

Resolution of Faculty of American University, Washington College of Law
Regarding Proposed Changes to Existing ABA Standards
Regarding Tenure, Security of Position, Academic Freedom, and Attraction and Retention of
Faculty

The Standards Review Committee of the American Bar Association's Section on Legal Education and Admissions to the Bar ("Committee") has proposed substantial changes to ABA Standards regarding tenure and security of position. These changes would dramatically reduce the ABA's longstanding commitment to a system of tenure and of security of position for law school deans, traditional faculty, clinical faculty, legal writing faculty, and library directors. Specifically, the proposed changes would weaken or eliminate the

- Standard 206(c) mandate of tenure for law school deans;
- Standard 405(b) requirement of an established tenure policy for traditional faculty;
- Standard 405(c) mandate of security of position for clinical faculty members;
- Standard 405(d) mandate of a form of security of position for legal writing faculty; and
- Standard 603(d) support for security of position for directors of law libraries.

Principles of justice, democracy, human dignity, due process and equality rely strongly upon the robust and unimpeded advocacy, teaching, service and research of a diverse legal academy. Accordingly, the American University, Washington College of Law faculty vigorously opposes these proposed changes, on the grounds that they would

- Undermine the quality of legal education;
- Undermine academic freedom in the legal academy;
- Undermine the capacity of law schools to recruit and protect a diverse faculty;
- Undermine faculty governance in the legal academy; and
- Undermine the movement, long endorsed by our faculty, to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

The faculty of American University, Washington College of Law opposes the proposed changes to ABA Standards that eliminate requirements for tenure and security of position. The faculty endorses and adopts the official comments filed in opposition to the proposed changes by AALS (Association of American Law Schools), AAUP (Association of American University Professors), SALT (Society of American Law Teachers), CLEA (Clinical Legal Education Association), an informal group of past AALS presidents and the statement of law school deans of color. The Washington College of Law faculty urges faculties nationwide to join in the effort to oppose these changes.

Dated: March 31, 2011