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FALL 2019 NEWSLETTER

A pioneer in clinical law, the University of New Mexico School of Law was one of the first law schools to require clinic for graduation. Accordingly, the University of New Mexico School of Law created a unitary tenure track for faculty, and all clinical law faculty are tenured or tenure-track members of our faculty.

To graduate, all UNM law students are required to take a semester-long clinic course in one of five clinical law sections: the **Child and Family Justice Clinic**, the **Community Lawyering Clinic**, the **Economic Justice Clinic**, the **Natural Resources and Environmental Law Clinic**, or the **Southwest Indian Law Clinic**.

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Community Lawyering Clinic Creates New Border Initiative

As one of the few law schools located near the southern border of the United States, UNM Clinical Law Programs are uniquely situated to address the dynamic and complex challenges faced by arriving families. The Community Lawyering Clinic is leading a Border Justice Initiative, bringing our students, faculty, and alumni together across the state, and in El Paso, Texas, to work with community organizations to respond to the changing needs of immigrant families. Students and faculty have taken several exploratory trips to the border, visited facilities where immigrant children are housed, collaborated with local organizations in the representation of unaccompanied minors, and met with Court, Customs and Border Protection representatives, and attorneys in the criminal justice system to resolve gaps in process which have resulted in immigrants being removed or deported without their vital possessions. We have also begun the process of mapping the facilities where people are housed to better understand the facility network in our state and across the nation. With families being scattered at the border and in facilities all over the country, our Community Lawyering Clinic aims to gather and provide helpful information and advocacy to address the needs of immigrants.

Southwest Indian Law Clinic Turns 25

The Southwest Indian Law Clinic (SILC) started serving clients in early 1994, as one of the first law clinics dedicated to serving the needs of Native peoples, including the 24 federally recognized Tribal Nations that have territories and homelands within New Mexico. In Spring 2019, SILC celebrated a quarter-century of its trailblazing community lawyering work representing Native clients in state, federal, and tribal courts and in governmental agency hearings. Students also have the opportunity to work with Tribal Nations, as well as organizations serving Native American communities. This year, SILC students have worked in several tribal courts, including those serving Pueblo of Isleta, Pueblo of Laguna, Pueblo of Jemez, Pueblo of Nambe, Pueblo of Tesuque, and the Mescalero Apache Tribe. SILC students have also been working to provide legal support to Native individuals living in urban areas and to create legal mechanisms to protect Indigenous ceremonial performance and intellectual property in New Mexico.

Former SILC Director Professor Barbara Creel (Jemez Pueblo) has transitioned to podium teaching in criminal law and Indian law. Many thanks to Professor Creel for her years of service to SILC and SILC students. SILC welcomed Samuel Winder (Southern Ute Tribe, UNMSOL '88) as a visiting professor this semester. The clinic was also visited by Megan M. Horning, Navajo Nation, Kayenta District, Office of the Prosecutor. Ms. Horning is a former SILC clinician.

Child and Family Justice Section Launches Health Care Clinic in Title I Middle School

The Child and Family Justice Clinic has established a new medical-legal partnership with a health care clinic for students at a Title I middle school located in a low income, primarily immigrant and underserved community. By providing legal services in schools where the children and their families have built community and trust, we aim to engage with clients who mistrust the legal system and have inadequate access to justice. Clinical law students will provide direct representation and pop-up legal clinics to serve the broader community's legal needs and increase access to justice.

Economic Justice Clinic to Study Legal Interventions in Evictions

UNM's Economic Justice Clinic continues to collaborate on a study of legal services in eviction cases with New Mexico Legal Aid, and faculty and researchers at the University of Arizona College of Law, and the Access to Justice Lab at Harvard Law School. The proposed empirical evaluation would test whether qualifying parties in Bernalillo County Metropolitan Court—almost all of whom are tenants facing eviction—realize different outcomes when randomly assigned to full representation, brief advice, and self-help materials. The results of the study will inform the development of effective protocols for lawyers and courts across New Mexico.

NREL Clinic Represents Tribes in Challenge to Chaco Canyon Drilling and Community Groups in Methane Rulemaking

UNM's Natural Resources and Environmental Law (NREL) Clinic, now in its third year, has taken on representation of tribes and community groups in connection with a number of issues relating to oil and gas production. This includes filing an amicus brief on behalf of the All Pueblo Council of Governors in *Diné Citizens Against Ruining Our Environment v. Bernhardt* in the 10th Circuit, arguing that the federal Bureau of Land Management failed to adequately consult with tribes on cultural impacts of drilling near Chaco Canyon, the ancestral home of Pueblo peoples. The 10th Circuit decided partially in favor of tribal plaintiffs this past May. The NREL Clinic is also representing the Center for Civic Policy on the state's Methane Advisory Panel technical workgroup, providing input to the state's energy and environment agencies on how to reduce methane emissions from oil and gas in advance of rulemakings directed by Gov. Michelle Lujan Grisham as part of her climate change executive order.

Clinical Law Students Successfully Advocate for Breastfeeding and Lactation Rights

Students in the UNM Clinical Law Program provided drafting assistance, education, and advocacy that led to the 2019 enactment of a New Mexico law requiring each correctional facility subject to state law that houses female inmates to develop a breastfeeding and lactation policy for lactating female inmates, that is based on current accepted best practices by January 1, 2020. To continue their advocacy in this area, clinical law students, along with law student organizations, recently hosted a fall semester Breastfeeding Behind Bars Planning Summit to bring together correctional facility administrators, former inmates, policy makers, advocates, and social/medical service representatives, to discuss establishing written procedures that will ensure continuity of support.

Experiential "Lab" Course Lays 1L Skills Foundation, Prepares Students for Capstone Clinic Experience

In the Fall 2019 semester, UNM School of Law launched a required first-semester experiential course called **Lab**. This course is the result of a multi-year effort to incorporate skills education and professional identity development throughout the entire law curriculum. With the addition of Lab to the first-year curriculum, the law school will be able to lay a strong foundation in lawyering skills and professional identity, allowing greater development and preparation for practice when students enroll in the mandatory capstone clinical law experience in their third year.

New Associate Dean for Experiential Learning

From 2016-2019, Aliza Organick served as the Associate Dean for Experiential Learning, a position that includes responsibility for the UNM Clinical Law Programs. During her tenure, Dean Organick oversaw the addition of two new clinical sections: the Child and Family Justice Clinic and the Natural Resources and Environmental Law Clinic. Dean Organick also guided the transition of the Business & Tax Clinic to the Economic Justice Clinic in 2017.

In August 2019, Professor Serge Martinez was named as the new Associate Dean for Experiential Learning. Professor Martinez has been at UNM School of Law since 2014.

Faculty Scholarship Updates



Serge Martinez has a forthcoming article, *Revitalizing the Implied Warranty of Habitability*, in the 2020 Notre Dame Journal of Law, Ethics and Public Policy. The article reviews the development of the implied warranty of habitability; traces its failures as a tool to improve housing conditions and as a defense in eviction cases; and argues that with some relatively small procedural tweaks, the warranty can be a useful tool in protecting tenant rights. His article *Why Are We Doing This? Cognitive Science and Nondirective Supervision in Clinical Teaching*, 26 Kansas Journal of Law & Public Policy 23 (2016), a critique of clinical education's reliance on nondirective supervision, was included in the Best Legal Education Articles of 2018 by taxprofblog.com.



Aliza Organick has a forthcoming article, *Non Apology in the Age of Apology*, Denning L.J. _ vol. _ (forthcoming December 2019). The article examines the framework for political apologies in general and then looks closely at the apologies issued by the U.S., Canada, Australia, and New Zealand in light of that framework. It also looks at whether in acknowledging past wrongs states have thus limited their responsibility in righting those wrongs.



Gabe Pacyniak's article, *Greening the Old New Deal: Reforming Rural Electricity Cooperative Governance*, will be published in volume 85 of the Missouri Law Review in Spring 2020. The article examines why member-owned rural electricity cooperatives often lag behind for-profit-utilities in shifting to cleaner energy resources. It argues that structural barriers and a weak and underdetermined system of governance is preventing cooperatives from making prudent resource planning decisions in the face of climate change. Pacyniak is also working on an article about Climate Justice and Administrative Law, and presented on that topic at a Vermont Law Review Symposium on the Green New Deal in October. He will also be presenting on a low-income energy efficiency bill developed by the NREL Clinic with community partners in New Mexico on a plenary panel at ACEEE's 2020 Rural Energy Conference in Chicago in February.



Sarah Steadman recently wrote an article exploring the rights of transgender elders, *It's Still Me: Safeguarding Vulnerable Transgender Elders*, published in the Yale Journal of Law & Feminism Volume 30, Issue 2, Article 5 (2019).



Carol M. Suzuki has accepted an invitation to co-author the sixth edition of Tort Law and Practice (Carolina Academic Press), along with Dominick Vetri, Lawrence C. Levine, Joan E. Vogel, and Ibrahim J. Gassama. Tort Law is a leading casebook that highlights how issues of diversity and inclusion have been addressed, ignored, or dismissed by the civil justice system. It includes a case index on diversity and inclusion to assist faculty and students in identifying areas and problems to facilitate discussion of issues of justice and equity.



Christine Zuni Cruz wrote the foreword, *Foreword:Forewords/FORWARD/Forward/Four Words*, to Local Knowledge and Critical Research in Higher Education: American Indian Innovation Education (Sumida Huaman, E. and Brayboy, E., Eds.) (2017), featuring the writings of members of the first Pueblo doctoral cohort emerging from Arizona State University's School of Social Transformation.

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