

Resolution of Faculty of Loyola Law School, Los Angeles On 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. On April 2-3, 2011, the Committee heard oral testimony regarding these changes, which 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:

Standard 206(c)'s mandate of tenure for law school deans;  
Standard 405(b)'s requirement of an established tenure policy for traditional faculty;  
Standard 405(c)'s mandate of security of position for clinical faculty members;  
Standard 405(d)'s mandate of a form of security of position for legal writing faculty;

and

Standard 603(d)'s 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 Loyola Law School, Los Angeles faculty vigorously opposes these proposed changes, on the grounds that they would undermine:

- (1) the quality of legal education;
- (2) academic freedom in the legal academy;
- (3) the capacity of law schools to recruit and protect a diverse faculty;
- (4) faculty governance in the legal academy; and
- (5) progress in bringing clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

The faculty of Loyola Law School, Los Angeles opposes the proposed changes to ABA Standards 206, 405, and 603 as presently outlined in the Standards Review Committee's draft for the April 2-3, 2011 meeting. The faculty further urges faculties nationwide to join in the effort to oppose these changes. Loyola Law School anticipates providing the ABA with specific concerns regarding academic freedom and security of position at a later date.