

~~committee service; services rendered in connection with legal education organizations or journals;
and institutional service which requires commitment of professional expertise.~~

- d. Public Service. ~~Public Service shall include pro-bono legal services, educational activities conducted to benefit the general public, and activities designed to inform students in secondary and elementary schools about the legal profession.~~
- e. Excluded Services. ~~Professional or public service shall not include compensated legal services or activities not listed in c. and d. above. The applicant may submit additional evidence of involvement in a professional activity or public service not enumerated above, if the applicant believes the activity substantially contributes to the advancement of the profession or is a public service. In this event, the applicant shall provide a written justification to the subcommittee of the activities for consideration in promotion and tenure.~~
- f. Report. ~~The subcommittee's evaluation of the applicant's professional and public service shall be included in a written report to be made part of the applicant's file.~~

ARTICLE V

SELECTION, INITIAL APPOINTMENT, REAPPOINTMENT, AND PROMOTION OF THE CLINICAL FACULTY; PARTICIPATION IN FACULTY GOVERNANCE

- A. Process for Selection and Appointment of Clinical Faculty
1. Recruitment of Clinical Faculty. Full-time clinical faculty shall be recruited and screened by the Faculty Recruitment Committee.
 2. Report and Recommendations. The Faculty Recruitment Committee shall

report and make recommendations to the full-time faculty, including full-time clinical faculty, for consideration. These full-time faculty, at a meeting called for such purpose, shall consider such reports and recommendations and shall determine whether, in the case of each candidate, the candidate is qualified for appointment to the clinical faculty.

3. Approval Requirements; Appointment. To be deemed qualified for appointment as a clinical faculty member, an applicant must receive approval of at least two-thirds of the full-time faculty, including full-time clinical faculty, present and voting at the meeting. The applicant will be appointed to the rank of Assistant Professor of Clinical Law unless a second vote is taken to determine if the candidate should be appointed to a higher initial rank. If a second vote is required, an applicant must receive approval of at least two-thirds of the full-time faculty, including full-time clinical faculty, holding the rank at or above that proposed for the candidate. Such approval or approvals shall be forwarded to the Dean for further action pursuant to University policies.

B. Terms and Conditions of Appointment to Clinical Faculty

1. Initial Appointment. The initial appointment of a faculty member with no prior clinical experience to a clinical track position will be at the rank of Assistant Professor of Clinical Law. Persons who have prior clinical teaching experience may be appointed to the rank of Associate Professor of Clinical Law. Persons who have extensive previous clinical law teaching experience may be appointed as Professor of Clinical Law.
2. Term of Initial Appointment and Reappointments. The initial appointment of clinical faculty to any rank shall be a term appointment

for two years. Following completion of the initial two year term, clinical faculty shall be eligible for reappointment to successive three-year contracts pursuant to the criteria and procedures set forth in part V.E. *infra*.

- a. Appointments Are Non-Tenure Track. Appointments to the rank of Assistant Professor of Clinical law, Associate Professor of Clinical Law, and Professor of Clinical Law, are term appointments and do not involve service leading to tenure.
3. Clinical Faculty Appointed to Fulfill Grant Obligations. The contract of a clinical faculty member who was hired principally to fulfill obligations under a grant shall be deemed to expire upon the termination of such grant. Under such circumstances, such faculty member shall be afforded at least one month's notice of termination.
4. Full-Time; Fiscal Year Appointments. Regular appointments and reappointments at the ranks of Assistant Professor of Clinical Law, Associate Professor of Clinical Law, and Professor of Clinical Law normally will be full time and on a fiscal year basis that entails a full twelve-month obligation to the Clinic. Such appointees shall be entitled to the prevailing fringe benefits of twelve-month employees of the university.
5. Teaching Loads; Supervision (Handling) of Cases. Clinical faculty members under a fiscal-year contract shall not normally be required to supervise more than eight students per term during the Fall and Spring academic terms. At other times during the fiscal year, clinical faculty members will be responsible for handling the cases that had been assigned to students during the Fall and Spring terms but which had not been closed.

6. Summer Term Teaching and Compensation. Clinical faculty members will be eligible to receive extra compensation if they supervise student attorneys in clinical classes during the Summer term(s). Such extra compensation will be pursuant to policies of the university as administered by the Provost which policies include, among other matters, compensation based on credit hours taught.
7. Summer Term Research Activities. Clinical faculty members are encouraged to engage in research activities between the end of the Spring term and the beginning of the Fall term.
8. Dismissal. Assistant Professors of Clinical Law, Associate Professors of Clinical Law, and Professors of Clinical Law are subject to dismissal during the term for cause, subject to any applicable university regulations, or where there has been a discontinuation or reduction of the clinic program for budgetary or curricular reasons. If the size of the clinic program is reduced, any termination of existing appointments shall occur in the order of ascending rank, and, within rank, in the order of ascending length of service at the Law School.

C. Qualifications for Initial Appointment as Assistant Professor, Associate Professor or Professor of Clinical Law.

1. All Candidates; Admission to Practice Law in Tennessee. Candidates for initial appointment at any rank must be admitted to practice law in Tennessee or eligible for admission to practice pursuant to Tennessee Supreme Court Rule 7, Article V, Section 5.01 or Article X, Section 10.02 thereof as amended by the Supreme Court from time to time.
2. Assistant Professor of Clinical Law. Candidates for initial appointment to the rank of Assistant Professor of Clinical Law shall demonstrate, on the basis of academic record and relevant experience,

their superior ability in the practice of law and clinical teaching.

Candidates shall be expected to demonstrate:

- (a) Clinical insight and orientation.
- (b) Communication skills, creativity and resourcefulness.
- (c) A minimum of five years experience as a licensed attorney engaged in the active practice of law.
- (d) Maturity and good professional judgment.
- (e) Professional responsibility and dedication.
- (f) A strong likelihood for promotion.

3. Associate Professor of Clinical Law. Candidates for initial appointment as Associate Professor of Clinical Law must satisfy the qualifications for initial appointment as Assistant Professor of Clinical Law and must have a history of clinical teaching experience, legal research, and public service, equivalent to that expected of current Clinic faculty who are applying for promotion to the rank of Associate Professor of Clinical Law. (See F.3.b. *infra*.)

4. Professor of Clinical Law. Candidates for initial appointment as Professor of Clinical Law must satisfy the qualifications for initial appointment as Assistant Professor of Clinical Law and must have a history of clinical teaching experience, legal research, and public service, equivalent to that expected of current Clinic faculty who are applying for promotion to the rank of Professor of Clinical Law. (See F.4.b. *infra*.)

D. Annual Evaluation of Clinical Faculty

[Deleted]

E. Reappointment of Clinical Faculty and Non-Reappointment.

1. Criteria for Reappointment.

a. Assistant Professor of Clinical Law. For reappointment, a clinical faculty member holding the rank of Assistant Professor of Clinical Law must have demonstrated a high degree of competence with respect to the criteria for persons appointed to the rank of Assistant Professor of Clinical Law and must be making satisfactory progress toward promotion to the rank of Associate Professor of Clinical Law.

b. Associate Professor of Clinical Law. For reappointment, a clinical faculty member holding the rank of Associate Professor of Clinical Law must have demonstrated a high degree of competence with respect to the criteria for persons promoted or appointed to the rank of Associate Professor of Clinical Law.

c. Professor of Clinical Law. To qualify for reappointment, a clinical faculty member holding the rank of Professor of Clinical Law must have demonstrated a high degree of competence with respect to the criteria for persons promoted or appointed to the rank of Professor of Clinical Law.

2. Evaluation of Clinical Faculty for Reappointment.

a. Evaluation of Clinical Faculty for Reappointment. The Clinical Studies Committee will have the primary responsibility for carrying out evaluations for clinical faculty members and determining whether a clinical faculty member's performance warrants a recommendation for reappointment. If more than one clinic faculty member is being considered for reappointment, the chair of the Clinical Studies Committee may appoint a Reappointment Subcommittee for each such clinic faculty member. The Reappointment Subcommittee shall consist of two

tenured faculty members and one clinical faculty member at or above the rank at which the clinical faculty member is seeking reappointment. If the clinical faculty member is also being considered for promotion, one subcommittee shall act as both the Reappointment Subcommittee and the Promotion Subcommittee as set forth hereinafter. The Reappointment Subcommittee shall make its written report to the Clinical Studies Committee which shall in turn make its Reappointment Report as set forth in paragraph c. infra. In evaluating a clinical faculty member's performance for reappointment, the following shall be considered.

(1) Annual Performance Report by the Clinic Director including written comments thereto, if any, by the clinical faculty member or Dean.

(2) Student Evaluations.

(3) Input from the Clinic and Tenure Track Faculty, Clients, and Others: Input from the clinical and tenure track faculty shall be gathered and considered. Input from the Clinic's client population, members of the legal community, and others may be considered.

(4) Review of Publications and Other Work: Each clinical faculty member subject to review shall provide a statement of the work and other items which she or he wants evaluated and considered under this procedure. This should include publications, statements of service, unique forms of teaching methods, class materials, and anything else that she or he deems will be of value in evaluating her or his work. The clinical faculty member should, in the statement, discuss the purpose and

value of the items being submitted. Evaluation of traditional publications such as law reviews, clinically oriented law reviews and treatises being considered as scholarship shall include review and evaluation by at least two faculty from other law schools.

b. Notice to Clinical Faculty. A clinical faculty member who is being evaluated by the Clinical Studies Committee or a Reappointment Subcommittee shall receive a copy of the Committee's preliminary report or the Reappointment Subcommittee's report, as the case may be, and shall be given an opportunity to meet with the Director and the Clinical Studies Committee for discussion and response prior to the Committee's preparation of a final report.

c. Reappointment Report; Faculty Approval of Reappointment.

Thereafter, the Clinical Studies Committee shall prepare a "Reappointment Report" and submit it to the faculty. To be eligible for a recommendation for reappointment, the applicant must be approved by a majority of the faculty present and eligible to vote at a faculty meeting called for such purpose. In order to be eligible to vote at such faculty meeting, a faculty member must be at or above the rank of the faculty member being considered for reappointment.

3. Notice of Non-Reappointment; Failure to Give Notice of Non-

Reappointment. If the faculty does not approve the clinical faculty member for reappointment, notice of non-reappointment shall be given as follows:

a. Two-Year Contract Appointments. A clinical faculty member on a two-year contract, who was not hired principally to fulfill obligations under a grant, shall be notified by January 1 of the second year of

her/his two year contract if she/he will not be reappointed at the end of the contract term. If this notice is not given, that clinical faculty member will be given a subsequent reappointment at the same rank for one year.

b. Three-Year Contract Appointments. A clinical faculty member on a three-year contract, who was not hired principally to fulfill obligations under a grant, shall be notified by September 1 of the last year of her/his three-year contract if she/he will not be reappointed at the end of the contract term. If this notice is not given, that clinical faculty member will be given a subsequent reappointment at the same rank for one year.

c. One-Year Contract Extensions. A clinical faculty member on a one-year contract, who was not hired principally to fulfill obligations under a grant, shall be notified by January 1 of her/his one-year contract if she/he will not be reappointed at the end of the contract term. If this notice is not given, that clinical faculty member will be given a subsequent reappointment at the same rank for one year.

F. Promotion of Clinical Faculty.

1. Procedures.

a. Application of Article IV. Except where otherwise provided, promotions of full-time Clinic faculty shall be governed by Article IV of the Law School's Governing Rules. Under Article IV, the role of the Promotion and Tenure Subcommittee in the promotion process for clinical track faculty shall be performed by the Clinical Studies Committee. If more than one clinic faculty member is being considered for promotion, the chair of the Clinical Studies Committee may appoint a Promotion Subcommittee for each such clinic faculty member. The

Promotion Subcommittee shall consist of two tenured faculty members and one clinical faculty member at or above the rank at which the clinical faculty member is seeking promotion. The Promotion Subcommittee shall make its written report to the Clinical Studies Committee for further action as set forth hereinafter.

b. Clinical Studies Committee. To be eligible to serve on a Clinical Studies Committee reviewing an application for promotion of a clinical faculty member, the faculty member of the committee must be at or above the rank to which the applicant seeks promotion. In the event that there are no clinical faculty members at or above the rank to which the applicant seeks promotion, the Dean will appoint one tenured faculty member, at or above the rank to which a candidate seeks promotion.

c. Recommendation for Promotion. A recommendation for promotion to the rank of Associate Professor or Professor will require a majority vote of the full-time faculty and clinical faculty who are at or above the rank to which a candidate seeks promotion and who are present and voting at the meeting. This recommendation shall be forwarded to the Dean for further action pursuant to University policies. A clinical faculty member not recommended for promotion may be reappointed at his or her same rank as set forth in Part V.E. supra.

2. Criteria for Promotion. The following criteria shall apply to clinical faculty seeking promotion to Associate Professor or Professor of Clinical Law and shall be considered in conjunction with the Standards set forth hereinafter for such promotion:

a. Clinical Teaching. In evaluating a candidate's teaching ability, the Clinical Faculty Promotion Committee shall consider,

among other factors: (a) evaluations from students currently enrolled in legal clinic and from former students, including those who have graduated; (b) evaluations by colleagues, particularly those who have significant clinical teaching experience. The Clinical Faculty Promotion committee may also consider information from others, such as judges or lawyers, who have had the opportunity to observe the candidate. Clinical teaching will be evaluated by the following criteria:

- (1) an ability to define teaching objectives and identify alternative means for their achievement;
- (2) an ability to relate theories of the lawyering process to the development of legal skills;
- (3) an ability to integrate effectively the various components of clinical teaching (individual supervision and critique, small group discussions, seminars, simulations and fieldwork);
- (4) a familiarity with the literature on lawyering and legal skills.

b. Progress and Welfare of Students. A concern for the welfare and progress of their students by being reasonably accessible to students outside the formal teaching schedule; an ability to provide students with structured feedback on a continuing basis; and an ability to promote the capacity of students to engage in legal reasoning and analysis, to become self-critical and reflective about their experience, to exercise sound professional judgment, and to acquire superior competence in lawyering skills.

c. Contribution to the Clinical Education Program. A candidate's contribution to the clinical education and lawyering skills programs

at the Law School shall be evaluated by the following criteria:

- (1) a recognition of and the participation in the
- (2) cooperative and collaborative nature of the clinical enterprise;
- (3) a willingness to consult with all colleagues, including those with less experience, about teaching objectives and methodology;
- (3) a desire to advance both their own and their colleagues' understanding of clinical methodology and alternative approaches to teaching and supervision;
- (4) a willingness to accept responsibility commensurate
- (5) with their rank and experience for program planning and administration; and
- (5) a manifest desire to achieve the full potential of the clinical programs and excellence in the law students' professional education.

d. Professional and Public Service. Candidates must demonstrate significant involvement in professional and public service.

e. Scholarship.

- (1) Types of Scholarship. For purposes of this evaluation, scholarship may include traditional scholarship or "clinical scholarship." "Clinical scholarship" is intended to include material of a nature significantly different from traditional academic scholarship produced by tenure track faculty. Clinical scholarship derives from work in a clinical setting in

which clinical faculty engage in a teaching practice and includes: articles about substantive topics or legal education published in professional journals; books; treatises; practice manuals; research studies or reports submitted to the organization that sponsored the research; revisions; supplements; statutes; and drafts of legislative bills. Clinical scholarship also includes papers presented at professional meetings or seminars if the papers were reproduced and distributed to the attendees. Where a candidate has prepared a portion of a treatise, this work will not be considered for promotion unless the portion written by the applicant is clearly identifiable and has been attributed to the applicant in the treatise. Clinical scholarship also includes, but may not be entirely satisfied by, (i) teaching materials for courses, (ii) simulations that have been produced and used in teaching of a law school course, and appellate and pre-trial briefs prepared by the clinical faculty member.

(2) Quantity. The quantity of scholarship required of clinical faculty may be less than the quantity of traditional scholarship expected of tenure track faculty.

(3) Quality. The quality of a clinical faculty member's research and scholarly activity is measured by the significance of the issue or issues addressed to the evolution of legal thought within the subject area of the activity, the thoroughness of the research undertaken, the depth of the analysis engaged in, the accuracy with which the research is

used, the logical nature of the presentation and the comprehensibility and the readability of the expression. The extent to which the research and scholarly activity is shown to be of value to law faculty as a research or teaching aid or is shown to be of value to attorneys, judges, legislators, or executive office holders is also a measure of the quality of a clinical faculty member's research and scholarly activity.

(4) Evaluation of Research and Scholarly Activity.

- (a) Each publication considered for the purposes of promotion that has not been evaluated in connection with a previous application for promotion will be read and evaluated by two members of the Clinical Studies Committee or Promotion Subcommittee. The evaluation of each reader will be set out in a report written by the reader and included in the applicant's application file, and will be available to the applicant and the full-time and clinical faculty who are at or above the rank to which the candidate seeks promotion.
- (b) Each publication considered for the purposes of promotion will be submitted to at least two faculty members of ABA approved schools, who have indicated a willingness to review the publication, for evaluation. The selection of the outside faculty members shall be by the Clinical Studies Committee or Promotion Subcommittee and shall be made from among those whose professional expertise includes

the subject matter of the publication to be evaluated. The Committee will request the outside faculty members selected to submit a written evaluation to the Committee which will be included in the applicant's application file. Any report received under this provision will be made available to the applicant and the full-time and clinical faculty who are at or above the rank to which the candidate seeks promotion.

(c) The evaluations required by paragraphs (a) and (b), above, will apply to those publications of the applicant published during the five year period immediately preceding the date of the application being considered.

(d) The evaluations required by paragraph (b), above, shall not apply to writings published before the applicant became a member of this faculty if the applicant was initially appointed at the rank of Associate Professor of Clinical Law or Professor of Clinical Law.

(e) The applicant may provide the subcommittee with additional written evaluations of any publication which the applicant wishes to be considered for the purposes of promotion. The Clinical Studies Committee or Promotion Subcommittee will consider such additional written evaluations and include these in the applicant's application file to be considered by the full-time and clinical faculty who are at or above the rank to which the candidate seeks promotion.

3. Promotion from Assistant Professor of Clinical Law to Associate Professor of Clinical Law.

- a. Eligibility for Promotion. Clinical faculty appointed as an Assistant Professor of Clinical Law will be eligible for consideration for promotion to the rank of Associate Professor of Clinical Law during their second year of employment, with the promotion to be effective at the start of their third year of employment. A promotion application may, however, be made earlier or later.
- b. Standards. Candidates for promotion from Assistant Professor of Clinical Law to Associate Professor of Clinical Law must satisfactorily fulfill all Criteria for Promotion (See F.2. *supra*).

4. Promotion from Associate Professor of Clinical Law to Professor of Clinical Law.

- a. Eligibility for Promotion. Clinical faculty holding the rank of Associate Professor of Clinical Law will be eligible for consideration for promotion to the rank of Professor of Clinical Law during the fifth year of service as an Associate Professor of Clinical law, to commence at the beginning of the following year of service. A promotion application may, however, be made earlier or later.
- b. Standards. A candidate for promotion to the rank of Professor of Clinical Law must satisfactorily fulfill all Criteria for Promotion (See F.2. *supra*).

G. Participation in Faculty Governance. A full-time holder of the rank of Assistant, Associate, or Professor of Clinical Law shall be eligible to and be expected to:

- 1. Serve as a voting member on all standing law school faculty committees on which she or he is eligible to serve and to which she or he

is appointed or elected.

2. Serve as a voting member on those law school ad hoc committees to which she or he is appointed or elected.

3. Attend law school faculty meetings and vote on matters coming to the faculty at such meetings except any motion, resolution, or other action involving the hiring, retention, tenure or promotion of any tenure track or tenured faculty member. Notwithstanding the foregoing voting limitations, clinical faculty members are eligible to vote on the question of the faculty approval of a candidate for the position of Dean. If a clinical faculty member is not eligible to vote on a matter before the faculty, the clinical faculty member shall not be counted for purposes of a quorum.

H. Effective Date.

This ARTICLE V approved as an amendment to the Governing Rules shall be effective for clinical faculty to be appointed to start their terms of appointment on or after July 1, 2002.

ARTICLE VI

FACULTY COMMITTEES AND ADVISORS

A. Permanent Committees:

1. Finance Advisory Committee: The function of the Finance Advisory Committee shall be to consult with and assist the Dean in the formulation of the proposed law school budget. The Finance Advisory Committee shall be consulted by the Dean prior to the Dean making a decision or recommendation to allocate or reallocate funds or to request additional funding for the law school which would involve a significant change in operation of the school. In this context, the budget shall be taken to mean funds available to the law school from