

Resolution of the Faculty of Brandeis 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 Brandeis School of Law 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. The legal profession and the academy should be at the forefront of dismantling barriers to opportunities in the profession and society at large. These seemingly neutral regulatory initiatives mask a much larger problem that disproportionately impacts women, people of color, and those who have historically been excluded. Accordingly, the Brandeis 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 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 Brandeis 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), 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: May 10, 2011