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FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/13

SPONSOR Rodella LAST UPDATED _____ HB 228

SHORT TITLE UNM Law School Southwest Indian Law Clinic SB _____

ANALYST Roberts

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
	\$203.9	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicate to the General Appropriation Act: UNM South West Indian law Clinic

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)

Indian Affairs Department (IAD)

University of New Mexico (UNM)

SUMMARY

Synopsis of Bill

House Bill 228 appropriates \$203.9 thousand dollars from the general fund to the Board of Regents of the University of New Mexico for the purpose of funding the southwest Indian law clinic at the University of New Mexico School of law.

FISCAL IMPLICATIONS

The appropriation of \$203.9 thousand dollars contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2014 shall revert to the general fund.

UNM submitted an expansion request for \$203.9 thousand to the HED for review. The HED recommended funding at the FY13 level of \$166.5 thousand and the LFC and Executive recommendations funded the SILC at FY13 general fund base levels. This bill would more than double the existing FY13 general fund appropriation, for a total of \$370.4 thousand.

SIGNIFICANT ISSUES

The HED cites that the Southwest Indian Law Clinic (SILC) is a public service program that represents native clients and non-natives on Indian law issues. With 22 federally recognized tribes, pueblos and nations in New Mexico the SILC is one of the nation's first Indian law clinics and one of the most respected. The program handles a broad range of cases involving Indian law and/or representing Native clients. The UNM Law School is a National Indian Law Center (NILC) and most of the law school's out-of-state students admitted to the program are Native Americans

The UNM reports that the SILC provides high quality legal representation and clinical practice experience in Indian Country. SILC is proactive in the advocacy, promotion, and establishment of indigenous people's rights. SILC law students may represent individual clients and/or tribal groups or Indian communities. Through representation, students may be exposed to issues arising from historical oppression, poverty and under-representation, and other issues related to culture, race, and socio-economic status in the legal system. Students are taught to approach legal solutions premised on tribal sovereignty, cultural rights or traditional internal law, as well as general legal principles.

The SILC handles cases arising under federal, state, or tribal law. Students may have opportunities to appear in all courts and to assist clients in access and use of tribal traditional dispute resolution in their community. Potential clients come from outlying and nearby Pueblos and tribal communities, and the urban Indian population. In addition to serving walk-in clients, SILC may provide legal services or intake at community intake sites in and around Albuquerque. Students may also engage in project work with tribal governments, non-profit organizations, and non-governmental Indian organizations.

Mr. Washburn, former dean of UNM Law School, and now U.S. Department of the Interior Assistant Secretary for Indian Affairs, presented before the Indian Affairs Committee in 2012. He stated that SILC is ranked number seven in the country. SILC has three charges: to educate the students, to educate the bench, and to represent Native Americans. SILC only represents clients who make less than 125 percent of the federal poverty level. If SILC does not take the client's case, it will point the non-client in the right direction as far as securing legal representation.

ADMINISTRATIVE IMPLICATIONS

The Board of Regents of the University of New Mexico would be responsible for administering the funds to the UNM School of Law to fund the Southwest Indian Law Clinic.

MR/svb