

UNIVERSITY OF OREGON SCHOOL OF LAW PROMOTION AND TENURE

The University of Oregon School of Law is dedicated to providing an excellent professional education to those who wish to practice law, to those who will become judges, legislators, and administrators, to those who plan to use their education in law as general background for a career in another field, and to those who will themselves become teachers and scholars of the law. The Law School's mission, through its faculty, is to engage in critical analysis and comment on law in its myriad substantive areas and in the variety of forms that law may take such as, court decision, legislation, administrative regulations, rules, and customs. Similarly, the Law School is critically concerned with the history and future of law, the nature, functions, growth and limits of law, the institutions of law, and particularly, the significance of law in contemporary American society. The Law faculty is committed to sharing new insights about law and its institutions with the scholarly and professional communities, as well as the public. The Law School faculty is dedicated to using its talents to its students, the University, legal organizations, the State of Oregon, and the nation.

A law faculty member has important responsibilities in scholarship, teaching, and university and community service. For promotion and tenure determinations, excellence in scholarship and teaching are paramount considerations along with an active commitment to Law School and University governance and community service.

Scholarship. The scholarly research mission of the Law School is a matter of great importance. Major commitments of intellect, skill and time must be devoted to research for publication by each faculty member. Research for publication is important because it aids the scholar to sharpen and refine his or her thinking, exposes that thinking to external review and criticism, improves the caliber of classroom teaching, spreads the teaching function beyond the Law School, offers the opportunity to develop new insights and understanding, and even to reform the law.

No one model of scholarship is appropriate. Today most legal scholarship falls into one of three models, with considerable overlap between them. Traditional legal scholarship involves exposition, synthesis, analysis, and evaluation of an area of law, often followed by recommendations for change. Alternatively, some legal scholarship seeks to expand understanding of law by making use of the methods and insights of other disciplines. Thus, many legal scholars today seek to use economics, psychology, sociology, history, empirical methodology, philosophy, etc., in studying many areas of law. A third type of scholarship is directed specifically toward describing, drafting, or promoting particular changes in a body of law. It may take the form of a report to a government official or legislative committee on an area of law or operations of the legal system, or perhaps involve the drafting of a report and model legislation. Projects of this kind often involve a thorough study of comparative models, legal research, and analyses of underlying theories. All three types of such scholarship are valuable to the academy, the judiciary, and the bar.

To achieve promotion and academic tenure, a law faculty member must demonstrate both the ability to publish scholarly work evidencing a substantial and creative intellectual endeavor and an inclination to continue to do so throughout her or his career. Scholarly ability includes the capacity to perform careful and thorough research; to undertake sustained, original analysis and synthesis; to enrich one's work with carefully conceived theoretical or doctrinal frameworks; and to write in a clear and concise fashion. One can best demonstrate such ability by production of scholarly papers or casebooks found by the law faculty, and by selected expert referees elsewhere, to be important, substantial contributions to a writer's field. Such papers ordinarily will be appropriate for publication in law reviews, similar scholarly journals, or as scholarly books and monographs.

There are, in addition, other ways of demonstrating scholarly ability. They include publication of casebooks and teaching materials by nationally recognized law book publishers, book reviews and review essays, case notes, and preparation of briefs, teaching materials and other legal materials. Except in the most unusual circumstances, however, such activities cannot be a complete substitute for the minimum requirements of independent scholarly production.

With respect to the quantity of scholarship required for promotion and tenure, it is difficult to articulate a precise standard. However, a tenure award is a long-term commitment to a faculty member, and therefore made only with strong reason to believe that scholarly publication will continue regularly thereafter. A faculty member who has worked steadily on research and writing throughout the pre-tenure period and before promotion to professor is considered much more likely to continue those activities after achieving tenure.

For a tenure decision typically made by the Law School Personnel Committee and law faculty in the early part of the sixth year, a faculty member normally should have published two articles, or their equivalents, and have a third substantially underway, all of which meet the standards of quality set forth in the preceding paragraphs. Promotion to full professor shall ordinarily require a total of at least five such articles or their equivalents, including those considered for tenure or a previous promotion.

Where new faculty members are given tenure service credit on account of prior professional experience, they will still be expected to meet the minimum quantity scholarship requirements set forth above for promotion and tenure. Scholarly work produced before becoming a faculty member can be considered in the promotion and tenure process where the teacher has demonstrated a continuing interest in research and writing by producing at least one piece every two years after becoming a member of the faculty.

Teaching. For promotion and tenure a faculty member must also demonstrate excellence in teaching. Beyond mere mastery of course material, excellent teaching includes (1) developing student ability to think carefully and critically about law and

legal institutions and (2) furnishing one or more coherent analytical frameworks to help illuminate and evaluate assigned material.

Legal education is professional education. While a small but growing number of law graduates use their law training in fields other than law, the primary mission of law schools is the education of students who will become practicing lawyers. Law teaching must do far more than impart substantive knowledge; law teachers have a heavy responsibility to provide an education which combines the technical rigor required for competent professional law practice, an ethical sensitivity, and a perspective that law is an integral part of the humanities. Law and lawyers have been and are central to the American culture, and our society depends heavily on them for the redress of injustice such as commercial relations, property, family issues, accident disputes, criminal prosecution and defense, environmental and conservation matters, and international trade and treaty relations. As a consequence, the Law School views its teaching mission as a matter of great importance. Major commitments on time, intellect, and skill must be devoted to it.

Education for a profession with as broad an impact as the law will follow different models and employ different methods. Some teachers will emphasize the learning of vast bodies of legal doctrine; some, the interrelationships among institutions; some, skills of analysis, synthesis, and expression; some, skills of advocacy and interpersonal relationships; some, the ethical dilemmas the profession of law confronts; and some, the need to appreciate and be able to utilize disciplines whose insights may give context to explain, contradict, or permit evaluation of the law. Many teachers will try to serve goals in their teaching. Similarly, different teachers will use different teaching methods; good law teaching encompasses the ability to use different methods as the occasion and subject matter demand.

The first teaching objective, enhancing student ability and inclination to think critically, may be difficult to accomplish by exclusive use of the lecture method. Law teachers, therefore, ordinarily should develop competence at alternative teaching methods – such as the Socratic or discussion methods, the problem methods, or simulation and role playing, etc. – in which students actively participate and the teacher provides training in analytical rigor. For the second objective, furnishing helpful analytic frameworks, teachers should particularly seek perspectives from other disciplines among the humanities and the social sciences.

Normally, tenure is awarded only if a faculty member's scholarship and teaching fully meet the standards set forth in the preceding paragraphs. However, in rare instances, and always assuming a good law school, university and community service record, demonstrably outstanding performance in one area (such as "one of the best articles in the field in recent years" or "clearly one of the best teachers at the school") is enough to justify promotion and tenure if there is competent performance in the other.

University and Community Service. A third important criterion for promotion and tenure is an active commitment to faculty service obligations to the Law School, the

University, and the community. Academic lawyers, like other lawyers, have available to them unusually plentiful opportunities for useful, even distinguished service.

The Law School and the University place heavy service demands upon the law faculty. Each faculty member is expected to play a significant role in the governance of the school and to respond affirmatively when possible to the many calls from across campus for law-related or rule-related assistance. In addition, opportunities often arise to participate in state or national bar activities, law reform projects, task force studies, interim legislative committees, teaching continuing education courses, educating non-lawyers about the law and our legal system, serving as a mediator or arbitrator, participating in professional associations, and many other activities which are valuable and strongly encouraged by the school.