

#### **D. Criteria for the Granting of Tenure to Clinical Faculty**

Clinical faculty are those faculty members whose primary academic responsibilities are in real-client clinic programs such as the South Royalton Legal Clinic, internship programs such as the Semester in Practice, or other academic programs that involve practice-based work with or for real clients or real legal problems.

All tenure track clinical faculty shall be hired with the expectation that they will achieve tenure.

The following three criteria will be used to evaluate all clinical faculty members: (1) contribution to education in the law school community; (2) contribution to the development of clinical education; and (3) service to the law school and the broader community. The application of these criteria, however, must accommodate the differing nature of each clinical faculty member's responsibility. For example, the Director of the South Royalton Legal Clinic has significantly more administrative responsibility than other clinical faculty teaching in that clinic and thus greater weight should be placed on that criterion in evaluating the Director. The teaching and administrative responsibilities of the Director of the Semester in Practice Program differ from those of the Director of the South Royalton Legal Clinic. Thus some factors listed under a particular criterion may be given greater weight in some cases than in others.

In applying these criteria, the extent of the individual's experience will be taken into account. For example, at the end of the initial first year as Assistant Professor, promise of future achievement rather than demonstrated compliance with the criteria will often be grounds for reappointment.

There is some overlap among the three criteria. For example, contribution to education in the law school community is not limited to direct instruction of students; thus service to the law school community in general may be relevant to both the first and the third criteria. Likewise there is overlap between the second criterion and the third as both focus, to some extent, on service to the community beyond Vermont Law School. Despite the overlap, clinical faculty members are expected to contribute in all three areas.

#### 1. Contribution to Education in the Law School Community

- a. Because education is the primary mission of the Vermont Law School, it is essential that faculty be excellent teachers, demonstrating both the capacity and commitment necessary to challenge and educate students. But the law school is more than merely a collection of teachers and scholars engaged in autonomous activity. Each faculty member's work benefits from the contributions of others, and the institution as a whole benefits from collaboration. An individual's contribution to the institution's total educational program takes conscientious and time-consuming effort. An individual's contribution to the intellectual life and to the overall improvement of the law school curriculum is important.
- b. Contribution to education in the law school community requires satisfactory performance in four categories: (1) clinical teaching; (2) management and operation of the clinical program; (3) fostering the relationship among clinical programs as well as between clinical and non-clinical programs; and (4) supervision of internships, AWR's, independent studies, and other educational opportunities for students.
- c. With respect to clinical teaching, all clinical faculty members should:
  1. possess an understanding of the literature on lawyering and legal skills;
  2. provide effective presentation of clinical skills materials, including,
    - i. communicate clearly both orally and in writing with students;
    - ii. teach necessary substantive materials and basic skills in the classroom; and
    - iii. relate theories of the lawyering process to the development of professional legal skills;
  3. stimulate student interest in her/his work and professional growth;
  4. provide guidance and feedback to students through a range of methods, ensuring that students receive supportive critical evaluation of strengths and weaknesses;
  5. aid students in identifying and dealing with professional responsibility issues;
  6. teach students to evaluate their work;
  7. require students to act professionally in all respects, including zealous and prompt performance of all work assigned;
  8. devise and apply meaningful and fair procedures for evaluating students;
  9. help students understand the relationship between theoretical knowledge and practical considerations;

10. ensure proper student preparation to perform the work assigned; and
  11. foster mutual respect between students and teacher.
- d. Further, with respect to clinical teaching, a clinical faculty member in the South Royalton Legal Clinic should:
1. possess the substantive and procedural knowledge required by the cases handled by the program;
  2. demonstrate professional and creative advocacy skills as a model for student aspirations; and
  3. stimulate and require students to engage in thoughtful and creative analysis of legal problems and implement courses of action to resolve problems within the parameters of appropriate client representation.
- e. Further, with respect to clinical teaching a clinical faculty member in the Semester in Practice Program should:
1. locate appropriate individual mentors and field supervisors for students;
  2. train mentors and field supervisors;
  3. continually evaluate, monitor, and provide assistance to mentors, field supervisors, and faculty sponsors to ensure a valuable academic experience; and
  4. counsel students with respect to their educational goals in the program.

## 2. Contribution to the Development of Clinical Education

- a. This standard focuses on the establishment of connections between the day-to-day clinical activities and the larger clinical education community. The law school is not an isolated entity; it benefits greatly from interactions between its faculty and the outside community. The improvement of the institution's educational program, including the clinical programs, requires a constant flow of ideas into the law school. The law school, through its individual faculty members, also has an obligation to contribute to the overall improvement of the law, legal education, and clinical education in the broader community.

The connection between the day-to-day clinical activities and the clinical education community may be accomplished through scholarship and other activities. Demonstrated scholarship is required for an award of tenure, and it is desirable, though not necessary for retention. Because clinical teaching, particularly in programs with direct client representation, is more time consuming than classroom teaching and because clinical faculty members continue to have responsibilities for client representation throughout the year, the scholarship required for an award of tenure to a clinical faculty member is significantly different -- both in quantity and nature -- from the scholarship otherwise required for an award of tenure. For

example, a clinical faculty member could satisfy this criterion even though he or she confined his or her scholarship to only one of the enumerated categories in the following paragraph.

- b. Scholarship may include articles published in journals, books (textbooks or treatises), educational texts for the layperson, legislation, regulations, writings in fields related to the law (e.g., political and social philosophy), court briefs or memoranda, law reform efforts, empirical studies, teaching materials, reports or similar published material. Scholarship explicitly includes, but is not limited to, writing about clinical legal education. Although collaborative efforts will be considered, the faculty member must have had significant responsibility for the work. For example, briefs written by a student and edited by the faculty member will not be considered sufficient.
- c. Scholarship must be disseminated beyond the ambit of the law school or a particular lawsuit to a substantially wider audience. Factors to be considered in assessing the quality of an individual's scholarship and the overall record of the individual will include evidence of:
  1. thoroughness of research and mastery of relevant materials;
  2. soundness of analysis as measured by the overall logic and completeness and the accuracy of the interpretation of statutes and legal cases;
  3. originality, as defined by imaginativeness in conception and implementation and absence of duplication of existing literature in the field; and
  4. significance of the particular work, as reflected by its reception by scholars and teachers in the field or by a broader public.
- d. Activities in addition to scholarship may further establish the desired connection with the larger community. Examples of these activities include organization or presentation of programs or lectures on clinical education, service as an officer of an organization devoted to furthering clinical education, or the formation of less formal connections with colleagues at other institutions.

While clinical faculty are encouraged to engage in scholarship and/or other activities furthering the connection between their clinical program and the broader legal education community, retention at the end of the first year does not require satisfaction of this criterion. Retention at the end of year three requires satisfaction of this criterion either by scholarship or other activities furthering that connection. To receive tenure, clinical faculty shall satisfy this criterion with satisfactory quality scholarship and may rely on other activities furthering the connection between their clinical program and the broader legal education community in completely meeting this criterion.

### 3. Service to the Law School and to the Broader Community

The criteria for service to the law school and to the broader community may be found in preceding section IV.C.3.