

## American Bar Association Gains Broad Support for Proposal to Enhance Job Protections for Untenured Law Faculty



An American Bar Association (ABA) proposal aimed at fortifying job protections for untenured law faculty has garnered extensive support within the legal education community. Proponents argue that the suggested changes would contribute to dismantling longstanding hierarchies prevalent among different categories of professors.

### Proposed Changes by ABA's Council of the Section of Legal Education and Admission to the Bar

Under the ABA's Council's consideration, the proposed amendment requires law schools to appoint full-time legal writing instructors and other untenured faculty members on five-year "presumptively renewable long-term contracts." This alteration is designed to bring uniformity to the hiring rules and protections for legal writing, bar preparation, and other typically untenured faculty roles, aligning them with the standards applied to clinical legal professors. However, it is noteworthy that these faculty members would still have less job security compared to their tenured and tenure-track counterparts.

### Endorsed by Legal Writing Community

The ABA's initiative, developed in response to the advocacy of the Association of Legal Writing Directors and the Legal Writing Institute, has found strong support. Advocates assert that this proposal will address the historical disparities in pay and job protections, ultimately fostering a more equitable environment for legal writing faculty.

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Kathleen Elliott Vinson, the legal writing director at Suffolk University Law School, emphasizes the significance of eliminating the hierarchical structure, stating, "Eliminating a caste system of hierarchy reflects an appreciation for the valuable roles all faculty play within law schools."

### Controversy Surrounding Faculty Tiers

Faculty tiers have long been a contentious issue in the legal academy, where tenured and tenure-track professors, typically responsible for teaching doctrinal courses like Torts and Contracts, have traditionally enjoyed the most substantial job protections, academic freedoms, and governance responsibilities. Clinical professors occupy an intermediary position, secured by a baseline of five-year renewable contracts. In contrast, legal writing, bar prep, and other skills instructors find themselves on the lower rung, with schools currently obligated only to provide them with the security of position necessary for "attracting and retaining" qualified teachers.

### Proposal's Broader Implications

In addition to equalizing job protections for clinical and legal writing faculty, the proposed changes also mandate law schools to afford all untenured full-time faculty "reasonably similar participation" in governance matters, including voting and committee involvement. This move is poised to create a more inclusive and participatory atmosphere within academic institutions.

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### Overwhelming Support and Potential Challenges

The ABA's proposal has received more than 30 public comments supporting the change, predominantly from legal writing and clinical professors, with no opposition recorded thus far. However, some supporters of the amendment caution that schools might perceive the proposal as limiting their flexibility in staffing decisions. The public comment period is set to conclude on January 8, allowing stakeholders to express their views on this transformative proposal.

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