COMMENT OF SOCIETY OF AMERICAN LAW TEACHERS
ON ALTERNATIVES TO ACCREDITATION STANDARD 405

The Society of American Law Teachers (SALT) is an organization of law teachers, with members in almost every law school in the country and from all parts of the legal academy, whose mission embraces social justice, diversity, and excellence in legal education. We write with a comment on the alternatives proposed for Standard 405 on Professional Environment. In short, we think the two proposals are in reality identical, though they have the appearance of difference, and neither of them is acceptable. Both would vitiate the current requirement that full-time law faculty (except for legal writing faculty) have security of position that allows them to exercise their responsibilities to students and to the profession with the freedom those responsibilities demand.

Alternative 2 requires only that a law school maintain conditions adequate to attract and retain a competent full-time faculty sufficient to permit the law school to comply with the standards, clearly rejecting any requirement of security of position. Alternative 1 would require that all full-time faculty have a form of security of position sufficient to ensure academic freedom and to attract and retain a competent full-time faculty, but because of the elimination from the circulated draft of the language specifying a minimum requirement for such security of position (5-year presumptively renewable contracts), Alternative 1 offers only lip service to security of position. Alternative 1 is virtually identical to the provisions applicable under the current standards to legal writing faculty, and it is clear from their experience that the requirements stated in Alternative 1 offer no real protection.
We applaud the changes in the proposed drafts that clarify and strengthen the commitment to academic freedom and substantial governance roles for all faculty, and we ask that those aspects of the changes be retained. We support the proposal by the Clinical Legal Education Association (CLEA) in its statement of January 27, 2014, to retain the current Standard 405 but improve it with provisions that address those shortcomings of the current rule. As noted in the CLEA statement, the Standards should strengthen, not undermine, the role of the very faculty who are most able to lead law school efforts to further experiential education.

In the name of greater flexibility for law school administrators, the proposed standard would backtrack on progress made in the status of clinical faculty, and would undermine the ability of all faculty to both serve their students and help strengthen and transform legal education. At the very least, any standard adopted should retain the current statement that five-year presumptively renewable contracts are the minimum necessary to satisfy the requirement of security of position sufficient to protect academic freedom, governance rights, and attracting and retaining a competent faculty. We urge the Council to reject both alternatives to 405 that have been proposed, and suggest that the best path is to retain the current standard with the changes CLEA has proposed.

Submitted on behalf of the Society of American Law Teachers by

[Signatures]

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