

Statement by Deans of Color

We are Deans of United States law schools. We are also persons of African-American, Asian-American, and Latino backgrounds. We are writing in our personal capacities to the Standards Review Committee of the American Bar Association's Section on Legal Education and Admissions to the Bar in order to express our deep concern regarding proposed changes to ABA Standards 206, 405, and 603. If implemented, these proposals would substantially weaken the system of tenure and security of position that the ABA has traditionally required in legal education.

We are particularly worried that the proposed changes would disparately affect law professors and deans from historically unrepresented and disadvantaged communities, including persons of color. The legal academy has made significant strides to increase the presence of persons of color on law school faculties and in deanships. The steady growth in the number of persons of color within legal education has enriched the diversity of legal scholarship and pedagogies. Furthermore, the increasing number of persons of color who hold law school deanships and other academic administrative positions means that the professional leadership within law schools better reflects the diversity of student backgrounds and of the multiple communities the legal profession serves.

We believe that the improvement of diversity in law schools could not have occurred without a strong commitment to tenure and security of position. These longstanding values allow persons from disadvantaged or underrepresented backgrounds to advocate policies within the institutions they serve without fear of retaliation. These principles also allow legal scholars to engage in research that challenges orthodox legal practices that operate to the detriment of disadvantaged communities. If the ABA approves the proposals to undermine tenure and security of position, we believe that this decision would threaten the ability of such persons to participate actively in faculty governance, legal scholarship, and academic administrative leadership.

Finally, tenure and security of position have created critical space within the legal academy to produce scholarship and advocate policies that have fundamentally changed the world in which we live. Principles of justice, due process, human dignity and equality rely strongly upon the robust and unimpeded advocacy and research of a diverse legal academy. The removal of tenure and security of position would threaten these core values of the ABA, legal profession and legal education.

Because tenure and security of position are both critically important to the attainment of diversity in legal education and to the achievement of justice for marginalized communities, we express our grave concern with the current proposals to weaken these traditional practices. Although we welcome efforts to innovate legal education, any approved changes must protect the value of diversity that is essential to freedom of thought, the robust exchange of ideas, pluralistic leadership, and social progress.

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