

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

RESOLUTION OF FACULTY OF UNIVERSITY OF BALTIMORE SCHOOL 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 University of Baltimore Law School 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 University of Baltimore School 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 16, 2011

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

Resolution of the Faculty of Duquesne University School 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 Duquesne University School of Law faculty vigorously opposes these proposed changes, and adopts this resolution, on the grounds that the changes 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 Duquesne University School of Law opposes the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Committee's draft, dated January 8-9, 2011. 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), ALWD (Association of Legal Writing Directors), AALL (American Association of Law Librarians), and an informal group of past AALS presidents. 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 25, 2011

Resolution of Faculty of Georgetown Law University School 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 Georgetown University Law Center 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, long endorsed by Georgetown, to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

The faculty of Georgetown University Law Center opposes the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Committee's draft, dated January 8-9, 2011. 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), and an informal group of past AALS presidents. 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 2, 2011

Resolution of the Faculty of the Howard University School 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 (the "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 Howard University School 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, long endorsed by the Howard University School of Law, to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

- A. The faculty of the Howard University School of Law opposes the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Committee's draft, dated January 8-9, 2011.
- B. The faculty endorses and adopts the official comments filed in opposition to the proposed changes by the AALS (Association of American Law Schools), the AAUP (Association of American University Professors), SALT (Society of American Law Teachers), the CLEA (Clinical Legal Education Association), and an informal group of past AALS presidents.
- C. 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.

Considered and Adopted
Dated: March 25, 2011

Resolution of Faculty of Loyola University New Orleans College of Law Adopting the Georgetown University Faculty Resolution 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.

Loyola University New Orleans College of Law faculty vigorously opposes these proposed changes, and adopts the resolution originally formulated by Georgetown University Law Center opposing these 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 Loyola University New Orleans College of Law opposes the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Committee's draft, dated January 8-9, 2011. 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), and an informal group of past AALS presidents. 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 15, 2011

**Resolution of the Faculty of the University of Oregon School 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 of 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 University of Oregon School of Law faculty vigorously opposes these proposed changes and adopts the following resolution opposing them, based on the resolution originally formulated by Georgetown University Law Center, 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 at Oregon to bring legal writing professors and the library director into full membership in the academy.¹

IT IS THEREFORE RESOLVED:

The faculty of the University of Oregon School of Law opposes the proposed changes to ABA Standards 206, 405, and 603 in the Committee's draft for the April 2011 meeting. The faculty endorses and adopts the official comments in opposition to the proposed changes filed by AALS (Association of American Law Schools), AAUP (Association of American University Professors), SALT (Society of American Law Teachers), CLEA (Clinical Legal Education Association), and an informal group of past AALS presidents. 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 18, 2011

¹ The University of Oregon School of Law currently does not have clinical law professors.

Resolution of Faculty of Seattle University School 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 Seattle University School 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, long endorsed by Seattle University, to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

The faculty of Seattle University School of Law opposes the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Committee's draft, dated January 8-9, 2011. 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), and an informal group of past AALS presidents. 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.

OFFICE OF THE DEAN

tel 617.573.8155 fax 617.305.3223



March 28, 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,

I write to you on behalf of the faculty of Suffolk University Law School. Last Thursday, March 24, 2011, the resident faculty of the Law School passed the attached resolution. Suffolk University Law School is one of the largest such institutions in the nation, with approximately 1090 fulltime and 590 part time J.D. candidates. Similarly, our resident faculty is quite large comprising 93 voting members -- which include tenure track, tenured, legal practice skills and clinical professors.

After a discussion regarding the merits of the attached proposal at a regular meeting of the faculty, the resolution passed unanimously. As indicated more clearly in the resolution itself, the faculty of Suffolk University Law School vigorously opposes the current proposed changes to the accreditation standards regarding security of position, academic freedom, and attraction and retention of faculty. We are certain that this clear statement will be considered by you and the committee as you consider further actions regarding the accreditation standards,

Sincerely,

A handwritten signature in dark ink, appearing to be "Camille Nelson". The signature is fluid and cursive, with a large loop at the end.

Camille Nelson

(Posted as public comment to the ABA Standards Review Committee)

Resolution of Faculty of Suffolk University Law School
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 Suffolk University Law School 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, long endorsed by Suffolk, to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

The faculty of Suffolk University Law School opposes the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Committee's draft, dated January 8-9, 2011. 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), and an informal group of past AALS presidents. 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: 3/27/2011

**Resolution of the Faculty of The University of Tennessee 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 of 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 University of Tennessee College of Law's long-held unitary tenure standard accords the same security of position and other benefits to all faculty, including those who teach clinical courses or legal writing, and reflects our commitment to fostering a sense of community built on mutual respect and achieving our goal of integrating theory, skills, and doctrine to prepare students for the practice of law. Accordingly, The University of Tennessee College of Law faculty vigorously opposes these proposed changes and adopts the following resolution opposing them, based on the resolution originally formulated by Georgetown University Law Center, 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, THAT:

The faculty of The University of Tennessee College of Law: (a) opposes the proposed changes to ABA Standards 206, 405, and 603 in the Committee's draft for the April 2011 meeting; endorses and adopts the official comments in opposition to the proposed changes filed by the AALS (Association of American Law Schools), AAUP (Association of American University Professors), SALT (Society of American Law Teachers), CLEA (Clinical Legal Education Association), ALWD (Association of Legal Writing Directors), AALL (American Association of Law Librarians), and an informal group of past AALS presidents; and 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 30, 2011

**Resolution of the Faculty of Touro College, Jacob D. Fuchsberg Law Center, 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 of 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 Touro Law Center faculty vigorously opposes these proposed changes and adopts the following resolution opposing them, based on the resolution originally formulated by Georgetown University Law Center, 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 endorsed at Touro to bring clinical law professors, legal writing professors and the library director into full membership in the academy.

IT IS THEREFORE RESOLVED:

The faculty of the Touro Law Center opposes the proposed changes to ABA Standards 206, 405, and 603 in the Committee's draft for the April 2011 meeting. The faculty endorses and adopts the official comments in opposition to the proposed changes filed by AALS (Association of American Law Schools), AAUP (Association of American University Professors), SALT (Society of American Law Teachers), CLEA (Clinical Legal Education Association), and an informal group of past AALS presidents. 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 23, 2011

Resolution of the Faculty of the Boyd School of Law, University of Nevada, Las Vegas 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 of 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 University of Nevada, Las Vegas faculty vigorously opposes these proposed changes and adopts the following resolution opposing them, based on the resolution originally formulated by Georgetown University Law Center, 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 at UNLV to bring clinical law professors, legal writing professors and the library director into full membership in the academy.

IT IS THEREFORE RESOLVED:

The faculty of the Boyd School of Law, University of Nevada, Las Vegas opposes the proposed changes to ABA Standards 206, 405, and 603 in the Committee's draft for the April 2011 meeting. The faculty endorses and adopts the official comments in opposition to the proposed changes filed by AALS (Association of American Law Schools), AAUP (Association of American University Professors), SALT (Society of American Law Teachers), CLEA (Clinical Legal Education Association), and an informal group of past AALS presidents. 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 25, 2011

VERMONT LAW SCHOOL

Donald J. Polden, Chair (by email and U.S. mail)
Standards Review Committee
Dean, Santa Clara Law School
Santa Clara University
500 El Camino Real
Santa Clara, CA 95053
dpolden@scu.edu

March 30, 2011

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.¹ 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."² 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

¹ Robert M. O'Neil, *Bias, "Balance," and Beyond: New Threats to Academic Freedom*, 77 U. COLO. L. REV. 985,998–1009 (2006).

² Stephanie Simon & Stephanie Banchemo, *Putting a Price on Professors*, WALL ST. J., Oct. 23, 2010, at C1.

VERMONT LAW SCHOOL

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 Czarnecki
Professor of Law

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

³ *Garcetti v. Ceballos*, 547 U.S. 410 (2006). Many commentators discuss the potential academic-freedom implications of *Garcetti*. See, e.g., Robert M. O'Neil, *Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos*, 96 BULL. AM. ASS'N U. PROFESSORS, 64, 67–88 (2010); Robert J. Tepper & Craig G. White, *Speak no Evil: Academic Freedom and the Application of Garcetti v. Ceballos to Public University Faculty*, 59 CATH. U. L. REV. 125 (2009); Judith Areen, *Government as Educator: A New Understanding of First Amendment Protection of Academic Freedom and Governance*, 97 GEO. L.J. 945 (2009); Robert M. O'Neil, *Academic Speech in the Post-Garcetti Environment*, 7 FIRST AMENDMENT L. REV. 1 (2008); Sheldon Nahmod, *Academic Freedom and the Post-Garcetti Blues*, 7 FIRST AMENDMENT L. REV. 54 (2008); Robert S. Rosborough IV, Comment, *A "Great" Day for Academic Freedom: The Threat Posed to Academic Freedom by the Supreme Court's Decision in Garcetti v. Ceballos*, 72 ALB. L. REV. 565 (2009).

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**Resolution of the Faculty of the West Virginia University 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 West Virginia University College of Law faculty vigorously opposes these proposed changes and adopts the resolution originally formulated by Georgetown University Law Center. The proposed changes 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 at WVU and other law schools 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 West Virginia University College of Law opposes the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Committee's draft for the April 2011 meeting. 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), and an informal group of past AALS presidents. 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 30, 2011

William Mitchell College of Law

Faculty Petition Opposing Proposed Changes to Existing ABA Standards Regarding Security of Position, Academic Freedom, and Attraction and Retention of Faculty

WHEREAS 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;

WHEREAS these changes would weaken:

- (1) Standard 206(c), mandating tenure for law school deans;
- (2) Standard 405(b), requiring an established tenure policy for traditional faculty;
- (3) Standard 405(c), mandating security of position for clinical faculty members;
- (4) Standard 405(d), mandating of security of position for legal writing faculty; and
- (5) Standard 603(d), supporting security of position for directors of law libraries;

WHEREAS William Mitchell prides itself on the fact that its clinical, legal writing, and library director faculty are full and equal members of the faculty;

WHEREAS the proposed changes would reverse progress made towards equal treatment for clinicians, legal writing faculty and library directors nationally;

WHEREAS these changes will diminish academic quality, academic freedom, and the role of faculty governance in the legal academy.

THEREFORE the undersigned faculty of William Mitchell College of Law state their opposition to the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Committee's draft, dated January 8-9, 2011 and urge the dean to take all possible steps to resist the proposed changes.

/s/

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