

RESIDENTIAL AND DINING HALLS— PERSONNEL SERVICES

See the general University Catalog, pp. 50-53, 54-70.

STUDENT ORGANIZATIONS AND ACTIVITIES

The students have an important part in the formulation of policy for and administration of the College. The organization through which they act is the

University of New Mexico Student Bar Association. All students registered in the College become members of this association by subscribing to its constitution and the payment of modest dues. It functions through its officers, an executive committee of five, and standing committees. The constitution contemplates the institution of an Honor System. This as contemplated, simply recognizes that a person who cheats, lies or steals, or who condones such an act by a refusal to discharge his obligations as a member of a self-governing community to report it, has no place in the College. The Honor Code is printed on following page.

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Law Review. A student committee is working on the possible establishment of and the preparation of articles for a law review.

Legal Aid. The Legal Aid Society of Albuquerque has been incorporated. It will have its office in the court house and be in operation by the fall of 1950. The plan is to have a general counsel or secretary, a panel of lawyers for consultants, and law students for interviewing, counselling, and court appearances when proper and advised.

Other Student Activities. The students not only manage their social affairs, but have a responsibility for the maintenance of a college with high standards and that recognizes the need for both technical and non-technical training and information. They therefore will have a share in arranging for forums, lectures, and arguments and trial of practice cases, and are encouraged through committees to take an interest in and make suggestions for improvement of the college.

HONOR CODE

WHEREAS, a student in the College of Law has entered upon a professional career in which he must assume responsibility for his own conduct as well as for keeping his profession pure as a member of a self-governing community,

NOW, THEREFORE, in order to make students of the College of Law aware of their responsibilities and to avoid so far as possible the tragic consequences to a student and his family, of suddenly being brought by a dishonest act to a realization that he is living under a code of honor that tolerates no dishonesty and requires each member of the community to discharge his obligations, BE IT RESOLVED,

Sec. 1. A student in the College of Law who cheats, lies or steals in the course of his study of law, or who fails to report another student whom he knows to have cheated, lied, or stolen, shall have violated the Honor System. Such report shall be in writing, addressed to the Executive Committee of the University of New Mexico Student Bar Association, and delivered to any member thereof.

Sec. 2. The Executive Committee of the University of New Mexico Student Bar Association shall be the trial body for all infractions, including infractions by students not registered in but attending the College of Law and infractions reported by instructors or others. The members of the Committee to whom the report of the infraction is delivered shall forthwith deliver it to the President, who shall cause an investigation to be made and reported to the Committee. If the Committee finds substantial evidence that an infraction has

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occurred, they shall fix a time and place of hearing. The manner of conducting the hearing shall be entirely at the discretion of the Committee except that a copy of the proceedings shall be taken and filed for record with the faculty, who shall treat it as confidential, and except that every member of the Committee and every person who appears before it, except the accused, shall reveal nothing that transpires at the meeting otherwise than to the faculty. No student can be found guilty except by the unanimous vote of the Executive Committee. If a member of the Executive Committee be the accused, the Committee shall designate an eligible student to act in his place. The Committee shall also appoint a substitute for any member of the Committee who is excused from serving.

Sec. 3. If a student be found guilty of an infraction, the Executive Committee shall so report to the Dean and faculty, together with its recommendation of the action to be taken. Inasmuch as all graded work and records and degrees based thereon must be absolutely honest beyond any question, and inasmuch as the students themselves, as the persons having the most vital interest, have undertaken to insure this, a student who has demonstrated that he does not accept these premises will be removed from the College of Law until it appear that his act or acts of infraction did not reveal his true character, which will normally in practical effect be a permanent removal.

Sec. 4. Infractions of conduct revealing a lack of consideration for others or an unwillingness to coöperate but not a dishonorable character, shall likewise be within the jurisdiction of the students and the Executive Committee who may recommend less serious admonitory or other treatment designed to awaken the student to his responsibilities as a member of a profession.

Sec. 5. Any student who has been found guilty of a violation of the Honor System has the right to a trial by jury, in which the New Mexico rules of court procedure will be followed so far as applicable, and he will be entitled to either a public or private trial, as he chooses, with a member of the faculty sitting as judge, a member of the Executive Committee as the prosecution, defense counsel designated by the violator, and jury impanelled from members of the Student Bar Association. Any private trial shall be considered confidential and any testimony given by witnesses shall also be confidential. A unanimous verdict shall be required for conviction.

Sec. 6. The provisions of this Honor Code shall apply to, and only to, activities arising directly out of the official administration and curriculum of the College of Law, and nothing in the previous provisions shall be construed so as to extend this jurisdiction.