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Natural Resources Journal & New Mexico Law Review, Annual Reports 2013 - 2014

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Student-edited journal publications

Developments

Over the past year the administrative and financial role of library and the support it provides the student-edited journals has transformed to increase managerial efficiency and to promote the students as decision-makers. The new Journals Assistant was hired to handle subscriptions, assess and manage physical and digital information, facilitate event planning, and work with the student editors to meet publication deadlines. This position no longer includes assistance with editing or citation, and does not overlap with academic planning or decision-making.

The journals operating budget was given greater coherency by removing non-operating expenditures, like conferences and events. This decision was made during the 2010/2011 academic year, but was re-asserted this past spring. The journal editors are now operating independently by using student organization funds for outreach.

The journals suite, which had a major renovation last year, has been further organized by removing paperwork having to do with administrative and financial operations. By doing so, two rooms have opened up. The students have a large room for conferencing plus a smaller room available for a student to work in private. In addition, furniture no longer of use to the students had been utilized elsewhere creating a spacious work environment. Affording space devoted entirely to the journals is part of an overall goal to provide editors and staff necessary resources and demonstrate their value to the school.

The three journals received newly designed web-space on the school's site that presents the three journals equally and makes them readily accessible to potential law students. The pages are tagged for online search engines, meaning a larger audience can find these open-access materials. Additionally, the school's web designer will be maintaining and updating these pages. This means each journal will receive the same attention, and be kept current with school standards. Overall, this creates a public presence that positively affects the perception of journals within the school and to professionals in the field.

Professional Activities and Events

March 2014, the library supported Matthew Zidowsky's, 2014 – 2015 editor-in-chief of the *New Mexico Law Review*, attendance of the 60th Annual National Conference of Law Reviews held at Southwestern Law School in Los Angeles, California.

The students engaged in two information sessions as part of recruitment for 2014/15 journal staff. One was a general information session, where Judge James O. Browning

spoke about the importance of journals. The library did provide money for lunch, attendance reached 75 (including current editors who attended). A second session was held giving information directly related to the write-on application process required for selection to the two print journals.

Promotion of the journals continued through alumni Open House (46 noted attendees, with an estimated 5 – 10 that did not sign-in) in April 2014. The open house provided current editors and staff the opportunity to meet alumni (who are now professionals in the field), and build morale by the attendance of the Dean and Alumni/ae Association president, Samantha Adams.

In August 2013, Elaine McCardle facilitated a journals' workshop with the ultimate goal of providing consistent information to all three journals regarding how the journals work in the big-picture sense, and exercises in manuscript selection, substantive and technical editing, sourcing citations. This event was a day-long in-session, including lunches and guest speaker Judge Michael Bustamante. This event was considered a success by students, faculty and the library.

Awards

In addition to being recognized for their journal's work at the 2014 Honors and Awards Ceremony, these journals' students were awarded for academic excellence. Of the 49 awards given out, 25 of recipients served on one of the three journals.

This list excludes students receiving the Indian Law Certificate and Natural Resources and Environmental Law Certificate.

Subscribers

NRJ currently has 330 domestic subscribers, 57 foreign, plus 5 gratis patrons; 66 domestic and 17 foreign subscribers have not yet paid/cancelled.

NMLR currently has 134 domestic subscribers, 4 foreign, plus 3 gratis patrons; 15 subscribers not yet paid/cancelled.

Over this next year, we will be able to track the numbers of visitors to the new websites, which will provide readership numbers and general interest in the journals to provide a better picture of use than subscriber number counts.

Both print journals continue to publish two issues per year/volume, and the *Tribal Law Journal* publishes annually.

Plans and Recommendations

Creating a series of strategic meetings may help 1) define who the stakeholders are as well their corresponding roles and parameters, and 2) allow the print journals build a strong readership base using web-based interfaces that is not dependent on the print/subscriber model, and 3) start to manifest a cohesive and positive identity for outreach.

Personnel Changes

Elaine McCardle, a .75 journals coordinator, left December 15, 2013. Before her departure she had conducted an in-depth study of the journals and began implementing many of the suggested changes. With this departure, the student employee who handled subscriptions left.

J. Marie Griggs assumed the position of Journals Assistant / Admin III on January 2, 2014. The library, working closely with the Dean, shaped this position to focus on providing administrative support to the journals. Marie has been reviewing data management and strategic planning to create a cohesive, professional and efficient model that builds the reputation of the journals within the school and professional communities.

Professor Carol Suzuki, faculty advisor of the *New Mexico Law Review*, stepped down to better support her many other projects within the school. Professor Dawinder "Dave" S. Sidhu is now serving his first year as NMLR's faculty advisor.

Publications

New Mexico Law Review, Volume 44 (2014): Student editor-in-chief was J. Walker Boyd and Managing Editor Caroline "KC" Manierre. There were an additional eleven student editors and thirteen student staff, for a total of 26 students. NMLR's faculty advisor was Carol Suzuki, with adjunct faculty Neil Bell.

Natural Resources Journal, Volume 54 (2014): Student co-editors-in-chief were Kylie Cook and Justin Nyberg, with Managing Editor Samuel Walker. There were an additional eleven student editors and twelve student staff, for a total of 25 students. NRJ's faculty advisor was Reed Benson.

Tribal Law Journal, Volume 14 (2014): Student co-editors-in-chief were Tracy Goodluck and Santee Lewis, with a total of eleven students. TLJ's faculty advisor (senior editor-in-chief) was Christina Zuni-Cruz.

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

New Mexico Law Review 43.2 and 44.1
Natural Resources Journal 53.2 and 54.1
Tribal Law Journal – articles not yet posted

Draft for Annual Report – Awards and Articles Published
July 1, 2013 – June 30, 2014

Awards

Natural Resources Journal

Catherine Russell—Frederick M. Hart Excellence in Commercial Law
Jessica Candelaria—ABA/BNA Excellence in Health Law
Julio Romero—Clinical Legal Education Assoc. Outstanding Student Award
Justin Nyberg—ALI/CLE Award for Excellent Scholarship and Leadership
Justin Nyberg—LexisNexis Highest Academic Achievement
Kate Thompson—Ann C. Sales Jurisprudence Award
Kylie Cook—Health Law Scholar Award
Rachel Giron—ALI/CLE Award for Excellent Scholarship and Leadership
Rachel Giron—Honorable Pete Domenici Award for Environmental Excellence
Rachel Giron—LexisNexis Highest Academic Achievement
Shayne Huffman—Margaret Keiper Dailey Award

New Mexico Law Review

Adam Flores—Excellence in International Law and Comparative Law
Allison Block-Chavez—Corporate and Business Law Excellence Award
Anand Chelappa—ABA/BNA Award Excellence in Intellectual Property Law
J. Walker Boyd—West Book Award Outstanding Scholastic Achievement in 3rd Year
Levi Monagle—Dean's Award
Michael Timm, Jr.—Tort Scholar Award
Morgan Maddoux—LexisNexis Highest Academic Achievement

Tribal Law Journal

Aaron Mark Sims—Henry Kent Anderson Human Services Award
Byron Williams, Jr.—Jackie Rashleger Memorial Award
Consuelo Gonzales—Dean's Award
Matthew Bernstein—Irwin Stern Moise | Excellence in Legal and Judicial Studies
Stephanie Salazar—Mary Beth/Richard West Excellence in Indian Law
Tracy L. C. Goodluck—National Assoc. of Women Lawyers Award
Tracy L. C. Goodluck—Dean's Award

Published Articles

New Mexico Law Review 43.2

- "Preparing Clinical Law Students for Advocacy in Poor People's Courts," by Steven Keith Berenson
- "The Navajo Preference in Employment Act: A Review and Update of Cases and Rules, 2010–2012," by Howard L. Brown and the Honorable Raymond D. Austin
- "The New Federalism: New Mexico's Experience with Independent State Constitutional Analysis of Fourth Amendment Rights," by Curtis Hayes
- "When The Hand That Feeds Bites: Exploring Claims By Employers against Employees," by Matthew P. Holt
- "Bad Men Among the Whites' Claims After *Richard v. United States*," by James D. Leach
- "Same As It Ever Was? Summary Judgment and Antitrust Suits in New Mexico after *Romero v. Philip Morris*," by J. Walker Boyd (Student Note)
- "A Gender-Neutral Reading of New Mexico's Uniform Parentage Act: Protecting New Mexican Families Regardless of Sexuality," by Julio C. Romero (Student Note)

New Mexico Law Review 44.1

- "Essay: Plain Error Review and Reforming the Presumption of Prejudice," by Brent Ferguson
- "Protecting Consumers from Zombie-Debt Collectors," by Neil L. Sobol
- "The Compact Clause and National Popular Vote: Implications for the 'Federal Structure'," by Tara Ross and Robert M. Hardaway
- "Justified but Negligent Reliance: *Hicks v. Eller* Allows Comparative Negligence as a Defense to Negligent Misrepresentation Claims," by Abigail Marrs Yates (Student Note)
- "*State v. Gonzales*: Reinvigorating Criminal Joinder in New Mexico," by Ryan C. Schotter (Student Note)
- "Double Trouble with Double Description: A Consideration of *State v. Montoya* and Its Application of The Rule of Lenity," by Ashley Funkhouser (Student Note)
- "The Decline of Design Immunity: Impacts of *Martinez v. New Mexico Department of Transportation* on Traffic Control Device Analysis and Constructive Notice of a Dangerous Condition on Public Roadways," by Matthew A. Zidovsky (Student Note)

Natural Resources Journal 53.2 – Articles and Authors

- "The Evolution of Water Rights in the Nineteenth Century: The Role of Climate and Asset Type," by Dr. Edwyna Harris
- "Creating New Spaces for Sustainable Water Management in the Senegal River Basin," Dr. Frans J.G. Padt & Juan Carlos Sanchez
- "International Trade and Investment Law and Carbon Management Technologies," by Nigel Bankes, Anatole Boute, Steve Charnovitz, Shi-Ling Hsu, Sarah McCalla, Nicholas Rivers & Elizabeth Whitsitt
- "Federal Regulation of Noncommercial, Intrastate Species Under the ESA After *Alabama-Tombigbee Rivers Coalition v. Kempthorne* and *Stewart & Jasper Orchards et al. v. Salazar*," Dan A. Akenhead (Student Note)
- "What the Frack Can We Do? Suggestions for Local Regulation of Hydraulic Fracturing in New Mexico," by Jonas Armstrong (Student Note)

Natural Resources Journal 54.1 – Articles and Authors

“Lands Council, Karuk Tribe, and the Great Environmental Divide in the Ninth Circuit,” by Michael C. Blumm & Maggie Hall

“Institutional Roles of Political Processes, Expert Governance, and Judicial Review in Environmental Impact Assessment: A Theoretical Framework and a Case Study of Taiwan,” by Chung-Lin Chen

“Struggles on the Path to Renewable Energy: Lessons from SunZia,” by Rachel Giron

“Migrating Towards an Incidental Take Permit Program: Overhauling the Migratory Bird Treaty Act to Comport with Modern Industrial Operations,” by Alexander K. Obrecht

“An Environmental Conversation,” by William Murray Tabb

“Illicit Natural Resource Exploitation by Private Corporate Interests in Africa's Maritime Zones During Armed Conflict,” by James Tsabora

Contested Waters: An Environmental History of the Colorado River by April R. Summitt (University Press of Colorado; 248 pages; 2013). Reviewed by Xochitl Torres Small, Class of 2015, University of New Mexico School of Law.

Redeeming REDD: Policies, Incentives and Social Feasibility for Avoided Deforestation by Michael I. Brown (Routledge; 344 pages; 2013). Reviewed by Doreen Jameson, Class of 2015, University of New Mexico School of Law.

A Great Aridness: Climate Change and the Future of the American Southwest by William deBuys (Oxford University Press; 353 pages; 2011). Reviewed by Caitlin Dillon, Class of 2015, University of New Mexico School of Law.

Contested Water: The Struggle Against Water Privatization in the United States and Canada by Joanna Robinson (MIT Press; 254 pages; 2013). Reviewed by David Ketai, Class of 2015, University of New Mexico School of Law.