

CLEVELAND-MARSHALL COLLEGE OF LAW

OFFICE OF THE DEAN

March 30, 2011

Donald J. Polden, Dean
Santa Clara Law School
Chair, Standards Review Committee of
the American Bar Association

Dear Dean Polden and Members of the Standards Review Committee:

On behalf of the faculty at Cleveland-Marshall College of Law, I write to share with you the attached resolution. This resolution was passed unanimously by the faculty at a meeting on Thursday, March 24, 2011. As you can see, the C|M|LAW faculty strongly opposes the proposed changes to Standards 206, 405, and 603 regarding security of position, academic freedom and the attraction and retention of faculty.

Please share this resolution with the Standards Review Committee and post it as a public comment on the proposed changes so that it may be considered before the Open Forum to be held on April 2, 2011.

The C|M|LAW faculty appreciates the opportunity to comment on the proposed changes. We know that the Committee will appreciate the depth of our opposition to the proposed changes as expressed in the attached unanimous resolution.

Sincerely,



Phyllis L. Crocker
Interim Dean and Professor of Law

Attachment

RESOLUTION OF FACULTY OF CLEVELAND-MARSHALL COLLEGE OF LAW
REGARDING PROPOSED CHANGES TO EXISTING ABA STANDARDS
REGARDING 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 206, 405, and 603. 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 librarians.

Specifically, the proposed changes would weaken or eliminate the:

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

The Cleveland-Marshall College of Law faculty vigorously opposes these proposed changes, on the grounds that they would:

1. Undermine the quality of legal education;
2. Undermine academic freedom in the legal academy;
3. Undermine faculty governance in the legal academy; and
4. Undermine the movement to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

The faculty of the Cleveland-Marshall College of Law unanimously opposes the proposed changes to the ABA Standards 206, 405, and 603 as presently outlined in the Committee's March 2011 draft. The faculty urges the dean to take all possible steps to resist the proposed changes and to urge other law schools to do so as well.

Dated: March 24, 2011