

CHAPTER ELEVEN A

LAW CLINIC FACULTY

A. Norms for Appointment and Advancement on the Non-Tenure-Track in the Law Clinic

The norms for appointment and advancement for faculty on the non-tenure-track in the Law Clinic fall into three general areas: teaching, scholarship, and community service. The determination of whether a particular applicant qualifies for appointment to the Clinic faculty, of the rank to be offered on first appointment, of whether a probationary contract shall be extended, and of whether an appointment shall be made under the terms of a fixed contract, not to exceed five years, will be made by the Clinic Hiring and Promotions Committee, and will be governed by the criteria listed in this statement of policy and procedures. The Clinic Hiring and Promotion Committee's determination shall in all cases be subject to approval by the Vice President for Academic Affairs. The Dean of the College of Law shall in all cases forward to the Vice President for Academic Affairs his or her independent opinion of the determination made by the Clinic Hiring and Promotions Committee.

1. Assistant Clinic Professor

A person being considered for appointment to the non-tenure-track rank of Assistant Clinic Professor, which ordinarily is the beginning rank, must be of good character, must be a member of the bar in good standing, must have a commitment to clinical teaching and University goals, and must have a record of experience or academic achievement indicative of a high probability that he or she will be able to meet the standards for promotion.

2. Associate Clinic Professor

A person being considered for promotion or appointment to the non-tenure-track rank of Associate Clinic Professor must be of good character and must have demonstrated a level of teaching proficiency, writing ability, and legal experience that provides clear and convincing promise that the candidate will eventually meet all of the standards for promotion to the non-tenure-track rank of Clinic Professor.

Ordinarily, an Assistant Clinic Professor who has completed two years of teaching in the Clinic merits consideration in the third year for promotion in the fourth year. Previous experience, either as a member of a law faculty or as a lawyer engaged in other significant activity, may be taken into account so as to shorten the period of service required for promotion, upon the recommendation of the Clinic Hiring and Promotions Committee and with the approval of the Dean and the Vice President for Academic Affairs.

3. Clinic Professor

A member of the Law Clinic faculty who has rendered distinctive and outstanding service to clinical education and to the University may be considered for the non-tenure-track rank of Clinic Professor.

Ordinarily, an Associate Clinic Professor who has taught on a full-time basis for five years in Clinical Legal Education merits consideration for promotion to the rank of Clinic Professor in the sixth year, to be effective as of the seventh year of service. Previous experience, either as a member of a law faculty or as a lawyer engaged in other significant activity, may be taken into account so as to shorten the period of service required for promotion, upon the recommendation of the Clinic Hiring and Promotions Committee and with the approval of the Dean and the Vice President for Academic Affairs.

B. Norms for Appointment to the Rank of Clinic Professor

Clinic faculty being considered for promotion to or initial hiring at the non-tenure-track rank of Clinic Professor shall be evaluated pursuant to the following criteria:

1. Teaching

Since the education of Loyola Law students is the primary mission of the Law Clinic, it is essential that the Clinic faculty be effective teachers, demonstrating both the capacity and the commitment necessary to inspire and challenge their students.

It is not possible precisely to define each of the essential components of one's teaching ability. This is particularly true with respect to clinical teaching, since clinical methodologies are still evolving and being tested in a variety of classroom settings. It is, however, possible to enumerate factors by which clinical teaching can be evaluated. Clinic faculty should be judged for promotion to or hiring at the rank of Clinic Professor according to their demonstrated abilities and accomplishments in each of the following areas:

- a.* Innovation and imagination in the presentation of clinic skills materials;
- b.* Ability to utilize various methods for evaluating students' clinical performance and for providing effective guidance and feedback" following such evaluation;
- c.* Ability to induce, stimulate, and require critical, thoughtful analysis of legal problems and implementation of courses of action to resolve problems within the parameters of appropriate client representation;
- d.* Ability to help students understand and deal with problems of professional responsibility which arise in clinical situations;

- e.* Ability to teach students how to evaluate their own work;
- f.* Maintenance of discipline and control of students in all clinical teaching situations;
- g.* Punctuality and consistence in all clinical teaching settings;
- h.* Knowledge of the substantive fields of law and the procedures applicable to the case load;
- i.* Ability to communicate clearly and effectively;
- j.* Enthusiasm for the goals of the clinic;
- k.* Ability to stimulate and maintain student interest in his or her assigned cases and in improving professional skills;
- l.* Ability to devise meaningful and fair student evaluation procedures;
- m.* Ability to relate and integrate practical and theoretical considerations;
- n.* Development of innovative teaching methodology;
- o.* Development of innovative research and writing techniques regarding teaching methods or other clinic-related skills;
- p.* Ability to train and supervise other faculty and professional staff in their teaching responsibilities;

2. Scholarship

Clinic faculty promoted to or hired at the rank of Clinic Professor are expected to have produced a high quality of written work, although the content and format of their work may differ from that produced by candidates for the tenure-track faculty. Publications may be in the form of briefs, memoranda, studies, statutory interpretations or proposals, regulations, teaching materials, or reports, if such writings are appropriate to advancing either the state of the law in the area in which the clinician is working or the state of clinical teaching methodology. All such publications should reflect an active, inquiring, insightful, and open mind indicating that the clinician will continue to strive for personal and intellectual growth and development. While the traditional scholarship expected of tenure-track faculty is not a requirement for promotion for the non-tenure-track clinic faculty, any such scholarship will be viewed positively in connection with consideration for promotion.

3. Community Service

As in the case of tenure-track faculty, clinic faculty are expected to devote full time to their College of Law duties and commitments. In addition to the duties of teaching and writing, a clinic faculty member bears the responsibility of attending and participating in staff meetings and of being available to students to discuss their various needs. Activities outside the Law Clinic should include significant service to the community and the legal profession, which may be met by participation in professional organizations and governmental, charitable, or other community service activity.

4. Character, Integrity and Cooperativeness

These qualities, while essential, require no explanation. Clinic faculty are also expected to meet the professional responsibilities specified in Chapter Seven, Sections A and B, of the Loyola University Faculty Handbook.

C. Grandparenting of Incumbent Clinicians

With respect to Clinic faculty now (November 1988) employed at the Law Clinic,

1. Presently employed members of the Clinic faculty may elect, at any time, to be evaluated for appointment to an appropriate rank in accordance with the standards and procedures governing such appointments for the future hiring and promotion of full-time Clinic faculty;

2. The following "appropriate ranks" shall be recognized:

a. Clinic Professor, in the case of presently employed Clinic faculty who have served on a full-time basis for more than five years in clinical legal education;

b. Associate Clinic Professor, in the case of those who have served for more than two but less than five years, provided, however, that the Clinic Hiring and Promotions Committee be able to recommend the appointment to a more senior title than would be warranted by years of full-time service to the Law Clinic of someone who has had extensive legal experience prior to joining the Law Clinic.

D. Arrangements for All Full-Time Clinic Faculty Who Are Appointed Under the Provisions of This Chapter

1. Clinic faculty (except the Director) shall be considered as holding non-tenure positions. They shall be employed on the basis of Probationary Contracts (one-year, non-renewable, but subject to five one-year extensions, as determined by the Clinic Director, the Clinic Hiring and Promotions Committee, and the Dean) or Fixed Contracts (five years, non-renewable, but subject to extensions, in five-year increments, as determined by the Clinic Director, the Clinic Hiring and Promotions Committee, and the Dean).

2. Salaries shall be set by the Dean at levels he or she determines to be appropriate in light of all relevant factors, including the requirements of ABA Standard 405(e).
3. Clinic faculty will be eligible to apply for sabbatical leave on the same basis as the tenure-track faculty, and all such applications will be governed by the procedures and criteria set forth in Chapter Six, Section E, of the Loyola University *Faculty Handbook*.
4. Clinic faculty will be eligible to apply for research assistants, research and writing grants, and reduced teaching time for research on the same basis and according to the same criteria as govern the tenure-track faculty.
5. Clinic faculty will be expected to serve on such University or College of Law committees as the Dean, at his or her discretion, shall determine.
6. Clinic faculty may apply for authorization to teach any course in the College of Law curriculum and such requests may be granted to a member of the Clinic faculty upon approval of the tenure-track faculty and the Dean.
7. Members of the Clinic faculty may apply for appointment to the tenure-track faculty and will be evaluated according to the normal standards and procedures required of other candidates for such appointments.
8. The Clinic shall have a Hiring and Promotions Committee comprised of all Clinic faculty holding the rank of Associate Clinic Professor or Clinic Professor. The Director of the Clinic shall also be a member of the Clinic Hiring and Promotions Committee. Recommendations concerning initial appointments and promotions of Clinic faculty shall require a majority vote of the Clinic Hiring and Promotions Committee.

E. *Annual Review of Clinic Faculty Members Serving Under One-year Contracts*

Each member of the Clinic faculty serving under a one-year contract is considered to be on probation. Each shall receive an annual written evaluation from the Clinic Director. This evaluation shall cover the strengths and weaknesses of the Clinic faculty member regarding fulfillment of those professional responsibilities as outlined herein and in Chapter 7 of the Loyola University *Faculty Handbook*.

F. *Procedures for Review of Non-renewals of Probationary Appointments*

Procedures for Review of Non-renewals of Probationary Appointments will be the same as outlined in Section G of Chapter 4 of the Loyola University *Faculty Handbook*.