

**UNIVERSITY OF NEW MEXICO
SCHOOL OF PUBLIC ADMINISTRATION**

PADM 529: Administrative Law, Spring 2021
Tuesdays 7:00 p.m. to 9:30 p.m. Via Virtual Platform

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Course Description: PADM 529 provides graduate level training in the purposes, legal concepts, structures, substantive issues and processes of federal, state and local courts and administrative agencies. The course will present an overview of legal issues that apply to public administrators in New Mexico and elsewhere. The instructor is a licensed attorney with substantial experience practicing before and representing administrative agencies, including municipal governments. Student evaluation shall be through class participation, term paper, and final examination. Given the current public health emergency, it is intended that the class will be taught remotely, using a virtual platform.

Course Texts:

James V. Calvi and Susan Coleman: Introduction to the Law and Legal Systems of the United States, Eighth Edition, Routledge, Taylor & Francis Group, 2017

As assigned, New Mexico Statutes, Rules and Court Decisions:
<https://nmonesource.com/nmos/en/nav.do>

Supplemental materials on UNM Learn.

Course Objectives: PADM 529 is designed to achieve the following objectives:

1. To stimulate interest in the legal aspects of public administration in New Mexico and the United States.
2. To encourage critical reflection and thought regarding contemporary legal issues and problems in the public sector workplace and public policy arena.
3. To promote a better understanding and recognition of actual and potential legal issues in public administration.

Course Requirements:

1. Attend class, submit assignments and contribute regularly to classroom discussions. All class sessions will be on a virtual platform, with no in-person class meetings due to the on-going health emergency.
2. Complete required readings when they are due and be prepared to discuss them in class.
3. Submit an analytical paper (10-15 pages, typed, double spaced) on an approved topic. Approved topics are those central to the course and course readings. Paper topics must be pre-approved by the instructor. Papers must be submitted electronically (MS Word Format) to instructor's e-mail address by 7:00 p.m. on the due date. Late papers will not be accepted. Papers will be returned by e-mail. The paper should integrate and make consistent reference to course readings or other primary source material. Sources should be cited using a standard citation style. Course readings may simply refer to the author and page(s) cited.
4. Take a final examination.
5. Preparation and participation are key ingredients to successful completion of this class. I expect students to attend all classes and to be prepared each evening to participate in our class discussions. Regular attendance, offering informed comments, raising relevant issues for class consideration, and providing real world examples will bolster your participation grade.

Course Grading: Grades will be awarded based on the following formula:

Analytical Paper:	50%
Final examination:	40%
Class Participation	10%

ACADEMIC HONESTY

Academic honesty is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person's work has been responsibly and honorably acquired, developed and presented. The academic

community regards academic dishonesty as an extremely serious matter, with serious consequences attached thereto. All sources from which ideas and words are drawn should be fully acknowledged and cited.

ACCESSIBILITY

In accordance with University Policy 2310 and the Americans with Disabilities Act (ADA), academic accommodations may be made for any student who notifies the instructor of the need for an accommodation. It is imperative that you take the initiative to bring such needs to the instructor's attention, as he/she is not legally permitted to inquire. Students who may require assistance in emergency evacuations should contact the instructor as to the most appropriate procedures to follow. Contact: Accessibility Resource Center at (505) 277-3506 for additional information.

01.19.2021

Course Introduction, Assignments and Expectations

New Mexico Open Meetings Act (OMA); guest lecturer from the New Mexico Attorney General's Office, Open Government Division

ASSIGNMENT:

Read the NMAG Open Meetings Act Compliance Guide:

<https://www.nmag.gov/uploads/files/Publications/ComplianceGuides/Open%20Meetings%20Act%20Compliance%20Guide%202015.pdf>

01.26.2021

Discussion of Possible Term Paper Topics

New Mexico Inspection of Public Records Act (IPRA); guest lecturer from the New Mexico Attorney General's Office, Open Government Division

ASSIGNMENT: Read the NMAG Inspection of Public Records Act Compliance Guide:

<https://www.nmag.gov/uploads/files/Publications/ComplianceGuides/Inspection%20of%20Public%20Records%20Compliance%20Guide%202015.pdf>

02.02.2021

Introduction and History of Law Generally and in the United States

ASSIGNMENT:

Calvi Coleman Chapters 1 (Introduction) and 2 (History of Law)

Take virtual tour of UNM Law Library: <https://www.youtube.com/watch?v=LU7sLUF-f30&feature=youtu.be>

Subscribe (create free user account) to NM Compilation Commission and nmonesource.com by registering: <https://www.nmcompcomm.us/wp-content/uploads/2019/05/May-1-2019-Free-NMOneSource-Announcement-to-Subscribers.pdf>

02.09.2021

Court Organization: US and New Mexico

ASSIGNMENT:

Calvi Coleman Chapter 3 (Court Organization)

Watch Intro Vimeo from National Center for State Courts (NCSC): <https://vimeo.com/299681452>

Review NM Courts informational website: <https://www.nmcourts.gov/about-the-courts.aspx>

Watch training video from NM Compilation Commission: <https://www.youtube.com/watch?v=niD1HtYLakc>

02.16.2021

Procedure, Evidence and Limitations as related to public sector

ASSIGNMENT:

Calvi Coleman Chapters 4 (Procedure and Evidence) and 5 (Limitations)

TERM PAPER TOPICS DUE.

02.23.2021

Constitutional Law and Public Sector issues

ASSIGNMENT:

Calvi Coleman Chapter 6 (Constitutional Law)

Read the U.S. Constitution, including all amendments:

https://nmonesource.com/nmos/c/en/nav_date.do

Read the New Mexico Constitution, including all amendments:

https://nmonesource.com/nmos/c/en/nav_date.do

03.02.2021

Criminal Law and the Public Sector

ASSIGNMENT:

Calvi Coleman Chapter 7 (Criminal Law)

Review NM Attorney General website: <https://www.nmag.gov/>

03.09.2021

Administrative Law and Public Sector

ASSIGNMENT:

Calvi Coleman Chapter 8 (Administrative Law)

Visit NM State Records Center & Archives website: <http://164.64.110.134/nmac/>

03.16.2021

NO CLASS: SPRING BREAK

03.23.2021

Environmental and Water Law in US and New Mexico

ASSIGNMENT

Calvi Coleman Chapter 9 (Environmental Law)

Read NM State Water Plan: Part III Legal Landmarks:

https://www.ose.state.nm.us/Planning/SWP/2018/4-2018_SWP_Part_III_Legal%20Landmarks.pdf

03.30.2021

Labor and Employment Law and the Public Sector:

ASSIGNMENT

On UNM Learn, read the following:

Supplemental Material: Van Vleck, *Fair Labor Standards Act*

Supplemental Material: Van Vleck, *Family and Medical Leave Act*

Supplemental Material: Van Vleck, *Loudermill Libretto*

Supplemental Material: Van Vleck, *Americans with Disabilities Act*

04.06.2021

Tort Law and NM Tort Claims Act

ASSIGNMENT:

Calvi Coleman Chapter 10 (Torts)

Read NMSA Section 41-4-1 et seq. NM Tort Claims Act

04.13.2021

Contracts and Public Procurement

ASSIGNMENT:

Calvi Coleman Chapter 11

Read NMSA Section 6-6-11 and annotated cases on the Bateman Act

Read NM Constitution Article IX, Section 14 and annotated case notes on Anti-Donation Clause

Skim the NM Procurement Code, NMSA sections 13-1-28 to 13-1-199

04.20.2021

Property Law, Zoning, Exactions and Takings

ASSIGNMENT:

Calvi Coleman Chapter 12 (Property)

Read NMSA 42A-1-1 to 34, NM Eminent Domain (Condemnation) Statute

Read NMSA 3-21-1 to 3-21-26 NM Zoning municipal and county authority statute

04.27.2021

Risk Management and Public Sector Issues

Election Law and Public Sector

ASSIGNMENT:

Readings as assigned

05.04.2021

Emerging Public Sector Issues: Social Media, Cybersecurity,
Preparation for Final Exam

ASSIGNMENT:

Reading Materials as assigned

PAPERS DUE
TAKE HOME FINAL DISTRIBUTED

05.11.2021

FINAL EXAMINATION DUE AT 5:00 P.M. MDT