

**Resolution of Faculty of The University of Montana 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.

A majority of the University of Montana 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 University of Montana, to bring clinical law professors, legal writing professors, and library directors into full membership in the academy.

IT IS THEREFORE RESOLVED:

A majority of the faculty of The University of Montana 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.

Dated: May 20, 2011