

Resolution of the Faculty of the University of the Pacific McGeorge School of Law Regarding the 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 Admission to the Bar ("Committee") has proposed substantial changes to ABA Standards regarding tenure and security of position. Draft proposals of the changes (dated April 2011) would have dramatically reduced the ABA's longstanding commitment to a system of tenure and security of position for law school deans, traditional faculty, clinical faculty, legal writing faculty, and library directors. Specifically, those proposed changes would have weakened or eliminated the

1. Standard 206(c) mandate of tenure as professors for law school deans;
2. Standard 405(b) requirement and the Interpretations thereof, for 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 for a form of security of position for legal writing faculty; and
5. 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 scholarship of a diverse legal academy. Accordingly, the Pacific McGeorge law faculty urges the Committee to reject the proposed changes included in the April 2011 draft on the grounds that they would

1. Undermine the quality of legal education;
2. Undermine academic freedom in the legal academy;
3. Undermine the capacity of law schools to recruit and protect a diverse faculty;
4. Undermine faculty governance in the legal academy; and
5. Undermine the commitment and gains achieved in the legal academy to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

The Faculty of Pacific McGeorge School of Law opposes ABA changes to the ABA Standards that would eliminate requirements for tenure and security of position. The faculty endorses and adopts the official comments filed in opposition to the proposed changes 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 (The Association of Legal Writing Directors), an informal group of past AALS presidents dated July 2010, and the statement of law deans of color dated March 2011.

Dated: April 22, 2011.