

# UNIVERSITY OF NEW MEXICO – SCHOOL OF PUBLIC ADMINISTRATION

## COURSE SYLLABUS

### Course Information:

PUB AD 590.004 – Legal Aspects of Homeland Security and Disaster Administration  
Spring, 2006  
Location: Ortega Hall, Room 221 – Tuesdays, 4 PM to 6:30 PM

### Instructors:

Clifford M. Rees, JD, Adjunct Professor, UNM School of Medicine, Center for Disaster Medicine  
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Nick Bakas, Chief Public Safety Officer  
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### Course Description:

This course will introduce students to a broad spectrum of legal issues related to emergency management and homeland security. The role of local, state and federal governments in an emergency or disaster response will be examined in light of recent events such as Y2K, 9/11, SARS and hurricanes. Legal issues covered will include the duty to act, dispatch issues, legal liability and negligence, managing a response from a first responder and management perspective, the use of volunteer resources and the role of legal counsel in emergency management. Emphasis will be placed on New Mexico statutory law and administrative rules as applicable.

### Course Requirements and Evaluation:

#### Grading:

Class Participation	20% of the final grade
Mid-Term Exam	30% of the final grade
Final Exam/Presentation	50% of the final grade

The final exam will consist of the preparation of draft emergency preparedness-related legislation in New Mexico bill-style format that will be presented by the student to the class as part of a simulated New Mexico Legislature Committee hearing. The presenting student will act as the legislative sponsor of the bill and will be subjected to questions and comments from the class and instructors who will serve as a “committee of the whole.”

Students will be expected to become familiar with the New Mexico Legislature’s website at [www.legis.state.nm.us](http://www.legis.state.nm.us) . For the Final Exam/Presentation, students will need to review and become

familiar with the Legislative Drafting Manual (2004 Update) found on the website by clicking on “Legislative Publications” then “Drafting Manual, Legislative (October 03)”. Past bills introduced since 1996 and bills introduced during the 2006 Regular Legislative Session can be followed through “Bill Finder” also accessed on the Legislature’s home page.

### **Class Sessions:**

This course will be a lecture-based course by the instructors and guest lecturers with class discussion, cases studies and other media presentations. Participation in the discussions based on a response to the readings and lecture materials is an important part of the course.

### **Course Readings:**

Emergency Response and Emergency Management Law: Cases and Materials by William C. Nicholson

Are You Ready? What Lawyers Need to Know About Emergency Preparedness and Disaster Recovery – American Bar Association Section of State and Local Government Law and the ABA Center for Continuing Legal Education

Other supplemental readings as assigned.

### **Course Outline and Schedule:**

January 17, 2006 - Class #1 – Introductions, Distribution of Syllabus, Course Overview (Rees and Bakas)

January 24, 2006 – Class #2 – Duty to Act (Bakas)

Readings: Nicholson, Chapter 1, pages 5-15; Section 5-1-1, NMSA 1978; NM Ambulance Standards Act, Sections 65-6-1, et seq., NMSA 1978; 18.4.2 NMAC.

January 31, 2006 – Class #3 – Training Accidents (Bakas)

Readings: Nicholson, Chapter 2, pages 17-30.

February 7, 2006 – Class #4 – Vehicle Issues: Hot Pursuit, Vehicle Accident, Criminal Liability for Vehicle Accident (Bakas)

Readings: Nicholson, Chapter 3, pages 33-57; NM Law Enforcement Safe Pursuit Act, Sections 29-20-1, et seq., NMSA 1978.

February 14, 2006 – Class #5 – Dispatch Issues (Bakas)

Readings: Nicholson, Chapter 4, pages 59-69; NM Public Safety Telecommunicator Training Act, Sections 29-7C-1, et seq., NMSA 1978; 10.20.10 NMAC, “Public Safety Telecommunicator Minimum Standards of Training”; NM Emergency Medical Services Act, Section 24-10B.-4.F., NMSA 1978; 7.27.2.9.C. NMAC, “Certification and Licensing of EMS Personnel” (revised effective 1/1/2006).

February 21, 2006 – Class #6 – EMS (Rees)

Readings: Nicholson, Chapter 5, pages 71-99; NM EMS Act, Sections 24-10.B.-1, et seq., NMSA 1978; NM EMS Fund Act, Sections 24-10A.-1, et seq., NMSA 1978, 7.27 NMAC; NM Good Samaritan Statutes, Section 24-10-3 and 24-10-4, NMSA 1978.

February 28, 2006 – Class #7 – Managing a Response

Readings: Nicholson, Chapter 6, pages 101-134; Homeland Security Directive – 5 (HPSD-5); National Response Plan (NRP); National Incident Management System (NIMS); NM Executive Order 95-02; NM Mutual Aid Act, Sections 29-8-1, et seq., NMSA 1978.

March 7, 2006 – Class #8 – Mid-Term Exam

March 14, 2006 – SPRING RECESS

March 21, 2006 – Class #9 – Public Health Emergency Preparedness/Hazardous Materials Incidents

Readings: Nicholson, Chapter 7, pages 137-157; NM Emergency Powers Code, Chapter 12, Articles 10, 10A, 11 and 12, NMSA 1978; NM Public Health Emergency Response Act, Sections 12-10A.-1, et seq., NMSA 1978; NM Public Health Act, Sections 24-1-1, et seq., NMSA 1978.

March 28, 2006 – Class #10 – Using Volunteer Resources

Readings: Nicholson, Chapter 8, pages 159-174; federal Volunteer Protection Act of 1997, 42 USC Sections 14501, et seq.; Emergency Management Assistance Compact (Pub. L. 104-321 – October 19, 1996); NM EMAC, Sections 12-10-14 and 12-10-15, NMSA 1978.

April 4, 2006 – Class #11 – Recovery by Responders: The Rescue Doctrine and the Fireman's Rule

Readings: Nicholson, Chapter 9, pages 177-185.

April 11, 2006 – Class #12 – Lessons Learned from 9/11 for Emergency Responders and Emergency Managers

Readings: Nicholson, Chapter 10, pages 187-201; Chapter 16, pages 313-319.

April 18, 2006 – Class #13 – Powers of the Governor – Federal, State and Local Responsibilities

Readings: Nicholson, Chapter 11, pages 205-219; NM Constitution, Article V, Section 4; Article XVIII, Section 1; Article XVIII, Section 2; Section 20-2-3 through 20-2-5, NMSA 1978.

Nicholson, Chapter 12, pages 221-232; NM State Civil Emergency Preparedness Act, Sections 12-10-1, et seq., NMSA 1978.

Nicholson, Chapter 13, pages 235-258; Robert T. Stafford Disaster Relief and Emergency Act, 42 USC Sections 5121-5206.

April 25, 2006 – Class #14 – The Attorney’s Role in Emergency Management

Readings: Nicholson, Chapter 14, pages 261-287; American Bar Association DVD – “Are You Ready?”

May 2, 2006 – Class #15 – Negligence Liability in Emergency Management

Readings: Nicholson, Chapter 15, pages 289-311; Chapter 17, pages 321-327.

May 9, 2006 – Class #16 – Final Exam – Student Presentations

Revised 1/2/06