Dear Dean Polden:

We, the undersigned members of the Vermont Law School faculty, join with the other organizations, including AALS (Association of American Law Schools), SALT (Society of American Law Teachers), AALL (American Association of Law Librarians), CLEA (Clinical Legal Education Association) and many professors who urge the Standards Review Committee to make no substantive changes to the existing standards and interpretations regarding security of position, for the sound reasons in their several letters and statements.

These changes would dramatically reduce the ABA’s longstanding commitment to a system of tenure and of security of position for traditional faculty, clinical faculty, legal writing faculty, and librarians. The undersigned 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 academy’s movement to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

Given the current political environment, the ABA’s commitment to the existing standards has never been more important. Several recent initiatives pose threats to the academic freedom and shared governance rights of academic institutions and their faculty. Legislators in one-third of the states have attempted to impose an “Academic Bill of Rights” requiring ideological ‘balance’ in all public educational institutions. Also at the state level, the Texas legislature unanimously passed “a law . . . [that] requires public universities to post online the budget of each academic department, the curriculum vitae of each instructor, full descriptions and reading lists for each course and student evaluations of each faculty member.” Both the Maryland and Louisiana legislatures sought to affect legal clinic funding based on political dissatisfaction with the clinics’ litigation choices. In Virginia, Attorney General Ken Cuccinelli ordered all state colleges and universities to rescind policies that ban discrimination based on sexual orientation, claiming the schools lacked the authority to adopt such statements. Such political efforts represent attempts by the general public to insert themselves

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into the academic decision-making process, ultimately limiting institutional and individual academic freedom. At the federal level, a recent Supreme Court decision, *Garcetti v. Ceballos*, restricts the free speech rights of public employees when speaking about matters relevant to their job and field of professional expertise.\(^3\) The decision, if applied to public law schools, could transform a governance structure in which faculty and administration work collaboratively to an employer-employee relationship in which faculty must defer to administrators.

Based on the foregoing, we end where we started, firmly opposed to any changes to the current standards. We appreciate the Committee’s work on this issue and our ability to comment on the proposed standards.

Sincerely,

Susan B. Apel, Professor of Law  
Director, General Practice Program

Betsy Baker, Associate Professor of Law  
Senior Fellow for Oceans and Energy, Institute for Energy and the Environment

Alex Banks, Assistant Professor of Law  
Staff Attorney South Royalton Legal Clinic

Michele Martinez Campbell  
Assistant Professor of Law

Jason Czarnezki  
Professor of Law

Teresa Clemmer, Associate Professor of Law  
Acting Director of Environmental and Natural Resources Clinic

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Liz Ryan Cole, Professor of Law
Director of Semester in Practice Program

Sheryl Dickey, Assistant Professor
Staff Attorney, Environmental and Natural Resource Clinic

John Echeverria
Professor of Law

Arthur Edershiem, Assistant Professor of Law
Staff Attorney, South Royalton Legal Clinic

Stephanie Farrior, Professor of Law
Director of International and Comparative Law Programs

Jackie Gardina
Professor of Law

Katherine Garvey, Assistant Professor
Staff Attorney, Land Use Clinic

Greg Johnson, Professor of Law
Director of the Legal Writing Program

Martha Judy
Professor of Law

Laurie Kadoch, Professor of Law
Legal Writing Department

Julie Graves Krishnaswami
Lawyer Librarian & Adjunct Professor

Mark Latham
Professor of Law

Cynthia Lewis
Law Librarian, Acting Library Director
Reed Loder
Professor of Law

James May, Professor of Law
Director South Royalton Legal Clinic
Vermont Law School

Michael McCann
Professor of Law

Phillip Meyer
Professor of Law

Mark Mihaly, Professor of Law
Associate Dean for the Environmental Law Program
Director Environmental Law Center

Laura Murphy, Assistant Professor of Law
Staff Attorney, Environmental and Natural Resources Clinic

Sean Nolon, Associate Professor of Law
Director Dispute Resolution Program

Craig Pease
Professor of Science and Law

Anthony Renzo, Professor of Law
Associate Director of Legal Writing Program

Christine Ryan
Environmental Law Librarian

Joan Vogel
Professor of Law

Stephanie Willbanks
Professor of Law

Carl Yirka, Professor of Law
Director of the Julien and Virginia Cornell Library

Maryann Zavez, Professor of Law
Staff Attorney, South Royalton Legal Clinic