

University of Houston Law Center
Policy Governing Clinical Faculty in Legal Practice
April 26, 2000

I. Introduction and Rationale

The University of Houston Law Center's program of legal education has undergone marked change over the past twenty years. Traditionally, legal education tended to conform to the Langdellian Model, in which professors taught law school classes in substantive areas using a traditional casebook and the Socratic method. The Langdell Model remains vibrant, but the modern law school is considerably more complex in its coverage, pedagogy, and in the composition of its faculty.

The Law Center's Clinical Legal Education program is an example of the continual development and refinement of skills-related legal education. Students are encouraged to participate in practical experience. The clinic curriculum is designed to provide students with the opportunity to apply legal theory to a practical setting, while providing a service to the community. Students complete externships with government and public interest agencies, clerk for judges, and represent clients within our in-house clinic settings in civil matters, immigration, and mediation. Students acquire extensive writing experiences, research opportunities and build courtroom skills. In the classroom component of the clinical program, students expand their legal knowledge, develop lawyering skills and discuss professional and ethical issues. Students are responsible for a client caseload in all but the judicial internships. Students handle all aspects of their cases under the supervision of licensed attorneys. The Clinical Faculty in Legal Practice are directly involved in the development, implementation, and on-going evaluation of this program.

University of Houston Law Center (or "Center," "College of Law," or "College") is accredited by the American Bar Association (ABA) and is a member of the prestigious Association of American Law Schools (AALS). These groups emphasize that changes in the model of legal education must be accompanied by recognition of the valuable contributions made by all faculty contributing to the educational exercise. In the Clinical Education area for example, the ABA Accreditation Standards require that law schools provide conditions and terms of employment similar to those provided to tenure track faculty.¹

¹ ABA, Standards for the Accreditation of Law Schools (2000) provides:

Standard 405. PROFESSIONAL ENVIRONMENT.

(c) A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.

The standard is supplemented by several pertinent interpretations:

II. Definition

Clinical Faculty in Legal Practice at the University of Houston Law Center hold non-tenure track appointments that may be assigned the ranks of Clinical Instructor in Legal Practice, Clinical Assistant Professor in Legal Practice, Clinical Associate Professor in Legal Practice, and Clinical Professor in Legal Practice. The ranks established for the Clinical Faculty in Legal Practice and appointments thereto are outside the College and University tenure systems.

III. Qualifications for Appointment

Individuals appointed to clinical ranks in the Legal Practice faculty will hold, at minimum, a J.D. degree from an ABA-accredited law school or a doctoral degree from another relevant discipline, or the equivalent. Individuals at each clinical rank within Clinical Legal Education must have demonstrated experience and expertise congruent with the needs of the Law Center's Clinical Legal Education.

IV. Appointment Procedure

Appointment of Clinical Faculty in Legal Practice, including the specific offer and all related conditions, will be the primary responsibility of the Dean of the College of Law. These appointments must be reviewed and approved by the Senior Vice-President for Academic Affairs. Appointment and reappointment letters will stipulate specific roles and responsibilities, which will serve as the basis for annual performance reviews.

Interpretation 405-6:

A form of security of position reasonably similar to tenure includes a separate tenure track or a renewable long-term contract. Under a separate tenure track, a full-time clinical faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the clinical program. (August 1996)

A program of renewable long-term contracts should provide that, after a probationary period reasonably similar to that for other full-time faculty, the services of a faculty member in a clinical program may be either terminated or continued by the granting of a long-term contract that shall thereafter be renewable. During the initial long-term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the professional skills program. (August 1984; August 1996)

Interpretation 405-7:

In determining if the members of the full-time clinical faculty meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of clinical faculty. A law school should develop criteria for retention, promotion, and security of employment of full-time clinical faculty. (August 1984; August 1996)

Interpretation 405-8:

A law school shall afford to full-time clinical faculty members an opportunity to participate in law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in the last sentence of Standard 405(c). (December 1988; August 1996)

V. Duration of Appointments to the Clinical Faculty in Legal Practice

Appointments to the Clinical Faculty in Legal Practice are, by definition, full-time, non-tenure track and may not be converted into tenure track positions. Clinical Faculty in Legal Practice will not be considered for tenure; therefore, no instructional time in any position as a member of the Clinical Faculty in Legal Practice will be counted toward tenure.

Appointments will be made for a specified duration (e.g., 9, 10, or 12 months) based on the needs of the program, but may be renewed, subject to positive annual reviews and in line with College program needs.

Appointment letters may, with the approval of the Dean of the College of Law and the Senior Vice-President for Academic Affairs, include a multiple-year renewal (e.g., two or three years) after the successful completion of a probationary period. The Law Center intends to work with the University of Houston Office of the Provost to develop an appointment system that will permit the Law Center to offer multiyear appointments to members of the Clinical Faculty in Legal Practice in appropriate circumstances.

VI. The Role of Clinical Faculty in Legal Practice

Specific roles and responsibilities of Clinical Faculty in Legal Practice will be based on the needs of the College and program. The specific roles and responsibilities for a particular faculty member will be outlined in the position description, as well as stipulated in the formal appointment letter(s). Responsibilities may include classroom teaching, individual one-on-one instruction, curricular development, direction of adjunct professors in Legal Practice, recruitment of off-site supervisors, publication, professional development, or any combination thereof. In view of these diverse roles and responsibilities, appointments to the Clinical Faculty in Legal Practice do not carry the same institutional expectations for scholarly productivity as tenure track faculty. However, in all other respects, Clinical Faculty in Legal Practice will be expected to participate fully in the work and life of the Law Center (see Privileges).

VII. Privileges

Clinical Faculty in Legal Practice will have the same general privileges as other faculty, including library, computer, athletic, and parking privileges. Clinical Faculty in Legal Practice generally will have the same privileges and obligations as regular tenure track faculty in the College of Law, including full voting membership on all committees, except the Promotion and Tenure Committee, and task forces established or held by the College to which they are appointed by the Dean. Clinical Faculty in Legal Practice will not have voting privileges at faculty meetings absent authorization under the Law Center Bylaws.

Clinical Faculty in Legal Practice will have the same rights and privileges as other Law Center faculty to serve on appropriate university councils, committees, task forces, and to sit for election to the UH Faculty Senate. Clinical Faculty in Legal Practice will be eligible to compete for those teaching awards within the College and University for which their appointments

qualify them.

Clinical Faculty in Legal Practice will be governed by the University of Houston Faculty Handbook, with the exception of policies and procedures developed for tenure track faculty.

VIII. Evaluation of Clinical Faculty of Legal Practice

Clinical Faculty in Legal Practice will have annual reviews. Evaluative criteria will vary based on the specific expectations of the faculty member's position. To be considered for promotion to the next rank or for reappointment, the clinical faculty member must demonstrate excellence.

Sample Evaluative Criteria: The following examples are illustrative but not exhaustive:

1. Classroom Teaching: Where applicable, quality of teaching will be evaluated based on end of semester course and instructor evaluations conducted by students and evaluations of teaching offered by the program director or other faculty, as appropriate. Quality of teaching includes the quality of the faculty member's feedback to students and the faculty member's adherence to the program's curricular requirements.
2. Curricular Development: Where applicable, a faculty member will be assessed on the quality of his or her work in the curricular development of the Clinical Legal Education program. Factors to be considered may include the development of creative or innovative approaches to classroom instruction, and the development of useful problems or assignments in a timely manner, as assessed by the appropriate supervisor.
3. Supervision of Adjuncts: Where applicable, the evaluation process will also examine the faculty member's efforts to educate, supervise, and advise adjunct professors in Legal Practice. Evaluation methods may include direct observation by a suitable supervisor and/or student evaluations.
4. Publication: The scholarly requirements of this non-tenure track appointment are different in nature and quantity from those associated with a tenure track position. Where publication is an applicable responsibility for a member of the Clinical Faculty in Legal Practice, the evaluation process will examine the faculty member's efforts to publish on subjects and in professional journals relevant to his or her appointment.
5. Professional/Program Development: Where applicable, the faculty member's evaluation will assess his

or her participation in professional/program development. The evaluation in this area may consider involvement in organizational activities or the programs of the ABA or AALS. Where appropriate, participation may include attendance at professional meetings or functions along with presentations to those professional organizations.

IX. Promotion

Clinical Faculty in Legal Practice are eligible for promotion within the clinical ranks. Distinctions between and among the clinical ranks will initially be based on the level of legal or teaching experience held by the appointee. In seeking promotion, a clinical faculty member of legal research and writing must demonstrate excellence.

Promotion from one clinical rank to the next will occur only after a formal review by the appropriate supervisor or a special committee appointed by the Dean of the Law Center. This individual or group will forward its recommendation in written form to the Dean. The Dean will conduct his/her own review and make a recommendation independent of the initial recommendation. Recommendations for promotion in rank must be approved by the Senior Vice President for Academic Affairs.

X. Compensation

Clinical Faculty in Legal Practice who will be reappointed for the next academic year will be considered for salary increases in accordance with the university's guidelines for persons classified as faculty.