

# Call for Participation in a Discussion Group on The ABA Reexamines Faculty Employment Security and Status, and the Academy Needs to Pay Attention

**Abstracts due: Wednesday, August 28, 2024**

## Introduction

This is a Call for Participation in the Discussion Group **“The ABA Reexamines Faculty Employment Security and Status, and the Academy Needs to Pay Attention,”** to be held during the in-person AALS Annual Meeting from January 7-11, 2025, in San Francisco.

Discussion groups allow a small group of faculty to engage in a sustained conversation about a topic of interest. This discussion group’s participants are expected to write and share a short abstract (3 pages, double-spaced) to begin their participation in the discussion. The rest of the session will feature a lively and engaging discussion among the small group of participants. The participants in this discussion group will be the individuals identified in the original proposal submitted to the Program Committee, plus additional individuals selected from this “call for participation”. There will be limited audience seating for those not selected in advance to be discussion participants.

## Description

The goal for the Discussion Group is to inform the audience of the recent activity of the ABA in proposing to increase employment security and status primarily for “skills” professors, and to discuss the advantages and challenges of these proposed changes. It should also foster a discussion of the concept of tenure generally and what should be required to attain it, and thus is both relevant and important across all sectors of the Academy.

In November 2023, the ABA proposed revising Standard 405, which prescribes security of employment and status requirements for full-time faculty. The Standard currently has separate provisions for tenure, security of employment for “full-time clinical faculty,” and security of employment for “legal writing teachers.” The proposed new, more inclusive Standard eliminated any hierarchy by eliminating different requirements for specific categories of professors, instead providing “A law school shall afford to all full-time faculty members tenure or a form of security of position reasonably similar to tenure and reasonably similar non-compensatory perquisites.” It also proposed requiring reasonably equivalent participation in faculty governance and voting rights among all full-time faculty.

That proposal garnered more than 130 comments totaling over 260 pages. Most of the comments expressed support, but some sought reconsideration or revision. Several groups

such as law librarians, ASP and Bar Success faculty, and professors who teach advocacy asked the ABA to specifically require, either in the Standard or its interpretive comments, that their constituents were covered by the new Standard. Some Deans sought clarification as to whether all skills faculty and research librarians had to be re-classified as “full-time faculty” under the proposal and hence offered enhanced employment security, status, and voting rights.

By January 2025, the Standard will likely have changed from its current proposal. However, issues relating to status and security of employment for all faculty will remain: the continued viability of tenure; the role of the ABA in mandating employment guarantees for individual schools; how to value institutionally the contributions of “skills” faculty; the role of “skills” faculty in the governance of law schools; potential line-drawing issues between faculty hired as “staff” and those hired as “full-time faculty”; whether “skills” faculty need the same academic freedom protections provided by tenure if they are not required to publish; the financial implications, if any, of providing more faculty with security of employment; and the pedagogical and other implications of filling “skills” faculty positions with fellows and perpetual visitors.

This Discussion Group will identify and discuss how issues relating to employment security and status have historically been treated and would fare under the most current ABA proposal. If the ABA requires more employment security for groups of faculty who have been historically deprived of such status due to the hierarchical nature of the Standards and the culture of the Academy, it will indeed evidence “Courage in Action” by the ABA and those within the Academy who actively support it.

### Call for Abstracts

The Annual Meeting Program Committee invites faculty and administrators who would like to join this Discussion Group to submit a three-page abstract that addresses the advantages and challenges of the current ABA proposal **by Wednesday, August 28, 2024**. Current organizers and confirmed discussion participants include Mary Beth Beazley (UNLV William S. Boyd School of Law), Mary Nicol Bowman (ASU Sandra Day O’Connor School of Law), Erwin Chemerinsky (UC Berkeley School of Law), Sean Scott (California Western School of Law and President, Society of American Law Teachers), Elizabeth Usman (Belmont University College of Law), Kirsten Winek (American Bar Association’s Section of Legal Education and Admissions to the Bar), Sara H. Wolking (University of Florida, Levin College of Law).

Space in this Discussion Group is limited; the Committee, along with the faculty organizer who proposed this discussion, will select the remaining discussion participants from the abstracts submitted. At the AALS Annual Meeting in January, selected participants will

make a 1-2 minute presentation during the Discussion Group. The remaining time will be devoted to a moderated, roundtable group discussion.

Each submission for this Discussion Group should include:

- The title of the submitted presentation/paper;
- The name, school and email of the applying participant;
- A three-page, double-spaced abstract that addresses the advantages and challenges of the current ABA proposal and;
- The curriculum vitae of the applying participant.

In reviewing the submitted abstracts, the discussion group organizer and selection committee will consider the following:

- The fit and overall quality of the abstract for the Discussion Group;
- The diversity that the applying participant may bring in terms of a variety of factors including viewpoint diversity, institutional affiliation, and status (tenure-track, non-tenure track, tenured); and if applicable.
- The applying participant's willingness to publish his or her paper along with other Discussion Group papers.

Abstracts are due by **Wednesday, August 28, 2024** and should be submitted at <https://aalsweb.wufoo.com/forms/wb2dffk1xw6pbv/>.