

FACULTY MEETING

**Thursday, April 20, 2006
Faculty Conference Room (Room 418)**

AGENDA

1. Call to Order
2. Approval of the March 16, 2006 Meeting Minutes
3. Moot Court Bylaws Amendment - Patrick Connell
4. Dean's Report
5. Associate Dean's Report – Dean Emanuel
6. Student Affairs - Dean Sobelson
7. Committee Reports
 - Curriculum Committee (See Attached Proposed New Course)
 - Faculty Recruitment
8. Old Business
9. New Business
 - Clinical Faculty - Dean Kaminshine & Advisory Committee (See Attached)
 - Advisory Committee Elections
10. Adjournment

The next faculty meeting is scheduled for Thursday, May 11, 2006 from 2:30pm - 4:00pm

FACULTY MEETING MINUTES

Thursday, April 20, 2006
Faculty Conference Room

- Present: Blasi, Bross, Budnitz, Cunningham, Curcio, Emanuel, Griffith, Hartfield, Hensel, Hogue, Johnson, Kadish, Kaminshine, Marvin, Mattingly, Milich, Radford, Saito, Scott, Segall, Sobelson, Stephens, Taylor, Timmons, Wiseman.
- Also Present: Patrick Connell, Moot Court President, Kasey Libby, Moot Court President-Elect, Bill Prigge, Assistant Dean for Administration & Finance, Barbara Waters, Development Director,
- Not Present: Carey, Crawford (on leave), Edmundson, Gregory, Juergensmeyer, Kinkopf, Knowles, Landau, Lanier, Podgor (on leave), Washington, Yarn.

1. CALL TO ORDER

Dean Kaminshine called the meeting to order at 2:35 p.m.

2. APPROVAL OF MINUTES

Dean Kaminshine called for approval of the minutes of the March 16, 2006 meeting. Professor Marvin moved that the minutes be approved. Professor Segall seconded and all approved.

3. MOOT COURT BYLAWS AMENDMENT

Patrick Connell, President of the Moot Court Board and Kasey Libby, President-Elect presented the proposed amendments to the Moot Court Bylaws, which was distributed to the faculty in advance of the meeting. Mr. Connell stated that the amendments were designed to enhance the Moot Court program by improving student training and making the moot court teams more competitive.

Professor Stephens asked Mr. Connell to explain the reason why the Board was proposing to increase the RWA grade requirement from 73 to 75. Mr. Connell explained that the Board felt that the RWA grade was an important indicator of a student's written advocacy skills. He pointed out that in the past including this last fall the Board reviewed many briefs that were poorly written. He pointed out that raising the RWA grade requirement will allow the Board to screen some of the less qualified applicants in advance and reduce the amount of work that has to be done by those grading the briefs.

After a brief discussion, the faculty voted to approve the proposed changes to the Moot Court Bylaws.

4. DEAN'S REPORT

Dean Kaminshine announced that the University has imposed a new policy for Graduate Research Assistants (GRA). The new policy will require units to increase the student GRA stipend from \$1000 to \$2000 per semester beginning Fall 2006 in order for the GRA to receive a full tuition waiver. Units have the option to keep the stipend at \$1000, however, by providing the GRA a 50% tuition waiver. As a general rule the College of Law will use the 50% tuition waiver option because we cannot afford to double the cost of stipends for all GRAs. He advised the faculty to disclose the new information to their research assistants.

Dean Prigge will coordinate with Angelica Lymon, College HR Officer to revise the GRA sign up sheet to include new policy information.

The University has secured Board of Regents approval to convert to +/- letter grades. They will begin a pilot this fall. Dean Kaminshine stated that he would like the Curriculum Committee to address +/- grading next year in anticipation of a likely University request for the COL to switch from number to letter grading.

Dean Kaminshine reported that the Board of Regents has approved our request for \$20.00 per hour dedicated tuition increase for next year. This increase will be in addition to a 5% system-wide increase that also will take effect this fall. Dean Kaminshine added that we need to monitor our tuition increases so that our tuition stays affordable and does not surpass the rate at UGA law school.

Dean Kaminshine thanked Dean Sobelson and Barbara Waters for working hard on the class gift campaign and for encouraging the students to contribute to the 2006 class gift. The campaign is moving in an upward direction and hopefully student contributions will exceed the 40% giving rate of last year's class gift. This year's class gift is designated for the Patricia Morgan Scholarship Fund.

Dean Kaminshine also thanked Professor Girth for coordinating the Court of Appeals successful visit to the College of Law., and Deans Emanuel & Sobelson for putting together a terrific Honors Day program. He stated that he would like to test having the Honors Day event at noon rather than in the morning.

Dean Kaminshine reported that our budget cut for the next fiscal year is approximately 1.8%. The University will allow us to pay \$50,000 of the cut with one-time funds, leaving a permanent budget cut of approximately 1.2% or \$120,000.

Dean Kaminshine thanked Professor Johnson and the library staff for doing a great job inventorying faculty publications online. He stated that the web-page is a great resource and will allow others to see what our faculty is doing. Professor Johnson asked the faculty to check the web-page for accuracy of their entries.

Dean Kaminshine encouraged the faculty to participate in the Annual Giving Campaign. He stated that 100% faculty participation is extremely important. He pointed out that he will continue the tradition of transferring monies at the end of the year from the excellence fund into a scholarship. The monies this year will be moved to the Patricia Morgan Scholarship to match the 2006 class gift.

5. ASSOCIATE DEAN'S REPORT

Dean Emanuel reported that she and Dean Sobelson received an email from the President of the Student Trial Lawyers Association (STLA) asking if the STLA students could wear a special cord at graduation to denote their STLA membership. Dean Sobelson also received an inquiry from Moot Court. As part of their request, the STLA students stated their understanding that law review, and perhaps Moot Court, had done so in the past. Dean Emanuel and Dean Sobelson looked into the matter and concluded that students have never worn any other regalia other than their cap & gown and tassel at graduation. After discussion, which included Prof. Hogue's observation that the matter might raise First Amendment issues, Prof. Milich moved that the faculty instruct Dean Emanuel and Dean Sobelson to inform the students that the faculty preferred they not add cords to their regalia. The motion failed on a vote of 10-11 with one abstention. After further discussion, Dean Kaminshine informed the faculty that he will meet with Deans Emanuel & Sobelson to formulate a response to the students.

6. STUDENT AFFAIRS

Dean Sobelson announced that Patrick Connell has been chosen by the students to be the student speaker at this year's hooding ceremony on May 12.

7. **COMMITTEE REPORTS**

On behalf of the Curriculum Committee, Professor Hartfield recommended faculty approval for the following course:

Comparative Environment Management Law & Policy: A copy of the course description was attached to the meeting agenda. The course may involve an extended field trip emphasizing the course's comparative law aspect. Students will be given the option of spending one week in the Dominican Republic. Students who chose not to participate in the extended field trip will instead participate in extended in-class simulations involving drafting and negotiation of environment management regulations and similar documents.

After a brief discussion, the faculty asked the Curriculum Committee to obtain further explanation from Professor Crawford as to how the experience in the Dominican Republic is equivalent academically to the in-class simulations for those students who choose not to go to the Dominican Republic. Professor Hartfield withdrew the course proposal to seek clarification from Professor Crawford for the May Faculty Meeting.

8. **OLD BUSINESS**

The faculty discussed no old business.

9. **NEW BUSINESS**

(a) **Advisory Committee Elections:**

A motion was made to nominate three (3) Advisory Committee Members. Professors Hogue, Milich and Stephens were nominated. The faculty approve the nominations.

(b) **Clinical Faculty:**

Dean Kaminshine reviewed with the faculty material distributed in advance of the faculty meeting about clinical faculty status, and moderated a discussion about whether the faculty would endorse in principle the recognition of clinical faculty status as a clinic staffing option modeled on ABA Standard 405c.

After a brief discussion, the faculty indicated support in principle for the availability of this clinical faculty option. Dean Kaminshine stated that he would work with the Advisory Committee to present a policy document on this issue (with conforming amendments to the College of Law's Bylaw and Promotion and Tenure Document) at the May faculty meeting.

Dean Kaminshine invited the faculty to remain after the meeting to discuss the US News & World Report's recent issue on law school rankings.

10. **ADJOURNMENT**

The meeting was adjourned at 4:10p.m.



Steven Kaminshine, Dean
as assisted by Jacqueline Stephenson

COLLEGE OF LAW

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TO: Faculty

FROM: Patrick Wiseman

DATE: April 17, 2006

RE: Amendments to the Moot Court Bylaws

Attached are the proposed amendments to the Moot Court bylaws, which will be on the agenda for Thursday's faculty meeting for faculty approval. Patrick Connell, current Moot Court President, will be on hand at the faculty meeting to explain how the proposed changes will enhance our Moot Court program, both in making us more competitive and in enhancing the Moot Court experience.

The Bylaws of the Moot Court Board

ARTICLE I. *Mission Statement of the Moot Court*

The Moot Court Board (The Board) exists to develop each individual member's potential in written and oral advocacy, to represent the College of Law successfully in various Moot Court competitions, and to enhance each individual member's educational experience in law school.

- A. To develop each individual member's potential in written and oral advocacy by providing each member:
1. The opportunity to have participated in at least one competition by the time he or she has graduated from the College of Law;
 2. The chance to be critiqued and to critique others in a method which will be fruitful and positive;
 3. The opportunity to work as an individual and as a team member working toward common goals;
 4. A structured program of classes, exercises, and seminars which add to the basic knowledge provided in first year's Research, Writing, and Advocacy (RWA) class.
- B. To represent the College of Law successfully by:
1. Being a member of one of the Board sponsored teams;
 2. Hosting various competitions;
 3. Being involved with alumni both as a student and as an alumnus or alumnae.
- C. To enhance each individual member's educational experience in law school by:
1. Providing an environment for constructive growth and development;
 2. Providing experience that is valuable in the professional world;
 3. Providing social opportunities.

ARTICLE II. *Board Selection*

A. Eligibility of Prospective Board Members

1. Prospective Board Members shall have successfully completed Legal Bibliography and RWA. In the case of transfer students, successful completion of equivalent first-year legal research, writing and advocacy course shall satisfy this requirement. Successful completion shall be deemed to be a grade of PASS in Legal Bibliography, and a number average of 73 75 percent or higher in RWA, or 80 percent in the second semester. In the case of transfer students, acceptance of the equivalent courses for transfer credit purposes by the Georgia State University College of Law shall be conclusive evidence of satisfactory completion.
2. Board candidates shall receive a grade of 75 percent or higher on both the appellate brief and oral argument portions of the Appellate Advocacy class ~~Tournament~~.
3. Board candidates shall be required to have achieved an overall grade point average of 75 percent or higher by the end of completion of the first year of law school.

B. Moot Court Candidates

~~Membership to Moot Court shall be by invitation made by the incumbent Board following successful completion of participation in the Appellate Advocacy Tournament. Invitations shall be issued on a competitive basis based upon the rankings from the Appellate Advocacy competition Tournament. Board Members shall have successfully completed~~

~~Appellate Advocacy offered in the fall curriculum. Successful completion shall be deemed to be a grade of PASS. Students enrolled in Appellate Advocacy must participate in shall be chosen by one of two methods:~~

- a. ~~Invitation to join Moot Court pursuant to Section C (below), or~~
- b. ~~Selection based on performance in the Appellate Advocacy Tournament, pursuant to Section D (below).~~

Acceptance of an invitation to participate on Moot Court Board requires an affirmative commitment by the Candidate student (as defined in Article VI of these bylaws, below). In addition, the Candidate student must perform any duties required by these bylaws (as defined in Article III and Article IV, below).

C. Moot Court Invitees

At the completion of the Spring semester of RWA, ~~four (4)~~ **eight (8)** students shall be invited to join Moot Court as Invitees.

1. ~~The "Grade-On" Invitees:~~ Four (4) Invitees will be selected from the top four (4) [plus ties] students in RWA, based upon their combined brief and oral argument scores (50 percent each).
 - a. The brief score will be assessed by the faculty head of the RWA program.
 - b. The oral argument scores shall be derived from the combined scores from the Preliminary rounds of the oral argument phase.
 - c. The four (4) "Grade-On" Invitees will be extended an invitation by the Registrar ~~President of the Moot Court Board~~ after final grades are submitted by the RWA professors. The invitations will be mailed ~~or emailed~~ in the summer prior to the students receiving their invitations to join or write on to Law Review.
2. ~~"Argue-On" Invitees:~~ Additionally, each of the four (4) finalists from the oral argument portion of the RWA program will be invited to join Moot Court as Invitees.
3. All Invitees will be subject to the requirements set forth in Article III, Article V and Article VII of these bylaws (below).
4. In the event that any of the invitations are declined, no further invitations will be extended.
5. ~~In the event that a student qualifies as both a "Grade-On" Invitee and an "Argue-On" Invitee, no further invitations will be extended.~~

D. Appellate Advocacy Tournament

~~Students who meet all eligibility requirements set forth in Section A of this article and who were not invited to join the Moot Court Board pursuant to Section C of this article may try out for the Moot Court Board by competing in the Appellate Advocacy Tournament. The Tournament shall consist of both brief writing and oral argument components, to be based upon a problem selected by the Vice Presidents of Appellate Advocacy and approved by the President. The format of the competition shall comport with the following provisions:~~

1. ~~The Brief Writing Component:~~
 - a. ~~The problem will be made available to eligible students via the intranet, and competitors may download the problem and begin working on the brief as early as May 15;~~
 - b. ~~Students will have up to four (4) weeks from the day they download the problem to submit their completed brief;~~

- c. Students are not required to download the problem as soon as it is available. Instead, they may download the problem at any time over the summer. However, each competitor's brief must be turned in by the Due Date, regardless of the date the competitor downloaded the problem.
 - d. The Due Date should be set by the Vice Presidents of Appellate Advocacy as early as possible in September.
2. The Oral Argument Component:
 - a. The oral argument component of the Tournament shall consist of two rounds, one "on-brief" and one "off-brief".
 - b. The first round shall be the on-brief round, and it shall commence no sooner than one week after the Due Date for briefs.
 - c. The second round shall be the off-brief round, and it shall commence no sooner than one week after the commencement of the on-brief round.
3. Grading: Moot Court Board Members shall grade all briefs and serve as oral argument judges for the Appellate Advocacy Tournament. The Vice Presidents of Appellate Advocacy will provide the Board Members with guidelines for scoring both components of the Tournament. Competitors will be ranked based on their combined brief and oral argument scores, and selection of new board members shall be based upon this ranking.
4. Additional Educational Resources: The Vice Presidents of Appellate Advocacy and the Executive Committee shall make available or suggest to all competitors appropriate resources by which the competitors may further develop their appellate advocacy skills. Such resources may include, but are not limited to:
 - a. Video taped or live seminars on written and/or oral advocacy.
 - b. Recommended texts on written and/or oral advocacy.
 - c. Case Counsels: Current Moot Court Board Members who may serve as mentors for competitors during the Tournament.

Article III. *Responsibilities of Moot Court Board Members*

A. Executive Committee

The Moot Court shall be governed by an Executive Committee consisting of the nine elected officers described in Section B (below). The President shall be the chairman of the Executive Committee. Each officer shall have a vote on the Executive committee. The President shall only vote in the event of a tie among the Executive Committee members.

B. Elections

Board Members and Candidates shall elect officers for the incoming Board by the vote of a simple majority of those casting ballots, provided that at least two-thirds of the Board Members and Candidates are present. The election will be held ~~during the last week of February or first week of March of the spring semester~~ no later than the first week of February. The outgoing president will provide notice of the opening of nominations at least one week prior to the election. Notice of the opening of nominations and the time and place of the election will be prominently posted on the administrative bulletin board.

Newly elected officers will work with their outgoing counterpart until an Executive Committee meeting at or around the first week of April where the newly elected officers will

officially begin serving their term. Newly elected officers will serve until at or around the first week in April of the following year.

C. Officers

1. President

The President shall be responsible for the overall administration of both the Appellate Advocacy **Tournament** and Moot Court Competition Team components. The President shall also be responsible for acting as a liaison between the Board and the College of Law faculty and administration. This officer shall:

- a. Act as chairman of the Executive Committee, casting a vote on that committee only in the case of a tie;
- b. Select competition teams along with the Vice President of Moot Court and the Vice President of Competition subject to approval by the Executive Committee;
- c. Appoint Board members to any and all vacant officer positions subject to approval by the Executive Committee;
- d. Work with the Vice President-Treasurer as well as the College of Law administrative staff to ensure the Board meets its fiscal responsibility;
- e. Possess editorial responsibility for Appellate Advocacy entailing selection and development of research problems to be used in the fall;
- f. Monitor Board member activities to ensure the smooth functioning of Competition Teams;
- g. Work with the Vice President of Development to foster alumni relations;
- h. Work with the Moot Court Faculty Advisor to ensure good relations with the College of Law faculty;
- i. Provide recommendations to the Moot Court Faculty Advisor regarding the appropriate awarding of academic credit to program participants;
- j. **Appear before faculty at the beginning of each semester, along with the Vice President of Competitions, to present the schedule of competitions and seek faculty member support;**
- k. Take any action necessary that is in the best interest and furtherance of the stated goals of the Board.

2. Vice President of Moot Court

The Vice President of Moot Court shall be responsible for assisting all other officers in performance of their duties. This officer shall:

- a. Select competition teams along with the President and the Vice President of Competitions subject to approval by the Executive Committee;
- b. Assist the President in performing his/her duties when the President is engaged in competition or otherwise cannot achieve the goals of the office;
- c. **Coordinate a trip to an Atlanta-based appellate court each Fall and/or Spring semester and ensure all Moot Court I students attend (the trip should be open to and optional for all other Board Members);**
- d. Select the five-member disciplinary panel, pursuant to Article VIII with the assistance of the Executive Committee;
- e. Ensure that all Board Members are present at all Board meetings;

- i. Board Members who are unable to attend scheduled meetings must present a valid excuse;
 - ii. The validity of the excuse will be determined by this officer, but may include work, class, or personal reasons.
- f. Be responsible for the administration of Moot Court elections pursuant to Article III, Section B;
 - g. Assume the duties of the President should the president be unable to perform his/her duties for any reason (incapacity, resignation, removal, withdrawal from school, etc.).

3. Vice President-Appellate Advocacy

Two (2) Board members will serve as Vice President of Appellate Advocacy. The Vice Presidents of Appellate Advocacy are responsible for coordinating all aspects of the Appellate Advocacy class ~~Tournament, to comport with the format enumerated in~~ Article II. These officers shall:

- a. Develop the research problems to be used for the class ~~Tournament~~;
- b. Establish deadlines for submission of appellate briefs;
- c. Assign current Board Members to be Case Counsels to prospective Moot Court Candidates currently enrolled in Appellate Advocacy ~~members competing in the~~ ~~Tournament~~;
- d. ~~Provide for additional educational resources pursuant to Article II, Section D, Paragraph 4;~~
- e. Schedule oral argument rounds for Appellate Advocacy ~~the Tournament~~;
- f. Assign Board members to be judges for oral arguments ~~(Oral arguments for Appellate Advocacy will be completed by the twelfth week of class.);~~
- g. Assign Moot Court Invitees to write the bench brief for the Appellate Advocacy problem;
- h. Assign Board Members to read and score briefs;
- i. Compile the results of the brief writing and oral argument sections of the class ~~Tournament~~ and, based upon those scores, recommending to the Board those students that should be extended invitations upon Board approval;
- j. Ensure that invited students are eligible for Moot Court pursuant to Article II, Section A;
- k. ~~Ensure that the Tournament is completed, and that new members are invited to join Moot Court, before the end of September;~~
- l. ~~Plan and administer oral argument and brief writing workshops during Fall Semester, to be mandatory for new members and optional for all other Board Members.~~

4. Vice President-Competitions

The Vice President of Competitions is responsible for any and all areas involved with competitions and competition teams. This officer shall:

- a. Work with the Executive Committee to select competitions;
- b. Select competition teams along with the President and Vice President of Moot Court subject to approval by the Executive Committee;
- c. Enter teams in the selected competitions;

- d. Coordinate travel and lodging for the competition teams;
- e. Consult with all team coaches and create practice schedules for the competition teams of that term;
- f. Work with the Vice President-Treasurer to create a yearly competition budget for approval by the Executive Committee;
- g. Ensure that all Board Members who are not competing, coaching, or serving on the executive committee during any given semester are assigned to a team to assist that team by benching practice oral argument rounds.

5. Vice President-Development and Media Relations

The Vice President of Development and Media Relations is responsible for alumni relations, for the maintenance of the official Georgia State College of Law Moot Court website, and the Board's social activities. This officer shall:

- a. Further the relationship between the Board and Georgia State University College of Law Moot Court Board alumni;
- b. Maintain a contact list of Board alumni;
- c. Produce (at least) two (2) alumni newsletters per year to update the alumni about, inter alia, the Board's accomplishments, planned activities, and future competitions;
- d. Work with the President to plan at least one (1) alumni event per academic year
- e. Maintain a current list of officers, Board members, Competition Teams, and competition dates on the website;
- f. Update and maintain the website throughout the year including posting upcoming Board activities, competition results, and any distinctions earned by Competition Teams or Competition Team Members;
- g. Work with the Executive Committee to expand the content on the website to meet the growing and changing needs of the Board;
- h. Update any award plaques in possession of the Board;
- i. Coordinate the Board's various social activities.

6. Vice President-RWA

The Vice President of RWA is responsible during the spring term for coordinating the Moot Court Board's participation in the first-year RWA oral argument competition. This officer shall:

- a. Set up two (2) oral argument demonstrations (one for the day students, one for the evening students) for the first-year RWA students to be performed by members of the Intrastate Competition Team (or another team if necessary);
- b. Assign Board members to be Case Counsels for the first-year students;
- c. Work with the RWA faculty to formulate an oral argument schedule;
- d. Assign Board members to be judges for oral arguments;
- e. Ensure that all oral arguments have two (2) Board members present to judge;
- f. Assist the RWA faculty in tabulating oral argument scores to determine which first-year students advance to the second round of the competition.

7. Vice President-Records

The Vice President of Records is responsible for collecting, organizing and maintaining competition information and also maintaining and updating the Moot Court Manual. This officer shall:

- a. Collect all competition information including, but not limited to: competition problem, the Competition Team's brief, other teams' briefs (if available), the winning brief (if available), score sheets, information obtained by the Competition Team at the competition, etc.;
- b. Organize this material for future reference by the Board;
- c. De-brief Competition Teams regarding the competition including, but not limited to, information on: the number of teams, the winning team(s), the best oralist, the best brief, the judging, the judges, the travel and lodging (to be given to the Vice President of Competitions).

8. Vice President-Treasurer

The Vice President-Treasurer is responsible for any and all areas related to the finances of the Moot Court. This officer shall:

- a. Along with the President, act as the liaison between the Moot Court and the Georgia State College of Law Administrative staff relating to any and all financial matters;
- b. Be responsible for processing, handling and recording all monetary expenditures made by the Moot Court;
- c. Work with the Vice President of Competitions to create a yearly competition budget for approval by the Executive Committee;
- d. Work with the Vice President of Development and Media Relations to create a yearly dues amount for approval by the Executive Committee;
- e. Be responsible for the collection of yearly Board dues. Dues will be payable at the beginning of the Fall and Spring Semester for Board Members and Invitees and at the beginning Spring Semester for Board Candidates;
- f. Maintain records of all Moot Court finances.

D. Moot Court Board Members

~~Board Members will serve as Case Counsels and participate on Competition teams. All Board Members will assist the Vice Presidents of Appellate Advocacy in the Fall by serving as Case Counsels, reading and grading briefs, and judging and scoring oral arguments for Moot Court Candidates. All Board Members will assist the Vice President of RWA in the Spring by serving as Case Counsels and judging and scoring oral arguments for the first-year RWA oral argument competition. All Board members will participate as a competitor on at least one (1) Competition Team. All Board Members are required to attend Board meetings (Unless excused by the Vice President of Moot Court pursuant to Article III, Section C(2)(d)).~~

Moot Court Board Membership involves a four (4) consecutive semester commitment. Board Members will register for and receive one (1) hour pass fail credit for completing each of the following courses: Moot Court I, Moot Court II, Moot Court III and Moot Court IV. All Board Members will participate as a competitor on at least one (1) Competition Team, during Moot Court II, III or IV. The specific requirements of each course are as follows:

I. Moot Court I:

- a. Students invited to join Moot Court pursuant to Article II shall register to take Moot Court I during fall semester of their second year of law school;
- b. All Moot Court I students shall observe oral argument at either the Georgia Court of Appeals, the Georgia Supreme Court, or the Eleventh Circuit Court of Appeals, as coordinated by the Vice President;
- c. All Moot Court I students shall attend brief writing and/or oral argument workshops, to be coordinated by the Vice Presidents of Appellate Advocacy;
- d. All Moot Court I students are required to attend Board meetings (Unless excused by the Vice President of Moot Court pursuant to Article III, Section C(2)(d));
- e. Responsibilities specific to Moot Court Invitees: In addition to the above requirements, Invitees, determined according to Article II, Section C, shall be responsible for the following:
 - 1. In lieu of competing in the Appellate Advocacy Tournament, the Invitees will be assigned to write the "bench brief" for the Tournament. The Invitees will work with the Vice Presidents of Appellate Advocacy to write the "bench brief." The Invitees will be paired and each pair will write for both sides (Petitioner and Respondent) for one (1) of the two issues chosen for the Appellate Advocacy problem. The due date for the bench brief will be determined by the Vice Presidents of Appellate Advocacy. This brief will be used by Board Members to score competitor briefs as well as judge and score oral arguments. Satisfactory completion of the "bench brief" by the Invitees as judged by the President and the Vice Presidents of Appellate Advocacy will count towards the credit hour for Moot Court I;
 - 2. Moot Court Invitees shall also bench at least two (2) practice rounds for teams preparing for competition in the Fall.
- e. Responsibilities specific to Moot Court I students who are not Invitees pursuant to Article II, Section C:

In addition to the requirements set forth in sub-paragraphs a – d of this section, all other Moot Court I students (non-invitees) shall be assigned by the Vice President of Competitions to a team preparing for competition, to assist that team with benching argument rounds and preparing bench briefs.
- f. No student enrolled in Moot Court I shall compete or coach a competition team.

2. Moot Court II:

- a. Board Members shall enroll in Moot Court II after completing Moot Court I;
- b. Board Members enrolled in Moot Court II are eligible to compete or serve as an assistant coach for a competition;
- c. All Board Members enrolled in Moot Court II shall assist the Vice President of RWA in the Spring by serving as Case Counsels and judging and scoring oral arguments for the first-year RWA oral argument competition;
- d. All Moot Court II students who are not competing or serving as assistant coach shall bench at least two (2) practice rounds for teams preparing for competition;
- e. All Board Members enrolled in Moot Court II are required to attend Board meetings (Unless excused by the Vice President of Moot Court pursuant to Article III, Section C(2)(d)).

3. Moot Court III:

- a. Board Members shall enroll in Moot Court III after completing Moot Court II.
- b. Board Members enrolled in Moot Court III are eligible to compete or serve as an assistant coach for a competition. Additionally, Board Members enrolled in Moot Court III who have previously competed or served as an assistant coach are eligible to coach a competition team.
- c. All Board Members enrolled in Moot Court III will assist the Vice Presidents of Appellate Advocacy in the Fall by serving as Case Counsels, reading and grading briefs, and judging and scoring oral arguments for the Appellate Advocacy Tournament.
- d. All Board Members enrolled in Moot Court III are required to attend Board meetings (Unless excused by the Vice President of Moot Court pursuant to Article III, Section C(2)(d)).

4. Moot Court IV:

- a. Board Members shall enroll in Moot Court IV after completing Moot Court III.
- b. Board Members enrolled in Moot Court IV are eligible to compete or serve as an assistant coach for a competition. Additionally, Board Members enrolled in Moot Court IV who have previously competed or served as an assistant coach are eligible to coach a competition team.
- c. Board Members enrolled in Moot Court IV must compete if they have not competed previously.
- d. All Board Members enrolled in Moot Court IV shall assist the Vice President of RWA in the Spring by serving as Case Counsels and judging and scoring oral arguments for the first-year RWA oral argument competition.
- e. All Board Members enrolled in Moot Court IV are required to attend Board meetings (Unless excused by the Vice President of Moot Court pursuant to Article III, Section C(2)(d)).

1. Case Counsels

- a. Case Counsels are responsible for guiding Prospective Board Members in the Fall Appellate Advocacy class in both the brief writing and the oral argument sections. The extent of assistance and involvement (i.e. brief conference(s), judging practice round(s), etc.) by the Case Counsels with Prospective Board Members will be determined by the Vice Presidents of Appellate Advocacy at the beginning of the Fall term.
- b. Case Counsels are responsible for guiding first-year RWA students in the Spring RWA oral argument competition. The Case Counsels will be available to first-year students to give advice and assistance with oral argument skills (i.e. Judging practice rounds, discussing oral argument techniques, etc.). The head of the RWA program will determine the extent of assistance and involvement by the Case Counsels with first-year RWA students.

2. Competition Teams

Competition Teams will be made up of Board members serving as Competitors, Coaches or Assistant Coaches. Competition Team will be selected by the President, Vice President of Moot Court and the Vice President of Competitions subject to approval by the Executive Committee.

- a. ~~Competitors will be responsible for:

 - a. ~~Representing the Georgia State University College of Law and the Moot Court Board at various competitions around the country;~~
 - b. ~~Working together to research and write the brief;~~
 - c. ~~Completing the brief in the time limits set by the competition and the coaches;~~
 - d. ~~Working with the coaches to set up oral argument practice times;~~
 - e. ~~Recruiting judges for oral argument practice rounds (including professors, alumni, attorneys, judges, Board members);~~
 - f. ~~Working with the Vice President of Records to convey competition experiences and information after the competition is done.~~~~
- b. ~~Coaches and Assistant Coaches will be responsible for:

 - a. ~~Setting up brief completion deadlines;~~
 - b. ~~Mailing the brief to the competition as well as to other teams;~~
 - c. ~~Working with Competitors to set up oral argument practice times;~~
 - d. ~~Recruiting judges for oral argument practice rounds (including professors, alumni, attorneys, judges, Board members);~~
 - e. ~~Reporting brief deadlines and practice schedules to the Vice President of Moot Court;~~
 - f. ~~Working with the Vice President of Competitions to ensure that the Competition Team is registered for the competition, has travel and lodging for the competition;~~
 - g. ~~Working with the Vice President of Records to convey competition experiences and information after the competition is done.~~~~

ARTICLE IV. ~~Responsibilities of Moot Court Invitees~~

~~Those top four RWA students invited to become Moot Court Invitees (determined according to Article II, Section C) shall have the following duties in the Fall and Spring Semesters:~~

- A. ~~In the Fall Semester, those Invitees will register for Appellate Advocacy I. Their duties will differ from the Appellate Advocacy students in that the Invitees will not be required to participate in the classroom phase of Appellate Advocacy or participate in the Oral Argument competition.~~
- B. ~~In lieu of competing in the Appellate Advocacy brief Tournament, the Invitees will be assigned to write the "bench brief" for the Appellate Advocacy class Tournament. The Invitees will work with the Vice Presidents of Appellate Advocacy to write the "bench brief." The Invitees will be paired and each pair will write for both sides (Petitioner and Respondent) for one (1) of the two issues chosen for the Appellate Advocacy problem. The due date for the bench brief will be determined by the Vice Presidents of Appellate Advocacy. This brief will be used by Board members to score Candidate briefs as well as judge and score oral argument section of the Candidates. Satisfactory completion of the "bench brief" by the Invitees as judged by the President and the Vice Presidents of Appellate Advocacy will result in a recommendation to the faculty advisor that the Invitees receive one credit for participating in the course count towards the Invitees' Moot Court I credit hour.~~

- ~~C. Upon completion of the "bench brief", each Invitee will help the Fall competition teams in preparation for competition, including benching practice rounds and helping coaches in any manner possible.~~
- ~~D. Attend any required meetings of the Board. (Unless excused by the Vice President of Moot Court pursuant to Article III, Section C(2)(d)).~~
- ~~E. In the Spring semester, those Invitees will be eligible to be on Spring Competition teams in the same way new candidates who have successfully completed Appellate Advocacy will be eligible to compete. The duties will be the same as those of other Board Members as defined by Article III, Section D.~~

ARTICLE IV. *Responsibilities of Case Counselors and Competition Teams*

A. Case Counsels:

1. Case Counsels are responsible for guiding Prospective Board Members in the Fall Appellate Advocacy-class ~~Tournament~~ in both the brief writing and the oral argument sections. The extent of assistance and involvement (i.e. brief conference(s), judging practice round(s), etc.) by the Case Counsels with Prospective Board Members will be determined by the Vice Presidents of Appellate Advocacy at the beginning of the Fall term.
2. Case Counsels are ~~also~~ responsible for guiding first-year RWA students in the Spring RWA oral argument competition. The Case Counsels will be available to first-year students to give advice and assistance with oral argument skills (i.e. Judging practice rounds, discussing oral argument techniques, etc.). The head of the RWA program will determine the extent of assistance and involvement by the Case Counsels with first-year RWA students.

B. Competition Teams:

1. Competition Teams will be made up of Board Members serving as Competitors, Coaches and Assistant Coaches. ~~Each~~ Competition Team will be selected by the President, Vice President of Moot Court and the Vice President of Competitions, subject to approval by the Executive Committee.
2. Competitors will be responsible for:
 - a. Representing the Georgia State University College of Law and the Moot Court Board at various competitions around the country;
 - b. Working together to research and write the brief;
 - c. Completing the brief in the time limits set by the competition and the coaches;
 - d. Working with the coaches to set up oral argument practice times;
 - e. Recruiting judges for oral argument practice rounds (including professors, alumni, attorneys, judges, Board members);
 - f. Working with the Vice President of Records to convey competition experiences and information after the competition is done.
3. Coaches and Assistant Coaches will be responsible for:
 - a. Setting up brief completion deadlines;
 - b. Mailing the brief to the competition as well as to other teams;
 - c. Working with Competitors to set up oral argument practice times;

- d. Recruiting judges for oral argument practice rounds (including professors, alumni, attorneys, judges, Board members);
- e. Reporting brief deadlines and practice schedules to the Vice President of Moot Court;
- f. Working with the Vice President of Competitions to ensure that the Competition Team is registered for the competition, has travel and lodging for the competition;
- g. Working with the Vice President of Records to convey competition experiences and information after the competition is done.

ARTICLE V. ——— Responsibilities of Moot Court Candidates

————— Those students who have successfully completed the Appellate Advocacy class and have been chosen by the Board Members to become Moot Court Board Candidates shall have the same duties as Board Members as defined by Article III, Section D.

ARTICLE V. Academic Credit

- A. Academic credit will be available to participants in Appellate Advocacy and to Moot Court Board Members on a pass/fail basis.
- B. Academic credit will be awarded at the rate of one (1) semester hour for each semester successfully completed, up to a maximum of four (4) hours for the entire Appellate Advocacy/ Moot Court I-IV sequence.
- C. The Vice Presidents of Appellate Advocacy shall recommend to the faculty Moot Court advisor whether a student's appellate brief and oral argument is of sufficient quality to merit a grade of Pass.
- C. The Moot Court Board President shall recommend to the faculty moot court advisor each semester those board members whose participation constitutes successful completion for purposes of academic credit. The determination will be based upon the quantity and quality of board work performed.

ARTICLE VI. Commitment

Membership on Moot Court requires a commitment to serving three ~~four~~ (4) consecutive semesters following the successful completion of Appellate Advocacy I ~~acceptance of an invitation to join the Board~~. In no event may a student earn more than four (4) semester hours credit for the entire Appellate Advocacy-Moot Court Board I-IV sequence. Students invited to join the Board accept a commitment to participate on a Competition Team if chosen. Students invited to join the Board accept a commitment to pay yearly dues (as determined and set by the Executive Committee). Students invited to join must compete in at least one (1) competition during their time on Moot Court.

- A. An exception to the three ~~four~~-consecutive-semester commitment or the competition requirement may be made for undue hardship as demonstrated by an individual member pursuant to the following procedure:
 - 1. The member shall provide notice of his or her hardship situation and the nature of the relief requested to the President as soon as the situation arises. (Examples of hardship include situations where a student wished to switch from full-time to part-time or withdraws from school for a semester for whatever reason.);

2. The President shall present the request to the Executive Committee, and the request shall be granted upon a majority vote.
- B. A member's failure to satisfy the three-consecutive-semester commitment will subject the member to the removal procedures discussed in Article IX, Section A of these bylaws.
 - C. A member's failure to pay dues will subject the member to the removal procedures discussed in Article IX, Section A of these bylaws.

ARTICLE VI. *Disciplinary Panel*

The Disciplinary Panel shall consist of five non-Executive Committee members selected by the Vice President of Moot Court with the assistance of the Executive Committee. The Disciplinary Panel shall operate and make its decisions regarding Moot Court disciplinary matters independently of the Executive Committee. If the subject of a disciplinary complaint is a member of the Disciplinary Panel, the subject shall step down and be replaced by the Vice President of Moot Court.

- A. The Disciplinary Panel may take disciplinary action against a Member, Invitee or Candidate pursuant to the following provisions:
 1. There is no substitute for communication, effective leadership and management techniques. Board members are expected to handle themselves professionally at all times, and shall make every effort to handle minor problems with a candidate or member without taking formal disciplinary action. In the event of serious misconduct, any member or candidate may report an individual's misconduct to the Disciplinary Panel after notifying the individual that a request has been made for the Disciplinary Panel to take action against the Board member, Invitee or Candidate. Examples of serious misconduct include but are not limited to:
 - a. Failure to meet brief deadlines for a competition team;
 - b. Failure to attend scheduled oral argument practices for a competition team;
 - c. Failure to perform duties assigned by the Vice Presidents of Appellate Advocacy;
 - d. Failure to perform duties assigned by the Vice President of RWA.
 2. The Disciplinary Panel shall notify the subject of the complaint to:
 - a. Inform the subject of the nature of the complaint;
 - b. Inform the subject of the action being contemplated;
 - c. Present the subject with an opportunity to present their case to the Panel;
 - d. Inform the subject of possible rescheduling of assignments, possible retribution or possible removal from the Board.
- B. The Disciplinary Panel shall take care to perform its duties in an impartial, fair and discreet manner. The Panel shall convene to discuss the case, hear any statement from the subject of the complaint, hear any statement from any other involved Board members, Invitees and/or Candidates (in the example of a competition team where a member consistently misses deadlines), and shall decide the appropriate action to take, if any. The Panel should make every effort to make a decision that is in the best interests of the Board, not the subject of the complaint. Examples of appropriate action include but are not limited to:
 1. Rescheduling deadlines or practice schedules. (This is the first step in dealing with competition team-related problems. Every effort should be made to accommodate all

- team members' schedules. Input from the competition team coach and the other members is crucial at this stage. Should no compromise be possible the next appropriate step may be taken.)
2. Removing the subject of the complaint from the competition team. (This step should be taken only if the other team members approve and are capable of continuing the competition without that individual. This step should be taken early enough in the competition for the other team members to adequately prepare for and meet their deadlines, at least a week before the brief is due or at least two weeks prior to oral argument. These time frames are suggestions and may be altered to suit the individual team's needs.)
 3. Rescheduling the Board Member, Invitee or Candidate for additional duties within the Appellate Advocacy or RWA phase of Moot Court.
 4. Recommending to the Executive Committee for the removal of the Board Member, Invitee or Candidate pursuant to Article IX, Section A.
- C. The Disciplinary Panel shall notify the subject of the complaint, any involved team members, the President and the faculty advisor of their choice of actions.
1. The subject of the complaint may only appeal decisions that affect their removal from the Moot Court Board pursuant to Article IX, Section A.
 2. Any objections as to unfairness, bias or prejudice may be made to the faculty advisor, who alone shall decide the appropriate course of action after a thorough review of the facts and the decision of the Disciplinary Panel.

ARTICLE VIII. *Removal*

Failure to successfully complete all required responsibilities (as defined in Article III, Article IV, and Article V) and commitments (as defined in Article VII) shall be grounds for removal of the Board Member, Invitee or Candidate.

- A. The Executive Committee may hold a removal vote in the following cases:
1. Failure of a Board Member, Invitee or Candidate to complete required responsibilities or commitments as defined by these bylaws;
 2. Upon recommendation by the Disciplinary Panel.
- B. Decisions to remove a member from the Board will be made by simple majority vote of the Executive Committee. In the event the member whose participation in dispute is an officer, the faculty advisor will be substituted for the officer and will confer and vote in his/her stead.
1. In the event of a removal vote pursuant to Article IX, Section A(1), the subject will have an opportunity to present his/her case to the Executive Committee.
 2. In the event of a removal vote pursuant to Article IX, Section A(2), the subject will not be permitted to present his/her case to the Executive Committee. (Subject will have had the opportunity to present his/her case to the Disciplinary Panel.)
- C. Appeal of a removal decision made by the Executive Committee may be made to the faculty advisor, unless the advisor has cast a vote in the removal decision, in which case appeal may be made to the Faculty Moot Court Committee.

ARTICLE IX. *Amendments*

- A. These bylaws are subject to the approval of the Moot Court Board and the Faculty of the Georgia State University College of Law.
- B. These bylaws are subject to amendment at the behest of the Moot Court Board.
 - 1. To amend the bylaws, a proposal of the amendment must be submitted to the Board.
 - 2. The President shall give prior written notice of the proposed amendment(s).
 - 3. The President shall give prior written notice of the date, time and place of the meeting called for the purpose of voting on the proposed amendment(s) to the bylaws.
 - 4. The proposed amendment(s) must be approved by at least two-thirds of the Board members present at the meeting called pursuant to Article X, Section B(1).
- C. These bylaws (and any amendment(s) made pursuant to Article X, Section B), once approved, will remain in full force and effect until future amendment(s).

(last amended 01/05)

(approved by Board 01/05)

(approved by faculty 02/05)

From: Patrick Wiseman
To: Law Faculty
Date: 4/18/2006 3:04:52 PM
Subject: Moot Court Bylaws Amendments

Colleagues:

By way of background to the proposed bylaws amendments, I quote to you from a memo from Patrick Connell to me, Prof. Hensel, and Deans Kaminshine and Emanuel in which he first broached the proposal. He will be at the faculty meeting to explain further, but this explains what they're trying to do.

Patrick

The proposal below (Proposal A) was one of three; we approved his going forward with this one, with some changes.

Schedule:

May 15, 2006 – September 25, 2006:

Monday, May 15, 2006: Problem released in "secure exam" format
 • Students may open the problem at any time over the summer, and will have three or four weeks after opening the problem to complete the brief
 Monday, August 21, 2006: Fall Semester classes begin
 Friday, September 1, 2006: ALL briefs must be completed & turned in
 Saturday, September 9, 2006: On Brief Oral Argument
 Sunday, September 10, 2006: On Brief Oral Argument
 Saturday, September 16, 2006: Off Brief Oral Argument
 Sunday, September 17, 2006: Off Brief Oral Argument
 Monday, September 18, 2006: Brief scores DUE
 Monday, September 25, 2006: Moot Court Members announced

Overview of the Process:

Students will be able to check out the problem at any point over the summer. After downloading the problem, students will have three or four full weeks (depending on the scope of the problem) to write the brief. The last day that briefs will be accepted is Friday, September 1, 2006. The last day students can download the problem and still have the full time limit to complete the brief will be either the 4th or 11th of August – all students will be required to turn the brief in September 1, 2006, regardless of when they downloaded the problem.

No brief writing classes will be held. All brief writing materials will be placed on the TWEN website and can be accessed by the students any time. The Vice Presidents of Moot Court will provide a bibliography of recommended brief writing texts, PowerPoint presentations and videos of previously held Appellate Advocacy brief writing classes (to the extent all parties agree). An oral argument demonstration may occur during the first or second week of school.

No pass/fail credit will be given to those who try out. After the new members are chosen, the Registrar's Office will be notified and asked to register each of the new members for Appellate Advocacy I, for which those students will receive one hour of pass/fail credit.

We would like to expand the grade-on members to the students with the 8 highest grades in RWA II (50% Brief + 50% Oral Argument).

Advantages of Proposal A:

- Allows competitors more flexibility to fit the brief writing component into their summer schedules.
- Allows Board members more time to grade briefs and therefore provides a fairer grading process.
- Allows new members to take an active role in the board starting fall semester of their second year, potentially strengthening our Board in ways currently not possible. Second year students who make

the Board will begin working with competition teams as soon as they are accepted, giving them the opportunity to learn from experience an entire semester earlier than under the current scheme. This will enable the Board to begin "tracking" our competitors, allowing them to work closely with a specific competition one year, and then compete in that specific competition the next. Further, it will enable the Executive Committee to prepare for spring competitions more efficiently, as they will know who is eligible to compete before applications are due.

- Allows fall elections for Executive Committee positions to occur earlier, providing more time for newly elected officers to shadow outgoing Executive Committee members. Allowing for substantial overlap is a way to combat against inefficiencies caused by a Board whose membership is constantly changing.
- Allows for new board members to add Moot Court to their resume sooner, during the fall interview process.
- Less burdensome on third-year board members who are competing in the fall. Under the current scheme, third-year board members who compete in the fall must grade briefs and judge oral arguments in the middle of the semester, while balancing their law school workload, other extra-curricular activities and jobs/internships. Moving the grading/benching requirement earlier in the semester will alleviate a lot of this stress, as the beginning of the semester is generally less hectic and competition preparation usually does not commence until late September.

MEMORANDUM

To: Professor Bernadette Hartfield, Chair, Curriculum Committee

From: Colin Crawford

Date: March 29, 2006

Re: Course Proposal

This memorandum is to request consideration for approval of a course to be entitled "Comparative Environmental Management Law & Policy".

Justification for Course

The so-called "first generation" of environmental law – largely accomplished at the federal level in the 1970s – consisted mostly of reactive "command and control" regulation. This body of law has notable successes, including greatly improved air and water quality. It is also marked by some less uniformly successful of legislation, such as CERCLA, the hazardous waste cleanup law.

Since the early 1990s, however, environmental law, both in this country and abroad, has begun to address the more intractable forms of environmental contamination that we face – from polluted stormwater runoff and the creation of toxic air "hotspots" to long-term degradation caused by improperly handled solid waste residues. As a result, more recent thinking about and legislation aimed to protection the environment focuses on "management" – ecosystem management, watershed management, wildlife management, and so on.

The course described in this memorandum therefore seeks to introduce students, in an advanced environmental law elective course, to this burgeoning area of environmental law study and practice.

In addition, the course is designed to further enhance the curriculum with an environmental law course that will complement Professor Juergensmeyer's popular Growth Management class. In short, what that course is for land use law, this course aims to be for environmental law. Furthermore, because it is a comparative law course as well as one in environmental law, it is designed to enhance the curriculum associated with the Center for the Comparative Study of Metropolitan Growth.

The course will be based upon lectures I prepared and delivered on this topic at the Technological Institute of Santo Domingo, and at the Dominican Environment Ministry, in Spring 2006.

Format

Like Professor Juergensmeyer's Growth Management course, this course will involve a mix of activities, including traditional lecture and Socratic instruction, and also group projects and interactive hypotheticals designed to force students to grapple with the

complex legal, social, environmental and economic contexts in which such management questions are addressed.

In some years, it is anticipated that the course may involve an extended field trip emphasizing the course's comparative law aspect. In Spring 2007, for example, students will have the option of spending one week in the Dominican Republic.

Students who choose not to participate in the extended field trip will instead participate in extended in-class simulations involving drafting and negotiation of environmental management regulations and similar documents.

In both events, students will spend the same number of contact minutes in a classroom setting, as required by the American Bar Association (700 minutes per credit hour).

Reading

The assigned materials will be prepared by the instructor.

Evaluation

Students will be graded largely (likely 75%) on a written final exam or paper. Participation will also matter (10%) as will the quality of group presentations (15%). The group presentations will again be modeled on Professor Juergensmeyer's Growth Management Law Class.

Proposed Catalogue Description

LAW 7XXX (3 credits) Comparative Environmental Management Law. The so-called "first generation" federal environmental law, principally in the 1970s and 1980s, was largely "command and control" legislation, in which the government set out to regulate the activities of everyone from large industrial polluters to individual consumers with explicit and detailed legal directives and enforcement programs. By contrast, "second generation" problems, such as the management of storm water runoff, integration of environmental and land use planning and coordination of transportation and environmental policy, has proved more difficult. Much attention is now therefore focused on holistic "environmental management" – state overseen programs aimed to address a wide range of ills at once. This course will offer students to acquaint themselves with leading environmental management laws and approaches, in a comparative context. In 2007, the course will have an optional segment in Santo Domingo, Dominican Republic.



College of Law

Office of the Dean

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TO: The Faculty

FROM: Steven Kaminshine, Dean *SK*

RE: Clinical Faculty and ABA Standard 405c

DATE: April 17, 2006

The purpose of this memo is to provide background information for a faculty discussion about the COL's possible addition of "405c faculty" to the existing classifications that we use to provide skills education in our live client clinics.

Our existing classifications are: 1) tenure-track faculty who provide the educational, academic and administrative leadership for the clinic, and 2) staff who support the clinic as supervising attorney. Our clinics that are currently operational are run by tenured faculty members with the addition of a supervising attorney in the Tax Clinic. The HeLP legal aid clinic, which is not yet operational, will need to make staffing decisions this summer and fall to be operational by spring 2007.

ABA Standard 405c recognizes an additional faculty classification for law school clinics: non-tenure-track faculty who, after five years, are eligible to earn a contractual form of job security akin to tenure. Standard 405c and the controlling interpretations (Interpretations 405-6, 405-7 and 405-8) are attached for your review. Below the ABA interpretations, I offer a summary list of the main features of 405c status.

The question I raise for Thursday's faculty meeting is whether the COL should recognize 405c status as an additional option in filling clinic needs in appropriate instances. Use of such status of course would not be mandatory and would depend on the circumstances, needs and opportunities associated with a given clinic. But having 405c status as one of our options could afford us helpful flexibility in attracting very talented clinical educators who may not, either because of an impressive but different skill set, or the constraints inherent in running a year-round clinic, pursue an active scholarship agenda that would support tenure. Such an option might also be useful in recruiting an established luminary in the profession who might be an outstanding catch and offer great name recognition for a clinic but who would not at his or her career stage focus on legal scholarship or accept an appointment simply as a staff-level supervisory attorney.

In discussing this issue as a faculty, I suggest that the question for this Thursday's meeting be limited for now to one issue: do we as a college support in principle the availability of 405c status as a clinic staffing option in appropriate circumstances. If we answer "yes," we can then proceed to stage two for our May and any subsequent faculty meeting -- preparation of a draft policy document that would

identify the substantive and procedural details of 405c status including those relating to job expectations and standards for reappointment, promotion and contract job security. From this policy document we would then be in a position to add conforming amendments to our governing documents (our Bylaws and our Promotion and Tenure Document).

Finally, should we adopt 405c status as an option, we would need to decide on a case by case basis whether to use such status to fill a clinic's staffing needs when the need arises. Of our current clinics, the newly approved HeLP clinic will face such a need this summer as it seeks to staff up and be operational for the spring 2007 semester. HeLP is interested in pursuing the 405c option if it is approved. Whatever HeLP's staffing, it will not require allocation of additional funds from the current law school budget.

Standard 405

- 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.**

Interpretation 405-6:

A form of security of position reasonably similar to tenure includes a separate tenure track or a program of renewable long-term contracts. 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 entire clinical program.

A program of renewable long-term contracts shall provide that, after a probationary period reasonably similar to that for other full-time faculty, during which the clinical faculty member may be employed on short-term contracts, the services of a faculty member in a clinical program may be either terminated or continued by the granting of a long-term renewable contract. For the purposes of this Interpretation, "long-term contract" means at least a five-year contract that is presumptively renewable or other arrangement sufficient to ensure academic freedom. 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 entire clinical program.

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.

Interpretation 405-8:

A law school shall afford to full-time clinical faculty members participation in faculty meetings, committees, and other aspects of 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).

Summary Features of 405c Contract Faculty:

Job Security: in lieu of tenure, a contractual form of job security protection after 5-year probationary

Faculty Governance and Voting Rights: same as all faculty except for matters of reappointment, promotion, and tenure. Includes committee service and participation in faculty governance.

Faculty Rank: expected to hold faculty rank at assistant, associate and professor levels; promotion available.